

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 4.17.105, 4.17.106, and) PROPOSED AMENDMENT
4.17.107 pertaining to Organic)
Application Procedures and Fees,)
Fees For Services, and Annual)
Report and Assessment Fees)

TO: All Concerned Persons

1. On June 22, 2015, at 2:00 p.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, at 302 N. Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on June 15, 2015, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, 302 N. Roberts, Helena, Montana, 59601; telephone (406) 444-3144; fax (406) 444-5409; or e-mail cojensen@mt.gov.

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

4.17.105 APPLICATION PROCEDURES (1) through (6) remain the same.

(7) Applications for certification ~~must~~ may include labels for all crop, livestock and handling inputs, and processing aids and evidence that each input and processing aid contains only allowed substances. Such evidence may consist of lists of ingredients, statements from manufacturers, or verification of recognized third party review.

(8) remains the same.

~~(9) Applications for initial certification of producers are due at least 120 days prior to the harvest of organic crops or the sale of organic livestock or livestock products.~~

~~(a)~~(9) Applications to continue producer certification are due no later than March 15 annually.

~~(b) Applications for initial certification of handlers can be made at any time.~~

~~(c)~~(10) Applications to continue handler certification are due no later than September 15 annually.

~~(10)~~(11) Certified operations that do not apply to continue certification or do not comply annually with 7 CFR 205.406 may have their certification suspended. An operation that has its certification suspended may reapply, but shall pay the fees of a new applicant. ~~but would not qualify for the new applicant discount.~~

~~(11)~~(12) An application for certification may be withdrawn by the applicant at any time:

(a) and (b) remain the same.

AUTH: 80-11-601, MCA

IMP: 80-11-601, MCA

REASON: The change of the word 'must' to 'may' within ARM 4.17.105(7) reflects the current policies of the department.

The addition of the expedited surcharge in ARM 4.17.106(9) makes the language in 4.17.105(9) and (9)(b) no longer applicable.

The change in ARM 4.17.105 clarifies that applicants that are in a re-application status would not qualify for a credit.

FISCAL IMPACT: No fiscal impact.

4.17.106 APPLICATION FEES AND FEES FOR SERVICES (1) Application fees for producers are as follows:

~~(a) the application fee is \$165 for operations having less than \$20,000 in gross sales annually;~~

~~(b) the application fee is \$200 for operations having \$20,000 to \$100,000 in gross sales annually;~~

~~(c) the application fee is \$300 for operations having more than \$100,000 in gross sales annually;~~

~~(d) an additional application fee is \$150 for new applications for certification;~~

~~(e) an additional application fee is \$250 for each additional certification requested;~~

~~(f) an additional fee for mixed operations is as follows:~~

~~(i) \$50 if gross sales are less than \$20,000 annually;~~

~~(ii) \$100 if gross sales are from \$20,000 to \$100,000 annually; and~~

~~(iii) \$150 if gross sales are more than \$100,000 annually; and~~

(a) a new applicant will receive a \$100 credit to be applied to the first-year fees;

(b) the application fee for an operation with gross annual organic sales from \$0 to \$20,000.99 is \$600;

(c) the application fee for an operation with gross annual organic sales from \$20,001 to \$40,000.99 is \$700;

(d) the application fee for an operation with gross annual organic sales from \$40,001 to \$100,000.99 is \$800;

(e) the application fee for an operation with gross annual organic sales from \$100,001 to \$250,000.99 is \$900;

(f) the application fee for an operation with gross annual organic sales from \$250,001 to \$500,000.99 is \$1,000;

(g) the application fee for an operation with gross annual organic sales from \$500,001 to \$1,000,000.99 is \$1,250;

(h) the application fee for an operation with gross annual organic sales at or above \$1,000,001 is \$1,500; and

~~(g)(i) an additional fee is \$75~~ \$100 for combined livestock and crop operations.

(2) Application fees for handlers are as follows:

~~(a) the application fee is \$215 per facility for operations having less than \$20,000 in gross sales annually;~~

~~(b) the application fee is \$250 per facility for operations having \$20,000 to \$100,000 in gross sales annually;~~

~~(c) the application fee is \$400 per facility for operations having more than \$100,000 in gross sales annually;~~

~~(d) an additional application fee is \$150 for new applications for certification;~~

~~(e) an additional application fee is \$250 for each additional certification requested; and~~

(a) a new applicant will receive a \$100 credit to be applied to the first-year fees;

(b) the application fee for an operation with gross annual organic sales from \$0 to \$20,000.99 is \$600;

(c) the application fee for an operation with gross annual organic sales from \$20,001 to \$40,000.99 is \$700;

(d) the application fee for an operation with gross annual organic sales from \$40,001 to \$100,000.99 is \$800;

(e) the application fee for an operation with gross annual organic sales from \$100,001 to \$250,000.99 is \$900;

(f) the application fee for an operation with gross annual organic sales from \$250,001 to \$500,000.99 is \$1,000;

(g) the application fee for an operation with gross annual organic sales from \$500,001 to \$1,000,000.99 is \$1,250;

(h) the application fee for an operation with gross annual organic sales at or above \$1,000,001 is \$1,500; and

~~(f)(i) if an operation is certified as a producer, or is applying for certification as a producer, the operation may subtract \$115 from the base application fee for handler certification.~~

(3) Each applicant for certification will be inspected initially and yearly thereafter, in compliance with 7 CFR 205.403, to assess compliance with certification standards. Fees will be charged to the applicant in amounts sufficient to cover costs of the inspection:

~~(a) for any inspections conducted by department staff, The inspection charge will be \$35 to \$75 per hour for time incurred in the inspection and writing the report. The exact hourly rate will be set each year based on actual cost to the department. The department will also charge per diem and mileage at standard state rates, plus a 10% administrative charge; and~~

~~(b) for inspections conducted by contracted inspectors, the inspection charge will be equal to that specified in the contract with the inspector and paid to the inspector by the department, plus a 10% administrative charge.~~

~~(4) The fee for a transaction documentation form is \$10 per sales-specific transaction documentation form that is completed by the department, and \$10 for a~~

~~booklet of ten sequentially numbered transaction documentation forms with an expiration date that may be used by the certified operation.~~

(4) The label and product profile review fee is \$35 for each new or revised label.

(5) and (6) remain the same.

(7) Applications submitted after the deadline must include an additional late fee of \$200. On the first of every month after the first month, an additional \$100 will be added to the late fee.

~~(a) Application fees and the related \$200 late fee are subject to a collection fee of 18% annual percentage rate or a minimum fee of \$25, whichever is greater, for any payment amount not received within 45 days of the deadline and for each monthly billing cycle thereafter.~~

(8) remains the same.

(9) A surcharge of up to \$1,000 may be charged for expedited services depending on the speed, time of the year, and resources required. The department may set pricing standards within department policy.

AUTH: 80-11-601, MCA

IMP: 80-11-601, MCA

REASON: The Organic Certification program does not receive general fund money and must be self-supporting through fees that are commensurate with the cost of providing certification services. The program has not had a universal fee increase since its inception in 1999.

Current program fees do not cover the costs of the program. The increase in the application and inspection fees for producers and handlers will allow the department to recover a larger portion of the actual cost required to certify operations. Revenue collected will be deposited in the special revenue account established by 80-11-602, MCA.

It should be noted that Federal Cost Share dollars from the 2014 Farm Bill (75% of costs up to \$750) are available to both producers and handlers as a reimbursement of certification costs.

The department proposes to modify the new applicant fee from a charge to a credit to encourage new clientele and growth of the program.

The department proposes to eliminate the additional certification fee referenced in (2)(e) above. Additional certifications are no longer required since there are now USDA National Organic Program Equivalency Agreements in place with foreign countries.

The mixed operation fee is confusing to clientele and often requires more time and expense to administer than the revenue generated by the fee. It also discourages mixed operations from certifying. Thus, the department is proposing to eliminate the

fee. The combined livestock and crop operations fee is increasing to recover cost of the additional evaluation.

The department proposes to eliminate the need to go through rulemaking to adjust the hourly inspection charge rate. Basing the rate on an annual analysis of the cost of doing business will enable the department to more accurately set the dollar-per-hour rate and to more fully recover inspection costs.

The department proposes to eliminate the fee for Transaction Documentation Forms (TDF) since TDFs are no longer issued.

The department proposes to add a fee for reviewing labels and product profiles. This fee would allow the department to recover costs associated with this labor-intensive process.

The department is proposing to change the structure of how the application late fee is calculated and increase the cost to delinquent applicants. Applications received after the due date shorten the time required to process applications effectively, conduct inspections efficiently, and certify operations in a timely manner.

Expedited services (e.g., certification in less than 90 days) are requested on a regular basis. These types of services can be provided; however, the department needs the ability to charge for services that require additional resources or rescheduling.

FISCAL IMPACT: FY14 expenditures for the organic program exceeded revenue by over \$11,500. Budget projections indicate future shortfalls of as much as \$60,000 annually as personnel and operation costs continue to increase.

Application fees for producers have been modified.

The proposed fees for producers in the \$0 to \$20,000 tier have increased by \$435 per applicant. Based on FY14 projections, this increase would affect 55 producers and generate an additional \$23,925 in revenue.

The proposed fees for producers in the \$20,001 to \$40,000 tier have increased by \$500 per applicant. Based on FY14 projections, this increase would affect 13 people and generate an additional \$6,500 in revenue.

The proposed fees for producers in the \$40,001 to \$100,000 tier have increased by \$600 per applicant. Based on FY14 projections, this increase would affect 23 producers and generate an additional \$13,800 in revenue.

The proposed fees for producers in the \$100,001 to \$250,000 tier have increased by \$600 per applicant. Based on FY14 projections, this increase would affect 12 producers and generate an additional \$7,200 in revenue.

The proposed fees for producers in the \$250,001 to \$500,000 tier have increased by \$700 per applicant. Based on FY14 projections, this increase would affect 10 producers and generate an additional \$7,000 in revenue.

The proposed fees for producers in the \$500,001 to \$1,000,000 tier have increased by \$950 per applicant. Based on FY14 projections, this increase would affect four producers and generate an additional \$3,800 in revenue.

The proposed fees for producers in the over \$1,000,001 tier have increased by \$1,200 per applicant. Based on FY14 projections, this increase would affect two producers and generate an additional \$2,400 in revenue.

The new application fee will decrease by \$250 and affect an estimated nine producers. This change would decrease revenue by \$2,250.

Based on FY14 projections, removal of the various mixed operation fees would affect eight producers in the less than \$20,000 category, five producers in the \$20,001 to \$100,000 category, and seven producers in the greater than \$100,001 category. This change would decrease revenue by \$1,950.

Based on FY14 projections, the \$25 increase in the combined livestock and crop operation fee would affect 27 producers and generate an additional \$675.

This rule specifies that the hourly rate for staff inspectors will be set annually by the department at a rate that recovers the cost to the state. It is anticipated that the hourly rate for contract and staff inspectors will be \$50 per hour based on the current contractor rates and hourly staff rates including benefits. There will be an additional projected revenue amount of approximately \$9,750.

Removal of the Transaction Document Fee (TDF) will have no significant fiscal impact. No TDFs were issued in FY2014.

Removal of the additional certification fee will have no significant fiscal impact.

Application fees for handlers have been modified.

The proposed fees for handlers in the \$0 to \$20,000 tier have increased by \$385 per applicant. Based on FY14 projections, this increase would affect 14 handlers and generate an additional \$5,390 in revenue.

The proposed fees for handlers in the \$20,001 to \$40,000 tier have increased by \$450 per applicant. Based on FY14 projections, this increase would affect three handlers and generate an additional \$1,350 in revenue.

The proposed fees for handlers in the \$40,001 to \$100,000 tier have increased by \$550 per applicant. Based on FY14 projections, this increase would affect five handlers and generate an additional \$2,750 in revenue.

The proposed fees for handlers in the \$100,001 to \$250,000 tier have increased by \$500 per applicant. Based on FY14 projections, this increase would affect eight handlers and generate an additional \$4,000 in revenue.

The proposed fees for handlers in the \$250,001 to \$500,000 tier have increased by \$600 per applicant. Based on FY14 projections, this increase would affect five handlers and generate an additional \$3,000 in revenue.

The proposed fees for handlers in the \$500,001 to \$1,000,000 tier have increased by \$850 per applicant. Based on FY14 projections, this increase would affect five handlers and generate an additional \$4,250 in revenue.

The proposed fees for handlers in the over \$1,000,001 tier have increased by \$1,100 per applicant. Based on FY14 projections, this increase would affect four handlers and generate an additional \$4,400 in revenue.

Addition of the \$35 label and product review fee will affect approximately 44 operations. The department reviewed approximately 75 new or revised labels/product profiles in FY 2014. The addition of this fee will generate approximately \$2,625 in revenue.

The total estimated net change in revenue of the changes listed in ARM 4.17.106 would result in an increase of \$98,615 of annual revenue.

4.17.107 ANNUAL REPORT AND ASSESSMENT FEES (1) Producers and handlers certified by the department, and new applicants for certification, must submit an annual report of their total gross sales and handling charges for all certified organic production and handling. Certified producers and new applicants for producer certification shall pay an annual assessment fee to the department as a percentage of gross sales of organically produced products. Certified handlers and new applicants for handler certification shall pay an ~~flat~~ annual assessment fee ~~based on their reported level~~ as a percentage of gross sales and handling charges for all products and services included in their Organic Handling System Plans (OHSP):

(a) the annual report and assessment for producers and handlers of all gross sales and handling charges shall be for the previous calendar year;

(b) the report and fees for ~~both producers and handlers~~ are due on March 15 annually. The report and fees for handlers are due on September 15 annually. The department may assess a 10% penalty (~~based on the previous annual assessment report fee amount~~), or a minimum fee of \$25, whichever is greater, for any assessment reports received after the deadline. The department may require past-due payment of fees prior to providing certification services.

~~(2) The assessment fee on gross sales and handling charges for production and handling certified by the department is as follows:~~

~~(a) the fee for certified producers is 1.0% of gross sales of organic crops, livestock, and products;~~

(b) the fee for certified handlers is:

- ~~(i) \$25 for handlers whose gross sales and handling charges are less than \$5,000 per year;~~
- ~~(ii) \$50 for handlers with gross sales and handling charges of \$5,000 to \$20,000;~~
- ~~(iii) \$100 for handlers with gross sales and handling charges of \$20,001 to \$40,000;~~
- ~~(iv) \$200 for handlers with gross sales and handling charges of \$40,001 to \$100,000;~~
- ~~(v) \$500 for handlers with gross sales and handling charges of \$100,001 to \$250,000;~~
- ~~(vi) \$1,000 for handlers with gross sales and handling charges of \$250,001 to \$500,000;~~
- ~~(vii) \$2,000 for handlers with gross sales and handling charges of \$500,001 to \$1,000,000; and~~
- ~~(viii) \$4,000 for handlers with gross sales and handling charges of over \$1,000,000.~~

(2) The assessment fee for producers is 0.5% of sales except that the minimum producer assessment is \$150 and the maximum producer assessment is \$5,000.

(3) The assessment fee for handlers is 0.5% of sales except that the minimum handler assessment is \$150 and the maximum handler assessment is \$5,000.

~~(3)~~(4) All assessment fees are nonrefundable upon receipt.

(5) Any fees paid or owed in excess of the rule caps stated in ARM 4.17.106 for the year 2015 will be refunded to the producer, or if still owing will be considered void.

AUTH: 80-11-601, MCA

IMP: 80-11-601, MCA

REASON: During the review and analysis of program fees, it became apparent that the original fee structure was set up for a beginning program and the assessment fee was not balanced between producers and handlers for the current environment. Therefore, the proposed fees contain a change in structure to provide a more equitable assessment between producers and handlers, including some decreased fees as well as increased fees. The result of all fee changes within this proposal does increase revenue to the Organic Certification program.

Changing the annual handler sales assessment due date to September 15 will synchronize the handler sales assessment due date with the handler application date. The previous due date of March 15 was confusing to handler applicants since it did not coincide with the renewal date.

The 10% penalty on the previous assessment amount was confusing and difficult to implement. Changing the 10% penalty from the previous assessment amount to the

current assessment amount will make this amount easier to calculate for the department and the clientele.

These proposed rule changes could not become effective prior to the due date of the 2015 application season, thereby prolonging the inequity of sales assessments for another year. For that reason, the department is proposing to make the change to the producer assessment fee retroactive for the 2014 reporting year. If the rule is not made retroactive, the organic program could potentially, based on FY14 statistics, lose seven producers to lower costs certifiers and the associated fees of approximately \$70,000 in annual revenue. Additionally, the department will waive late fees of producers affected by the retroactive assessment fee.

FISCAL IMPACT: Changing the assessment fee structure affects each producer and handler differently, depending on their annual gross sales. The department has used averages of actual costs of all tier groups from FY14 to project the future fiscal impact. However, the examples below only list the proposed minimum and maximum tiers for producers and handlers. The total estimated net change in revenue of the changes listed in ARM 4.17.107 would result in a decrease of \$53,412 of annual revenue.

The rule establishes a \$150 minimum assessment fee for new applicants and renewing certified producers. Based on FY14 projections, this would affect approximately 59 producers with an average increase of \$104 per applicant, generating an additional \$6,136 in revenue.

The rule establishes a maximum fee of \$5,000 for new applicants and renewing certified producers. Based on FY14 projections, this would affect approximately two producers with an average decrease of \$11,767 per applicant, creating a reduction of revenue of \$23,534.

The rule establishes a \$150 minimum assessment fee for new applicants and renewing certified handlers. Based on FY14 projections, this would affect approximately 17 handlers with an average increase of \$102 per applicant, generating an additional \$1,734 in revenue.

The rule establishes a maximum fee of \$5,000 for new applicants and renewing certified handlers. Based on FY14 projections, this would affect approximately four handlers with an average increase of \$1,000 per applicant, generating an additional \$4,000 in revenue.

There is no additional fiscal impact related to new (5) in ARM 4.17.107. The reduced revenue is already reflected in the impact description above.

The one-time exemption of the assessment-related late fee would affect two producers and reduce 2015 revenue by \$2,560.

The combined estimated net change in revenue for changes in ARM 4.17.106 and 4.17.107 result in an annual increase of \$45,203 of total revenue.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen, Department of Agriculture, P.O. Box 200201, Helena, Montana, 59620-0201; telephone (406) 444-3144; fax (406) 444-5409; or e-mail cojensen@mt.gov, and must be received no later than 5:00 p.m., June 29, 2015.

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

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

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

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will significantly and directly impact small businesses

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

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

Certified to the Secretary of State May 18, 2015.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 4.5.206, 4.5.208, 4.5.209, and) PROPOSED AMENDMENT
4.5.210 pertaining to the state)
noxious weed list and regulated plant)
list)

TO: All Concerned Persons

1. On June 23, 2015, at 2:00 p.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, at 302 N. Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on June 15, 2015, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, 302 N. Roberts, Helena, Montana, 59601; telephone (406) 444-3144; fax (406) 444-5409; or e-mail cojensen@mt.gov.

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

4.5.206 PRIORITY 1A (1) These weeds are not present or have a very limited presence in Montana. Management criteria will require eradication if detected, education, and prevention:

- (a) Yellow starthistle (*Centaurea solstitialis*), ~~and~~
- (b) Dyer's woad (*Isatis tinctoria*), ~~and~~
- (c) Common reed (*Phragmites australis* ssp. *australis*).

AUTH: 80-7-802, MCA
IMP: 7-22-2101, MCA

REASON: The Noxious Weed Listing Workgroup has recommended that Common reed be added as a Priority 1A Noxious Weed. Common reed has the capacity to spread rapidly, form large monocultures and dense stands, and to replace native *Phragmites* subspecies as well as other native species. Common reed is a perennial grass that can be rhizomatous or stoloniferous, and can reach heights of six to nine feet. Typical habitat is wet or muddy areas in marshes, sloughs, and waterways. Common reed can grow in both saline and freshwater areas and tolerates low water levels. Small infestations have been confirmed in Hill County, Montana.

ECONOMIC IMPACT: The financial impact of adding Common reed will be minimal because of the few, isolated infestations, which are controllable.

4.5.208 PRIORITY 2A (1) These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment of these weeds where less abundant. Management shall be prioritized by local weed districts:

- (a) through (f) remain the same.
- (g) Blueweed (*Echium vulgare*); ~~and~~
- ~~(h) Hoary alyssum (*Berteroa incana*).~~
- (h) Eurasian watermilfoil (*Myriophyllum spicatum*); and
- (i) Flowering rush (*Butomus umbellatus*).

AUTH: 80-7-802, MCA

IMP: 7-22-2101, MCA

REASON: The Noxious Weed Listing Workgroup has recommended that the noxious weed listing for Eurasian watermilfoil and Flowering rush be changed from Priority 2B to Priority 2A. The current Priority 2B designation does not reflect the current weed infestations and is more appropriately listed as a Priority 2A noxious weed. The change will give county weed districts greater flexibility in addressing control of these weed species.

The Workgroup also recommended that Hoary alyssum be reprioritized from Priority 2A to 2B. Hoary alyssum has become widespread in Montana and is better represented as a Priority 2B noxious weed, which are abundant in Montana and widespread in many counties.

ECONOMIC IMPACT: Change in prioritization on the noxious weed list will not have a fiscal impact because weed district management of these weed species is the same whether listed as a Priority 2A or 2B.

4.5.209 PRIORITY 2B (1) These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment of these weeds where less abundant. Management shall be prioritized by local weed districts:

- (a) through (o) remain the same.
- ~~(p) Flowering rush (*Butomus umbellatus*);~~
- ~~(q) Eurasian watermilfoil (*Myriophyllum spicatum*); and~~
- ~~(r) (p) Curlyleaf pondweed (*Potamogeton crispus*); and~~
- (q) Hoary alyssum (*Berteroa incana*).

AUTH: 80-7-802, MCA

IMP: 7-22-2101, MCA

REASON: The Noxious Weed Listing Workgroup has recommended that the noxious weed listing for Eurasian watermilfoil and Flowering rush be changed from Priority 2B to Priority 2A. The current Priority 2B designation does not reflect the current weed infestations and is more appropriately listed as a Priority 2A noxious weed. The change will give county weed districts greater flexibility in addressing control of these weed species.

The Workgroup also recommended that Hoary alyssum be reprioritized as a Priority 2B. Hoary alyssum has become widespread in Montana and is better represented as Priority 2B, which lists weeds that are abundant in Montana and widespread in many counties.

ECONOMIC IMPACT: Change in prioritization on the noxious weed list will not have a fiscal impact because weed district management of these weed species is the same whether listed as a Priority 2A or 2B.

4.5.210 PRIORITY 3 REGULATED PLANTS (NOT MONTANA LISTED NOXIOUS WEEDS) (1) These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education, and prevention to minimize the spread of the regulated plant:

(a) and (b) remain the same.

(c) Russian olive (*Elaeagnus angustifolia*);

(d) Brazilian waterweed (*Egeria densa*); and

(e) Parrot feather watermilfoil (*Myriophyllum aquaticum* or *M. brasiliense*).

AUTH: 80-7-802, MCA

IMP: 7-22-2101, MCA

REASON: The Noxious Weed Listing Workgroup has recommended that Brazilian waterweed and Parrot feather watermilfoil be added as regulated plants. Both of these plants are popular aquarium and water garden plants and may be introduced into Montana water bodies through aquarium dumps. Montana has one record of Parrot feather watermilfoil in Ravalli County. Idaho has confirmed an aquarium dump that included Brazilian waterweed into an irrigation ditch in the Boise area and confirmed an infestation in the colder water on the Snake River.

ECONOMIC IMPACT: Listing as a Priority 3 Regulated Plant will eliminate sale of these species in the state. This will have an economic impact to the pet trade because of loss of sales of existing aquarium plant stock and replacement purchase of other suitable aquarium plant material.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen, Department of Agriculture, 302 N. Roberts, Helena, Montana, 59601; telephone (406) 444-3144; fax (406) 444-5409; or e-mail cojensen@mt.gov, and must be received no later than 5:00 p.m., June 30, 2015.

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

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

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

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

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

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

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

Certified to the Secretary of State May 18, 2015.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 10.63.108 pertaining to) PROPOSED AMENDMENT
preschool hours)

TO: All Concerned Persons

1. On June 24, 2015, at 10:30 a.m., the Board of Public Education will hold a public hearing in the Office of Public Instruction second floor conference room at 1227 11th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board of Public Education 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 Board of Public Education no later than 5:00 p.m. on June 23, 2015, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

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

10.63.108 AGGREGATE HOURS (1) Trustees may designate the preschool program as either a half-time or full-time program with a minimum of ~~720~~ 540 hours. Outdoor play, snack, and meal time are included in the aggregate hours. Nap time and daily transportation to and from the classroom do not count as part of the ~~720~~ 540-hour preschool program hours.

(2) The trustees of a school district shall set the number of days in the school term, the length of the school day, and the number of school days in a week.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

4. Statement of Reasonable Necessity: The Board of Public Education finds that it is reasonable and necessary to amend this rule because the reference to 720 hours was an error. The correct number of hours is 540 hours which is half time.

5. The board intends to amend this rule effective July 29, 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: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax

(406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., June 29, 2015.

7. Peter Donovan has been designated to preside over and conduct this hearing.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the 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 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 board.

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 board has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Sharon Carroll
Sharon Carroll
Board Chair
Board of Public Education

Certified to the Secretary of State May 18, 2015.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.6.2204, 12.6.2208, and) PROPOSED AMENDMENT
12.6.2215 pertaining to exotic species)
classification)

TO: All Concerned Persons

1. On June 24, 2015, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than June 12, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

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

12.6.2204 SPECIFIC REQUIREMENTS FOR CARE AND HOUSING OF EXOTIC WILDLIFE (1) remains the same.

(2) Coho salmon, *onocorhynchus kisutch*, and Pacific White Shrimp, *Penaeus (Litopenaeus) vannamei*, may only be raised for commercial activities.

(a) Coho salmon and Pacific White Shrimp must be raised in a facility that:

(i) through (vii) remain the same.

(b) Live fish animals listed under this section may not be transferred into or out of the facility.

(c) through (e) remain the same.

(f) Imported shrimp must be certified specific pathogen free.

(3) remains the same.

AUTH: 87-5-702, 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

12.6.2208 LIST OF CONTROLLED SPECIES (1) remains the same.

(2) The following crustaceans are classified as controlled species:

(a) Pacific White Shrimp – *Penaeus (Litopenaeus) vannamei*.

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

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

12.6.2215 LIST OF PROHIBITED SPECIES (1) through (3) remain the same.

(4) The following mammals are classified as prohibited species:

(a) African Soft Fur Rat/Natal Rat – *Mastomys natalensis/Natal*

miltimammate mouse;

(a) through (g) remain the same but are renumbered (b) through (h).

(i) Natal Rat/African Soft Fur Rat – *Natal miltimammate mouse/Mastomys*

natalensis;

(h) through (m) remain the same but are renumbered (j) through (o).

(5) through (7) remain the same.

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

REASON: The commission has authority to adopt rules regarding the importation, possession, and sale of exotic wildlife as recommended by the "classification review committee" (committee). The committee may recommend that a species be classified as noncontrolled, controlled, or prohibited for importation, possession, and sale to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, agricultural production, and human health and safety from the harmful effects of unregulated exotic animals. If the commission approves the committee's recommendations, the commission begins administrative rulemaking to incorporate the recommendations into the classification lists.

The commission is proposing adding Pacific White Shrimp to the list of controlled species and African Soft Fur Rat/Natal Rat to the list of prohibited species. The risks associated with the Pacific White Shrimp can be minimized by maintaining them within contained systems with no connection to open water. Additionally, the importation of disease-free stock will help to minimize the risk of introduction of new pathogens to the state. The potential risks associated with the African Soft Fur Rat warrant the listing on the prohibited list. Rodent species are highly adaptable; very little information exists on the African Soft Fur Rat although it is conceivable that feral populations could exist in Montana. Eradication of feral populations would be very unlikely. Additionally, *Mastomys* species are known to be reservoirs of pathogens that would infect humans including Lassa Fever and the plague.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks, Fisheries Division-Exotics, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail fwpexotics@mt.gov, and must be received no later than July 2, 2015.

5. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to: Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

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

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

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

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

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

Certified to the Secretary of State May 18, 2015.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF PROPOSED
23.12.407 concerning house number)	AMENDMENT
height for day care centers)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On July 17, 2015, the Department of Justice proposes to amend the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 17, 2015, to advise us of the nature of the accommodation that you need. Please contact Jaime Burkhalter, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail jburkhalter@mt.gov.

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

23.12.407 CERTIFICATE OF APPROVAL FOR DAY CARE CENTERS FOR 13 OR MORE CHILDREN (1) through (5)(j) remain the same.

(k) House numbers, no less than 6 4 inches in height, shall be placed in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

(l) remains the same.

(6) through (8) remain the same.

AUTH: 50-3-102, 52-2-734, MCA

IMP: 50-3-102, 52-2-733, 52-2-734, MCA

RATIONALE AND JUSTIFICATION: The department has adopted the IFC. The IFC requires house numbers to be no less than 4 inches in height. Many rural areas in Montana use signs that would comply with the IFC, but that would not comply with the current rule. This amendment removes the potential confusion resulting from the two standards and promotes statewide consistency and uniform enforcement.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Matt Cochenour, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone

(406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail mcochenour2@mt.gov, and must be received no later than 5:00 p.m. on June 25, 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 they have to Matt Cochenour at the above address no later than June 25, 2015.

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

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above, or may be made by completing a request form at any rules hearing held by the department. A copy of the interested persons request form may be printed from the Department of Justice's web site at <http://doj.mt.gov/agooffice/administrative-rules>, and mailed to the rule reviewer.

8. An electronic copy of this notice is available through the Department of Justice web site at <http://doj.mt.gov/agooffice/administrative-rules>. 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 a person's difficulties in sending an e-mail do not excuse late submission of comments.

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

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

/s/ Matthew T. Cochenour
Matthew T. Cochenour
Rule Reviewer

/s/ Tim Fox
Tim Fox
Attorney General
Department of Justice

Certified to the Secretary of State May 18, 2015.

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 24.171.502 outfitter) HEARING ON PROPOSED
qualifications) AMENDMENT

TO: All Concerned Persons

1. On May 14, 2015, the Board of Outfitters (board) published MAR Notice No. 24-171-35 regarding the public hearing on the proposed amendment of the above-stated rule, at page 521 of the 2015 Montana Administrative Register, Issue No. 9. A public hearing was scheduled to be held on June 8, 2015, in Helena.

2. It was subsequently discovered that an error had occurred and the amendments to the rule were not complete when the notice was filed. Therefore, the board is reissuing this proposal notice and has rescheduled the public hearing as shown below.

3. On June 25, 2015, at 10:00 a.m., a public hearing will be held in the Large Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

4. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Outfitters no later than 5:00 p.m., on June 19, 2015, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsout@mt.gov (board's e-mail).

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

24.171.502 OUTFITTER QUALIFICATIONS (1) An applicant for an outfitter license shall have the qualifications to provide all services and use all equipment necessary to provide the functions of an outfitter that the license will authorize the applicant to provide. In addition, the applicant shall have:

(a) for a fishing outfitter applicant applying on or after January 1, 2016:
(i) a minimum of three years and 120 days of verified experience as a licensed guide working for a licensed outfitter in this state, guiding clients and using methods for pursuing fish, reduced by no more than 50 experience days for any waiver or combination of waivers; or

(ii) a minimum of three years and 120 days of verified experience as a licensed outfitter in another state guiding clients and using methods for pursuing fish, subject to approval by the board, reduced by no more than 50 experience days for any waiver or combination of waivers; or

(b) for all other applicants:

~~(a) (i) 100 days of verified experience as a licensed guide working for a licensed outfitter in this state, guiding clients in pursuing the types of game and using methods for which licensure is sought by the applicant (hunting or fishing); or~~

~~(b) (ii) 100 days of verified experience as a licensed outfitter in another state guiding clients in pursuing the types of game and using the methods for which licensure is sought by the applicant (hunting or fishing), subject to approval by the board; and~~

~~(c) the qualifications to provide all services and use all equipment necessary to provide the functions of an outfitter that the license will authorize the outfitter to provide.~~

(2) through (4) remain the same.

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

IMP: 37-47-201, 37-47-302, 37-47-304, 37-47-307, 37-47-308, MCA

REASON: Unlike hunting guides, fishing guides are quite capable of accumulating the currently required number of experience days to become a licensed outfitter within a single calendar year. Some reasons not unique to fishing guides include the growing demand for outfitter services and the availability of multiple experience waivers. However, fishing guides also have a much longer season to acquire experience compared to the general hunting season.

The board notes that the in-field experience requirement is the sole one-time objective qualifier of a fishing outfitter applicant's practical knowledge and capability regarding equipment handling, river and waterbody conditions, associated hazards, and fishing techniques in order to provide and supervise licensed guides in providing quality fishing services while protecting the public health, safety, and welfare. Therefore, to promote an improved competence in the profession, it is reasonably necessary to amend the experience requirement for outfitter qualification with fishing endorsement to reflect the historical approach and intent of multi-season, multi-year experience required as a licensed guide before graduating to licensed outfitter. Limiting the availability of experience waivers is also important to achieve this objective.

Requiring multiple seasons of experience will allow guides to develop more maturity over time and ensure more experience working with clients and engaging with other members of the public in the field. Guides with more in-field experience under the mentoring of outfitters are expected to develop a greater capacity for working well with others, especially as public resources fall under increased pressure, and those guides will be better prepared to assume the added responsibilities placed upon outfitters. The board finds that increased experience in the field with clients will result in more skilled and knowledgeable guides and will lead to improved experiences for their clients and the members of the general public in the field.

In addition, the board finds this rule amendment an implementation of its "policy, intent, and purpose," according ARM 24.171.101(2), to "provide quality regulatory functions and services to the profession it regulates and the public in order to promote, maintain, and preserve an ever-improving high degree of competence in the profession, satisfaction in the public, and an everlasting environment in which the profession operates."

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsout@mt.gov, and must be received no later than 5:00 p.m., July 2, 2015.

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

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

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

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.171.502 will not significantly and directly impact small businesses.

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

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

BOARD OF OUTFITTERS
ROBIN CUNNINGHAM, CHAIRPERSON

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

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

Certified to the Secretary of State May 18, 2015

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

In the matter of the adoption of NEW)	NOTICE OF PUBLIC HEARING ON
RULE I, the amendment of ARM)	PROPOSED ADOPTION,
38.3.104, 38.3.116, 38.3.124,)	AMENDMENT, AND REPEAL
38.3.201, 38.3.401, 38.3.402,)	
38.3.405, 38.3.601, 38.3.602,)	
38.3.701, 38.3.702, 38.3.705,)	
38.3.706, 38.3.707, 38.3.708,)	
38.3.805, 38.3.1503, 38.3.1504,)	
38.3.1505, 38.3.2001, 38.3.2014,)	
38.3.2015, 38.3.2016, 38.3.2101,)	
38.3.2404, and 38.3.2501, and the)	
repeal of 38.3.501, 38.3.2406,)	
38.3.3304, and 38.3.3404 pertaining)	
to motor carriers)	

TO: All Concerned Persons

1. On June 24, 2015, at 9:00 a.m., the Department of Public Service Regulation will hold a public hearing in the Bollinger Room at 1701 Prospect Avenue, Helena, Montana, to consider the proposed adoption, amendment, and repeal of the above-stated rules.

2. The Department of Public Service Regulation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Service Regulation no later than 5:00 p.m. on June 17, 2015, to advise us of the nature of the accommodation that you need. Please contact Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail asolem@mt.gov.

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

NEW RULE I COMPLETION OF PROTEST TO APPLICATION FOR CERTIFICATE OF COMPLIANCE (1) Persons protesting an application for a certificate of compliance must include in their protests a statement providing the basis of the protestant's belief that the applicant is not able to meet the requirements of 69-12-415, MCA.

(2) A protestant challenging the rebuttable presumption that an applicant who has demonstrated compliance with the commission's insurance, bonding, and security requirements meets the requirements of 69-12-415, MCA, will not be successful unless the protestant provides compelling evidence to the commission either:

(a) that, contrary to the evidence in the application, the applicant has not complied with the commission's insurance, bonding, and security requirements; or
(b) that the applicant, for other reasons, is not fit, willing, and able to perform the service. Other reasons may include, but are not limited to, the criminal history or driving record of the applicant if such history or record is relevant to the issue of public safety.

(3) The protest must be sworn to as true and correct and signed by the protestant before a notary public.

(4) In addition to filing before the commission, a copy of the protest must be served on the applicant.

AUTH: Chapter 456, Laws of 2015, MCA

IMP: Chapter 456, Laws of 2015, MCA

REASON: Based upon the enactment of Senate Bill 396 passenger motor carriers no longer have to apply for a certificate of convenience and necessity. Passenger motor carriers wishing to provide service only have to apply for a certificate of compliance with the Commission. Pursuant to Senate Bill 396, a protestant may contest that the applicant is not able to meet the requirements of 69-12-415, MCA.

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

38.3.104 "CONTRACT" VS. "COMMON" CARRIER (1) through (3) remain the same.

(4) A transportation network carrier is neither a contract carrier nor a common carrier.

AUTH: 69-12-201, MCA

IMP: 69-12-302, MCA

REASON: Based upon the enactment of Senate Bill 396, a transportation network carrier is neither a contract nor a common carrier.

38.3.116 TRANSPORTING FOR HIRE ON A COMMERCIAL BASIS

(1) Every motor carrier as defined within the Montana Motor Carrier Act (69-12-101, MCA) is deemed to be in the business of transporting people or property for hire on a commercial basis upon the public highways of the state of Montana. Any business venture or business transaction inconsistent with the status of the carrier as providing common carriage, ~~or~~ contract carriage, or transportation network carrier service, is deemed not within the interest of providing and maintaining a public transportation system and is ~~hereby~~ prohibited. Such business ventures or transactions include transportation movements of private carriage, so-called "buy and sell" agreements, or operating under so-called "brokerage agreements," and are ~~therefore~~ prohibited.

AUTH: 69-12-201, MCA

IMP: 69-12-106, MCA

REASON: The addition of transportation network carrier is necessary to make the existing rule consistent with SB 396.

38.3.124 RECEIPT CONTENT (1) remains the same.

(2) When a commission-regulated motor carrier provides a receipt to a shipper or a passenger or maintains a receipt for its own records, whether required by law to do so or does so as a matter of policy, the receipt shall include sufficient information that the commission can readily determine that charges are in accordance with the motor carrier's tariffs, if applicable, and that the movement is within the scope of the motor carrier's authority.

AUTH: 69-12-201, MCA

IMP: 69-11-421, 69-12-203, MCA

REASON: Class E transportation network carriers do not have commission-approved tariffs; therefore, the amendment of the rule is necessary to make the existing rule consistent with SB 396.

38.3.201 INTRASTATE CARRIERS VEHICLE REGISTRATION FEE (1) ~~All provisions of the Montana Motor Carrier Act are deemed applicable to intrastate carriers, including but not necessarily limited to, the following specific provisions:~~

- ~~(a) supervision and regulation (69-12-201, MCA);~~
- ~~(b) the establishment, fixing and filing of rates with the commission (69-12-201, 69-12-501, MCA);~~
- ~~(c) discrimination forbidden (69-12-503, MCA);~~
- ~~(d) procedure for revision (69-12-504, MCA);~~
- ~~(e) authorization to transfer operating certificate (69-12-325, MCA);~~
- ~~(f) compliance with commission rules and regulations required (69-12-401, MCA);~~
- (g) Class A, B, C, and D motor carriers must pay payment of an annual per vehicle registration fee of five dollars (\$5) for which a registration receipt will be issued, a copy of which shall be carried in each vehicle at all times;
- ~~(h) inspection of books and accounts (69-12-407, MCA);~~
- ~~(i) acts deeming person to be motor carrier (69-12-106, MCA);~~
- ~~(j) leasing of power equipment (69-12-611, MCA);~~
- ~~(k) interchange of equipment (69-12-612, MCA);~~
- ~~(l) leasing of operating certificate (69-12-326, MCA);~~
- ~~(m) penalties for violations of act (69-12-108, MCA);~~
- ~~(n) additional fees (69-12-423, MCA).~~

AUTH: 69-12-201, MCA

IMP: 69-12-106, 69-12-108, 69-12-201, 69-12-501, 69-12-503, 69-12-504, 69-12-325, 69-12-326, 69-12-401, 69-12-407, 69-12-421, 69-12-423, 69-12-611, 69-12-612, MCA

REASON: The listing of Montana statutes in a commission rule is unnecessary. Additionally, because SB 396 provides that a class E transportation network carrier does not own, control, operate, or manage the vehicles used by its drivers, the proposed rule excludes class E motor carriers from paying the vehicle registration fee.

38.3.401 COMPLETION OF APPLICATIONS (1) remains the same.

(2) Application forms for operating authority must be submitted on a ~~printed~~ form supplied by this commission.

(3) remains the same.

AUTH: 69-12-201, MCA

IMP: 69-12-311, 69-12-312, 69-12-313, 69-12-314, MCA

REASON: The commission intends to offer application forms on its web site so the amendment is to allow online submission of application forms.

38.3.402 APPLICATION AND PROTEST FEES (1) Every application for operating authority and every protest to application for operating authority must be accompanied by the appropriate filing fee:

(a) The application fee for a certificate of public convenience and necessity or for a certificate of compliance to operate as a motor carrier is \$500, \$300 to be refunded by the commission if the application does not proceed to hearing.

(b) The application fee for a certificate of public convenience and necessity or for a certificate of compliance to operate as a motor carrier under a federal or state contract, as provided under 69-12-324, MCA, is \$100.

(c) The ~~protest~~ fee for a ~~motor carrier protest or motor carrier applicant~~ protest of an application for a certificate of public convenience and necessity or for a certificate of compliance is \$500.

(d) If a written request for the withdrawal of a protest is received by the commission at least two business days before the scheduled hearing, the protest fee will be refunded by the commission.

AUTH: 69-12-201, MCA

IMP: 69-12-311, 69-12-312, 69-12-313, 69-12-314, 69-12-324, MCA

REASON: The addition of an application for a certificate of compliance is necessary to comply with the application process set out in SB 396. Passenger motor carriers wishing to provide service only have to apply for a certificate of compliance with the commission. Therefore the rule needs to reference both types of applications.

38.3.405 COMPLETION OF ~~MOTOR CARRIER~~ PROTEST TO APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

(1) ~~Motor carriers and motor carrier applicants~~ Persons protesting an application for a certificate of public convenience and necessity must include in the protest:

(a) a statement that the application is being protested in whole or in part and, if being protested only in part, a statement of the limitations of the protest;

(b) an identification of the specific application-proposed service areas in which a protesting motor carrier perceives a service conflict;

(c) a statement of the protesting motor carrier's annual revenues received for services provided in the specific application-proposed service areas in which the protesting motor carrier perceives a service conflict.

(2) and (3) remain the same.

AUTH: 69-12-201, MCA

IMP: 69-12-311, 69-12-312, 69-12-313, 69-12-314, 69-12-321, MCA

REASON: The amendment of the rule is necessary to clarify that any person may protest an application for a certificate of public convenience and necessity.

38.3.601 OPERATION UPON GRANTING OF CERTIFICATE (1) Every person or corporation who is granted a certificate of public convenience and necessity or a certificate of compliance to operate as a motor carrier by the commission must:

(a) within 30 days after the date of the issuance of the order to grant the certificate comply with all rules and regulations of the commission and the laws of the state of Montana necessary to begin actual operations as a motor carrier.

(2) If a motor carrier fails to meet the necessary operating compliance within the required time period, the failure may result in the revocation of the certificate of public convenience and necessity or the certificate of compliance granted by the commission to the person or corporation.

AUTH: 69-12-201, 69-12-204, MCA

IMP: 69-12-101, et seq., 69-12-327, 69-12-401, 69-12-402, MCA

REASON: The addition of an application for a certificate of compliance is necessary to comply with the application process set out in SB 396. Passenger motor carriers wishing to provide service only have to apply for a certificate of compliance with the commission. Therefore the rule needs to reference both types of applications.

38.3.602 OPERATION AFTER SALE OR TRANSFER OF CERTIFICATE (1) Every person or corporation who, with the approval of the commission, procures any right, privilege, ~~or~~ certificate of public convenience and necessity, or certificate of compliance as a motor carrier either by sale, assignment, lease, transfer, or inheritance must:

(a) within 30 days after the mailing of the notice of such approval by the commission, comply with all rules and regulations of the commission and the laws of the state of Montana necessary to begin actual operations as a motor carrier.

(2) remains the same.

AUTH: 69-12-201, 69-12-204, MCA

IMP: 69-12-101, et seq., 69-12-327, 69-12-401, 69-12-402, MCA

REASON: The addition of an application for a certificate of compliance is necessary to comply with the application process set out in SB 396. Passenger motor carriers wishing to provide service only have to apply for a certificate of compliance with the commission. Therefore the rule needs to reference both types of applications.

38.3.701 EVIDENCE OF INSURANCE REQUIRED (1) remains the same.

(2) Failure to ~~se~~ file the appropriate insurance will prohibit any intrastate carrier from conducting a transportation movement on the highways of this state.

(3) An applicant for a certificate of compliance must submit evidence of the appropriate insurance as part of the application for a certificate.

AUTH: 69-12-201, MCA

IMP: 69-12-402, MCA

REASON: Under SB 396, applicants for a certificate of compliance establish a rebuttable presumption of their fitness, the sole criterion for obtaining a certificate, by demonstrating they have complied with the commission's insurance requirements. Therefore, the rule requires that the application include evidence of insurance compliance.

38.3.702 BODILY INJURY AND PROPERTY DAMAGE LIABILITY

INSURANCE (1) Every class A, ~~class B, class C, and class D~~ intrastate carrier must file with this commission evidence of complying with the minimum insurance requirements of this commission as applicable to bodily injury and property damage liability insurance.

(2) For the purposes of this subchapter "bodily injury" shall include death.

(3) Every class E carrier must file with the commission evidence of compliance with the insurance requirements of [SB 396 NEW SECTION 4].

AUTH: 69-12-201, MCA

IMP: 69-12-402, MCA

REASON: The addition of class E carrier provisions is necessary to comply with the class E insurance requirements set out in SB 396.

38.3.705 FORMS FOR CERTIFICATE OF INSURANCE (1) The following

forms shall be utilized by the department and may be obtained from the commission, ~~1701 Prospect Avenue, Helena, Montana 59620-2601.~~

(a) Form K. Uniform notice of cancellation of motor carrier insurance policies, stock form K.

(b) Form H. Uniform motor carrier cargo certificate of insurance.

(c) Form E. Uniform motor carrier bodily injury and property damage liability certificate of insurance for use by class A, B, C, and D motor carriers.

(d) Form T. Uniform bodily injury and property damage liability certificate of insurance for use by class E transportation network carriers.

AUTH: 69-12-201, MCA
IMP: 69-12-402, MCA

REASON: The addition of class E carrier provisions is necessary to comply with the class E insurance requirements set out in SB 396.

38.3.706 ENDORSEMENTS (1) All insurance policies issued by the insurance company to the carrier must include, at time of issuance, the terms, conditions, and requirements set forth in this rule and repeated on endorsement forms approved by the commission and identified as "Endorsement MV4," and "Endorsement MV2," and "Endorsement MV-TNC" available from the office of the commission.

(2) The following terms, conditions, and requirements are deemed a substantive part of all policies issued, and are incorporated therein:

(a) Cargo insurance for household goods carriers (Endorsement MV2) shall be issued in an amount no less than \$10,000.

(b) Casualty (liability) insurance for class A, B, C, and D carriers (Endorsement MV4) shall be issued in an amount no less than:

- (i) \$100,000 for 7 passengers or less;
- (ii) \$500,000 for 8 to 15 passengers;
- (iii) \$750,000 for 16 to ~~30~~ 26 passengers;
- (iv) ~~\$5,000,000 for 31 passengers or more;~~

~~(v)~~ except any class A or B motor carrier, other than as provided in (b)(i) ~~above~~, operating under a certificate of public convenience and necessity or certificate of compliance authorizing passenger operations only within a particular city or 10-mile radius ~~thereof~~ is required to carry a minimum of \$500,000 insurance regardless of size of vehicle used;

~~(vi)~~ (v) \$100,000 for transportation of nonhazardous freight in a vehicle designed, equipped, and primarily intended for transportation of seven passengers or less or a vehicle of manufacturer's GVW rating of 10,000 pounds or less designed, equipped, and primarily intended for transportation of cargo;

~~(vii)~~ (vi) \$500,000 for transportation of nonhazardous freight for all other vehicles.

(c) Liability insurance for class E carriers (Endorsement MV-TNC) shall be issued as specified in [SB 396 NEW SECTION 4].

(3) These endorsements must be executed, countersigned, and attached to the original policy when issued.

AUTH: 69-12-201, MCA
IMP: 69-12-402, MCA

REASON: The addition of class E carrier provisions is necessary to comply with the class E insurance requirements set out in SB 396. In addition, the amendments to (2)(b) implement the provision in SB 396 that exempts from commission jurisdiction motor carriers whose vehicles are designed to carry groups of passengers that number more than 26 passengers.

38.3.707 MINIMUM LIMITS OF INSURANCE COVERAGE - BONDS

UNACCEPTABLE (1) Minimum limits of insurance coverage for class A, B, C, and D carriers as required by this commission are outlined in Endorsement MV-4 and Endorsement MV-2.

(2) Minimum limits of insurance coverage for class E carriers are specified in [SB 396 NEW SECTION 4] and outlined in Endorsement MV-TNC.

~~(2)~~ (3) Bonds in lieu of insurance coverage are not acceptable for carriers.

AUTH: 69-12-201, MCA

IMP: 69-12-402, MCA

REASON: The addition of class E carrier provisions is necessary to comply with the class E insurance requirements set out in SB 396.

38.3.708 SELF-INSURANCE (1) and (2) remain the same.

(3) The privilege of self-insurance may be withdrawn at any time by the commission. The failure of a motor carrier to promptly notify the commission of any material change in ~~said the~~ motor carrier's financial status or failure to correctly exhibit to the commission the motor carrier's financial status, either in an original application for self-insurance or in any subsequent report, shall be sufficient cause for revocation of the motor carrier's certificate of public convenience and necessity or certificate of compliance.

(4) Class E carriers may not provide self-insurance.

AUTH: 69-12-201, MCA

IMP: 69-12-402, MCA

REASON: The addition of a class E carrier provision is necessary to comply with the class E insurance requirements set out in SB 396.

38.3.805 ANNUAL REPORTS AND UNIFORM SYSTEM OF ACCOUNTS

~~(1) Reports due this commission from As required in 69-12-407, MCA, class A, B, C, and D motor carriers operating within the state of Montana are as required in 69-12-407, MCA. Annual to submit annual reports shall be submitted to the commission. Annual report forms are available on the commission's web site upon request at the Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601. Information relative to the uniform system of accounts or any uniform reports may be had by contacting the commission office.~~

(2) The annual report form represents the uniform system of accounts the commission is required to prescribe by 69-12-407, MCA The "Uniform System of Accounts for Class I and Class II, Common and Contract Motor Carriers of Passengers" and the "Uniform System of Accounts for Class I and Class II, Common and Contract Motor Carriers of Property" adopted by the interstate commerce commission as revised January 1, 1974, are hereby adopted and prescribed by this commission for those Class A and B motor carriers operating within the state of Montana, holding interstate authority and currently maintaining their accounts in conformance with the uniform systems named above.

~~(3) The "Uniform System of Accounts for Class A and B Common Motor Carriers of Property and Passengers" prepared and published by this commission is hereby adopted for those common carriers of property and passengers operating within the state of Montana not currently maintaining their accounts in conformance with the uniform system of accounts prescribed in the interstate commerce commission.~~

AUTH: 69-12-201, MCA
IMP: 69-12-407, MCA

REASON: Based upon the enactment of SB 396, only class A, B, C, and D motor carriers are required to provide annual reports to the commission. Annual report forms will be available on the commission's web site. The annual report form will represent the uniform system of accounts prescribed by 69-12-407, MCA.

38.3.1503 SEATING CAPACITY (1) Pursuant to the terms of 69-11-203, MCA, concerning the number of vehicles to be provided and a seat to be provided every passenger, all class A and B common carriers authorized to transport passengers must provide a sufficient number of vehicles for that particular time schedule in order to provide every passenger tendering legal fare with a seat.

(2) remains the same.

AUTH: 69-12-201, MCA
IMP: 69-11-203, MCA

REASON: Based upon the enactment of SB 396, class E motor carriers are not required to provide a certain number of vehicles or seats to every passenger. Only class A and B motor carriers will be required to meet those requirements.

38.3.1504 DISABLED PASSENGER VEHICLE - TRANSPORTATION OF PASSENGERS (1) In case a motor vehicle carrying passengers pursuant to a class A or B certificate becomes disabled while en route and is unable to proceed, any passenger or passengers on such disabled vehicle shall have the privilege of proceeding upon any other passenger-carrying vehicle operating under a class A or class B certificate from the commission on the same route or portion of route.

(2) and (3) remain the same.

AUTH: 69-12-201, MCA
IMP: 69-12-101, et seq., MCA

REASON: Based upon the enactment of SB 396, class E motor carriers are not required to provide an alternative vehicle if the original vehicle becomes disabled. Only class A and B motor carriers will be required to meet those requirements.

38.3.1505 MOTOR CARRIER AUTHORITY RECOGNITION (1) Motor Class B motor carriers granted authority to carry persons or passengers without limitation

to the type of service are permitted to operate both as a rate regulated and charter passenger carrier.

AUTH: 69-12-201, MCA

IMP: 69-12-201, MCA

REASON: It is necessary to amend this rule to clarify that it does not apply to class E motor carriers.

38.3.2001 LEASING OF POWER EQUIPMENT - GENERAL (1) The requirements for the leasing of power equipment by class A, B, C, and D carriers ~~any class of carrier~~ operating within the state are as contained in 69-12-611, MCA.

(2) and (3) remain the same.

AUTH: 69-12-201, 69-12-204, MCA

IMP: 69-12-611, MCA

REASON: It is necessary to amend this rule to clarify that it does not apply to class E motor carriers.

38.3.2014 LEASE OF CERTIFICATES OF OPERATING AUTHORITY- GENERAL (1) Leasing of Montana ~~public service commission~~ Public Service Commission operating certificates of public convenience and necessity or certificates of compliance ~~permits~~ may be authorized as required by 69-12-326, MCA.

(2) All leases of certificates of ~~public convenience and necessity or permits~~ shall be in writing. The leases shall be submitted to the commission for approval and shall not have any force or effect until approved by the commission.

(3) In the event a certificate ~~or permit~~ lease is cancelled for any cause whatever or is terminated by expiration in accordance with the terms of ~~said the~~ the certificate ~~or permit~~ lease, notice of such cancellation or expiration ~~thereof~~ shall be given immediately to the commission in writing.

AUTH: 69-12-201, 69-12-204, MCA

IMP: 69-12-326, MCA

REASON: The addition of an application for a certificate of compliance is necessary to comply with the application process set out in SB 396. Passenger motor carriers wishing to provide service only have to apply for a certificate of compliance with the commission. Therefore the rule needs to reference both types of applications and clarify that either type of certificate may be leased.

38.3.2015 COMPENSATION AND FEES (1) remains the same.

(2) The provisions of this rule shall not be construed and are not intended to any way relieve the owner of the certificate of ~~public convenience and necessity or permit~~ from the payment of ~~all~~ any compensation and fees due the commission ~~and~~

~~upon the failure of a lessee to so pay said compensation and fees as herein provided the owner and holder of said certificate of public convenience and necessity or permit shall be responsible therefore. Upon the failure of a lessee to pay any compensation and fees, the owner and holder of the certificate shall be responsible.~~

AUTH: 69-12-201, MCA

IMP: 69-12-323, 69-12-326, 69-12-421, 69-12-423, MCA

REASON: Removal of the language involving certificates of public convenience and necessity is necessary to have the rule apply to both types of certificates available under SB 396. Therefore the rule needs to reference both types of applications and clarify that either type of certificate may be leased.

38.3.2016 CONTINUED OBLIGATION OF OWNER (1) A lease in no way relieves the owner or holder of the leased certificate ~~of public convenience and necessity or permit~~ from the laws of the state of Montana and the rules and regulations of the commission governing motor vehicle carriers. ~~Said~~ The owner shall be held responsible for all acts of the lessee with the same force and effect as though ~~said the~~ operations were being carried on by the owner or holder of ~~said the~~ certificate ~~of public convenience and necessity or permit~~.

(2) Such certificate ~~of public convenience and necessity or permit~~ may be cancelled upon the failure of any lessee to abide by the laws of the state of Montana and rules and regulations of the commission governing motor carriers.

AUTH: 69-12-201, MCA

IMP: 69-12-326, MCA

REASON: Removal of the language involving certificates of public convenience and necessity is necessary to have the rule apply to both types of certificates available under SB 396. Therefore the rule needs to reference both types of applications and clarify that either type of certificate may be leased.

38.3.2101 SALE OR TRANSFER OF CERTIFICATE OF AUTHORITY

(1) As authorized by 69-12-325, MCA, public service commission certificates ~~or permits~~ may be sold or transferred. The application for sale or transfer shall be addressed to the commission, be sworn to, and contain the following information:

(a) through (k) remain the same.

(l) shall be signed by the owner and the purchaser ~~as follows~~ and notarized.

(m) Forms for applications for sale or transfer are available on the commission's web site or upon request.

State of Montana,

County of _____)ss.

_____ and _____ being first duly sworn, each for himself, ~~deposes and says that he is one of the parties to~~

~~the proceeding entitled above; that he has read the foregoing application and knows the contents thereof; that the same is true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes it to be true.~~

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary public for the State of Montana.
Residing at _____
My Commission expires _____

(2) It is required that full compliance and completion of sales and transfers be consummated within 30 days after the mailing of the notice of the commission's approval or suffer the revocation of such right to said the certificate of public convenience and necessity by the commission.

~~(3) Application for sales or transfers of interstate permits should be accompanied by the written approval (or certified copy) of the interstate commerce commission. Failure to file such ICC approval will be grounds for denial of the transfer of the Montana interstate permit.~~

AUTH: 69-12-201, MCA
IMP: 69-12-325, MCA

REASON: Forms for sale and transfer will be available on the commission's web site so there is no reason to include a form in the rule. Additionally, the Interstate Commerce Commission no longer exists so that portion of the rule can be repealed.

38.3.2404 ASSISTANCE IN PREPARING TARIFFS AND TIME SCHEDULES (1) Information regarding construction of freight, express, and passenger tariffs, including classifications required of class A and class B carriers, will be furnished by the commission on application. ~~These publications and supplements thereto, including time schedules and supplements thereto.~~

(2) and (3) remain the same.

AUTH: 69-12-201, MCA
IMP: Title 69, chapter 12, part 5, MCA

REASON: The stricken sentence is an incomplete sentence that adds nothing to the rule.

38.3.2501 INDIVIDUAL OR BUREAU FILING (1) Carriers, ~~subject to this commission~~ may elect either to file their own tariff, or become a participating carrier in an authorized section 5(b) bureau.

(2) Tariffs may be filed with the commission by groups or bureaus, ~~which meet the requirements of such groups or bureaus, as promulgated by the interstate commerce commission.~~

(3) To obtain authorization to operate in intrastate commerce as a rate bureau, an application, which contains the items in 69-12-601 through 69-12-605, MCA, shall be made to the commission. ~~This application may be in the same form as an application to the I.C.C. under 49 U.S.C.A. section 5(b), and the rules adopted thereunder in 49 C.F.R., part 1331. In the alternative, an application which contains the items in 69-12-601 through 69-12-605, MCA, are acceptable.~~

AUTH: 69-12-201, MCA

IMP: Title 69, chapter 12, part 5, 69-12-601, 69-12-602, 69-12-603, 69-12-604, 69-12-605, MCA

REASON: The Interstate Commerce Commission no longer exists so the provisions of this rule that reference the I.C.C. can be stricken.

5. The department proposes to repeal the following rules:

38.3.501 STATUTORY AUTHORITY

AUTH: 69-12-201, MCA

IMP: 69-12-207, MCA

REASON: It is unnecessary to reiterate language from Montana statutes.

38.3.2406 APPLICATION OF I.C.C. TARIFF RULES

AUTH: 69-12-201, MCA

IMP: Title 69, chapter 12, part 5, MCA

REASON: The Interstate Commerce Commission no longer exists so this rule must be repealed.

38.3.3304 POWERS OF ATTORNEY, CONCURRENCE, REVOCATION

AUTH: 69-12-201, MCA

IMP: Title 69, chapter 12, part 5, MCA

REASON: The Interstate Commerce Commission no longer exists so this rule must be repealed.

38.3.3404 ADDITIONAL REQUIREMENT FOR CARRIERS THAT FILE WITH THE I.C.C.

AUTH: 69-12-201, MCA

IMP: Title 69, chapter 12, part 5, MCA

REASON: The Interstate Commerce Commission no longer exists so this rule must be repealed.

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: Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Ave., Helena, Montana, 59620; telephone (406) 444-6170; fax (406) 444-7618; or e-mail asolem@mt.gov, and must be received no later than 5:00 p.m. on June 26, 2015.

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 6 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, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail and phone on May 13, 2015.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption, amendment, and repeal of the above-referenced rules will significantly and directly impact small businesses.

/s/ JUSTIN KRASKE
JUSTIN KRASKE
Rule Reviewer

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

Certified to the Secretary of State May 18, 2015.

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

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.159.401 fees, 24.159.403) REPEAL
nonroutine applications, 24.159.906)
medication aide II training program)
curriculum, 24.159.1024,)
24.159.1028, and 24.159.1029)
licensed practical nurses,)
24.159.1224, 24.159.1228, and)
24.159.1229 registered nurses,)
24.159.1412 initial APRN license, and)
24.159.2021 alternative monitoring)
track admission criteria, and the)
repeal of ARM 24.159.1038,)
24.159.1238, and 24.159.1428)
inactive status licensure, 24.159.1046)
and 24.159.1246 supervision of)
probationary licensees, and)
24.159.1414 APRN educational)
requirements and qualifications)

TO: All Concerned Persons

1. On February 12, 2015, the Board of Nursing (board) published MAR Notice No. 24-159-79 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 115 of the 2015 Montana Administrative Register, Issue No. 3.

2. On March 5, 2015, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. No comments were received by the March 13, 2015, deadline.

3. The board has amended ARM 24.159.401, 24.159.403, 24.159.906, 24.159.1024, 24.159.1028, 24.159.1029, 24.159.1224, 24.159.1228, 24.159.1229, 24.159.1412, and 24.159.2021 exactly as proposed.

4. The board has repealed ARM 24.159.1038, 24.159.1046, 24.159.1238, 24.159.1246, 24.159.1414, and 24.159.1428 exactly as proposed.

BOARD OF NURSING
HEATHER O'HARA, RN, PRESIDENT

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

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

Certified to the Secretary of State May 18, 2015

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

In the matter of the amendment of)	NOTICE OF AMENDMENT,
ARM 24.159.604, 24.159.605,)	ADOPTION, AND REPEAL
24.159.606, 24.159.608, 24.159.609,)	
24.159.611, 24.159.612, 24.159.625,)	
24.159.630, 24.159.632, 24.159.635,)	
24.159.640, 24.159.650, 24.159.655,)	
24.159.659, 24.159.662, 24.159.665,)	
24.159.666, and 24.159.670 nursing)	
education programs, the adoption of)	
NEW RULE I waiver of faculty)	
qualifications, and the repeal of ARM)	
24.159.601, 24.159.615, 24.159.656,)	
24.159.674, 24.159.677, and)	
24.159.680 nursing education)	
programs)	

TO: All Concerned Persons

1. On February 26, 2015, the Board of Nursing (board) published MAR Notice No. 24-159-80 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 186 of the 2015 Montana Administrative Register, Issue No. 4.

2. On March 20, 2015, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Comments were received by the March 27, 2015, deadline.

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

ARM 24.159.630 CONTINUED APPROVAL OF PROGRAMS

COMMENT 1: One commenter asked the board to clarify when "annual" NCLEX pass rates would be calculated.

RESPONSE 1: The NCLEX pass rates are reported by the National Council of State Boards of Nursing to the board on a calendar year basis. The results are typically received so that they can be presented and discussed by the board each year during the January board meeting.

ARM 24.159.632 PROGRAM SURVEYS

COMMENT 2: One commenter asked whether the board will approve a nursing education program based solely on national accreditation. The commenter requested confirmation as to whether national accreditation will supplant periodic board surveys and reevaluations.

RESPONSE 2: The board confirms that a nursing education program that receives national accreditation will not be subject to periodic surveys and reevaluations by the board. However, all programs remain subject to board rules, and continued approval is always dependent upon compliance.

COMMENT 3: One commenter asked whether a nursing program with a nationally certified registered nursing program must also have its licensed practical nursing program periodically surveyed and reevaluated by the board.

RESPONSE 3: The board recognizes this specific question is not addressed in either current rule, or the proposed amendments. As amended, the rule will require a board survey and evaluation every five years, but only for programs that are not nationally accredited. The rule also provides that, "Each time a program survey is performed, the entire program is evaluated for all components under board jurisdiction." National accreditation does not address the practical nursing aspect of a program, and so the board must periodically survey the practical aspect. Keeping with past interpretation and practice of the board, practical nurse programs whose registered nurse program counterparts are nationally accredited will be surveyed and evaluated by the board on an eight-year cycle, simultaneous with the national accreditation body's survey and evaluation of the registered nurse program.

4. The board has amended ARM 24.159.604, 24.159.605, 24.159.606, 24.159.608, 24.159.609, 24.159.611, 24.159.612, 24.159.625, 24.159.630, 24.159.632, 24.159.635, 24.159.640, 24.159.650, 24.159.655, 24.159.659, 24.159.662, 24.159.665, 24.159.666, and 24.159.670 exactly as proposed.

5. The board has adopted NEW RULE I (24.159.663) exactly as proposed.

6. The board has repealed ARM 24.159.601, 24.159.615, 24.159.656, 24.159.674, 24.159.677, and 24.159.680 exactly as proposed.

BOARD OF NURSING
HEATHER O'HARA, RN, PRESIDENT

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

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

Certified to the Secretary of State May 18, 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.
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 March 31, 2015. This table includes those rules adopted during the period April 1, 2015, through June 30, 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 March 31, 2015, 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 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 April 2015 appear. Vacancies scheduled to appear from June 1, 2015 through August 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 May 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 APRIL 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Athletic Trainers (Labor and Industry)			
Ms. Janet Trethewey Havre	Governor	not listed	4/10/2015 10/1/2017
Qualifications (if required): member of public not engaged in or directly connected with practice of athletic training			
Board of Clinical Laboratory Science Practitioners (Labor and Industry)			
Mr. Carl Donovan Great Falls	Governor	reappointed	4/10/2015 4/1/2019
Qualifications (if required): public member not associated in the practice of clinical laboratory science			
Mr. Matthew Kalanick Great Falls	Governor	Kolar	4/10/2015 4/1/2019
Qualifications (if required): clinical science practitioner who holds an active license			
Ms. Vicki Rice Helena	Governor	reappointed	4/10/2015 4/1/2019
Qualifications (if required): clinical science practitioner who holds an active license			
Board of Livestock (Livestock)			
Mr. Brett DeBruycker Dutton	Governor	reappointed	4/3/2015 1/1/2021
Qualifications (if required): cattle producer			
Rep. Lila V. Taylor-Evans Busby	Governor	French	4/17/2015 3/1/2021
Qualifications (if required): Cattle Producer			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Optometry (Labor and Industry)			
Mr. Pete Fontana Great Falls	Governor	reappointed	4/10/2015 4/1/2019
Qualifications (if required): representative of the public not engaged in the practice of optometry			
Board of Research and Commercialization Technology (Commerce)			
Ms. Prairie Big Horn Lolo	Governor	Smith	4/3/2015 7/1/2016
Qualifications (if required): enrolled member of a Montana tribal government			
Building Codes Council (Labor and Industry)			
Mr. Jason Fitzgerald Billings	Governor	reappointed	4/10/2015 10/1/2017
Qualifications (if required): practicing architect licensed in Montana			
Mr. Josh Wallery Helena	Governor	Seaman	4/10/2015 10/1/2017
Qualifications (if required): representative of the manufactured housing industry			
Human Rights Commission (Labor and Industry)			
Mr. Chuck Tooley Billings	Governor	Hayes	4/3/2015 1/1/2017
Qualifications (if required): public member			
Low Income Energy Assistance Programs Policy Advisory Council (Public Health and Human Services)			
Ms. Pamela Hanson Butte	Director	not listed	4/10/2015 7/30/2017
Qualifications (if required): special qualifications with respect to solving the problems experienced by low income			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Low Income Energy Assistance Programs Policy Advisory Council (Public Health and Human Services) cont.			
Mr. Kane Quenemoen Helena	Director	not listed	4/10/2015 7/30/2017
Qualifications (if required): special qualifications with respect to solving the problems experienced by low income			
Ms. Tina Shorten Helena	Director	not listed	4/10/2015 7/30/2017
Qualifications (if required): special qualifications with respect to solving the problems experienced by low income			
Director Jason Smith Helena	Director	not listed	4/10/2015 7/30/2017
Qualifications (if required): special qualifications with respect to solving the problems experienced by low income			
Mr. Brian Steffen Glendive	Director	not listed	4/10/2015 7/30/2017
Qualifications (if required): special qualifications with respect to solving the problems experienced by low income			
Montana Family Support Services Advisory Council (Public Health and Human Services)			
Ms. Patty Butler Lewistown	Governor	Jensen	4/10/2015 4/9/2016
Qualifications (if required): Department of Public Health and Human Services Representative			
Ms. Marilyn Davis Bozeman	Governor	Kercher	4/10/2015 4/9/2016
Qualifications (if required): Parent Representative for Region 4			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Family Support Services Advisory Council (Public Health and Human Services) cont.			
Ms. Lori Gaustad	Governor	Grimes	4/10/2015
Billings			4/9/2016
Qualifications (if required): Public Awareness and Education Organization Representative			
Ms. Chelsie Guilford	Governor	Thompson	4/10/2015
Billings			4/9/2016
Qualifications (if required): Part C Provider			
Ms. Meaghan Kolar	Governor	Sturn	4/10/2015
Helena			4/9/2016
Qualifications (if required): Department of Public Health and Human Services Representative			
Ms. Laura Simonsen	Governor	Martin	4/10/2015
Billings			4/9/2016
Qualifications (if required): Parent Representative At-Large			
Petroleum Tank Release Compensation Board (Environmental Quality)			
Mr. Keith Schnider	Governor	Downey	4/10/2015
Great Falls			7/1/2016
Qualifications (if required): representative of the insurance industry			
State Emergency Response Commission (Military Affairs)			
LTC Michael Moreni	Governor	Hardy	4/17/2015
Fort Harrison			10/1/2015
Qualifications (if required): Representative of the National Guard			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Transportation Commission (Transportation)			
Mr. Daniel Belcourt Missoula	Governor	Howlett	4/10/2015 1/1/2019
Qualifications (if required):	District 1 Representative		
Rep. Carol Lambert Broadus	Governor	reappointed	4/10/2015 1/1/2019
Qualifications (if required):	District 4 Representative		
Western Interstate Energy Board (Governor's Office)			
Mr. Craig Jones Helena	Governor	Poole	4/10/2015 1/1/2017
Qualifications (if required):	Alternate Montana Representative		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Advisory Council on Aging (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>Agricultural Land Valuation Advisory Committee (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>Representative 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 -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Agricultural Land Valuation Advisory Committee (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
Board of Banking (Administration)		
Mr. Jack Johnson, Billings Qualifications (if required): public representative	Governor	7/1/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Banking (Administration) cont. Mr. Phil G. Gaglia, Billings Qualifications (if required): state bank officer of a large-sized bank</p>	Governor	7/1/2015
<p>Board of Funeral Service (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>Board of Hearing Aid Dispensers (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>Board of Nursing (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
<p>Board of Pharmacy (Labor and Industry) Ms. Lee Ann Bradley, Missoula Qualifications (if required): licensed pharmacist</p>	Governor	7/1/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Physical Therapy Examiners (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>Board of Private Security (Labor and Industry) Sheriff Leo C. Dutton, Helena Qualifications (if required): county sheriff's office representative</p>	Governor	8/1/2015
<p>Mr. Daniel Taylor, Glasgow Qualifications (if required): contract security company representative</p>	Governor	8/1/2015
<p>Captain George Skuletich, Butte Qualifications (if required): city police department representative</p>	Governor	8/1/2015
<p>Mr. Tom Mangan, Helena Qualifications (if required): licensed private investigator</p>	Governor	8/1/2015
<p>Mr. Charles Pesola, Kalispell Qualifications (if required): Contract Security Company</p>	Governor	8/1/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Professional Engineers and Professional Land Surveyors (Governor) Mr. Casey E. Johnston, Butte Qualifications (if required): licensed electrical engineer</p>	Governor	7/1/2015
<p>Mr. M. Ruhul Amin, Bozeman Qualifications (if required): licensed mechanical engineer and instructor</p>	Governor	7/1/2015
<p>Ms. Ingrid Clare Lovitt-Abramson, Missoula Qualifications (if required): public representative</p>	Governor	7/1/2015
<p>Ms. Jane Eby, Kalispell Qualifications (if required): licensed land surveyor</p>	Governor	7/1/2015
<p>Board of Radiologic Technologists (Labor and Industry) Ms. Kelli Bush, Butte Qualifications (if required): radiologic technician</p>	Governor	7/1/2015
<p>Ms. Sharlett Dale, Harlowton Qualifications (if required): radiologic technician</p>	Governor	7/1/2015
<p>Board of Regents of Higher Education (Education) Ms. Mariah Williams, Missoula Qualifications (if required): Student Regent</p>	Governor	6/30/2015
<p>Board of Research and Commercialization Technology (Commerce) Mr. Jim Davison, Anaconda Qualifications (if required): Public Representative</p>	Governor	7/1/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Sanitarians (Labor and Industry) Mr. Rodney Fink, Columbus Qualifications (if required): sanitarian	Governor	7/1/2015
Board of Veterans' Affairs (Military Affairs) Sen. Joseph Tropila, Great Falls Qualifications (if required): veteran-at-large	Governor	8/1/2015
Sen. Larry Jent, Bozeman Qualifications (if required): representative of the State Administration and Veterans' Affairs Interim Committee	Governor	8/1/2015
Mr. David E. Boyd, Sr., Poplar Qualifications (if required): veteran and Tribal member	Governor	8/1/2015
Mr. William Willing, Anaconda Qualifications (if required): experience with veterans' issues	Governor	8/1/2015
Mr. Gary Sorensen, Missoula Qualifications (if required): experience with veterans' issues	Governor	8/1/2015
Ms. Sarah Price, Helena Qualifications (if required): experience with veterans' issues	Governor	8/1/2015
Mr. Travis Monroe, Bozeman Qualifications (if required): representative of Senator Max Baucus	Governor	8/1/2015
Ms. Anita Old Bull Big Man, Billings Qualifications (if required): representative of Tribal governments	Governor	8/1/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Veterans' Affairs (Military Affairs) cont. Mr. Shawn Backbone, Crow Agency Qualifications (if required): Tribal Member</p>	Governor	8/1/2015
<p>Mr. Richard A. Juvik, Helena Qualifications (if required): Veterans At-Large</p>	Governor	8/1/2015
<p>Board of Veterinary Medicine (Labor and Industry) 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>Board of Water Well Contractors (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>Commission on Community Service (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 -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Committee on Telecommunications Access (Public Health and Human Services) Mr. Tyler Peart, Missoula Qualifications (if required): Largest Service Provider in Montana</p>	Governor	7/1/2015
<p>District Court Council (Judiciary) Ms. Lori Maloney, Butte Qualifications (if required): none specified</p>	nominated	6/30/2015
<p>Judge Gregory R. Todd, Billings Qualifications (if required): none specified</p>	nominated	6/30/2015
<p>Economic Development Advisory Council (Commerce) Mr. Jim Atchison, Colstrip Qualifications (if required): public representative</p>	Governor	7/23/2015
<p>Ms. Elizabeth Marchi, Polson Qualifications (if required): public representative</p>	Governor	7/23/2015
<p>Mr. Joe Menicucci, Belgrade Qualifications (if required): public representative</p>	Governor	7/23/2015
<p>Mr. Richard Sangrey, Box Elder Qualifications (if required): tribal government representative</p>	Governor	7/23/2015
<p>Mr. Wade Sikorski, Baker Qualifications (if required): public representative</p>	Governor	7/23/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Economic Development Advisory Council (Commerce) cont. 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
Electrical Board (Labor and Industry) Mr. Mel Medhus III, Kalispell Qualifications (if required): master electrician	Governor	7/1/2015
Family Education Savings Program Oversight Committee (Commissioner of Higher Educaiton) Mr. John Driscoll, Helena Qualifications (if required): public representative	Governor	7/1/2015
Flathead Basin Commission (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
Ms. Jasmine Courville-Brown, Ronan Qualifications (if required): public representative	Governor	6/30/2015
Forest Lands Taxation Advisory Committee (Revenue) Ms. Doreen Stokes, Plains Qualifications (if required): Forest Landowner	Governor	6/30/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Forest Lands Taxation Advisory Committee (Revenue) cont. 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>Future Fisheries Review Panel (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
<p>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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Future Fisheries Review Panel (Fish, Wildlife and Parks) cont. 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>Historical Society Board of Trustees (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
<p>Judicial Standards Commission (Judiciary) 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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Labor-Management Advisory Council (Labor and Industry)		
Mr. Don Judge, Helena Qualifications (if required): representative of employees	Director	6/1/2015
Mr. Bill Dahlgren, Missoula Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Riley Johnson, Helena Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Bob Olsen, Helena Qualifications (if required): Montana Hospital Association	Director	6/1/2015
Ms. Jacqueline Lenmark, Helena Qualifications (if required): Private Insurers	Director	6/1/2015
Ms. Jean Branscum, Helena Qualifications (if required): Montana Medical Association	Director	6/1/2015
General John Walsh, Helena Qualifications (if required): none specified	Director	6/1/2015
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Labor-Management Advisory Council (Labor and Industry) cont. 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, Worden 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
Ms. Shelley Hayes, Billings Qualifications (if required): Rehabilitation Association of Montana	Director	6/1/2015
Ms. Bonnie Lyytinen-Hale, Three Forks Qualifications (if required): Rehabilitation Association of Montana	Governor	6/1/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Labor-Management Advisory Council (Governor) cont. Mr. Marvin Jordan, Great Falls Qualifications (if required): representative of employers</p>	Governor	6/1/2015
<p>Land Information Advisory Council (State Library) 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>Low Income Energy Assistance Programs Policy Advisory Council (Public Health and Human Services) Ms. Lou Moore, Helena Qualifications (if required): none specified</p>	Director	7/30/2015
<p>Mr. Mike Vogel, Bozeman Qualifications (if required): none specified</p>	Director	7/30/2015
<p>Mr. Phil Cooke, Helena Qualifications (if required): none specified</p>	Director	7/30/2015
<p>Ms. Lesa Evers, Helena Qualifications (if required): Tribal Relations Manager</p>	Director	7/30/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Low Income Energy Assistance Programs Policy Advisory Council (Public Health and Human Services) cont. Ms. Tina Shorten, Helena Qualifications (if required): Consumer Affairs Representative	Director	7/30/2015
Mental Disabilities Board of Visitors (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
Mental Health Ombudsman (Governor) Ms. Jennifer L Hensley, Butte Qualifications (if required): none specified	Governor	8/2/2015
Mr. Dennis Nyland, Helena Qualifications (if required): Mental Health Ombudsman	Governor	8/2/2015
Montana Health Coalition (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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Wheat and Barley Committee (Agriculture)		
Mr. Buzz Mattelin, Culbertson Qualifications (if required): resident of District 1 and identifies himself as an Independent	Governor	8/20/2015
Mr. Bruce Myllymaki, Stanford Qualifications (if required): resident of District 5 and identifies himself to be a Democrat	Governor	8/20/2015
Mr. Tom Siderius, Kalispell Qualifications (if required): resident of District 6 and identifies himself to be a Democrat	Governor	8/20/2015
Motorcycle Safety Advisory Commission (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
Noxious Weed Management Advisory Council (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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Management Advisory Council (Agriculture) cont. 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
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
Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Roy Morris, Butte Qualifications (if required): service station dealer	Governor	6/30/2015

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Petroleum Tank Release Compensation Board (Environmental Quality) cont. Mr. Tim McDermott, Bozeman Qualifications (if required): public member	Governor	6/30/2015
Poet Laureate (Montana Arts Council) Ms. Tami Haaland, Billings Qualifications (if required): Montana Arts Council Nominee	Governor	8/1/2015
Postsecondary Scholarships Advisory Council (Higher Education) Mr. LeRoy Schramm, Helena Qualifications (if required): experience in postsecondary education	Governor	6/20/2015
Private Land Public Wildlife Advisory Council (Fish, Wildlife and Parks) Dr. Daniel R. Fiehrer, Helena Qualifications (if required): Sportsperson	Governor	7/31/2015
Mr. Jack Billingsley, Glasgow Qualifications (if required): Outfitter	Governor	7/31/2015
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Land Public Wildlife Advisory Council (Fish, Wildlife and Parks) cont. 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
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Public Defender Commission (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
Public Health System Improvement Task Force (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
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Public Health System Improvement Task Force (Public Health and Human Services) cont. 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
Ms. Lindsey Krywaruchka, Helena Qualifications (if required): Ex-Officio Member	Director	6/1/2015
Reserved Water Rights Compact Commission (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. 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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Council on Educational Opportunity for Military Children (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 Military Installation	Governor	6/30/2015
Major Renea Dorvall, Fort Harrison Qualifications (if required): Representative of the Executive Branch	Governor	6/30/2015
State Tribal Economic Development Commission (Commerce) Mr. Channis Whiteman, Crow Agency Qualifications (if required): Crow Tribe's Alternate member	Governor	6/30/2015
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Teachers' Retirement Board (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
Tourism Advisory Council (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
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (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
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

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2015 THROUGH AUGUST 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice) cont. 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
Western Interstate Commission for Higher Education (Education) Mr. Pat Williams, Missoula Qualifications (if required): engaged in professional occupation	Governor	6/24/2015