

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF PROPOSED
2.59.127, 2.59.128, and 2.59.129	)	AMENDMENT
pertaining to derivatives and securities	)	
financing transactions as they relate to	)	NO PUBLIC HEARING
lending limits and credit exposures	)	CONTEMPLATED

TO: All Concerned Persons

1. On June 8, 2015, the Department of Administration proposes to amend the above-stated rules.

2. The Department of Administration 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 Administration no later than 5:00 p.m. on May 26, 2015, to provide information about the nature of the accommodation that you need. Please contact Wayne Johnston, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2918; TDD (406) 444-1421; facsimile (406) 841-2930; or e-mail to [banking@mt.gov](mailto:banking@mt.gov).

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

2.59.127 LENDING LIMITS APPLICABLE TO DERIVATIVES AND SECURITIES FINANCING TRANSACTIONS (1) remains the same.

(2) The calculation of credit exposure arising from derivative transactions and securities financing transactions for lending limit purposes under 32-1-432, MCA, must be determined pursuant to Appendix A to ARM 2.59.129 dated April 20, 2015.

(3) remains the same.

AUTH: 32-1-432, MCA

IMP: 32-1-432, MCA

STATEMENT OF REASONABLE NECESSITY: It is necessary to amend the reference in (2) to the department's publication called "Appendix A to ARM 2.59.129." The appendix, in its initial form, was incorporated by reference in ARM 2.59.129 when that rule was newly adopted effective April 11, 2014. Appendix A to ARM 2.59.129 is currently being revised in conjunction with this notice. Wherever a reference to the appendix appears in ARM 2.59.127, 2.59.128, and 2.59.129, it is being amended to "Appendix A to ARM 2.59.129," as appropriate, and an edition date of April 20, 2015, is being added. The edition date will ensure that future revisions to the appendix are adopted consistent with 2-4-307, MCA. The other revisions being made to the appendix in conjunction with this notice are explained

and justified in the Statement of Reasonable Necessity for ARM 2.59.129, which incorporates the appendix by reference.

2.59.128 NONCONFORMING LOANS AND EXTENSIONS OF CREDIT RELATED TO DERIVATIVES AND SECURITIES FINANCING TRANSACTIONS

(1) through (1)(b) remain the same.

(c) in the case of a credit exposure arising from a derivative transaction or a securities financing transaction and measured by either the Current Exposure Method or the Basel Collateral Haircut Method specified in ARM 2.59.129 and Appendix A to ARM 2.59.129 dated April 20, 2015, the credit exposure subject to the lending limits of 32-1-432, MCA, or this rule increases after execution of the transaction.

(2) and (3) remain the same.

AUTH: 32-1-432, MCA  
IMP: 32-1-432, MCA

STATEMENT OF REASONABLE NECESSITY: It is necessary to change the term "Appendix A" in (1)(c) to "Appendix A to ARM 2.59.129 dated April 20, 2015," to reflect the true name of the publication and to add an edition date. The true name of the publication must be consistently used to distinguish it from another Appendix A adopted by the department in a rule that is altogether unrelated to derivatives and securities financing transactions. The edition date for Appendix A to ARM 2.59.129 is being added because the appendix is being revised in conjunction with this notice. The nature of other revisions to Appendix A to ARM 2.59.129 and the reasons for them are set out in the Statement of Reasonable Necessity for the amendments to ARM 2.59.129.

2.59.129 CREDIT EXPOSURE ARISING FROM DERIVATIVES AND SECURITIES FINANCING TRANSACTIONS

(1) For purposes of determining a bank's lending limit under 32-1-432, MCA, the bank's credit exposure arising from a derivatives transaction or a securities financing transaction entered by a bank must be calculated in accordance with the methods and models contained in Appendix A to ARM 2.59.129 dated April 20, 2015, which is adopted and incorporated by reference. Appendix A to ARM 2.59.129 dated April 20, 2015, may be found on the department's web site at <http://banking.mt.gov/Home/Forms.aspx#164912240-banks-and-trust-companies> <http://banking.mt.gov/Home/Forms> under Banks and Trust Companies.

AUTH: 32-1-432, 32-1-433, MCA  
IMP: 32-1-432, 32-1-433, MCA

STATEMENT OF REASONABLE NECESSITY: It is necessary to amend the references in this rule to Appendix A. The appendix, in its initial form, was incorporated by reference in ARM 2.59.129 at the time the new rule became effective on April 11, 2014. The appendix is currently being revised in conjunction with this notice to add an edition date to it and for other reasons explained below.

The edition date will assure that future revisions to the appendix are adopted consistent with 2-4-307, MCA, and that the controlling and effective edition of the publication is readily discernable and accessible to the public. The amendments will also distinguish the appendix publication from another Appendix A adopted by reference in a different department rule that is wholly unrelated to derivatives and securities financing transactions.

Other revisions to Appendix A to ARM 2.59.129 being made in conjunction with this notice are that unnecessary citations to federal regulations are being deleted for clarification purposes from the "Current Exposure Method" and "Basel Collateral Haircut Method" sections of the appendix. The citation being retained in those sections of the department's Appendix A to ARM 2.59.129 dated April 20, 2015, is the Office of the Comptroller of the Currency's (OCC's) 12 CFR part 3 Appendix C, Section 32 guidance dated January 1, 2012. The January 1, 2012, date of the OCC's guidance is being added to ensure that adoption by the department of any future amendments to the OCC guidance is done consistent with 2-4-307, MCA. The department and banking regulators in other states have patterned their derivatives rules and securities financing rules (if any) after the OCC's regulations. There is no need to include in Appendix A to ARM 2.59.129 dated April 20, 2015, under the Current Exposure Method and the Basel Collateral Haircut Method sections, regulations similar to the OCC's that were promulgated by other federal banking regulators.

Supplemental information concerning calculation of credit exposures under the Current Exposure Method and the Basel Collateral Haircut Method is being added to the appendix for the convenience of banks that engage in derivatives and/or securities financing transactions. The supplemental information being added to the appendix is condensed and simpler than the OCC's longer, more difficult to navigate guidance contained in 12 CFR part 3, Appendix C, Section 32, dated January 1, 2012. Paragraph (3) in Appendix A to ARM 2.59.129 is being amended for clarification purposes.

A copy of the proposed changes to Appendix A to ARM 2.59.129 dated April 20, 2015, is available on the department's web site at <http://banking.mt.gov/Home/Forms> under Banks and Trust Companies.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action to Lorraine A. Schneider, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to [banking@mt.gov](mailto:banking@mt.gov); and must be received no later than 5:00 p.m., June 1, 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 person listed in 4 above no later than 5:00 p.m., June 1, 2015.

6. If the Division of Banking and Financial Institutions 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 five persons based on the 53 existing state-chartered banks.

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

8. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name and mailing address and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. The written requests may be mailed or delivered to Wayne Johnston, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to [banking@mt.gov](mailto:banking@mt.gov); or may be made by completing a request form at any rules hearing held by the department.

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

10. The department has determined that under 2-4-111, MCA, the proposed rule amendment will not significantly and directly affect small businesses.

By: /s/ Sheila Hogan  
Sheila Hogan, Director  
Department of Administration

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

Certified to the Secretary of State April 20, 2015.

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR

In the matter of the adoption of New ) NOTICE OF PUBLIC HEARING ON  
Rules I through III pertaining to Fire ) PROPOSED ADOPTION  
Tax )

TO: All Concerned Persons

1. On May 21, 2015, at 10:00 a.m., the Commissioner of Securities and Insurance, Montana State Auditor, will hold a public hearing in the 2nd floor conference room, at the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), 840 Helena Ave., Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The CSI 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 CSI no later than 5:00 p.m., May 14, 2015, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail dsautter@mt.gov.

3. The new rules as proposed to be adopted provide as follows:

NEW RULE I DEFINITIONS The following definitions apply to this subchapter:

(1) "Fire premium" means the portion of property insurance premium an insurer reasonably attributes to insurance against fire, in relation to all other risks covered by the property insurance policy at issue.

(2) "Presumptively reasonable allocation" means the minimum percentage of fire premium the CSI determines to be reasonable pursuant to 33-2-705(3), MCA, without further justification from the insurer.

AUTH: 33-1-313, MCA

IMP: 33-2-705, MCA

NEW RULE II FIRE PREMIUM ALLOCATION PROCEDURE (1) Insurers paying fire premium tax required by 50-3-109(1), MCA, shall provide to the CSI the calculation of fire premium separately for each line of business identified in 50-3-109(2), MCA.

(2) For each line of business identified in 50-3-109(2), MCA, the following requirements apply to an insurer's reporting obligation under (1):

(a) If the percentage of fire premium reported is at or above the presumptively reasonable allocation, the insurer need not provide any other documentation to justify that fire premium;



(b) If the percentage of fire premium reported is below the presumptively reasonable allocation, the insurer shall provide the basis for the calculation of fire premium along with any supporting documentation to the CSI. If the CSI accepts the insurer's calculation of fire premium, and in subsequent years the percentage of fire premium remains the same, the insurer is not required to provide such justification to the CSI; and

(c) If the fire premium reported is zero, the insurer shall provide the policy terms which show that risk of fire is excluded from the policy. If the CSI accepts the insurer's calculation of fire premium, and in subsequent years the calculation and policy terms remain the same, the insurer is not required to provide such policy terms to the CSI.

(3) If a rider, schedule, or addition to a policy:

(a) exclusively includes risk of fire, then all premium collected under such rider, schedule, or addition must be included in the fire line of business at 100% fire premium; or

(b) includes risk of fire as well as other risks, then all premium collected under such rider, schedule, or addition must be included in the line of business of the policy.

AUTH: 33-1-313, MCA

IMP: 33-2-705, MCA

NEW RULE III PRESUMPTIVELY REASONABLE ALLOCATIONS (1) The presumptively reasonable allocation for each line of business identified in 50-3-109(2), MCA, is as follows:

- (a) for fire, 100%;
- (b) for allied lines, 30%;
- (c) for farmowners multi-peril, 40%;
- (d) for homeowners multi-peril, 40%;
- (e) for commercial multi-peril (nonliability), 50%;
- (f) for commercial multi-peril (liability), 35%;
- (g) for surplus lines, 60%;
- (h) for ocean marine, 12%;
- (i) for inland marine, 15%;
- (j) for other private passenger auto liability, 9%;
- (k) for other commercial auto liability, 9%;
- (l) for private passenger auto physical damage, 9%;
- (m) for commercial auto physical damage, 9%;
- (n) for aircraft, 15%;
- (o) for burglary and theft, 20%; and
- (p) for boiler and machinery, 15%.

AUTH: 33-1-313, MCA

IMP: 33-2-705, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Commissioner of Securities and Insurance, Montana State Auditor, Monica J. Lindeen (commissioner), is the statewide elected official responsible for administering the Montana Insurance Code and regulating the business of insurance.

The commissioner is a member and president of the National Association of Insurance Commissioners (NAIC). The NAIC is an organization of insurance regulators from the 50 states, the District of Columbia, and the U.S. territories. The NAIC provides a forum for the development of uniform policy and regulation when uniformity is appropriate.

In 1959, the legislature enacted 33-2-705, MCA, which granted the commissioner authority to review, authorize, and approve "reasonable" allocation of fire premium. Also in 1959, the legislature granted the commissioner the authority to make reasonable rules for the effective administration of any provision of the Insurance Code. The commissioner has determined that new rules should be proposed to increase the efficiency and effectiveness of review of fire tax premium.

NEW RULE I is necessary in order to define terms for these rules.

NEW RULE II is necessary in order to establish a procedure for the efficient determination of fire premium tax, to reduce costs for both the CSI and insurers involved in determining what "reasonable" allocations are. Currently, insurers have no standard to apply to their calculations of fire premium, and CSI employees do not have a uniform standard for reviewing those calculations. Review of the reasonableness of reported fire premium has taken a disproportionate amount of time for CSI employees.

NEW RULE III is necessary in order to establish a base minimum fire premium tax allocation which will streamline review of such allocations. Currently, insurers have no standard to apply to their calculations of fire premium, and CSI employees do not have a uniform standard for reviewing those calculations. Review of the reasonableness of reported fire premium has taken a disproportionate amount of time for CSI employees.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Michael Kakuk, Attorney, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-5223; or e-mail [mkakuk@mt.gov](mailto:mkakuk@mt.gov), and must be received no later than 5:00 p.m., May 29, 2015.

6. Michael Kakuk, staff attorney, has been designated to preside over and conduct this hearing.

7. The CSI maintains a list of concerned persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. 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 CSI.

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 to these proposed rules.

10. The requirements of 2-4-111, MCA apply to these proposed rules. The CSI has determined there will be little economic impact in the aggregate because the presumptively reasonable allocations are substantially equivalent to the average the industry paid in 2013 and 2012, and because the proposed rates are presumptions that insurers do not have to follow. The proposed rules likely will save the CSI and insurers time and money by making the determination and payment of the fire premium tax easier. The cost savings from the streamlined procedure should be proportionately larger for small businesses.

/s/ Nick Mazanec  
Nick Mazanec  
Rule Reviewer

/s/ Jesse Laslovich  
Jesse Laslovich  
Chief Legal Counsel

Certified to the Secretary of State April 20, 2015.

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 6.6.3104A, and the adoption of ) PROPOSED AMENDMENT AND  
New Rule I pertaining to Long-Term ) ADOPTION  
Care )

TO: All Concerned Persons

1. On May 20, 2015, at 10:00 a.m., the Commissioner of Securities and Insurance, Montana State Auditor, will hold a public hearing in the 2nd floor conference room, at the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), 840 Helena Ave., Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The CSI 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 CSI no later than 5:00 p.m., May 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail dsautter@mt.gov.

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

6.6.3104A UNINTENTIONAL LAPSE (1) Each issuer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following:

(a) and (b) remain the same.

(c) No individual long-term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the issuer, at least 30 days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to (1)(a) at the address provided by the insured for purposes of receiving notice of lapse or termination. ~~Notice shall be given by first class United States mail, postage prepaid; and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of five days after the date of mailing.~~ Notice shall only be effective if it is mailed via:

(i) certified mail, or the issuer obtains a certificate of mailing by the United States Postal Service;

(ii) a commercial delivery service, and the issuer obtains at the time of mailing a written receipt from the service showing the date of mailing, the number of items mailed, and the name and address of the insured and those persons designated pursuant to (1)(a) to whom the notice was mailed; or

(iii) first-class United States mail, and the issuer obtains at the time of mailing a written receipt from the United States Postal Service showing the date of mailing, the number of items mailed, and the name and address of the insured and those persons

designated pursuant to (1)(a) to whom the notice was mailed.

(d) There is a presumption that notice is delivered five days after the date of mailing, as evidenced in the written receipt obtained by the insurer pursuant to (1)(c). The insurer shall retain any and all evidence of mailing the notice, including the list of recipients, as applicable, and a copy of the notice, for at least three years following the date of notice. Notice may not be given until 30 days after a premium is due and unpaid.

(2) remains the same.

AUTH: 33-1-313, 33-22-1121, MCA

IMP: 33-22-1113, MCA

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

NEW RULE I PREMIUM RATE INCREASE -- ASSET YIELD RATES (1) An issuer may not use asset investment yield rate changes to justify any premium rate schedule increase for a long-term care insurance policy. This does not prohibit the commissioner from considering an issuer's potential insolvency when making rate determinations pursuant to ARM 6.6.3124.

AUTH: 33-1-313, 33-22-1121, MCA

IMP: 33-22-1121, MCA

5. STATEMENT OF REASONABLE NECESSITY:

The Commissioner of Securities and Insurance, Montana State Auditor, Monica J. Lindeen (commissioner), is the statewide elected official responsible for administering the Montana Insurance Code and regulating the business of insurance.

The commissioner is president of the National Association of Insurance Commissioners (NAIC). The NAIC is an organization of insurance regulators from the 50 states, the District of Columbia, and the U.S. Territories. The NAIC provides a forum for the development of uniform policy and regulation when uniformity is appropriate.

The amendment to ARM 6.6.3104A is reasonably necessary in order to assist insurers and insureds with determining whether a notice of policy termination was properly sent. The rule currently requires insurers to provide written notice of termination; the amended language serves as a mechanism to confirm an insurer abides by this requirement. Long-term care insureds are more likely to suffer from age-related dementia and other cognitive issues impairing their ability to make consistent premium payments and maintain records, including records of a notice of termination. Additionally, the three-year record retention provision is reasonably necessary in order to ensure the insured has access to the information for a reasonable period of time within which to dispute whether notice was provided.

New Rule I is reasonably necessary to effectuate the dual purposes of "promot[ing] premium adequacy and protect[ing] the policyholder in the event of substantial rate increases." §33-22-1121(2), MCA. By keeping investment returns in the actuarial rate testing under ARM 6.6.3122, the CSI is promoting adequate rates. Also, by disallowing investment returns as a justification for allowing a rate increase, the CSI is protecting policyholders from substantial rate increases that are a result, at least in part, of the insurer's own conduct.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Michael Kakuk, Attorney, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-5223; or e-mail mkakuk@mt.gov, and must be received no later than 5:00 p.m., May 28, 2015.

7. Michael Kakuk, staff attorney, has been designated to preside over and conduct this hearing.

8. The CSI maintains a list of concerned persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. 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 CSI.

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

10. Pursuant to 2-4-302, MCA, the bill sponsor contact requirements do not apply.

11. Pursuant to 2-4-111, MCA, these rules do not significantly and directly impact small businesses.

/s/ Nick Mazanec  
Nick Mazanec  
Rule Reviewer

/s/ Jesse Laslovich  
Jesse Laslovich  
Chief Legal Counsel

Certified to the Secretary of State April 20, 2015.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 8.94.3727 pertaining to the ) PROPOSED AMENDMENT  
administration of the 2015-2016 )  
Federal Community Development )  
Block Grant (CDBG) Program )

TO: All Concerned Persons

1. On May 20, 2015, at 10:00 a.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building at 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Commerce no later than 5:00 p.m. on May 14, 2015, to advise us of the nature of the accommodation that you need. Please contact Stacey Zyliak, Community Development Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2791; fax (406) 841-2771; TDD (406) 841-2702; or e-mail szyliak@mt.gov.

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

8.94.3727 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE 2015-2016 CDBG PROGRAM (1) The Department of Commerce adopts and incorporates by reference the following as rules for the administration of the CDBG and NSP programs:

(a) the Montana Community Development Block Grant Program FFY 2015-2016 Application Guidelines for ~~Housing and Public Facilities~~ Community Planning Grants;

(b) the FFY 2015-2016 Application Guidelines for Noncompetitive Housing Grants;

(c) the FFY 2011 Application Guidelines for the Community Development Block Grant Economic Development Program as amended April 2012;

(d) the FFY 2012 Application Guidelines for the Community Development Block Grant Economic Development Program; ~~the Montana Community Development Block Grant Economic Development Program FFY 2013-2014 Application Guidelines for Planning Projects~~;

(e) the Montana Community Development Block Grant Program and Neighborhood Stabilization Program FFY 2015-2016 Grant Administration Manual ~~published as rules for the administration of the CDBG and NSP programs~~; and

(f) the Montana Community Development Block Grant Program FFY 2015-2016 Application Guidelines for Public Facilities Projects; and



(g) the FFY 2015-2016 Application Guidelines for Housing and Neighborhood Renewal Projects.

(2) The rules incorporated by reference in (1) relate to the following:

- (a) policies governing the program;
- (b) requirements for applicants;
- (c) procedures for evaluating applications;
- (d) procedures for local project start up;
- (e) environmental review of project activities;
- (f) procurement of goods and services;
- (g) financial management;
- (h) protection of civil rights;
- (i) fair labor standards;
- (j) acquisition of property and relocation of persons displaced thereby;
- (k) administrative considerations specific to public facilities, housing and neighborhood renewal, economic development, and neighborhood stabilization projects;
- (l) project audits;
- (m) public relations;
- (n) project monitoring; and
- (o) planning assistance.

(3) Copies of the Application Guidelines and Grant Administration Manual adopted by reference in (1) can be viewed on the department's web site at <http://comdev.mt.gov/default.mcp.x> or <http://comdev.mt.gov/planningbureau/planningbureau.mcp.x> or <http://comdev.mt.gov/CDBG/cdbgplanninggrants.mcp.x>, or may be obtained from the Department of Commerce, Community Development Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523.

AUTH: 90-1-103, MCA

IMP: 90-1-103, MCA

REASON: It is reasonably necessary to amend this rule because the federal regulations governing the state's administration of the FFY 2015-2016 Community Development Block Grant Program (CDBG) and 90-1-103, MCA, require the department to adopt rules to implement the program.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Allison Mouch, Community Development Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2551; fax (406) 841-2596; TDD (406) 841-2702; or e-mail [amouch@mt.gov](mailto:amouch@mt.gov), and must be received no later than 5:00 p.m., May 28, 2015.

5. Maria Jackson, Department of Commerce, has been designated to preside over and conduct this hearing.

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

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

Certified to the Secretary of State April 20, 2015

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

In the matter of the amendment of ) AMENDED NOTICE OF PUBLIC  
ARM 24.21.1003 pertaining to ) HEARING ON PROPOSED  
apprenticeship training ratios ) AMENDMENT

TO: All Concerned Persons

1. On April 16, 2015, the Department of Labor and Industry published MAR Notice No. 24-21-302 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 363 of the 2015 Montana Administrative Register, Issue Number 7.

2. The Department of Labor and will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on May 6, 2015, to advise us of the nature of the accommodation that you need. Please contact the Workforce Services Division, Department of Labor and Industry, Attn: Darrell Holzer, P.O. Box 1728, Helena, MT 59624-1728; telephone (406) 444-3556; fax (406) 444-3037; Relay Service for persons needing TTY or voice assistance, 711; or e-mail dholzer@mt.gov.

3. This amended notice of public hearing has been filed to fix a typographical error for the time of the hearing. The hearing information as corrected reads as follows:

On May 11, 2015, at 1:00 p.m., the Department of Labor and Industry (department) will hold a public hearing in the auditorium of the DPHHS Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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: Darrell Holzer, Apprenticeship Program, Workforce Services Division, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624-1728; by facsimile to (406) 444-3037; or by e-mail to dholzer@mt.gov, and must be received no later than 5:00 p.m., May 18, 2015.

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

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

Certified to the Secretary of State April 20, 2015.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.29.1433, 24.29.1534, ) PROPOSED AMENDMENT  
24.29.1538, and 24.29.1591, related )  
to workers' compensation medical )  
service fee schedules and utilization )  
and review of medical services )

TO: All Concerned Persons

1. On May 22, 2015, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing in the Second Floor Conference Room of the Beck Building, 1805 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on May 18, 2015, to advise us of the nature of the accommodation that you need. Please contact the Department of Labor and Industry, Attn: Maralyn Lytle, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6604; fax (406) 444-4140; Montana TTD (406) 444-5549; or e-mail mlytle@mt.gov.

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

24.29.1433 FACILITY SERVICE RULES AND RATES FOR SERVICES PROVIDED ON OR AFTER JULY 1, 2013 (1) The department adopts the fee schedules provided by this rule to determine the reimbursement for medical services provided by a facility when a person is discharged on or after July 1, 2013. An insurer is obligated to pay the fee provided by the fee schedules for a service, even if the billed charge is less, unless the facility and insurer have a managed care organization (MCO) or preferred provider organization (PPO) arrangement that provides for a different payment amount. The fee schedules are available online at the Employment Relations Division web site and are updated as soon as is reasonably feasible relative to the effective dates of the medical codes as described below. The fee schedules are comprised of the following elements which apply, unless a special code or description is otherwise provided by rule listed in 39-71-704, MCA, and the following:

- (a) ~~The Montana Hospital Inpatient Services MS-DRG Reimbursement Fee Schedule, based on:~~
  - (i) ~~CMS version 30 for dates of discharge from July 1, 2013 to September 30, 2013;~~

~~(ii) CMS version 31 for dates of discharge from October 1, 2013, through September 30, 2014; and~~

~~(iii) Pursuant to 39-71-704, MCA, the MS-DRG in effect on October 1 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(b) The Montana Hospital Outpatient and ASC Fee Schedule Organized by APC. Pursuant to 39-71-704, MCA, the APC in effect on March 31 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(c) The Montana Hospital Outpatient and ASC Fee Schedule Organized by CPT/HCPCS. Pursuant to 39-71-704, MCA, the CPT/HCPCS in effect on March 31 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(d) The Montana CCI Code Edits listing with the Medically Unlikely Edits (MUE). Pursuant to 39-71-704, MCA, the CCI Codes Edits and MUE in effect on March 31 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(e) The Montana CCR and other Montana CCR-based Calculations, based on CMS version 30 for dates of discharge from July 1, 2013 to September 30, 2013 Pursuant to 39-71-704, MCA, the CCR in effect on October 1 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(f) and (g) remain the same, but are renumbered (a) and (b).~~

~~(h)(c) The base rates and conversion formulas established by the department:~~

~~(i) The "Montana Workers' Compensation Facility Fee Schedule Instruction-Set for 2013," for services provided from July 1, 2013 through June 30, 2014; and~~

~~(ii) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2014-," for services provided from July 1, 2014, through June 30, 2015; and~~

~~(iii) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2015."~~

~~(2) through (10) remain the same.~~

~~(11) The following applies to inpatient services provided at an acute care hospital:~~

~~(a) The department may establish the base rate annually.~~

~~(i) Effective July 1, 2013 through June 30, 2014, the base rate is \$7,944; and~~

~~(ii) Effective July 1, 2014 through June 30, 2015, the base rate is \$7,984.~~

~~(iii) Effective July 1, 2015, the base rate is \$8,076.~~

~~(b) Payments for inpatient acute care hospital services must be calculated using the base rate multiplied by the Montana MS-DRG weight. For example, if the MS-DRG weight is 0.5, the amount payable is ~~\$3,992~~ \$4,038, which is the base rate of ~~\$7,984~~ \$8,076 multiplied by 0.5.~~

~~(c) through (g) remain the same.~~

~~(12) The following applies to outpatient services provided at an acute care hospital or an ASC:~~

~~(a) The annual department-set base rate for outpatient service at acute care hospitals is:~~

~~(i) \$107 from July 1, 2013 through June 30, 2014; and~~

- (ii) ~~\$109 on or after from July 1, 2014 through June 30, 2015; and~~  
(iii) \$111 on or after July 1, 2015.

(b) The annual department-set base rate for ASCs, which is 75 percent of the hospital outpatient base rate, is:

(i) ~~\$80, from July 1, 2013 through June, 30, 2014, which is 75 percent of the hospital outpatient base rate; and~~

(ii) ~~\$82, on or after from July 1, 2014, which is 75 percent of the hospital outpatient base rate through June 30, 2015; and~~

(iii) \$83, on or after July 1, 2015.

(c) through (g) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

REASON: Because the department is required by 39-71-704(2), MCA, to annually establish a schedule of fees for medical services provided to injured workers, subject to various statutory requirements, there is reasonable necessity to amend ARM 24.29.1433. In addition, there is reasonable necessity to update the instruction set as part of the annual update.

24.29.1534 PROFESSIONAL FEE SCHEDULE FOR SERVICES PROVIDED ON OR AFTER JULY 1, 2013 (1) The department adopts the professional fee schedule provided by this rule to determine the reimbursement amounts for medical services provided by a professional provider at a nonfacility or facility furnished on or after July 1, 2013. An insurer must pay the fee schedule or the billed charge, whichever is less, for a service provided within the state of Montana. The fee schedules are available online at the Employment Relations Division web site and are updated as soon as is reasonably feasible relative to the effective dates of the medical codes as described below. The fee schedules are comprised of the elements, ~~which apply unless a special code or description is otherwise provided by rule listed in 39-71-704, MCA, and the following:~~

~~(a) the CPT codes, including the HCPCS Level II codes. Pursuant to 39-71-704, MCA, the CPT and HCPCS in effect on March 31 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(b) the RVU given in the RBRVS, based on the January 1, 2013 version of the RBRVS for services provided from July 1, 2013 to March 30, 2014. Pursuant to 39-71-704, MCA, the RVU given in the RBRVS in effect on March 31 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(c) the Correct Coding Initiative (CCI) Edits, including the Medically Unnecessary Edits (MUE). Pursuant to 39-71-704, MCA, the CCI Codes Edits and MUE in effect on March 31 of each year are to be applied to a medical service for billing and reimbursement purposes;~~

~~(d)~~(a) the instruction set for the fee schedule as adopted in this subsection. All the definitions, guidelines, RVUs, procedure codes, modifiers, and other explanations provided in the instructions set affecting the determination of individual fees apply. A copy of the instruction set may also be obtained at no charge from the

Montana Department of Labor and Industry, P.O. Box 8011, Helena, Montana 59604-8011;

(i) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set for 2013" applies to services provided from July 1, 2013 through June 30, 2014; and

(ii) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2014" applies to services ~~on or after~~ provided from July 1, 2014 through June 30, 2015; and

(iii) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2015" applies to services provided on or after July 1, 2015.

(e) through (h) remain the same, but are renumbered (b) through (e).

(2) through (10) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

**REASON:** Because the department is required by 39-71-704(2), MCA, to annually establish a schedule of fees for medical services provided to injured workers, subject to various statutory requirements, there is reasonable necessity to amend ARM 24.29.1534. In addition, there is reasonable necessity to update the instruction set as part of the annual update in order to adopt a revised Professional Fee Schedule each year for the purpose of incorporating all annual changes to CPT codes, RBRVS, CCI edits, including medically unnecessary edits (MUE), conversion factors, modifiers and Montana unique codes.

**24.29.1538 CONVERSION FACTORS FOR SERVICES PROVIDED ON OR AFTER JANUARY 1, 2008** (1) This rule applies to services, supplies, and equipment provided on or after January 1, 2008.

(2) The conversion factors established by the department for goods and services, other than anesthesia services are:

(a) \$63.45 from January 1, 2008 through December 31, 2008;

(b) \$65.28 from January 1, 2009 through June 30, 2013;

(c) \$60.52 from July 1, 2013 through June 30, 2014; and

(d) \$59.72 ~~on or after from~~ July 1, 2014 through June 30, 2015; and

(e) \$61.49 on or after July 1, 2015.

(3) The conversion factors established by the department for anesthesia services are:

(a) \$57.20 from January 1, 2008 through December 31, 2008;

(b) \$61.98 from January 1, 2009 through December 31, 2009;

(c) \$60.97 from January 1, 2010 through June 30, 2013;

(d) \$61.40 from July 1, 2013 through June 30, 2014;

(e) \$62.98 ~~on or after from~~ July 1, 2014 through June 30, 2015; and

(f) \$65.63 on or after July 1, 2015.

(4) and (5) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

REASON: Because the department is required by 39-71-704(2), MCA, to annually establish a schedule of fees for medical services provided to injured workers, subject to various statutory requirements, there is reasonable necessity to amend ARM 24.29.1538.

24.29.1591 UTILIZATION AND TREATMENT GUIDELINES (1) The department adopts the utilization and treatment guidelines provided by this rule to set forth the level and type of care for primary and secondary medical services. As provided by 39-71-704, MCA, there is a rebuttable presumption that the Montana Guidelines establish compensable medical treatment for primary and secondary medical services for the injured worker. The applicable utilization and treatment guidelines are available electronically at the web site: <http://www.mtguidelines.com>; or a printed copy may be obtained for the cost of reproduction from the Employment Relations Division, Department of Labor and Industry, P.O. Box 8011, Helena, MT 59601-8011. The Montana Guidelines incorporated by reference apply as follows:

(a) for medical services provided from July 1, 2011 through June 30, 2014: "Montana Utilization and Treatment Guidelines, 1st edition, 2011"; ~~and~~

(b) for medical services provided ~~on or after~~ on or after July 1, 2014 through June 30, 2015: "Montana Utilization and Treatment Guidelines, 2nd edition, 2014."; ~~and~~

(c) for medical services provided on or after July 1, 2015: "Montana Utilization and Treatment Guidelines, 3rd edition, 2015."

(2) ~~The guidelines include~~ Montana Guidelines consist of the following nine chapters and General Guideline Principles which are included at the beginning of each chapter:

(a) through (3) remain the same.

(a) In cases where treatment(s) or procedure(s) are recommended by the Montana Guidelines, and treatment is provided is in accordance with the guidelines, prior authorization is unnecessary unless the Montana Guidelines specify otherwise.

(b) The department recognizes that medical treatment may include deviations from the Montana Guidelines as individual cases dictate. The provider or interested party shall follow the procedure for prior authorization under ARM 24.29.1593 for cases in which treatments or procedures are requested that ~~is~~ are:

(i) through (5) remain the same.

AUTH: 39-71-203, 39-71-704, MCA

IMP: 39-71-704, MCA

REASON: Because the department is required by law to annually review the Utilization and Treatment Guidelines, and to make updates as appropriate, there is reasonable necessity to amend ARM 24.29.1591. The department has consulted with health care providers, as required by statute, and based upon those consultations and recommendations, proposes to update the Montana Utilization and Treatment Guidelines for 2015.



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: Maralyn Lytle, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6604; fax (406) 444-4140; Montana TTD (406) 444-5549; or e-mail [mlytle@mt.gov](mailto:mlytle@mt.gov), and must be received no later than 5:00 p.m., on May 29, 2015.

5. 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, which includes the name and e-mail or mailing address of the person to receive notices, and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1327 Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov), or may be made by completing a request form at any rules hearing held by the agency.

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

7. Pursuant to 2-4-111, MCA, the department has determined that the rule changes proposed in this notice do not have a significant and direct impact upon small businesses.

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

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

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

Certified to the Secretary of State April 20, 2015.

BEFORE THE BOARD OF HEARING AID DISPENSERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.150.401 fees, 24.150.501 ) PROPOSED AMENDMENT AND  
examination, and the repeal of ARM ) REPEAL  
24.150.2101 renewals )

TO: All Concerned Persons

1. On May 21, 2015, at 9:00 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 and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Hearing Aid Dispensers (board) no later than 5:00 p.m., on May 15, 2015, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsddhad@mt.gov (board's e-mail).

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

24.150.401 FEES (1) The fees shall be as follows:

(a) <del>Application fee (includes initial written and practical examination)</del>	\$500
(b) <u>(a)</u> Application fee for hearing aid trainee (includes initial <del>written</del> <u>jurisprudence</u> and practical examination)	<u>\$600</u>
(e) <u>(b)</u> Application fee for licensees from other states <u>(includes initial jurisprudence examination)</u>	500
(d) <del>Reexamination – written</del>	200
(e) <u>(c)</u> Reexamination – practical <u>examination</u>	550
(d) <u>Reexamination – jurisprudence examination</u>	<u>50</u>

(f) through (i) remain the same, but are renumbered (e) through (h).  
(2) and (3) remain the same.  
(4) The written examination fee and reexamination fee is set by the examination administrator and is paid by the applicant directly to the examination administrator.

AUTH: 37-1-131, 37-1-134, 37-16-202, MCA  
IMP: 37-1-131, 37-1-134, 37-1-141, 37-16-402, 37-16-405, 37-16-406,  
MCA

REASON: In 2011, the Montana legislature enacted Senate Bill 132 that allowed audiologists to sell hearing aids without obtaining a hearing aid dispenser license. It is reasonably necessary for the board to strike (1)(a), the application fee for licensing audiologists. Applicants are now licensed either as trainees or those having a dispenser license in another state. It is reasonable to make the change now because, following a period of limited financial resources, the board is now fiscally able to engage in responsible rulemaking.

After concluding that processing jurisprudence reexaminations requires time and staff involvement, the board noted the absence of a fee to recoup these costs. The board concluded it is reasonably necessary to establish a \$50 jurisprudence reexamination fee to comply with 37-1-134, MCA, and maintain fees commensurate with board costs. The board estimates the proposed fee changes will affect approximately four persons and increase annual board revenue by \$200.

In addition, the examination administrator, the International Hearing Society (IHS), has changed to a computerized test provided by IHS, and board staff will no longer proctor the exam. The board is further amending this rule to delete the fees associated with the former written examination, and accurately set forth the revised examination fees and processes. These changes will have no fiscal impact to the board, as the board only collected fees and forwarded them to IHS and never retained any portion of the collected money.

24.150.501 EXAMINATION - PASS/FAIL POINT ~~(1) All applications for examination must be received in the board office 15 days prior to the examination date.~~

~~(2)~~ (1) The written and practical examination will be provided by the International Hearing Society (IHS). The board may, in its discretion, approve and adopt another equivalent examination for hearing aid dispensers.

~~(3)~~ (2) The A trainee applicant must achieve a passing score on the written examination is the national passing score or 75 percent, whichever is greater as set by the IHS. An applicant who fails may retake the examination by paying the exam fees referenced in ARM 24.150.401.

~~(4)~~ (3) A trainee applicant must complete a practical examination administered by the board. An applicant must achieve a passing score on each section of the practical examination as set by the IHS. An applicant who fails any section only has to retake the section(s) failed, and but must pay the full reexamination fee.

~~(5)~~ (4) All applicants, original or licensed in other states, shall be required to pass a jurisprudence examination on Montana laws and rules, administered by the board. The passing score on the jurisprudence examination is 75 percent. In the event of failure, the applicant may retake the examination by paying the exam fees referenced in ARM 24.150.401.

AUTH: 37-1-131, 37-16-202, MCA  
IMP: 37-16-405, 37-16-406, MCA

REASON: The board determined it is reasonably necessary to update this rule to clearly represent current examination processes. Because the examination administrator, IHS, has changed to a computerized test provided by an examination service, board staff will no longer proctor this examination. The board is further amending this rule to align with current examination processes and reflect the reexamination fees that are being established in ARM 24.150.401 of this notice.

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

24.150.2101 RENEWALS found at ARM page 24-14301

AUTH: 37-1-131, 37-16-202, MCA

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

REASON: The board is repealing this unnecessary rule because the department administers a standardized renewal process for all professional and occupational licensure boards, and this rule merely references the department rules on renewals.

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 the Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsddhad@mt.gov](mailto:dlibsddhad@mt.gov), and must be received no later than 5:00 p.m., May 29, 2015.

6. An electronic copy of this notice of public hearing is available at [www.hearingaid.mt.gov](http://www.hearingaid.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.

7. 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 Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-

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

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 board has determined that the amendments of ARM 24.150.401 and 24.150.501, and the repeal of ARM 24.150.2101 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsddhad@mt.gov.

10. Gene Allison, attorney, has been designated to preside over and conduct this hearing.

BOARD OF HEARING AID DISPENSERS  
ALFRED MCLEES, 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 April 20, 2015

BEFORE THE BOARD OF REALTY REGULATION  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 24.210.625 inactive to active	)	AMENDMENT
license status, 24.210.661 and	)	
24.210.829 new licensee mandatory	)	NO PUBLIC HEARING
continuing education, 24.210.667	)	CONTEMPLATED
continuing real estate education,	)	
24.210.826 inactive to active status -	)	
property management, and	)	
24.210.835 continuing property	)	
management education	)	

TO: All Concerned Persons

1. On June 1, 2015, the Board of Realty Regulation proposes to amend 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 Realty Regulation (board) no later than 5:00 p.m., on May 15, 2015, to advise us of the nature of the accommodation that you need. Please contact Maggie Connor, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2303; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; or [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov) (board's e-mail).

3. GENERAL REASONABLE NECESSITY: The board determined it is reasonably necessary to amend the rules to remove all references to the board's annual core course education requirement. Because development of the core course every year requires great expense and effort on the part of the board, the board has concluded that the core course requirement is more burdensome than beneficial for both licensees and the consuming public.

The board determined it is reasonably necessary to delete all references or designations in the rules to the board's regular continuing education courses as being either "mandatory" or "elective," since these designations have no value with respect to the protection of the public or competence of licensees. However, for the current time, the board will continue to refer to the new licensee "rookie" course as the "board-mandated new licensee mandatory continuing education." Any reference in rule to the rookie course as "mandatory," "mandated," or any similar term will be retained in rule at this time. In the future, the board may revisit the necessity of the rookie course.

Accordingly, the board has determined that it is reasonably necessary to generally amend several rules in this notice at this time. Where additional specific

bases for a proposed action exist, the board will identify those reasons immediately following that rule.

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

24.210.625 INACTIVE TO ACTIVE LICENSE STATUS (1) and (1)(a) remain the same.

(b) provide evidence of completing 24 hours of continuing education within the preceding 24 months, ~~of which eight hours must be mandatory education and the remaining 16 hours may be mandatory or elective education; and~~

~~(c) provide evidence of completing the previous license year core course in addition to the continuing education, and~~

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

AUTH: 37-1-131, 37-1-319, 37-51-203, MCA

IMP: 37-1-306, 37-1-319, 37-51-202, 37-51-204, 37-51-302, 37-51-308, 37-51-311, MCA

24.210.661 NEW LICENSEE MANDATORY CONTINUING EDUCATION - SALESPERSONS (1) ~~All new sales licensees will receive an interim license that will terminate October 31 of the year of the initial license date.~~

(2) (1) All new sales licensees are required to complete the board-mandated new licensee mandatory continuing education requirement, commonly known as the 12-hour rookie course, by the first renewal date as set by ARM 24.101.413, following their original license issue date.

~~(3) A new license will be issued upon completion of the new licensee mandatory continuing education required by this rule.~~

(4) (2) For the first licensing year only, the rookie course will substitute for a salesperson's regular continuing education. The new licensee mandatory continuing education does not replace the The regular 12-hour continuing education requirement, which begins with the second year of licensing.

~~(5) (3) All licensees are required to submit the renewal form and renewal fee by the date set by ARM 24.101.413 of their license and each renewal year date thereafter.~~

AUTH: 37-1-131, 37-1-319, 37-51-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-204, MCA

REASON: The board is amending this rule by deleting references to interim licenses to comply with department licensure processes. The board also determined there is no statutory authority for such designation. Without interim licenses, there will be no issuance of "new" licenses, and a salesperson's first license will be just a regular license. The board is therefore striking (3), which addresses new licenses.

The board also concluded it is necessary to clarify in (1) that new salesperson licensees must complete the board-mandated new licensee mandatory continuing education by the first renewal after being newly licensed. The board always

intended that new sales licensees complete the board-mandated new licensee mandatory continuing education by their first renewal, and is amending this rule now to eliminate any confusion about this requirement.

Further, it is necessary to amend (2) to clarify that the rookie education in the first year of a new salesperson's license will substitute for the continuing education requirement for that first year. While this amendment does not change the substance of the rule with regard to newly licensed salespeople, the board is amending it to address confusion among staff and licensees.

24.210.667 CONTINUING REAL ESTATE EDUCATION (1) Each active licensee is required to annually complete a board-mandated core education course of a length established by the board every year. The board-mandated core education does not apply to meeting the continuing education requirement provided for in (2), except as provided in (18) and (19).

(2) In addition to the board-mandated core education course, each active licensee is required to complete a minimum of 12 hours of continuing real estate education every licensing year. The licensing year is from November 1 through October 31.

(3) A licensee must complete the board-mandated core education course that contributes to the professional competency of the licensee in their real estate practice.

(4) through (6) remain the same, but are renumbered (2) through (4).

(7) (5) By August 1 of each year, the board will identify topics in which the required hours of education must be obtained for the following reporting year. The board, in its discretion, may adjust the topics at any time. A minimum of four hours must come from the mandatory topics identified by the board.

(8) through (17) remain the same, but are renumbered (6) through (15).

(18) A licensee completing board-mandated core education courses beyond the core course completed for professional competency required in (3), may apply one course toward meeting current continuing education requirements. The core course completion certificate(s) must be provided to the board office in order to receive continuing education credit.

(19) A licensee with both a real estate and property management license must complete both board-mandated core education courses, but may apply one course toward meeting the current continuing education requirement by providing the core course completion certificate(s) to the board office.

(20) and (21) remain the same, but are renumbered (16) and (17).

AUTH: 37-1-131, ~~37-1-136~~, 37-1-319, 37-51-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-204, MCA

REASON: Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

24.210.826 INACTIVE TO ACTIVE STATUS - PROPERTY MANAGEMENT LICENSES (1) and (1)(a) remain the same.



(b) provide evidence of completing 24 hours of continuing education within the ~~proceeding~~ preceding 24 months, ~~of which eight hours must be mandatory education and the remaining 16 hours may be mandatory or elective education;~~ and (c) remains the same.

AUTH: 37-1-131, 37-1-319, 37-51-203, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, 37-51-202, 37-51-204, 37-51-311, 37-51-601, MCA

REASON: The board is amending (1)(b) to utilize the correct term "preceding" and clarify that evidence must be provided of continuing education completed in the 24 months prior to the licensee converting to active licensure.

24.210.829 NEW LICENSEE MANDATORY CONTINUING EDUCATION - PROPERTY MANAGER (1) All new property management licensees are required to complete 12 hours of ~~new licensee mandatory property management~~ continuing education by the second renewal date as set by ARM 24.101.413, following their original license issue date. ~~Six~~ Two of ~~these~~ the hours must consist of:

~~(a) two hours of courses in property management trust accounts; . After satisfactorily completing their first renewal, property manager licensees may satisfy their continuing education obligations for subsequent years by choosing any continuing education courses approved by the board, whether designated as property management education or not.~~

~~(b) two hours of leasing principles; and~~

~~(c) two hours of state law update.~~

~~(2) New property managers will receive an interim license that will terminate on the second renewal date as set by ARM 24.101.413, following their original license issue date.~~

AUTH: 37-1-131, 37-1-319, 37-51-203, MCA

IMP: 37-1-306, 37-1-319, 37-51-603, MCA

REASON: The board determined it is reasonably necessary to amend the continuing education requirements for newly licensed property managers, which is currently treated differently than a salesperson's rookie education. New property managers must complete 12 hours of property management education by the second renewal date after being newly licensed. Six of those hours are specific education and constitute the new licensee mandatory property management.

After the first renewal, property managers are required to annually complete 12 property management education hours. The board is proposing to reduce the new licensee property manager education from six specific education hours to only two hours in trust account education, thus allowing the property manager to choose the remaining hours to meet the 12-hour requirement. The board has observed that the trust account education is most valuable for new property managers because trust account issues are involved in most discipline against property managers.

After the required 12 hours of property management education in the first year, property managers will be able to take any real estate education approved by

the board, whether designated as property management education or not. This change will allow property managers much more flexibility in meeting their continuing education responsibilities.

24.210.835 CONTINUING PROPERTY MANAGEMENT EDUCATION

~~(1) Each active licensee is required to annually complete a board-mandated core education course of the length established by the board every year. The board-mandated core education does not apply to meeting the continuing education requirement provided for in (2), except as provided in (16) and (17).~~

~~(2) In addition to the board-mandated core education course, each active licensee is required to complete a minimum of 12 hours of board-approved continuing property management education every licensing year. The licensing year is from November 1 through October 31.~~

(2) Courses completed after the renewal deadline will result in a late renewal and penalty, regardless of when the licensee submits the renewal application.

~~(3) A licensee must complete the board-mandated core education course that contributes to the professional competency of the licensee in their property management practice.~~

~~(4) and (5) remain the same, but are renumbered (3) and (4).~~

~~(6) (5) By August 1 of each year, the board will identify topics in which the required hours of education must be obtained. The board, in its discretion, may adjust the topics at any time. A minimum of four hours must come from the mandatory topics identified by the board.~~

~~(7) through (15) remain the same, but are renumbered (6) through (14).~~

~~(16) A licensee completing board-mandated core education courses beyond the core course completed for professional competency required in (3), may apply one course toward meeting current continuing education requirements. The core course completion certificate(s) must be provided to the board office in order to receive continuing education credit.~~

~~(17) A licensee with both a real estate and property management license must complete both board-mandated core education courses, but may apply one course toward meeting the current continuing education requirement by providing the core course completion certificate(s) to the board office.~~

~~(18) and (19) remain the same, but are renumbered (15) and (16).~~

AUTH: 37-1-131, ~~37-1-136~~, 37-1-319, 37-51-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-204, MCA

REASON: The board is adding (2) to emphasize that education completed after the renewal date is untimely and will subject renewing licensees to a late fee regardless of when the renewal is submitted. This is not a change in the board's position, but simply a clarification. A late fee is not considered a disciplinary action.

Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

5. Concerned persons may submit their data, views, or arguments concerning the proposed amendments in writing to the Board of Realty Regulation,

301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or e-mail to [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov), and must be received no later than 5:00 p.m., May 29, 2015.

6. If persons who are directly affected by the proposed amendments 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 Realty Regulation at the above address no later than 5:00 p.m., May 29, 2015.

7. If the board receives requests for a public hearing on the proposed amendments 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 59 persons based on current inactive and property manager licensees.

8. An electronic copy of this notice is available at [www.realestate.mt.gov](http://www.realestate.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.

9. 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 Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2323; e-mailed to [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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

11. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.210.625, 24.210.661, 24.210.667,

24.210.826, 24.210.829, and 24.210.835 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or e-mail to [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov).

BOARD OF REALTY REGULATION  
PAT GOODOVER  
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 April 20, 2015

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING
ARM 32.3.139 appointment as deputy	)	
state veterinarian, 32.3.202	)	
requirements for importation,	)	
32.3.206 official health certificate,	)	
32.3.207 permits, 32.3.2001 brands	)	
and earmarks, and the repeal of ARM	)	
32.3.204 permit required for livestock,	)	
game, furbearing animals, wild	)	
animals, embryos, and semen	)	

TO: All Concerned Persons

1. On February 26, 2015, the Department of Livestock published MAR Notice No. 32-15-260 pertaining to the proposed amendment and repeal of the above-stated rules at page 208 of the 2015 Montana Administrative Register, Issue Number 4.

2. The notice of proposed agency action is amended as follows because the required number of persons has requested a public hearing.

3. On May 21, 2015, at 10:00 a.m., the Department of Livestock will hold a public hearing in the auditorium at the Scott Hart Building, 302 N. Roberts at Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

4. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., May 14, 2015, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., May 28, 2015.

6. Cinda Young-Eichenfels, Department of Livestock, has been designated to preside over and conduct this hearing.

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

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

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

Certified to the Secretary of State April 20, 2015.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.86.4401 and 37.86.4406 ) PROPOSED AMENDMENT  
pertaining to the federally qualified )  
health centers and rural health clinics )

TO: All Concerned Persons

1. On May 20, 2015, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.86.4401 RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS, DEFINITIONS ~~In this subchapter the following definitions apply:~~

(1) remains the same.

(2) through (6) remain the same but are renumbered (3) through (7).

~~(7) (2) "Increase or decrease~~ Change in the scope of service" means the addition or deletion of a service or a change in the magnitude, intensity, or character of services provided by an FQHC or RHC or one of their sites a change that affects the type, intensity, duration, or amount of services provided by an FQHC or RHC. ~~The increase or decrease~~ change in the scope of service must reasonably be expected to last at least one year. The term includes but is not limited to:

(a) ~~an increase or decrease~~ a change in intensity attributable to changes in the types of patients served, including but not limited to HIV/AIDS, the homeless, elderly, migrant or other chronic diseases, or special populations;

(b) remains the same.

(c) ~~increases or decreases~~ changes in operating costs that have occurred during the fiscal year and that are attributable to capital expenditures, including new service facilities or regulatory compliance; and

- (d) remains the same.
- (8) through (16) remain the same.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

37.86.4406 RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS, SERVICE REQUIREMENTS (1) remains the same.

(2) The Montana Medicaid program will not reimburse an RHC or FQHC for RHC or FQHC services that are services covered by a health maintenance organization for an enrolled ~~recipient~~ member, as provided in ARM Title 37, chapter 86, subchapter 50, except as provided in ARM 37.86.4414.

(3) RHC services are covered by Montana Medicaid when provided in accordance with these rules to a ~~recipient~~ member at the clinic, the ~~recipient's~~ member's residence, or other medical facility. RHC services are not covered by Montana Medicaid when provided to a hospital patient.

(4) FQHC services are covered by Montana Medicaid when provided in accordance with these rules to a ~~recipient~~ member in an outpatient setting only, which may include the ~~recipient's~~ member's place of residence. The ~~recipient's~~ member's place of residence may include a skilled nursing facility or a nursing facility. FQHC services are not covered by Montana Medicaid when provided to a hospital patient.

(5) remains the same.

(6) A provider must notify the department, in writing, of ~~an increase or decrease~~ a change in the scope of service offered by the RHC or FQHC to Medicaid ~~recipients~~ members. Upon the request of a provider, the department will determine if a ~~the reported~~ change qualifies as ~~an increase or decrease~~ a change in the scope of service, and if so, the amount and effective date of any rate ~~increase or decrease~~ change.

(a) As a condition of approval, the department may require the provider to submit documentation and information necessary to demonstrate compliance with requirements applicable to the category of ~~service~~, ~~and/or documentation and~~ The department may also require information necessary to determine the ~~increase or decrease~~ change in the reimbursement rate due to ~~an increase or decrease~~ a change in the scope of service including any ~~increase or decrease~~ change in the costs of the service and any ~~increase or decrease~~ change in the number of visits.

(b) remains the same.

(c) Any increase in the rate of reimbursement due to ~~an increase or decrease~~ a change in the scope of service ~~shall be~~ is effective from the date of notification by the provider to the department. Any decrease in the rate of reimbursement due to ~~an increase or decrease~~ a change in the scope of service ~~shall be~~ is effective from the date the department was notified by the provider or the date the department determines the ~~increase or decrease~~ change in the scope of services occurred, whichever ~~is~~ occurs first.

(d) The department ~~shall~~ must complete the determination within 60 days of the written request or within 60 days of receipt of any required documentation and information, whichever is later.



(7) remains the same.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) proposes to amend ARM 37.86.4401 and 37.86.4406 regarding Federally Qualified Health Centers (FQHC) and the Rural Health Clinics (RHC).

The amendments are necessary to make the wording of ARM 37.86.4401 and 37.86.4406 consistent with the Centers for Medicare and Medicaid Services definition. Replacing the phrase "increase or decrease" with "change" clarifies that a change in the scope of services is not always a decrease or an increase.

The department is proposing to amend these rules by changing the word "recipient(s)" to "member(s)." This is necessary to align these rules with the current term used to describe those persons who receive Medicaid services.

##### ARM 37.86.4401

The department is proposing to amend this rule by replacing the definition of increase or decrease in the scope of service with "Change in scope of service" and replacing "increase or decrease" with "change" throughout (7)(a) and (b).

##### ARM 37.86.4406

The department is proposing to amend (6)(a), (b), and (c) by replacing the phrase "increase or decrease" with the word "change."

##### Fiscal Impact

There will be no fiscal impact due to the proposed amendment to this rule regarding the FQHCs or RHCs. Services provided to Medicaid members will not be affected.

5. The department intends to adopt these rule amendments effective July 1, 2015.

6. 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: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., May 28, 2015.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 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 the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

/s/ Susan Callaghan  
Susan Callaghan, Attorney  
Rule Reviewer

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

Certified to the Secretary of State April 20, 2015.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.79.304 pertaining to ) PROPOSED AMENDMENT  
updating the HMK evidence of )  
coverage document )

TO: All Concerned Persons

1. On May 27, 2015, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, at Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.79.304 SERVICES COVERED (1) The department adopts and incorporates by reference the HMK Evidence of Coverage dated July 1, 2014 July 1, 2015, which is available on the department's web site at [www.hmk.mt.gov](http://www.hmk.mt.gov).  
(2) remains the same.

AUTH: 53-4-1009, 53-4-1105, MCA  
IMP: 53-4-1005, 53-4-1109, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing to amend ARM 37.79.304 to incorporate proposed amendments to the Healthy Montana Kids (HMK), Evidence of Coverage (EOC) document.

The HMK EOC document describes the health care benefits available to an HMK coverage group member. ARM 37.79.304 lists the July 1, 2014 version of the EOC as active. The department proposes to make additions, clarifications to benefits, and minor wording and formatting changes to the EOC document. Therefore, the

proposed change to July 1, 2015 is necessary to reflect the most recent EOC document.

The proposed amendments to the EOC document listed below are needed to communicate clearly the HMK benefit plan to the public, and to make the document consistent with HMK's other governing documents, such as the CHIP State Plan, HMK Member Guide, and third party administrator contract. For example, the transportation, transplant, and "Therapeutic Youth Group Home Therapeutic Home Leave" topics are being clarified in the State Plan Amendment (SPA). The SPA will also be effective July 1, 2015.

The following changes are being proposed to the EOC:

1. Telemedicine is authorized in the HMK state plan. This service was removed from the benefit exclusion list in the last version of the EOC and publicly noticed but it needs to be added as a benefit. This change is outlined on page 23 of the EOC.
2. Organ and tissue transplants are a covered benefit and the department is clarifying that organ procurement and transplant-related medical services are also covered for a living donor. This change is outlined on page 21 of the EOC.
3. The department is clarifying that per diem and transport are allowed for one adult companion to accompany a child receiving prior approved out-of-town medically necessary services. This change is outlined on page 31 of the EOC.
4. The department proposed to extend the limit on Therapeutic Family Care from 30 to 90 days, effective July 1, 2015. This change is outlined on page 30 of the EOC.
5. If an HMK member is residing at a Therapeutic Group Home and temporarily leaves to go home, the group home provider is compensated for holding that bed open. There has never been a stated leave limit. The department is proposing to adopt a limit of 14 days per year, which coincides with the children's Medicaid home leave limit. This change is outlined on page 29 of the EOC.
6. HMK services deemed not medically necessary, not covered, experimental, investigational, or unproven are not payable under the HMK plan, and members can be billed for these services. The department is giving adequate notice in the EOC to members. This change is outlined on page 12 of the EOC.
7. The department is providing notice that naturopathic physician services will be discontinued effective July 1, 2015. This action will align the HMK benefit plan with the Medicaid benefit plan. This change is outlined on page 41 of the EOC.
8. HMK is expanding coverage from one over-the-counter (OTC) nasal spray to the class of OTC steroid nasal sprays. These products are currently covered as prescription drugs, but recently, several of these products have become available

OTC, which allows the department to obtain a much less expensive alternative. This change is outlined on page 34 of the EOC.

9. The department proposes to add benzoyl peroxide products to the allowed OTC drug list because HMK and providers cannot find a prescription version of this drug in the market place. Benzoyl peroxide is a requested first line drug for the treatment of acne and it is preferred and covered. This change is outlined on page 34 of the EOC.

10. The department is correcting spelling and formatting errors in the EOC.

#### Fiscal Impact

The changes in the Healthy Montana Kids (HMK) EOC document align the document with current practice. As such, HMK does not anticipate any fiscal impact.

5. The department proposes to adopt these amendments to ARM 37.79.304 and to the EOC document itself effective July 1, 2015.

6. 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: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., May 28, 2015.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 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 the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web

site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

/s/ Susan Callaghan  
Susan Callaghan, Esq.  
Rule Reviewer

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

Certified to the Secretary of State April 20, 2015.

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

In the matter of the amendment of )  
ARM 37.86.2402, 37.86.2602, and )  
37.86.2606 pertaining to Medicaid )  
transportation, personal per diem, )  
and ambulance services )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 20, 2015, at 9:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.86.2402 TRANSPORTATION AND PER DIEM, REQUIREMENTS

(1) and (2) remain the same.

(3) Coverage for transportation and per diem is only available for transportation and per diem to the site of medical services at the provider closest to the locality of the recipient ~~or to a Center of Excellence, as defined in ARM 37.86.2901, if prior authorization requirements have been met.~~ unless:

(a) through (b)(iii) remain the same.

(c) Transportation and per diem to a site, other than the one nearest to the locality of the recipient, is available if the combined total cost to the Medicaid program of medical services and transportation and per diem at the more distant site is less than the total cost to the Medicaid program for the provision of the services in the closest location, or to a Center of Excellence, as defined in ARM 37.86.2901, if prior authorization requirements have been met.

(4) and (5) remain the same.

(6) Coverage of nonemergent transportation and per diem must be prior authorized by the department or its designee.

(a) If a medical appointment has been rescheduled, any prior authorization of the original appointment does not apply to the rescheduled appointment. Prior authorization must be obtained for the rescheduled appointment ~~if the appointment is scheduled for a date other than the original appointment date.~~

(7) remains the same.

(8) Reimbursement for transportation ~~and per diem~~ is made to the common carrier ~~or lodging facility~~ unless otherwise authorized by the department or its designee.

(9) Coverage of transportation is limited to the least expensive available ~~means~~ mode of transportation suitable to the recipient's medical needs plus any applicable per diem.

(10) through (11)(c) remain the same.

(d) Coverage of per diem and transportation is available for a responsible adult to accompany a minor ~~for whom the responsible adult is necessary to provide legal consent for medical procedures.~~

(12) through (15) remain the same.

AUTH: 53-6-113, MCA

IMP: 53-6-101, ~~53-6-144~~, MCA

#### 37.86.2602 AMBULANCE SERVICES, REQUIREMENTS

(1) through (8) remain the same.

(9) Emergency ambulance services must be reported to the department's designee within 180 days of the emergency transport or within 180 days of the retroactive eligibility determination date, by submitting an ambulance trip report and the associated professional claim form.

(10) ~~Ambulance claims for emergency services are screened for medical necessity and appropriateness by the designated review organization prior to payment. Prior to processing payment, the department's designated review organization will evaluate ambulance claims for emergency services for medical necessity and appropriateness by reviewing the ambulance trip report and the associated professional claim form.~~

(11) and (12) remain the same.

AUTH: 53-6-113, MCA

IMP: 53-6-101, 53-6-113, ~~53-6-144~~, MCA

#### 37.86.2606 AMBULANCE SERVICES, QUALIFIED RATE ADJUSTMENT, PAYMENT ELIGIBILITY AND COMPUTATION

(1) through (3) remain the same.

(4) The QRA payment will be computed separately for all eligible ambulance providers on or before December 31, annually, using the following formula:

QRA payment = C x D x FMAP

(a) For the purposes of calculating the QRA payment amount, the following definitions apply:



(i) "C" represents the number of the provider's complete set of Medicaid paid claims for dates of service during the prior for the most recent state fiscal year filed in accordance with ARM 37.85.406;

(ii) "D" represents the difference between the Medicare and Medicaid allowed amount per the Healthcare Common Procedure Coding System (HCPCS); and

(iii) "FMAP" represents the Federal Medical Assistance Percentage (FMAP) in effect during the prior state fiscal year at the time of department payment. This percentage is the amount of federal participating matching funds for payment of Montana Medicaid program services. The methodology for determining this percentage is set forth in 42 USC 1396b(a) (2004). The department adopts and incorporates by reference the methodology set out in 42 USC 1396b(a) (2004). A copy of that statute may be obtained from the Department of Public Health and Human Services, Health Resources Division, P.O. Box 202951, Helena, MT 59620-2951.

(5) The QRA is subject to the following conditions:

(a) remains the same.

(b) information submitted from the eligible ambulance provider, the local Medicare fiscal intermediary, and the Montana Medicaid Paid Claims Database will be used for calculations, utilizing data from the most recent state fiscal year with completed Medicaid paid claims data filed in accordance with ARM 37.85.406;

(c) through (6) remain the same.

AUTH: 53-6-113, MCA

IMP: 53-6-113, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) proposes the above-described amendments to ARM 37.86.2402, 37.86.2602, and 37.86.2606 pertaining to Medicaid Transportation Services and Ambulance IGT provider reimbursement to improve the accuracy and clarity of Medicaid program benefits requirements to providers and members and to strengthen departmental compliance with federal Medicaid laws. The proposed changes are the result of feedback received by the department from providers, members, and contractors and the department's required periodic review of its administrative rules.

Specifically, the department proposes the following amendments:

##### ARM 37.86.2402:

1. Relocate the Center of Excellence transportation and per diem exception from (3) to (3)(c) to the list of other transportation and per diem exceptions in (3)(a), (b), and (c). The amendment is necessary to group the exceptions into a list in a manner which will clarify that travel reimbursement to a Center of Excellence will be reimbursed as provided in ARM 37.86.2901, if out-of-state inpatient hospital prior authorization requirements have been met.

2. Remove duplicative language in (6)(a) to clarify that prior authorization must be obtained for any rescheduled medical appointment. This is a "housekeeping" amendment and is necessary to avoid confusion about preauthorization being required for cancelled and rescheduled medical appointments.

3. Remove direct payment language in (8) applicable to lodging facilities. The change is necessary because incorporation of the lodging facility reference into the original rule was made in error, as lodging facilities are not classified as providers and payment for lodging expenses is a Medicaid member's responsibility for which the department pays the member.

4. Revise language in (9) to refer to "mode of transportation" versus "means" plus any applicable per diem when determining the least expensive cost suitable to the member's medical needs. This amendment is necessary to clarify that the department views a member's transportation needs on more than just one criterion, and that the word "means" may infer a more restrictive analysis than what the department intends for what constitutes the "least expensive" cost.

5. Remove the current condition in (11)(d) that exists for coverage of transportation and per diem expenses for a minor's accompanying responsible adult. This amendment is necessary to simplify the rule through the removal of redundant and potentially confusing language regarding the role of an accompanying responsible adult for a minor enrolled in Medicaid.

ARM 37.86.2602:

6. Add specific language to (9) that an ambulance services provider must submit an ambulance trip report and the associated professional claim when seeking authorization for emergency transport service. This amendment is necessary to adopt into rule the department's current policy of utilizing ambulance trip reports and professional claim forms as being necessary corroborating documentation when reviewing and approving ambulance services claims.

7. Add language to (10) to provide that screening of an ambulance service provider's emergency services claims for medical necessity and appropriateness will be determined by the designated review organization's review of the provider's ambulance trip report and the associated professional claim form. Similar to the amendments in (9), this proposed amendment would adopt into rule current department practice of requiring ambulance trip reports and the associated professional claim form when reviewing and approving ambulance services claims.

ARM 37.86.2606:

8. Add language to (4) to clarify that the Qualified Rate Adjustment (QRA) payment will be computed separately for all eligible ambulance providers on or before December 31, annually. The proposed amendment is necessary for the department to remain in compliance with federal Medicaid laws which require, in part, a uniform schedule and procedure for processing QRA payments to providers.

9. Add clarifying language to (4)(a)(i) defining "C" to state that "C" represents the number of the provider's complete set of Medicaid paid claims for

dates of service for the most recent state fiscal year filed in accordance with ARM 37.85.406. This rule amendment is necessary to clarify that in order for the QRA payment formula to function in accordance with federal Medicaid law, all provider Medicaid paid claims during the most recent state fiscal year, together with claims filed in accordance with ARM 37.85.406, must be included.

10. Add clarifying language to (4)(a)(iii), which defines the Federal Medical Assistance Percentage "FMAP," to state that FMAP represents the percentage used in the QRA payment in effect at the time of department payment. Because the federal government adjusts the FMAP each year, adoption of a uniform schedule aids the department in determining and scheduling QRA payments and providers in expecting QRA payments. The change also lends to greater departmental compliance with federal fiscal rules.

The department makes the proposed amendments only after having given careful consideration to: (a) its current internal policies in relationship to the affected administrative rules; (b) feedback received from providers and members regarding the need for greater clarity in rule language; and (c) the department's Medicaid compliance obligations. The department did explore alternatives to the proposed amendments, but as the intended amendments clarify operational procedures, improve current rules, or strengthen the department's compliance in the operation of its Medicaid program, the department contends the proposed amendments are the most efficient means of meeting these rulemaking goals.

### FISCAL IMPACT

The proposed amendments will have neutral fiscal impact to the program. This change will impact 109 ambulance providers and 20 IGT ambulance providers. This change will aide in providing clarifying information on Medicaid services for 113,047 members within Montana.

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: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., May 28, 2015.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

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

delivered to the contact 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 of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Susan Callaghan  
Susan Callaghan, Esq.  
Rule Reviewer

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

Certified to the Secretary of State April 20, 2015.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 42.3.101, 42.3.102, 42.3.103,	)	AMENDMENT
42.3.104, 42.3.105, 42.3.106,	)	
42.3.107, 42.3.108, 42.3.109,	)	
42.3.110, 42.3.111, 42.3.113, and	)	
42.15.314 pertaining to the 2009	)	
recodification of statutes in Title 15,	)	NO PUBLIC HEARING
chapter 30, MCA	)	CONTEMPLATED

TO: All Concerned Persons

1. On June 1, 2015, the Department of Revenue proposes to amend the above-stated rules.

2. The Department of Revenue 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, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on May 18, 2015. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY. The department proposes amending ARM 42.3.101 through 42.3.111, 42.3.113, and 42.15.314, to replace outdated authorization and implementing statute numbers with the current statute numbers as recodified. No language amendments are being proposed at this time.

Following the 2009 recodification of Title 15, subchapter 30, MCA, the department amended rules that cited to the recodified statutes to update the rules with the new numbers. In a recent review, the department identified 13 rules that were missed in that process. The history sections of the 13 rules still cite to the pre-recodification statute numbers and need to be corrected.

Therefore, it is reasonably necessary to amend the rules to update the statute numbers. This general statement of reasonable necessity applies to all of the rules in this notice. A supplemental statement of reasonable necessity is provided for ARM 42.3.113, regarding additional statute corrections proposed for that rule only.

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

42.3.101 DEFINITIONS The following definitions apply to terms used in this subchapter:

(1) through (5) remain the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~45-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.102 PURPOSE AND APPLICATION (1) through (8) remain the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~45-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.103 WAIVER OF INTEREST ON THE TAX (1) remains the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~45-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.104 WAIVER OF PENALTIES OR INTEREST ASSESSED AS THE RESULT OF LITIGATION (1) remains the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~45-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.105 REASONABLE CAUSE FOR WAIVER OF PENALTY AND INTEREST ON THE PENALTY (1) through (8) remain the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~45-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-61-115, MCA

42.3.106 HARDSHIP AS "REASONABLE CAUSE" (1) through (7) remain the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~45-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.107 PROOF OF REASONABLE CAUSE OR LACK OF NEGLIGENCE (1) through (3) remain the same.

AUTH: 15-1-201, ~~45-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-

60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~15-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.108 INTEREST ACCRUING TO A COUNTY OR COUNTIES AND PENALTIES (1) remains the same.

AUTH: 15-1-201, ~~15-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~15-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.109 WHEN DECISION TO WAIVE IS MADE (1) remains the same.

AUTH: 15-1-201, ~~15-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~15-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.110 PAYMENT WITH AN NSF CHECK IS NOT CONSIDERED A PAYMENT OF TAXES (1) remains the same.

AUTH: 15-1-201, ~~15-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~15-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.111 CALCULATION OF TIME PERIODS AND FILING DATES (1) through (4) remain the same.

AUTH: 15-1-201, ~~15-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, ~~15-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

42.3.113 WAIVER FOR EXTRAORDINARY CIRCUMSTANCES AND IN THE INTEREST OF THE JUST AND EFFICIENT ENFORCEMENT OF THE LAW (1) remains the same.

AUTH: 15-1-201, ~~15-30-305~~ 15-30-2620, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102 ~~15-70-104~~, MCA

IMP: 15-1-206, 15-1-216, ~~15-30-324~~ 15-30-2641, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

REASONABLE NECESSITY: The department further proposes amending ARM 42.3.113 to strike a rulemaking statute that was transferred to another agency in 1991 and no longer applies to the rule, and to include two previously omitted

rulemaking statutes that do apply to the rule.

42.15.314 CHANGES IN FEDERAL TAXABLE INCOME (1) through (3) remain the same.

AUTH: ~~15-30-305~~ 15-30-2620, MCA

IMP: 15-1-216, ~~15-30-145, 15-30-146, 15-30-304~~ 15-30-2605, 15-30-2606, 15-30-2619, MCA

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701, telephone (406) 444-7905, fax (406) 444-3696, or e-mail lalogan@mt.gov, and must be received no later than May 29, 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 Laurie Logan at the above address no later than 5 p.m., May 29, 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 64,344 persons based on 643,445 individual and corporation income tax filers for tax year 2013.

8. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 5 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

9. An electronic copy of this notice is available on the department's web site at revenue.mt.gov. Select the Administrative Rules link under the Other Resources section located in the body of the homepage and open the Hearing Information/Proposal Notices section within. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the



electronic version of the notice, only the official printed text will be considered. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

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

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

/s/ Laurie Logan

Laurie Logan  
Rule Reviewer

/s/ Mike Kadas

Mike Kadas  
Director of Revenue

Certified to the Secretary of State April 20, 2015

BEFORE THE MONTANA STATE LIBRARY  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 10.101.101 pertaining to agency )  
organization )

TO: All Concerned Persons

1. On February 26, 2015, the Montana State Library published MAR Notice No. 10-101-1501 pertaining to the proposed amendment of the above-stated rule at page 166 of the 2015 Montana Administrative Register, Issue Number 4.
2. The department has amended the above-stated rule as proposed.
3. No comments or testimony were received.

/s/ Jennie Stapp  
Jennie Stapp  
Rule Reviewer

/s/ Colet Bartow  
Colet Bartow  
Chairman  
Montana State Library

Certified to the Secretary of State April 20, 2015.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 32.3.212 additional )  
requirements for cattle )

TO: All Concerned Persons

1. On February 26, 2015, the Department of Livestock published MAR Notice No. 32-15-262 pertaining to the proposed amendment of the above-stated rule at page 213 of the 2015 Montana Administrative Register, Issue Number 4.

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

32.3.212 ADDITIONAL REQUIREMENTS FOR CATTLE (1) Female cattle over the age of four months imported into the state of Montana for any purpose other than immediate slaughter must be official vaccinates except as follows:

(a) cattle being transported or moved through Montana with no intent to unload in the state. In an emergency situation, they may be unloaded in compliance with quarantine rules promulgated by the Department of Livestock under 81-2-102, MCA;

(b) spayed cattle;

(c) nonvaccinated female cattle placed under a hold order for brucellosis vaccination or spaying within 30 days of arrival; or

(d) nonvaccinated cattle from a:

(i) state, area, ~~province~~, or territory that has been brucellosis class free for ten years or more; or

(ii) brucellosis free state, area, ~~province~~, or territory as designated by the Board of Livestock.

(2) U.S. origin nonvaccinated female cattle, 12 months of age and older, must have a negative brucellosis test no more than 30 days prior to arrival, unless originating from an area as defined in (1)(d).

(3) All non-U.S. origin sexually intact cattle 12 months of age and older must have a negative brucellosis test no more than 30 days prior to arrival.

(4) through (14) remain as proposed.

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

COMMENT 1: "Section (2) of 32.3.212 adds new language indicating that U.S. origin, nonvaccinated female cattle must have a negative brucellosis test 30 days prior to arrival, unless originating from an area as defined in (1)(d). New language in Section (3) dictates, (3) All non-U.S. origin sexually intact cattle 12 months of age and older must have a negative brucellosis test no more than 30 days prior to arrival.

We want to clarify that language in (1)(d) does not conflict with the testing requirements in Section (3). We realize that section (3) makes no reference to the exemptions in (1)(d) however, because (1)(d) explicitly mentions 'province' and 'territory,' would it be possible for a conflict to occur?"

RESPONSE 1: Thank you for your comment. To clarify the language and meaning in (1)(d)(i) and (ii), we have stricken the word 'province' in each.

DEPARTMENT OF LIVESTOCK

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

## ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2014. This table includes those rules adopted during the period January 1, 2015, through March 31, 2015, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 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 2014/2015 Montana Administrative Register.

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

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## BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in March 2015 appear. Vacancies scheduled to appear from May 1, 2015 through July 31, 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 April 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 MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Aeronautics</b> (Transportation)			
Mr. Robert Buckles Bozeman	Governor	reappointed	3/20/2015 1/1/2017
Qualifications (if required): representative of interstate commercial airline operators			
Mr. Daniel Hargrove Billings	Governor	Manning	3/20/2015 1/1/2017
Qualifications (if required): engaged in aviation education in this state			
<b>Board of Architects and Landscape Architects</b> (Labor and Industry)			
Mr. Dale Nelson Ronan	Governor	reappointed	3/27/2015 4/1/2018
Qualifications (if required): Licensed Architect			
<b>Board of Dentistry</b> (Labor and Industry)			
Dr. George Johnston Dillon	Governor	reappointed	3/29/2015 1/1/2017
Qualifications (if required): Licensed Dentist			
<b>Board of Hail Insurance</b> (Agriculture)			
Mrs. Judy P. Tureck Coffee Creek	Governor	Skari	3/27/2015 5/1/2018
Qualifications (if required): public member			
<b>Board of Horse Racing</b> (Commerce)			
Mr. John Hayes Great Falls	Governor	reappointed	3/27/2015 1/1/2018
Qualifications (if required): third district representative			

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Oil and Gas Conservation</b> (Natural Resources and Conservation)			
Mr. Steven D. Durrett Billings	Governor	King	3/20/2015 1/1/2019
Qualifications (if required): Oil and gas industry representative			
Mr. Ronald Efta Wibaux	Governor	reappointed	3/20/2015 1/1/2019
Qualifications (if required): Attorney			
Mr. Paul Gatzemeier Billings	Governor	Smelser	3/20/2015 1/1/2019
Qualifications (if required): landowner residing in oil or gas producing county but not involved in industry			
<b>Board of Pardons and Parole</b> (Corrections)			
Rep. Bill McChesney Miles City	Governor	Rex	3/1/2015 1/1/2019
Qualifications (if required): Public Representative			
<b>Board of Review</b> (Revenue)			
Director Angela Wong Helena	Governor	not listed	3/6/2015 1/1/2017
Qualifications (if required): Director of Montana Lottery			
<b>Board of Veterinary Medicine</b> (Labor and Industry)			
Mr. Paul W. McCann Havre	Governor	Sorenson	3/6/2015 8/1/2019
Qualifications (if required): Licensed Veterinarian			

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Fish and Wildlife Commission</b> (Fish, Wildlife and Parks)			
Mr. Richard Kerstein Billings Qualifications (if required): District 4 representative	Governor	Wetsit	3/16/2015 1/1/2019
Mr. Dan Vermillion Livingston Qualifications (if required): District 2 representative	Governor	reappointed	3/16/2015 1/1/2019
<b>Judicial Nomination Commission</b> (Supreme Court)			
Ms. Elizabeth Halverson Billings Qualifications (if required): not listed	Supreme Court	Kelly	3/24/2015 1/1/2017
<b>Montana Alfalfa Seed Committee</b> (Agriculture)			
Mr. John Mehling Hardin Qualifications (if required): Alfalfa Seed Grower and rears alfalfa leaf-cutting bees	Governor	reappointed	3/6/2015 12/1/2017
<b>Montana Grass Conservation Commission</b> (Natural Resources and Conservation)			
Ms. Vicki Dunaway Billings Qualifications (if required): member of the public who possesses a general understanding of the livestock industry	Governor	Windy Boy	3/27/2015 1/1/2018
Mr. William F. Kennedy Ekalaka Qualifications (if required): officer of or serves on the board of directors of a state district	Governor	reappointed	3/27/2015 1/1/2018

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Montana Small Business Development Center Advisory Council (Commerce)</b>			
Mr. Jim Atchison Colstrip Qualifications (if required): Economic Developer	Director	not listed	3/20/2015 1/1/2017
Ms. Kathie Bailey Lewistown Qualifications (if required): Small Business Owner	Director	not listed	3/20/2015 1/1/2017
Mr. John Cech Billings Qualifications (if required): Educator	Director	not listed	3/20/2015 1/1/2017
Ms. Carol Cunningham Polson Qualifications (if required): Economic Developer	Director	not listed	3/20/2015 1/1/2017
Mr. Paddy Fleming Bozeman Qualifications (if required): Economic Developer	Director	not listed	3/20/2015 1/1/2017
Mr. Dave Glaser Missoula Qualifications (if required): Economic Developer	Director	not listed	3/20/2015 1/1/2017
Mr. Kevin Keeler Helena Qualifications (if required): Small Business Owner	Director	not listed	3/20/2015 1/1/2017

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Montana Small Business Development Center Advisory Council (Commerce) cont.</b>			
Ms. Linda Kindrick Clancy	Director	not listed	3/20/2015 1/1/2017
Qualifications (if required):	Economic Developer		
Rep. Patricia Rae Peppers Lame Deer	Director	not listed	3/20/2015 1/1/2017
Qualifications (if required):	Small Business Owner		
<b>Off-Highway Vehicle Advisory Committee (OHVAC) (Fish, Wildlife and Parks)</b>			
Mr. Russ Ehnes Great Falls	Director	not listed	3/20/2015 3/1/2017
Qualifications (if required):	none specified		
Mr. Mark Klemencic Great Falls	Director	not listed	3/20/2015 3/1/2017
Qualifications (if required):	none specified		
Ms. Jody Loomis Helena	Director	not listed	3/20/2015 3/1/2017
Qualifications (if required):	none specified		
Ms. Erin Proctor Helena	Director	not listed	3/20/2015 3/1/2017
Qualifications (if required):	none specified		

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Off-Highway Vehicle Advisory Committee (OHVAC) (Fish, Wildlife and Parks) cont.</b>			
Ms. Jennifer Schofield East Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
Ms. Charlotte Snyder Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
<b>Snowmobile Advisory Committee (SAC) (Fish, Wildlife and Parks)</b>			
Mr. Wes Fehrer Bozeman Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
Ms. Racene Friede Missoula Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
Mr. Nate Gassman Libby Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
Mr. Scott Herzog Great Falls Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017



**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Snowmobile Advisory Committee (SAC) (Fish, Wildlife and Parks) cont.</b>			
Mr. Jason Howell West Yellowstone Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
Mr. Seth McArthur Helena Qualifications (if required): Agency Advisor	Director	not listed	3/20/2015 3/1/2017
Mr. Don Phillips Missoula Qualifications (if required): none specified	Director	not listed	3/20/2015 3/1/2017
<b>State Trails Advisory Committee (STAC) (Fish, Wildlife and Parks)</b>			
Mr. Michael J. Dailey Glasgow Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Garry Edson Bozeman Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Thomas Kilmer Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Trails Advisory Committee (STAC) (Fish, Wildlife and Parks) cont.</b>			
Mr. Frank LaLiberty Cascade Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Ms. Betsy Miller Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Ms. Christina Miller Billings Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Ms. Katie Morrison Big Sky Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Dick Owenby Dillon Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. William Parker Malta Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Tom Reilly Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017

**BOARD AND COUNCIL APPOINTEES FROM MARCH 2015**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Trails Advisory Committee (STAC) (Fish, Wildlife and Parks) cont.</b>			
Mr. Mark Reinsel Missoula Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Ms. Beth R. Shumate Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Larry Skiles Dillon Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Dan Thompson Victor Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Mr. Alan Woodmansey Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017
Ms. Angie Zanin Helena Qualifications (if required): none specified	Director	not listed	3/20/2015 1/1/2017

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Aging Advisory Council</b> (Public Health and Human Services)                      Ms. Gladys Considine, Missoula                      Qualifications (if required): public representative</p>	Governor	7/18/2015
<p>Ms. Mary Lou Miller, Wolf Point                      Qualifications (if required): public representative</p>	Governor	7/18/2015
<p>Ms. JoLynn Yenne, Bigfork                      Qualifications (if required): public representative</p>	Governor	7/18/2015
<p><b>Agriculture Land Valuation Advisory Council</b> (Revenue)                      Commissioner Greg Jergeson, Chinook                      Qualifications (if required): Legislative Non-Voting Member</p>	Governor	6/30/2015
<p>Rep. Jane DeBruycker, Dutton                      Qualifications (if required): Montana General Public</p>	Revenue	6/30/2015
<p>Rep. Mike Jopek, Whitefish                      Qualifications (if required): knowledge in agriculture and agricultural economics</p>	Governor	6/30/2015
<p>Mr. Jerry Nielsen, Bozeman                      Qualifications (if required): knowledge in agriculture and agricultural economics</p>	Governor	6/30/2015
<p>Mr. Richard O'Brien, Great Falls                      Qualifications (if required): knowledge in agriculture and agricultural economics</p>	Governor	6/30/2015
<p>Mr. John Schutter, Manhattan                      Qualifications (if required): knowledge in agriculture and agricultural economics</p>	Governor	6/30/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Agriculture Land Valuation Advisory Council</b> (Revenue) cont. Ms. Helen (Jo) Shipman, Lewistown Qualifications (if required): knowledge in agriculture and agricultural economics	Governor	6/30/2015
Rep. Mike Miller, Helmville Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015
Sen. Bruce Tutvedt, Kalispell Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015
Mr. James Johnson, Bozeman Qualifications (if required): Member of the Montana State University College of Agriculture	Governor	6/30/2015
Mr. James O'Hara, Fort Benton Qualifications (if required): knowledge in agriculture and agricultural economics	Governor	6/30/2015
Mr. Dennis McDonald, Melville Qualifications (if required): knowledge in agriculture and agricultural economics	Governor	6/30/2015
Mr. William Krutzfeldt, Miles City Qualifications (if required): knowledge in agriculture and agricultural economics	Governor	6/30/2015
Rep. Mary McNally, Billings Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015
<b>Board of Banking</b> (Administration) Mr. Jack Johnson, Billings Qualifications (if required): public representative	Governor	7/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Board of Banking</b> (Administration) cont.            Mr. Phil G. Gaglia, Billings            Qualifications (if required): state bank officer of a large-sized bank</p>	Governor	7/1/2015
<p><b>Board of Funeral Services</b> (Labor and Industry)            Mr. Thomas Meeks, Great Falls            Qualifications (if required): licensed crematory operator</p>	Governor	7/1/2015
<p>Mr. Michael Thompson, Ronan            Qualifications (if required): licensed crematory operator</p>	Governor	7/1/2015
<p><b>Board of Hearing Aid Dispensers</b> (Labor and Industry)            Ms. Rebecca Wisnoskie, Helena            Qualifications (if required): hearing aid dispenser (no masters)</p>	Governor	7/1/2015
<p>Mr. Alfred McLees, Billings            Qualifications (if required): hearing aid dispenser (no masters)</p>	Governor	7/1/2015
<p><b>Board of Massage Therapists</b> (Labor and Industry)            Ms. Lyndsay Schott, Whitefish            Qualifications (if required): massage therapist</p>	Governor	5/6/2015
<p><b>Board of Nursing</b> (Labor and Industry)            Ms. Laura Weiss, Great Falls            Qualifications (if required): registered nurse</p>	Governor	7/1/2015
<p>Ms. Patsy Reece, Rexford            Qualifications (if required): licensed practical nurse</p>	Governor	7/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Board of Nursing Home Administrators</b> (Labor and Industry)                      Ms. Kathryn Beaty, Hamilton                      Qualifications (if required): nursing home administrator</p>	Governor	5/28/2015
<p><b>Board of Pharmacy</b> (Labor and Industry)                      Ms. Lee Ann Bradley, Missoula                      Qualifications (if required): licensed pharmacist</p>	Governor	7/1/2015
<p><b>Board of Physical Therapy Examiners</b> (Labor and Industry)                      Mr. Christian Appel, Bozeman                      Qualifications (if required): physical therapist</p>	Governor	7/1/2015
<p>Ms. Dana Hughes, Conrad                      Qualifications (if required): physical therapist</p>	Governor	7/1/2015
<p>Ms. Kathy Van Hook, Helena                      Qualifications (if required): public member</p>	Governor	7/1/2015
<p><b>Board of Plumbers</b> (Labor and Industry)                      Mr. Scott Lemert, Livingston                      Qualifications (if required): master plumber</p>	Governor	5/4/2015
<p>Mr. David Lindeen, Helena                      Qualifications (if required): public representative</p>	Governor	5/4/2015
<p>Ms. Debi Friede, Havre                      Qualifications (if required): public representative</p>	Governor	5/4/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Plumbers</b> (Labor and Industry) cont. Mr. Steve Carey, Frenchtown Qualifications (if required): journeyman plumber	Governor	5/4/2015
Mr. Denver Fraser, Clancy Qualifications (if required): Department of Environmental Quality representative	Governor	5/4/2015
<b>Board of Professional Engineers and Land Surveyors</b> (Governor) Mr. Casey E. Johnston, Butte Qualifications (if required): licensed electrical engineer	Governor	7/1/2015
Mr. M. Ruhul Amin, Bozeman Qualifications (if required): licensed mechanical engineer and instructor	Governor	7/1/2015
Ms. Ingrid Clare Lovitt-Abramson, Missoula Qualifications (if required): public representative	Governor	7/1/2015
Ms. Jane Eby, Kalispell Qualifications (if required): licensed land surveyor	Governor	7/1/2015
<b>Board of Real Estate Appraisers</b> (Labor and Industry) Ms. Julie Forbes, Jefferson City Qualifications (if required): real estate appraiser	Governor	5/1/2015
Ms. Lori Christophersen, Bozeman Qualifications (if required): public representative	Governor	5/1/2015



**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Realty Regulation</b> (Labor and Industry)		
Mr. C.E. Abe Abramson, Missoula Qualifications (if required): real estate salesperson and identifies himself as a Democrat	Governor	5/9/2015
Ms. Shirley McDermott, Laurel Qualifications (if required): public representative	Governor	5/9/2015
Ms. Connie Wardell, Billings Qualifications (if required): real estate salesperson and identifies himself as a Democrat	Governor	5/9/2015
Mr. Larry Milless, Stevensville Qualifications (if required): real estate salesperson and identifies himself as a Republican	Governor	5/9/2015
<b>Board of Radiologic Technologists</b> (Labor and Industry)		
Ms. Kelli Bush, Butte Qualifications (if required): radiologic technician	Governor	7/1/2015
Ms. Sharlett Dale, Harlowton Qualifications (if required): radiologic technician	Governor	7/1/2015
<b>Board of Regents of Higher Education</b> (Education)		
Ms. Mariah Williams, Missoula Qualifications (if required): Student Regent	Governor	6/30/2015
<b>Board of Research and Commercialization Technology</b> (Commerce)		
Mr. Jim Davison, Anaconda Qualifications (if required): Public Representative	Governor	7/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Board of Sanitarians</b> (Labor and Industry)            Mr. Rodney Fink, Columbus            Qualifications (if required): sanitarian</p>	Governor	7/1/2015
<p><b>Board of Veterinary Medicine</b> (Governor)            Ms. Joan Carey Marshall, Ekalaka            Qualifications (if required): veterinarian</p>	Governor	7/31/2015
<p>Ms. Kim Baker, Hot Springs            Qualifications (if required): consumer</p>	Governor	7/31/2015
<p><b>Board of Water Well Contractors</b> (Natural Resources and Conservation)            Mr. Kevin Haggerty, Bozeman            Qualifications (if required): water well contractor</p>	Governor	7/1/2015
<p>Mr. Laurence Siroky, Helena            Qualifications (if required): representative of the Board of Water Well Contractors</p>	Director	7/1/2015
<p><b>Commission on Community Service</b> (Governor)            Mr. Douglas M. Mitchell, Helena            Qualifications (if required): State Agency Representative</p>	Governor	7/1/2015
<p>Major Lori Chamberlain, Fort Harrison            Qualifications (if required): Agency Representative</p>	Governor	7/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Committee on Telecommunications Access Services for Persons with Disabilities</b> (Public Health and Human Services) Mr. Tyler Peart, Missoula Qualifications (if required): Largest Service Provider in Montana	Governor	7/1/2015
<b>Community First Choice Development and Implemenation Council</b> (Public Health and Human Services) Ms. Diana Tavary, Helena Qualifications (if required): Consumer	Director	5/17/2015
Ms. Claudia Clifford, Helena Qualifications (if required): Representative	Director	5/17/2015
Mr. Quentin Schroeter, Helena Qualifications (if required): Representative	Director	5/17/2015
Mr. Travis Hoffman, Missoula Qualifications (if required): Consumer	Director	5/17/2015
Mr. Richard Stuker, Chinook Qualifications (if required): Consumer	Governor	5/17/2015
Ms. Connie Leveque, Helena Qualifications (if required): Representative	Director	5/17/2015
Ms. Glenna Dreese, Florence Qualifications (if required): Consumer	Director	5/17/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Community First Choice Development and Implementation Council</b> (Public Health and Human Services) cont.		
Ms. Ashli Gross, Missoula Qualifications (if required): Consumer	Director	5/17/2015
Ms. Meg Traci, Missoula Qualifications (if required): Representative	Director	5/17/2015
Ms. Dawna Brinkel, Bozeman Qualifications (if required): Provider	Director	5/17/2015
Ms. Kris Carlson, Kalispell Qualifications (if required): Provider	Director	5/17/2015
Ms. Janece Jacob-Sharkey, Missoula Qualifications (if required): Provider	Director	5/17/2015
Ms. Kelly Reynolds, Missoula Qualifications (if required): Provider	Director	5/17/2015
Ms. Lisa Sheppard, Kalispell Qualifications (if required): Provider	Director	5/17/2015
Ms. Patty Rigney, Missoula Qualifications (if required): Provider	Director	5/17/2015
Mr. Todd Wood, Roundup Qualifications (if required): Provider	Director	5/17/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Community First Choice Development and Implementation Council</b> (Public Health and Human Services) cont. Ms. Deb Heerdt, Bozeman Qualifications (if required): Provider	Director	5/17/2015
Ms. Sue Neff, Butte Qualifications (if required): Provider	Director	5/17/2015
Ms. Tiffany Metzler, Billings Qualifications (if required): Consumer	Governor	5/17/2015
<b>District Court Council</b> (Justice) Ms. Lori Maloney, Butte Qualifications (if required): none specified	nominated	6/30/2015
Judge Gregory R. Todd, Billings Qualifications (if required): none specified	nominated	6/30/2015
<b>Economic Development Advisory Council</b> (Commerce) Mr. Jim Atchison, Colstrip Qualifications (if required): public representative	Governor	7/23/2015
Ms. Elizabeth Marchi, Polson Qualifications (if required): public representative	Governor	7/23/2015
Mr. Joe Menicucci, Belgrade Qualifications (if required): public representative	Governor	7/23/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Economic Development Advisory Council</b> (Commerce) cont. Mr. Richard Sangrey, Box Elder Qualifications (if required): tribal government representative	Governor	7/23/2015
Mr. Wade Sikorski, Baker Qualifications (if required): public representative	Governor	7/23/2015
Mr. Sean Becker, Bozeman Qualifications (if required): Public Representative	Governor	7/23/2015
Ms. Shari Eslinger, Bozeman Qualifications (if required): Prospera Business Network Region Representative	Governor	7/23/2015
<b>Electrical Board</b> (Labor and Industry) Mr. Mel Medhus III, Kalispell Qualifications (if required): master electrician	Governor	7/1/2015
<b>Family Education Savings Oversight Committee</b> (Commissioner of Higher Education) Mr. John Driscoll, Helena Qualifications (if required): public representative	Governor	7/1/2015
<b>Flathead Basin Commission</b> (Natural Resources and Conservation) Ms. Kate Hunt, Kalispell Qualifications (if required): public representative	Governor	6/30/2015
Mr. Charles (Jackson) Potter, Columbia Falls Qualifications (if required): public representative	Governor	6/30/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Flathead Basin Commission</b> (Natural Resources and Conservation) cont.                      Ms. Jasmine Courville-Brown, Ronan                      Qualifications (if required): public representative</p>	Governor	6/30/2015
<p><b>Forest Land Taxation Advisory Committee</b> (Revenue)                      Ms. Doreen Stokes, Plains                      Qualifications (if required): Forest Landowner</p>	Governor	6/30/2015
<p>Ms. Jean Curtiss, Missoula                      Qualifications (if required): county commissioner</p>	Governor	6/30/2015
<p>Mr. Bill Baum, Kalispell                      Qualifications (if required): nonindustrial forest landowner</p>	Governor	6/30/2015
<p>Mr. Scott Settle, Canyon Creek                      Qualifications (if required): industrial forest landowner</p>	Governor	6/30/2015
<p><b>Future Fisheries Review Panel</b> (Fish, Wildlife and Parks)                      Mr. Greg Munther, Missoula                      Qualifications (if required): Fisheries Expert</p>	Governor	7/1/2015
<p>Mr. Corey Fisher, Missoula                      Qualifications (if required): Licensed Angler</p>	Governor	7/1/2015
<p>Mr. Terry Chute, Helena                      Qualifications (if required): Silviculturist</p>	Governor	7/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Future Fisheries Review Panel</b> (Fish, Wildlife and Parks) cont.            Mr. Charles Cristman, Three Forks            Qualifications (if required): High School Student</p>	Governor	7/1/2015
<p>Mr. Chuck Dalby, Helena            Qualifications (if required): Public Representative</p>	Governor	7/1/2015
<p>Mr. Clint Peck, Billings            Qualifications (if required): Conservation Representative</p>	Governor	7/1/2015
<p>Mr. Bill Semmens, Helena            Qualifications (if required): Department of Transportation Representative</p>	Governor	7/1/2015
<p>Mr. Joseph Willauer, Butte            Qualifications (if required): Licensed Angler</p>	Governor	7/1/2015
<p><b>Historical Society Board of Trustees</b> (Historical Society)            Ms. Shirley Groff, Butte            Qualifications (if required): public member</p>	Governor	7/1/2015
<p>Mr. James W. Murry, Clancy            Qualifications (if required): public member</p>	Governor	7/1/2015
<p>Mr. Jude Sheppard, Chinook            Qualifications (if required): Public Representative</p>	Governor	7/1/2015



**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Judicial Standards Commission</b> (Supreme Court)            Judge Ed McLean, Missoula            Qualifications (if required): Herbicide dealer/applicator representative</p>	elected	6/30/2015
<p>Ms. Sue Schleif, Valier            Qualifications (if required): public representative</p>	Governor	7/1/2015
<p><b>Labor-Management Advisory Council</b> (Labor and Industry)            Mr. Don Judge, Helena            Qualifications (if required): representative of employees</p>	Director	6/1/2015
<p>Mr. Bill Dahlgren, Missoula            Qualifications (if required): representative of employers</p>	Director	6/1/2015
<p>Mr. Riley Johnson, Helena            Qualifications (if required): representative of employers</p>	Director	6/1/2015
<p>Mr. Bob Olsen, Helena            Qualifications (if required): Montana Hospital Association</p>	Director	6/1/2015
<p>Ms. Jacqueline Lenmark, Helena            Qualifications (if required): Private Insurers</p>	Director	6/1/2015
<p>Ms. Jean Branscum, Helena            Qualifications (if required): Montana Medical Association</p>	Director	6/1/2015
<p>General John Walsh, Helena            Qualifications (if required): none specified</p>	Director	6/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Labor-Management Advisory Council</b> (Labor and Industry) cont. Mr. Doug Buman, Seattle Qualifications (if required): representative of employees	Director	6/1/2015
Ms. Annette Hoffman, Billings Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Bob Worthington, Helena Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Alan Ekblad, Great Falls Qualifications (if required): representative of employees	Director	6/1/2015
Mr. William Russell McElyea, Bozeman Qualifications (if required): representative of employees	Director	6/1/2015
Mr. Al Smith, Helena Qualifications (if required): Montana Trial Lawyer Appointee	Director	6/1/2015
Mr. Scott Turner, Wordon Qualifications (if required): ex-officio member	Director	6/1/2015
Mr. Roger Wagner, Nashua Qualifications (if required): representative of employers	Director	6/1/2015
Ms. Marietta Canty, Clancy Qualifications (if required): Montana State Fund	Director	6/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Labor-Management Advisory Council</b> (Labor and Industry) cont.                      Ms. Shelley Hayes, Billings                      Qualifications (if required): Rehabilitation Association of Montana</p>	Director	6/1/2015
<p>Ms. Bonnie Lyytinen-Hale, Three Forks                      Qualifications (if required): Rehabilitation Association of Montana</p>	Governor	6/1/2015
<p><b>Labor-Management Advisory Council on Workers' Compensation (LMAC)</b> (Governor)                      Mr. Marvin Jordan, Great Falls                      Qualifications (if required): representative of employers</p>	Governor	6/1/2015
<p><b>Land Information Advisory Council</b> (Education)                      Mr. Art Pembroke, Helena                      Qualifications (if required): Local Government</p>	Governor	6/30/2015
<p>Mrs. Elaina Graham, Great Falls                      Qualifications (if required): Federal USDA Representative</p>	Governor	6/30/2015
<p>Mr. Myron Shield, Crow Agency                      Qualifications (if required): Indian Tribal interests</p>	Governor	6/30/2015
<p><b>Library Commission</b> (Higher Education)                      Ms. Anita Scheetz, Sidney                      Qualifications (if required): public representative</p>	Governor	5/22/2015
<p>Mr. Jim Gransbery, Billings                      Qualifications (if required): public representative</p>	Governor	5/22/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Low Income Energy Programs Policy Advisory Council</b> (Public Health and Human Services)		
Ms. Lou Moore, Helena Qualifications (if required): none specified	Director	7/30/2015
Mr. Mike Vogel, Bozeman Qualifications (if required): none specified	Director	7/30/2015
Mr. Phil Cooke, Helena Qualifications (if required): none specified	Director	7/30/2015
Ms. Lesa Evers, Helena Qualifications (if required): Tribal Relations Manager	Director	7/30/2015
Ms. Tina Shorten, Helena Qualifications (if required): Consumer Affairs Representative	Director	7/30/2015
<b>Mental Disabilities Board of Visitors</b> (Governor)		
Ms. Patricia Harant, Helena Qualifications (if required): Consumer of Mental Health Services	Governor	7/1/2015
Ms. Tracy Perez, Ronan Qualifications (if required): mental health treatment professional	Governor	7/1/2015
Ms. Miriam Hertz, Seeley Lake Qualifications (if required): Consumer of developmental disabilities services	Governor	7/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Cherry Commodity Advisory Committee</b> (Agriculture) Mr. Barry Hansen, Polson Qualifications (if required): none specified	Director	5/17/2015
Mr. Jan Tusick, Ronan Qualifications (if required): none specified	Director	5/3/2015
Mr. Dupuis Oliver, Polson Qualifications (if required): none specified	Director	5/17/2015
<b>Montana Health Coalition</b> (Public Health and Human Services) Dr. Gary Mihelish, Helena Qualifications (if required): none specified	Director	6/7/2015
Mr. Steve Todd, Ronan Qualifications (if required): Council	Governor	6/7/2015
Mr. Todd Harwell, Helena Qualifications (if required): Department of Public Health and Human Services	Governor	5/31/2015
Mr. Roger Holt, Billings Qualifications (if required): Parent Representative	Governor	5/31/2015
<b>Montana Heritage Preservation and Development Commission</b> (Commerce) Mr. F.W. Bill Howell, West Yellowstone Qualifications (if required): tourist facility manager	Governor	5/23/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Heritage Preservation and Development Commission</b> (Commerce) cont. Ms. Barbie Durham, Cameron Qualifications (if required): business person	Governor	5/23/2015
<b>Motorcycle Safety Advisory Commission</b> (Commissioner of Higher Education) Ms. Tina Schmaus, Missoula Qualifications (if required): cycle group member	Governor	7/1/2015
Mr. Derek Brown, Bozeman Qualifications (if required): peace officer	Governor	7/1/2015
<b>Noxious Weed Management Advisory Council</b> (Agriculture) Mr. Duane Robertson, Helena Qualifications (if required): Eastern Montana Weed District Representative	Director	7/19/2015
Mr. Jack Eddie, Dillon Qualifications (if required): Montana Weed Control Association	Director	7/19/2015
Director Ron de Yong, Helena Qualifications (if required): none specified	Director	7/19/2015
Mr. Todd Wagner, Glasgow Qualifications (if required): Crop Production Representative	Director	7/19/2015
Mr. Jim Gordon, Huntley Qualifications (if required): Herbicide Dealer or Applicator	Director	7/19/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Noxious Weed Management Advisory Council</b> (Agriculture) cont. Ms. Jennifer Anderson Vermillion, Livingston Qualifications (if required): Recreation Wildlife Group	Director	7/19/2015
Mr. Nico Cantalupo, White Sulphur Springs Qualifications (if required): At-Large member	Director	7/19/2015
Ms. Kellieann Morris, Stevensville Qualifications (if required): Western Weed District Representative	Director	7/19/2015
Mr. Bobby LaSalle, Box Elder Qualifications (if required): Livestock Production	Director	7/19/2015
Mr. Jim Oliverez, Missoula Qualifications (if required): Consumer Group	Director	7/19/2015
Mr. Kenny Keever, Havre Qualifications (if required): Biological Research and Control	Director	7/19/2015
<b>Petroleum Tank Release</b> (Environmental Quality) Mr. Roy Morris, Butte Qualifications (if required): service station dealer	Governor	6/30/2015
Mr. Tim McDermott, Bozeman Qualifications (if required): public member	Governor	6/30/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Postsecondary Scholarships Advisory Council</b> (Higher Education)            Mr. LeRoy Schramm, Helena            Qualifications (if required): experience in postsecondary education</p>	Governor	6/20/2015
<p><b>Potato Commodity Advisory Council</b> (Agriculture)            Mr. Sid Schutter, Manhattan            Qualifications (if required): Potato Producer</p>	Governor	5/20/2015
<p>Mr. Dan Lake, Ronan            Qualifications (if required): Potato Producer</p>	Governor	5/20/2015
<p>Mr. Roger Starkle, Ronan            Qualifications (if required): none specified</p>	Director	5/20/2015
<p>Mr. Dennis Day, Twin Bridges            Qualifications (if required): Potato Producer</p>	Director	5/20/2015
<p>Mr. Dave Cottom, Dillon            Qualifications (if required): Potato Producer</p>	Director	5/20/2015
<p><b>Private Land Public Wildlife Advisory Council</b> (Governor)            Dr. Daniel R. Fiehrer, Helena            Qualifications (if required): Sports person</p>	Governor	7/31/2015
<p>Mr. Jack Billingsley, Glasgow            Qualifications (if required): Outfitter</p>	Governor	7/31/2015



**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Private Land Public Wildlife Advisory Council</b> (Governor) cont. Ms. Kathy Hadley, Deer Lodge Qualifications (if required): Sportsperson	Governor	7/31/2015
Sen. Jim Peterson, Buffalo Qualifications (if required): landowner	Governor	7/31/2015
Mr. Kevin Chappell, Helena Qualifications (if required): DNRC Ex-Officio	Governor	7/31/2015
Rep. Kendall Van Dyk, Billings Qualifications (if required): landowner	Governor	7/31/2015
Mr. Mike Henning, Fairfield Qualifications (if required): Sportsperson	Governor	7/31/2015
Mr. Dwayne Andrews, Miles City Qualifications (if required): Sportsperson	Governor	7/31/2015
Mr. George Bain, Missoula Qualifications (if required): USFS Ex-Officio Member	Governor	7/31/2015
Mr. Rod Bullis, Helena Qualifications (if required): Landowner	Governor	7/31/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Private Land Public Wildlife Advisory Council</b> (Governor) cont. Ms. Lisa Flowers, Choteau Qualifications (if required): Sportsperson	Governor	7/31/2015
Rep. Tom Jacobson, Great Falls Qualifications (if required): Sportsperson	Governor	7/31/2015
Mr. Denley Loge, St. Regis Qualifications (if required): landowner	Governor	7/31/2015
Mr. Robert DesRosier, Browning Qualifications (if required): Tribal Member	Governor	7/31/2015
<b>Public Defender Commission</b> (Administration) Ms. Majel Russell, Billings Qualifications (if required): member of an organization advocating on behalf of racial minorities	Governor	7/1/2015
Mr. Charles Petaja, Helena Qualifications (if required): Attorney nominated by the Montana Supreme Court	Governor	7/1/2015
<b>Public Health System Improvement Task Force</b> (Public Health and Human Services) Ms. Jean Curtiss, Missoula Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Janet Runnion, Box Elder Qualifications (if required): Agencies and Associations	Director	6/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Public Health System Improvement Task Force</b> (Public Health and Human Services) cont. Ms. Bonnie Lovelace, Helena Qualifications (if required): Ex-Officio Member	Director	6/1/2015
Ms. Lora Wier, Choteau Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Kristi Aklestad, Shelby Qualifications (if required): Local Health Departments	Director	6/1/2015
Ms. Danielle Golie, Havre Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Jill Grim, Columbus Qualifications (if required): Local Health Departments	Director	6/1/2015
Ms. Charlene Johnson, Billings Qualifications (if required): Agencies and Associations	Director	6/1/2015
Mr. Craig Molgaard, Missoula Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Melanie Reynolds, Helena Qualifications (if required): Local Health Departments	Director	6/1/2015
Mr. Joe Russell, Kalispell Qualifications (if required): Local Health Departments	Director	6/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Public Health System Improvement Task Force</b> (Public Health and Human Services) cont. Ms. Lindsey Krywaruchka, Helena Qualifications (if required): Ex-Officio Member	Director	6/1/2015
<b>Reserved Water Rights Compact Commission</b> (Natural Resources and Conservation) Rep. Dorothy Bradley, Bozeman Qualifications (if required): public representative	Governor	6/1/2015
Mr. Gene Etchart, Glasgow Qualifications (if required): public representative	Governor	6/1/2015
Mr. Chris D. Tweeten, Helena Qualifications (if required): none specified	Attorney General	5/31/2015
Mr. Richard Kirn, Poplar Qualifications (if required): public representative	Governor	6/1/2015
Mr. Mark DeBruycker, Bynum Qualifications (if required): public representative	Governor	6/1/2015
<b>Small Business Compliance Assistance Advisory Council</b> (Environmental Quality) Mr. Keith Ouzts, Helena Qualifications (if required): none specified	Council Secretary	5/24/2015
Mr. Dan Sharon, Butte Qualifications (if required): none specified	Council Secretary	5/24/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Small Business Compliance Assistance Advisory Council</b> (Environmental Quality) cont. Ms. Krista Lee Evans, Helena Qualifications (if required): none specified	Council Secretary	5/24/2015
Mr. Brad Reid, Missoula Qualifications (if required): none specified	Council Secretary	5/24/2015
<b>State Council on Educational Opportunity for Military Children</b> (Military Affairs) Colonel Harold Stearns, Missoula Qualifications (if required): Compact Commissioner and ex-officio member	Governor	6/30/2015
Ms. Tammy Lacey, Fairfield Qualifications (if required): Superintendent of a School District with a High Concentration of Military Children	Governor	6/30/2015
Superintendent Denise Juneau, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	6/30/2015
Master Sergeant Benjamin Aylward, Great Falls Qualifications (if required): representative of a Military Installation	Governor	6/30/2015
Major Renea Dorvall, Fort Harrison Qualifications (if required): Representative of the Executive Branch	Governor	6/30/2015
<b>State Tribal Economic Development Commission</b> (Commerce) Mr. Channis Whiteman, Crow Agency Qualifications (if required): Crow Tribe's Alternate member	Governor	6/30/2015

**VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2015 THROUGH JULY 31, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>State Tribal Economic Development Commission</b> (Commerce) cont. Mr. Shawn Real Bird, Garryowen Qualifications (if required): representative of the Crow Tribe	Governor	6/30/2015
Mr. Gerald Gray, Billings Qualifications (if required): representative of the Little Shell Band of Chippewa	Governor	6/30/2015
Mr. Michael Fox Jr., Harlem Qualifications (if required): representative of the Fort Belknap Indian Community	Governor	6/30/2015
<b>Teachers' Retirement Board</b> (Administration) Mr. James Turcotte, Helena Qualifications (if required): public representative	Governor	7/1/2015
Ms. Marilyn J. Ryan, Missoula Qualifications (if required): retired teacher	Governor	7/1/2015
Mrs. Lisa Cordingley, Helena Qualifications (if required): Public Representative	Governor	7/1/2015
<b>Tourism Advisory Council</b> (Commerce) Ms. Cynthia Andrus, Bozeman Qualifications (if required): resident of Yellowstone Country	Governor	7/1/2015
Ms. Kim Holzer, Stanford Qualifications (if required): resident of Russell Country	Governor	7/1/2015

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<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Tourism Advisory Council</b> (Commerce) cont.		
Ms. Beverly Harbaugh, Jordan Qualifications (if required): resident of Missouri River Country	Governor	7/1/2015
Ms. Jackie Yellowtail, Crow Agency Qualifications (if required): tribal government representative and resident of Southeast Montana Country	Governor	7/1/2015
Mrs. Lark Paz, Crow Agency Qualifications (if required): Southwest Montana Country and Tribal Government Representative	Governor	7/1/2015
<b>Upper Clark Fork River Basin Remediation and Restoration Advisory Council</b> (Justice)		
Mr. Jim Kambich, Butte Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Mr. Jon A. Krutar, Helena Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Ms. Tracy Stone-Manning, Missoula Qualifications (if required): Director of Department of Environmental Quality	Governor	7/31/2015
Mr. Jim Davison, Anaconda Qualifications (if required): Resident of Upper Clark Fork River Basin	Governor	7/31/2015
Director Jeff Hagener, Helena Qualifications (if required): Director of Fish, Wildlife and Parks	Governor	7/31/2015

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<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Upper Clark Fork River Basin Remediation and Restoration Advisory Council</b> (Justice) cont.		
Mr. William Rossbach, Missoula Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Mr. Roy O'Connor, Missoula Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Mr. Elton Ringsak, Butte Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Ms. Katherine Eccleston, Anaconda Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Ms. Maureen Connor, Philipsburg Qualifications (if required): Resident of the Upper Clark Fork Basin	Governor	7/31/2015
Director John Tubbs, Helena Qualifications (if required): Director of Department of Natural Resources and Conservation	Governor	7/31/2015
<b>Western Interstate Commission on Higher Education</b> (Education)		
Mr. Pat Williams, Missoula Qualifications (if required): engaged in professional occupation	Governor	6/24/2015