

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 16

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

ADMINISTRATION, Department of, Title 2

2-43-529 (Public Employees' Retirement Board) Notice of Proposed Amendment - Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457 Deferred Compensation Plan. No Public Hearing Contemplated.	1220-1222
2-43-530 (Public Employees' Retirement Board) Notice of Proposed Amendment - Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document and the State of Montana Public Employee Deferred Compensation (457) Plan Document. No Public Hearing Contemplated.	1223-1225
2-43-531 (Public Employees' Retirement Board) Notice of Proposed Amendment - Actuarial Rates and Assumptions. No Public Hearing Contemplated.	1226-1228
2-43-532 (Public Employees' Retirement Board) Notice of Proposed Amendment - Defined Contribution Plan Default Investment Fund - Deferred Compensation Plan Investment Options. No Public Hearing Contemplated.	1229-1231

LABOR AND INDUSTRY, Department of, Title 24

24-101-307 Notice of Public Hearing on Proposed Amendment and Repeal - Definitions - Administrative Fees - Purpose - Licensing - Renewal Notification. 1232-1238

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-715 Amended Notice of Proposed Adoption, Amendment, and Repeal - Provider Participation - Program Requirements - Reimbursement Procedures for Psychiatric Residential Treatment Facility (PRTF) Services. 1239-1240

37-717 Amended Notice of Proposed Adoption and Amendment - Production and Sale of Cottage Food Products. 1241-1242

37-719 Amended Notice of Proposed Amendment and Repeal - Revision of Authorization Requirements for Medicaid Mental Health Services for Youth. 1243-1244

37-723 Notice of Public Hearing on Proposed Adoption - Short-Term Voluntary Inpatient Mental Health Treatment. 1245-1248

REVENUE, Department of, Title 42

42-2-933 Notice of Public Hearing on Proposed Adoption, Amendment, Transfer, and Repeal - Unclaimed Property. 1249-1253

42-2-934 Notice of Public Hearing on Proposed Amendment - Liquor Prices - Vendor Product Representatives and Permits - Samples - Advertising - Unlawful Acts - Inventory Policy (Powdered/Crystalline Liquor Products) - Product Availability - Product Listing - Bailment - State Liquor Warehouse Management. 1254-1269

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-4-527 Notice of Amendment - Single Audit Act Reporting Fees for Local Governments. 1270

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-442 (Fish and Wildlife Commission) Notice of Amendment and Adoption - Recreational Use on Silver Lake in Deer Lodge County. 1271

12-443 (Fish and Wildlife Commission) Notice of Amendment - Exotic Species Classification. 1272-1273

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-713 Notice of Amendment and Repeal - Non-Medicaid Respite Care Services for Youth With Serious Emotional Disturbance. 1274-1275

PUBLIC SERVICE REGULATION, Department of, Title 38

38-3-229 Notice of Adoption, Amendment, and Repeal - Motor Carriers. 1276-1280

REVENUE, Department of, Title 42

42-2-929 Notice of Amendment - Targeted Economic Development Districts. 1281-1285

SECRETARY OF STATE, Office of, Title 44

44-2-204 Notice of Adoption and Amendment - Voting Accessibility for Electors With Disabilities - Montana Absent Uniformed Services and Overseas Voter Act. 1286-1287

44-2-205 Notice of Amendment - Retention of Local Government Electronic Long-Term Records. 1288

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 1289-1290

How to Use ARM and MAR. 1291

Accumulative Table. 1292-1302

Boards and Councils Appointees. 1303-1314

Vacancies on Boards and Councils. 1315-1327

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.43.3502 pertaining to the	)	AMENDMENT
investment policy statement for the)	
Defined Contribution Retirement Plan	)	NO PUBLIC HEARING
and ARM 2.43.5102 pertaining to the	)	CONTEMPLATED
investment policy statement for the)	
457 Deferred Compensation Plan)	

TO: All Concerned Persons

1. On October 30, 2015, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board 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 Montana Public Employee Retirement Administration no later than 5:00 p.m. on September 21, 2015, to advise us of the nature of the accommodation that you need. Please contact Kris Vlado, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail kvladic@mt.gov.

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

2.43.3502 ADOPTION OF INVESTMENT POLICY STATEMENT AND STABLE VALUE FUND INVESTMENT GUIDELINES (1) The board adopts and incorporates by reference the State of Montana 401(a) Defined Contribution Plan Investment Policy Statement approved by the board on ~~May 8, 2014~~ June 11, 2015.
(2) and (3) remain the same.

AUTH: 19-3-2104, MCA
IMP: 19-3-2104, 19-3-2122, MCA

2.43.5102 ADOPTION OF INVESTMENT POLICY STATEMENT AND STABLE VALUE FUND INVESTMENT GUIDELINES (1) The board adopts and incorporates by reference the State of Montana 457 Plan (deferred compensation) Investment Policy Statement approved by the board on ~~May 9, 2013~~ June 11, 2015.
(2) and (3) remain the same.

AUTH: 19-50-102, MCA
IMP: 19-50-102, MCA

STATEMENT OF REASONABLE NECESSITY: The Public Employees' Retirement Board, as administrator of the Public Employees' Retirement System Defined Contribution Retirement Plan (DCRP) and the State of Montana's 457(b) Deferred Compensation Plan (457 Plan), adopted the two plans' original investment policy statements in 2002. The investment policy statements are reviewed on a yearly basis and amended to reflect best practices in defined contribution plan investments. Upon recommendation of the board's investment advisor, Buck Consultants, and the Employees' Investment Advisory Council, the board determined on June 11, 2015 to slightly broaden the investment guidelines for both plans.

The first change recognizes that not all viable fund options will have a minimum of 3 years measurable operating history. For those funds, the investment manager's history of managing a fund with similar management and investment objections for at least 5 years may be used for evaluation purposes. Similarly, the second change recognizes the volatile nature of today's market by allowing retention of funds that have a strong performance record over a long time period to remain in either plan despite short-term under-performance.

Because the Public Employees' Retirement Board adopted the original investment policy statements by reference, 2-4-307(3), MCA, requires that changes to those statements also be adopted by reference. Therefore, it is necessary to amend the rules that adopt the investment policy statements by reference to refer to the most current statements.

The investment policy statements are available on the board's web page at mpera.mt.gov.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., September 28, 2015.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Kris Vladic at the above address no later than 5:00 p.m., September 28, 2015.

6. If the Public Employees' Retirement Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed amendment; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1,132 persons based on

approximately 2,188 participants in the Defined Contribution Retirement Plan and 8,488 participants in the Deferred Compensation Plan as of June 30, 2014, for a total of 11,320 participants.

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

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

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

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

/s/ Melanie A. Symons
Melanie A. Symons
Chief Legal Counsel
and Rule Reviewer

/s/ Sheena Wilson
Sheena Wilson
President
Public Employees' Retirement Board

Certified to the Secretary of State August 17, 2015

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.43.3501 and 2.43.5101	)	AMENDMENT
pertaining to the adoption by)	
reference of the State of Montana	)	NO PUBLIC HEARING
Public Employee Defined	)	CONTEMPLATED
Contribution Plan Document and the)	
State of Montana Public Employee)	
Deferred Compensation (457) Plan)	
Document)	

TO: All Concerned Persons

1. On October 30, 2015, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board 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 Montana Public Employee Retirement Administration no later than 5:00 p.m. on September 21, 2015, to advise us of the nature of the accommodation that you need. Please contact Kris Vlastic, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail kvladic@mt.gov.

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

2.43.3501 ADOPTION OF DEFINED CONTRIBUTION PLAN DOCUMENT AND TRUST AGREEMENT (1) remains the same.

(a) State of Montana Public Employee Defined Contribution Plan Document (~~May 2014~~ August 2015 edition) that was approved by the board on ~~May 8, 2014~~ August 13, 2015; and

(b) and (2) remain the same.

AUTH: 19-3-2104, MCA

IMP: 19-3-2102, MCA

2.43.5101 ADOPTION OF DEFERRED COMPENSATION PLAN DOCUMENT AND TRUST AGREEMENT (1) remains the same.

(a) State of Montana Public Employee Deferred Compensation Plan Document (~~May 2014~~ August 2015 edition), that was approved by the board on ~~May 8, 2014~~ August 13, 2015; and

(b) and (2) remain the same.

AUTH: 19-50-102, MCA
IMP: 19-50-102, MCA

STATEMENT OF REASONABLE NECESSITY: The Public Employees' Retirement Board, as administrator of the Public Employee Retirement System's Defined Contribution Retirement Plan (DCRP) and the State of Montana 457(b) Deferred Compensation Plan, is proposing to revise the DCRP Plan Document and the Deferred Compensation Plan Document to incorporate recent changes to federal and state law requirements and processes adopted by the Montana legislature effective March 30, 2015.

The revised plan documents were reviewed and approved by the board at its August 13, 2015 board meeting.

Because the board determined to adopt the original plan documents by reference, 2-4-307(3), MCA, requires that changes to the documents also be adopted by reference. Therefore, it is necessary to amend the rules that adopt the plan documents to indicate the version of the plan documents being adopted by reference.

The plan documents are available on the board's web page at mpera.mt.gov.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., September 28, 2015.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Kris Vladic at the above address no later than 5:00 p.m., September 28, 2015.

6. If the Public Employees' Retirement Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed amendment; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1,132 persons based on approximately 2,188 participants in the Defined Contribution Retirement Plan and 8,488 participants in the Deferred Compensation Plan as of June 30, 2014, for a total of 11,320 participants.

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

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

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

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

/s/ Melanie A. Symons
Melanie A. Symons
Chief Legal Counsel
and Rule Reviewer

/s/ Sheena Wilson
Sheena Wilson
President
Public Employees' Retirement Board

Certified to the Secretary of State August 17, 2015

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 2.43.1306 pertaining to actuarial) AMENDMENT
rates and assumptions)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On October 30, 2015, the Public Employees' Retirement Board proposes to amend the above-stated rule.

2. The Public Employees' Retirement Board 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 Montana Public Employee Retirement Administration no later than 5:00 p.m. on September 21, 2015, to advise us of the nature of the accommodation that you need. Please contact Kris Vladic, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail kvladic@mt.gov.

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

2.43.1306 ACTUARIAL RATES AND ASSUMPTIONS (1) The actuary will present the actuarial data and recommend the board adopt specific rates and assumptions. The board in its discretion will adopt rates and assumptions and publish them in a board policy. The board adopts and incorporates by reference BOARD Admin 09 Actuarial Valuation Assumptions and Methods (approved ~~October 13, 2014~~ December 11, 2014) and BOARD Admin 10 Actuarial Equivalence Option Factor Determination (approved June 10, 2010), providing actuarial rates, assumptions, and methods used for valuation and actuarial equivalence purposes. BOARD Admin 09 also contains the early retirement factor tables applicable to PERS, HPORS, and SRS.

(2) MPERA shall maintain a historical file of all rates or assumptions, including the current version. The file shall be open and readily available to the public. Copies of the assumptions and board policies BOARD Admin 09 and BOARD Admin 10 may be obtained from MPERA, 100 North Park Avenue, Suite 200, P.O. Box 200131, Helena, MT 59620-0131, phone 1 (877) 275-7372, e-mail mpera@mt.gov and are available on MPERA's web site at www.mpera.mt.gov.

(3) remains the same.

AUTH: 19-2-403, MCA
IMP: 19-2-405, 19-17-107 MCA

STATEMENT OF REASONABLE NECESSITY:

BOARD Admin 09 as adopted December 11, 2014, amends the early retirement factors applicable to the Highway Patrol Officers' Retirement System (HPORS) and the Sheriffs' Retirement System (SRS). The HPORS changes factor in the 10-year vesting period for HPORS members hired on or after July 1, 2013. The SRS changes incorporate the GABA reduction to 1.5% for SRS members hired on or after July 1, 2007. The SRS table has been in use, but was not previously referenced in the policy. Finally, the December 11, 2014 policy was amended to provide hyperlinks to the actual tables referenced in the policy.

The Internal Revenue Service requires public pension systems to adopt actuarial assumptions, rates, and methods in a manner that gives them the force and effect of law. Adopting the applicable actuarial assumptions, rates, and methods into rule by reference gives them the force and effect of law. Since the policy is adopted by reference, 2-4-307(3), MCA, requires that the amended policy also be adopted by reference. Therefore, it is necessary to amend the rule that adopts the policy by reference to reflect the most current policy.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., September 28, 2015.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Kris Vladic at the above address no later than 5:00 p.m., September 28, 2015.

6. If the Public Employees' Retirement Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed amendment; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1,132 persons based on approximately 2,188 participants in the Defined Contribution Retirement Plan and 8,488 participants in the Deferred Compensation Plan as of June 30, 2014, for a total of 11,320 participants.

7. The Public Employees' Retirement Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request

that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the PER Board.

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

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

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

/s/ Melanie A. Symons
Melanie A. Symons
Chief Legal Counsel
and Rule Reviewer

/s/ Sheena Wilson
Sheena Wilson
President
Public Employees' Retirement Board

Certified to the Secretary of State August 17, 2015

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.43.3504 pertaining to defined	)	AMENDMENT
contribution plan default investment)	
fund and 2.43.5103 pertaining to	)	NO PUBLIC HEARING
deferred compensation plan	)	CONTEMPLATED
investment options)	

TO: All Concerned Persons

1. On October 30, 2015, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board 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 Montana Public Employee Retirement Administration no later than 5:00 p.m. on September 21, 2015, to advise us of the nature of the accommodation that you need. Please contact Kris Vladic, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail kvladic@mt.gov.

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

2.43.3504 DEFINED CONTRIBUTION RETIREMENT PLAN DEFAULT INVESTMENT FUND (1) The board will identify ~~a balanced fund~~ an age-appropriate target date fund offered by the DCRP to be the default investment fund.

(2) ~~The~~ Unless otherwise directed by the DCRP participant, the following assets will be deposited in the default investment fund:

(a) through (3) remain the same.

AUTH: 19-2-403, 19-3-2104, MCA
IMP: 19-3-2114, 19-3-2115, 19-3-2117, 19-3-2122, MCA

2.43.5103 DEFERRED COMPENSATION PLAN INVESTMENT OPTIONS

(1) remains the same.

(2) A Deferred Compensation Plan participant with assets in a discontinued investment option will be given notice and 90 days to move assets from the investment option being discontinued to an offered investment option. Assets remaining in a discontinued investment option at the end of the 90-day period will be automatically transferred to the investment option similar in investment category and style selected by the board to replace the discontinued investment option. If the discontinued investment option is not replaced, the board will transfer the fund

balance to a ~~balanced fund~~ an age-appropriate target date fund offered by the Deferred Compensation Plan.

(3) remains the same.

AUTH: 19-50-102, MCA

IMP: 19-50-102, MCA

STATEMENT OF REASONABLE NECESSITY: The Pension Protection Act of 2006 was amended by 2008 Department of Labor regulations to include Target Date Funds (TDFs) in the list of Qualified Default Investment Alternatives (QDIAs) allowed in governmental defined contribution retirement plans. At its August 11, 2011 meeting, the Public Employees' Retirement Board added TDFs to its list of available investment funds in both plans and identified the TDF as the QDIA in the DCRP.

Staff recently noted that ARM 2.43.3504 was not amended to reflect that decision and that a QDIA is needed for the state of Montana's Deferred Compensation Plan. Therefore, these rules are proposed to be amended to clarify that the QDIA for both the DCRP and the State of Montana's Deferred Compensation (457(b)) Plan is the plan participant's age-appropriate target date fund.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., September 28, 2015.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Kris Vladic at the above address no later than 5:00 p.m., September 28, 2015.

6. If the Public Employees' Retirement Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed amendment; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1,132 persons based on approximately 2,188 participants in the Defined Contribution Retirement Plan and 8,488 participants in the Deferred Compensation Plan as of June 30, 2014, for a total of 11,320 participants.

7. The Public Employees' Retirement Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request

that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the PER Board.

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

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

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

/s/ Melanie A. Symons
Melanie A. Symons
Chief Legal Counsel
and Rule Reviewer

/s/ Sheena Wilson
Sheena Wilson
President
Public Employees' Retirement Board

Certified to the Secretary of State August 17, 2015

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.101.402 definitions and	)	PROPOSED AMENDMENT AND
24.101.403 administrative fees, and	)	REPEAL
the repeal of 24.101.401 purpose,)	
24.101.407 licensing, and 24.101.414)	
renewal notification)	

TO: All Concerned Persons

1. On September 17, 2015, at 10:00 a.m., a public hearing will be held in the Basement Conference Room, 301 South Park Avenue, Basement Floor, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Business Standards Division, Department of Labor and Industry, no later than 5:00 p.m., on September 11, 2015, to advise us of the nature of the accommodation that you need. Please contact Darcee Moe, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2327; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2313; or damoe@mt.gov (department e-mail).

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

24.101.402 DEFINITIONS As used in conjunction with Title 37, MCA, the following definitions apply:

(1) "Active status" means ~~the license holder is afforded a license status that affords a licensee~~ the rights and privileges to practice under the license while complying with the requirements as set by the licensing entity board or program.

(2) "Administrative fees fee" means a fee ~~charged for products or services provided by the division~~ established by the department to cover the cost of administrative services as provided for in 37-1-134, MCA.

(3) remains the same.

(4) "Disciplinary action" means the procedure by which unprofessional conduct is addressed by the ~~licensing entity board or program~~ pursuant to the contested case hearing provisions of the Montana Administrative Procedure Act (MAPA).

(5) remains the same.

(6) "Expired license" means a license for which the renewal requirements have not been met not renewed within 45 days to two years after the license renewal date. An expired license may be reactivated anytime within these two years.

(7) "Inactive status" means an option provided by some licensing entities in which a licensee may retain a license but the licensee does not intend status that does not authorize the licensee to practice, nor will the licensee engage in licensed activities requiring a license at any time during the duration period of the inactive status license. The licensee may wish to reactivate the inactive status license in the future. An inactive status license must be renewed as prescribed by the licensing entity board or program.

(8) "Lapsed license" means a license that has not been renewed by the license renewal date. A lapsed license may be reactivated at anytime within 45 days following the license renewal date.

(9) "Late penalty fee" means the fee that is required to be paid by a licensee must pay when renewing upon renewal of a license if the licensee failed to renew the license by after the renewal date.

(a) The department may assess late penalty fees for each renewal period in which a license is not renewed.

(b) Late penalty fees need not be commensurate with costs.

(10) "License history" means the progression of the license record from original licensure to the current status of the license provided to any requestor.

(11) (10) "License verification" means the documentation provided to another licensing entity that may include information supplied for original licensure or the license history information.

(12) (11) "New original license" means a license issued to an individual whose previous original license terminated and was not reinstated. In order to To receive a new original license, all current requirements for obtaining an original license must be met including, but not limited to, submitting required application materials, successfully passing the required examinations as applicable, and paying the appropriate fees. The new original license number will remain the same as the original license number.

(13) (12) "Nonroutine application" means an application submitted to the division in which the application is defined as nonroutine either by the specific licensing entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern. that staff has determined requires board review, because it involves:

(a) A nonroutine application means that the applicant has one or more of the following: a pending complaint or pending or final disciplinary action, in any jurisdiction, against a current or previously held professional or occupational license of any type;

(b) evidence of unprofessional conduct as defined by law or rule;

(c) materials that require evaluation by the professional members of the board;

(d) missing documentation due to natural disaster, national emergency, or other good cause supported by reliable information;

(e) a matter specifically defined by board or program rule or law as nonroutine; or

(f) an issue staff deems necessary for the board to review.

~~(i) has pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;~~

~~(ii) is restricted by the terms and conditions of a final order in a disciplinary matter;~~

~~(iii) is required to submit materials that require professional evaluation by another licensee or licensing entity;~~

~~(iv) has loss of documentation due to natural disaster or national emergency;~~

~~or~~

~~(v) is foreign educated, except for those foreign educated applicants applying for licensure from the following:~~

~~(A) Board of Medical Examiners;~~

~~(B) Board of Professional Engineers and Professional Land Surveyors; or~~

~~(C) Board of Realty Regulation.~~

~~(14) remains the same but is renumbered (13).~~

~~(15) (14) "Probationary license" means a license, that due to discipline taken against the licensee, signifies the license holder is afforded affords a licensee the rights and privileges to practice under the license while complying with the terms and conditions of a final order in a disciplinary action as issued by the licensing entity.~~

~~(16) (15) "Reactivated license" means a lapsed or expired license that is renewed between the renewal date and two years following the renewal date. In order to reactivate a license, by meeting all renewal requirements must be met.~~

~~(17) (16) "Reactivation of license" means activating a lapsed or expired license.~~

~~(18) (17) "Renewal date" means the date by which an existing license must be renewed as listed in per ARM 24.101.413. Renewal information must be submitted on or before the renewal date in order for to renew a license to be renewed without the assessment of the a late penalty fee.~~

~~(19) (18) "Routine application" means an application submitted to the division in which the application is defined as routine either by the specific licensing entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern that does not meet the definition of nonroutine as determined in the discretion of licensing staff and by board rule.~~

~~(a) A routine application means that the applicant does not have one or more of the following:~~

~~(i) pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;~~

~~(ii) is not restricted by the terms and conditions of a final order in a disciplinary matter;~~

~~(iii) is not required to submit materials that require professional evaluation by another licensee or licensing entity;~~

~~(iv) loss of documentation due to natural disaster or national emergency; or~~

~~(v) is foreign educated, except for those foreign educated applicants applying for licensure from the following:~~

~~(A) Board of Medical Examiners;~~

~~(B) Board of Professional Engineers and Professional Land Surveyors; or~~

~~(C) Board of Realty Regulation.~~

~~(20) "Standardized fee" means an administrative fee for a common product or service that is charged to division customers.~~

~~(21) (19) "Suspended license" means a license, that due to discipline taken following a final disciplinary action against the licensee, signifies the license holder is that no longer afforded affords a licensee the rights and privileges to practice under the license for a period of time specified by the in a final order issued by the licensing entity. This term does not include an administratively suspended license per 37-1-321, MCA.~~

~~(22) (20) "Terminated license" means a license that has not been renewed or reactivated within two years of the renewal deadline date. A terminated license may not be reactivated.~~

AUTH: 37-1-101, MCA

IMP: 37-1-130, 37-1-131, 37-1-141, 37-1-321, MCA

REASON: The department determined it is reasonably necessary to amend this rule to improve organization, readability, and grammar choices, and to update the rule to include relevant definitions that relate to the division's current administrative procedures.

The department is striking (10) because license history information is included in license verifications and to align with the deletion of the license history fee from ARM 24.101.403 in this notice.

It is reasonably necessary to delete the definition of "standardized fee" at (20) as the term is adequately addressed in statute.

The department is amending the implementation citations to accurately reflect all statutes implemented through the rule.

24.101.403 FEES (1) ~~Standardized Administrative~~ fees, in addition to those fees charged by a ~~specific licensing entity~~ board or program, are as follows:

(a) through (d) remain the same.

~~(e) license history~~ 20

(e) reinstate administratively suspended license 120

~~(f) duplicate wall certificate~~ 20

(g) and (h) remain the same, but are renumbered (f) and (g).

(i) ~~the~~ The license verification fee is waived for any ~~licensing entity with board or program having a signed reciprocal agreement with another licensing entity and the licensing entities have agreed containing a provision~~ that no fees are to be charged;

~~(j) (h) inactive to active status change fee from inactive to active during the licensure period is the difference between the cost of an inactive license and an active license renewal fee;~~

~~(j) (i) renewal fee for a suspended license suspended through a final disciplinary action~~ is 50 percent of the regular renewal fee; and

(k) remains the same, but is renumbered (j).

~~(2) The late penalty fee for each renewal period a license has not been renewed shall be~~ is 100 percent of the license renewal fee. ~~The penalty fee,~~ is in

addition to the renewal fee, and must be paid for each renewal period that in which the license has ~~was~~ not been renewed. ~~If the license has not been renewed on or before the renewal date set by in ARM 24.101.413, the late penalty fee must be paid.~~

(a) ~~In the event When a renewal fee has been is abated, the late penalty fee still applies.~~ The late penalty fee that must be paid is 100 percent of the renewal fee that would have been charged had the renewal fee not been abated.

(3) remains the same.

(4) ~~When converting an~~ To convert a license from inactive status license to an active status license, the licensee must pay the difference between the inactive status fee and the active status fee ~~must be paid~~ for the remainder of the current renewal period.

(5) When a military reservist renews a professional or occupational license after being discharged from active duty, the renewal fee will be the current renewal fee. ~~No past fees accrued while the reservist was on active duty will be charged pursuant~~ Pursuant to 37-1-138, MCA, the department will not assess or charge any past fees accrued when the reservist was on active duty.

(6) remains the same.

AUTH: 37-1-101, MCA

IMP: 27-1-717, 37-1-101, 37-1-130, 37-1-134, 37-1-138, 37-1-141, MCA

REASON: The department is eliminating the fee for license histories since the histories are included in license verifications, already addressed in (1)(g). The department estimates the elimination of this rarely used fee will affect three licensees and decrease annual revenue by \$60.

The department is also eliminating the fee for duplicate wall certificates. Due to a change in department procedure, the department will no longer print either original or duplicate wall certificates for licensees. After suspending the provision of certificates to save expenses, the department will begin e-mailing certificates in the summer of 2015 for licensees to print their own. The department estimates the elimination of this fee will affect approximately 19 licensees and reduce annual revenue by \$380.

The 2015 Montana Legislature enacted Chapter 80, Laws of 2015 (Senate Bill 76), an act authorizing the licensing boards or the department to administratively suspend a professional or occupational license in routine matters as an alternative to disciplinary proceedings. The bill was signed by the Governor on February 27, 2015, and became effective on July 1, 2015. Therefore, the department determined it is reasonably necessary to amend this rule to set the fee necessary to reinstate an administratively suspended license, and further implement the legislation. The department estimates this new fee will affect approximately 230 licensees and increase annual revenue by \$27,600.

Further amendments are necessary to improve overall rule organization, grammar choice, and readability. The department determined it is reasonably necessary to amend the implementation citations to accurately reflect all statutes implemented through the rule.

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

24.101.401 PURPOSE found at ARM page 24-7035.

AUTH: 37-1-101, MCA

IMP: 37-1-101, 37-1-104, MCA

REASON: The department determined it is reasonably necessary to repeal this rule as it is unnecessary. The division and licensing boards have interrelated purposes that evolve continuously, thus requiring purpose rules to be constantly updated.

24.101.407 LICENSING found at ARM page 24-7049.

AUTH: 37-1-101, MCA

IMP: 37-1-101, 37-1-130, MCA

REASON: The department is repealing this rule as it unnecessarily repeats statutory language and reiterates standardized department processes.

24.101.414 RENEWAL NOTIFICATION found at ARM page 24-7069.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-130, 37-1-141, MCA

REASON: The department is repealing this rule as it unnecessarily repeats statutory language.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514, by facsimile to (406) 841-2313, or e-mail to damoe@mt.gov, and must be received no later than 5:00 p.m., September 25, 2015.

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

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the division. 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 division 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 department, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; faxed to the office at (406) 841-2313; e-mailed to damoe@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor of Senate Bill 76, Senator Gene Vuckovich, was contacted on March 13, 2015, by telephone.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.101.402 and 24.101.403 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.101.401, 24.101.407, and 24.101.414 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination(s) is available upon request to the Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514, by telephone (406) 841-2327; facsimile (406) 841-2313; or e-mail to damoe@mt.gov.

10. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

/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 August 17, 2015

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

In the matter of the adoption of NEW) AMENDED NOTICE OF PROPOSED
RULE I; the amendment of ARM) ADOPTION, AMENDMENT, AND
37.87.1201, 37.87.1202, 37.87.1203,) REPEAL
37.87.1206, 37.87.1207, 37.87.1215,)
37.87.1216, 37.87.1217, and)
37.87.1223; and the repeal of ARM)
37.87.1210 and 37.87.1214,)
pertaining to provider participation,)
program requirements, and)
reimbursement procedures for)
psychiatric residential treatment)
facility (PRTF) services)

TO: All Concerned Persons

1. On July 30, 2015, the Department of Public Health and Human Services published MAR Notice No. 37-715 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 985 of the 2015 Montana Administrative Register, Issue Number 14.

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

3. The Department of Public Health and Human Services (department) is proposing to amend MAR Notice Number 37-715 because the statement pertaining to the appropriateness of performance-based measurement under 53-6-196, MCA, was not added to the proposal notice.

4. The department is adding the following statement to the end of the MAR Notice Number 37-715 specifying that this rulemaking is not appropriate for performance-based measurement. The department is extending the comment period until 5:00 p.m. on September 4, 2015.

"13. 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be

assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA."

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on September 4, 2015. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Susan Callaghan
Susan Callaghan, Attorney
Rule Reviewer

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

Certified to the Secretary of State August 17, 2015.

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

In the matter of the adoption of New) AMENDED NOTICE OF PROPOSED
Rules I through XI and the) ADOPTION AND AMENDMENT
amendment of ARM 37.110. 238)
pertaining to the production and sale)
of cottage food products)

TO: All Concerned Persons

1. On July 30, 2015, the Department of Public Health and Human Services published MAR Notice No. 37-717 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1008 of the 2015 Montana Administrative Register, Issue Number 14.

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

3. The 64th Montana Legislature passed House Bill 478 which grants a person the ability to make food in their home kitchens and then sell this food directly to consumers if registered and approved by the regulatory authority as a cottage food operation. House Bill 478 also extends the department's rulemaking authority regarding cottage food operations and directs the department to adopt administrative rules consistent with the legislative intent of the bill. The bill further removes statutory licensing fees for retail food establishments from 50-50-205, MCA, and directs the department to set these fees by rule according to retail food establishment complexity. The eleven above-described new rules are necessary to ensure that the cottage food industry in Montana is administered in a way that is safe to the public and so consumers in Montana do not suffer adverse health effects from consuming food made by the cottage food industry. The proposed amended rule is necessary to set licensing fees for retail food establishments.

4. In addition to the proposed new rules, the department is proposing an amendment to ARM 37.110.238 to regulate the establishment of licensing fees for retail food establishments that are not temporary food establishments or cottage food operations. The proposed fees, which mirror the amounts presently charged pursuant to 50-50-205, MCA, are \$85 for operations with two or fewer employees

and \$115 for all others. The department is extending the comment period until 5:00 p.m. on September 4, 2015.

5. The department proposes to amend the following rule, new matter underlined, deleted matter interlined:

37.110.238 LICENSES (1) and (2) remain the same.

(3) Except for temporary food establishment permit fees set by the local health authority in accordance with 50-50-205(6), MCA, license fees are:

(a) \$85 for each license issued to an establishment that does not have more than two employees working at any one time; and

(b) \$115 for establishments with more than two employees.

(3) through (13) remain the same, but are renumbered (4) through (14).

AUTH: 50-50-103, MCA

IMP: 50-50-103, 50-50-201, 50-50-204, 50-50-205, 50-50-206, 50-50-207, 50-50-208, 50-50-209, 50-50-210, 50-50-211, 50-50-212, 50-50-213, 50-50-214, 50-50-215, MCA

ARM 37.110.238

This proposed amendment to ARM 37.110.238 sets a licensing fee of \$85 for operations with two or fewer employees and \$115 for all others. This proposed amendment does not apply to temporary food establishments or cottage food operations.

ARM 37.110.238, which implements HB 478's movement of the licensing fees for retail food establishments from statute to rule, leaves licensing fees at the same amounts that are now found within 50-50-205, MCA. There are presently 4327 establishments in the state that pay the \$115 licensing fee for a total amount of \$497,605. There are a further 3419 smaller food establishments that pay the \$85 licensing fee for a total \$290,615. Because ARM 37.110.238 merely changes the location of the licensing fee, this rule amendment will have no fiscal impact on local health departments.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on September 4, 2015. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

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

Certified to the Secretary of State August 17, 2015.

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

In the matter of the amendment of) AMENDED NOTICE OF PROPOSED
ARM 37.87.102, 37.87.901,) AMENDMENT AND REPEAL
37.87.903, 37.87.1303, 37.87.1313;)
and the repeal of ARM 37.87.723)
pertaining to the revision of)
authorization requirements for)
Medicaid Mental Health Services for)
Youth)

TO: All Concerned Persons

1. On July 30, 2015, the Department of Public Health and Human Services published MAR Notice No. 37-719 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 1023 of the 2015 Montana Administrative Register, Issue Number 14.

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

3. The Department of Public Health and Human Services (department) is proposing to amend MAR Notice Number 37-719 because the statement pertaining to the appropriateness of performance-based measurement under 53-6-196, MCA, was not added to the proposal notice. Also, the department is correcting two erroneous implementing citations under ARM 37.87.102: 53-21-201 and 53-21-202, MCA, have both been repealed.

4. The department is adding the following statement to the end of MAR Notice Number 37-719 specifying that this rulemaking is not appropriate for performance-based measurement. The department is extending the comment period until 5:00 p.m. on September 4, 2015.

"13. 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the

method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA."

5. The department proposes to amend the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.87.102 MENTAL HEALTH SERVICES (MHS) FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), DEFINITIONS As used in this chapter, the following terms apply:

(1) through (8) remain as proposed.

AUTH: 53-2-201, 53-6-113, 53-21-703, MCA

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, ~~53-21-201, 53-21-202~~, 53-21-701, 53-21-702, MCA

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on September 4, 2015. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Susan Callaghan
Susan Callaghan, Attorney
Rule Reviewer

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

Certified to the Secretary of State August 17, 2015.

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

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rule I pertaining to Short-Term) PROPOSED ADOPTION
Voluntary Inpatient Mental Health)
Treatment)

TO: All Concerned Persons

1. On September 16, 2015, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on September 9, 2015, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

NEW RULE I CONTRACTS FOR PAYMENT OF SHORT-TERM INPATIENT TREATMENT (1) The department may contract with eligible providers for payment for short-term inpatient treatment to eligible patients as provided in 53-21-1205 and 53-21-1206, MCA, to the extent of available funding.

(2) Eligible providers include:

(a) licensed mental health centers that operate inpatient crisis stabilization programs as defined in ARM 37.106.2027; and

(b) hospitals with an inpatient behavioral health unit.

(3) Documentation of services and outcomes must be provided to the department as required by contract.

(4) Eligible patients are the subjects of civil commitment petitions under Title 53, chapter 21, part 1, MCA, for whom the following conditions are met:

(a) diversion to short-term inpatient treatment has been recommended by the evaluating professional person as provided in 53-21-123(2)(a), MCA;

(b) the facility has agreed to accept the patient for up to 14 days inpatient treatment as provided in 53-21-1205 and 53-21-1206, MCA;

(c) the patient has agreed to voluntary short-term inpatient treatment as provided in 53-21-1205 and 53-21-1206, MCA;

(d) the commitment court has ordered a suspension of the civil commitment proceeding for the purpose of short-term inpatient treatment, as provided in 53-21-123(3)(b), MCA; and

(e) no known third party has a legal liability to pay for the services provided. Third party liability is defined in ARM 37.85.407, with the exception that the Montana Medicaid program is a third party for the purposes of this rule.

(5) Each contract with an eligible provider must provide that reimbursement will be made for up to 14 contiguous days of inpatient care for each eligible patient, in the order in which claims from all eligible providers are received by the department until the available funding has been exhausted. The department must notify each eligible provider who has entered into a contract under this rule when the available funding has been exhausted.

(6) The following rates will apply:

(a) inpatient hospital behavioral health unit: an all-inclusive rate of \$875 per day, which includes hospitalization, professional fees, laboratory, medications, medical procedures, evaluating and assessment services, discharge planning, and therapies.

(b) inpatient crisis stabilization program: an all-inclusive rate of \$575 per day, which includes crisis facility stay, professional fees, medical procedures, laboratory, medications, evaluating and assessment services, case management, and therapies.

(7) This rule is effective July 1, 2015.

AUTH: 53-21-1202, MCA

IMP: 53-21-1202, 53-21-1205, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing to adopt New Rule I in order to implement the mandate of House Bill 35 (HB35) passed by the 64th Montana Legislature in 2015. House Bill 35 requires the department to "adopt rules to . . . pay for short-term inpatient treatment that is provided pursuant to 53-21-1205." HB35 also provides an appropriation of \$1,000,000 for the biennium beginning July 1, 2015, and requires that "the money must be . . . spent in accordance with rules adopted pursuant to 53-21-1202." These rules are therefore necessary to spend the money appropriated for the purpose of HB35, which is to encourage the diversion of individuals from commitment to Montana State Hospital and other mental health facilities who would be better served in a short-term outpatient setting.

The department met with a range of providers to discuss the feasibility of the program and their ability to provide the service, and concluded that contracting with eligible providers for services to eligible patients is the most efficient method of providing this service. This proposed rule identifies providers who may enter into contracts, describes the eligible patients for whom reimbursements may be made, and sets all-inclusive per diem rates for up to 14 days of inpatient care.

New Rule I

Proposed New Rule I defines eligible providers as inpatient behavioral health units in hospital settings and mental health centers with inpatient crisis stabilization facilities. The persons eligible to receive services are persons who are being diverted from the statutory 3-month civil commitment process to short-term inpatient treatment for up to 14 days, as provided in 53-21-1205 and 53-21-1206, MCA. The persons must be determined appropriate for the service by a professional person as provided in 53-21-123(2)(a), MCA. The commitment court must order a suspension of the civil commitment proceeding for the purpose of short-term inpatient treatment. Persons receiving this service must voluntarily agree to the short-term inpatient treatment in lieu of commitment to Montana State Hospital or another mental health facility. Eligible providers will be reimbursed through contracts with the department when the patient has no other payer source for the service.

Fiscal Impact

The fiscal impact is \$500,000 general fund for fiscal year (FY) 2016 and \$500,000 for FY 2017. It is estimated the program will serve 50 persons who would otherwise be committed to the Montana State Hospital each year. It is anticipated this appropriation will continue into the next biennium.

5. The department intends to apply this rule retroactively to July 1, 2015. A retroactive application of the proposed rule does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., September 24, 2015.

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

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

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

State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified by e-mail on August 27, 2015.

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

12. 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Paulette Kohman
Paulette Kohman, Attorney
Rule Reviewer

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

Certified to the Secretary of State August 17, 2014.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PUBLIC HEARING ON
Rules I and II, amendment of ARM	)	PROPOSED ADOPTION,
42.38.102 and 42.38.103, transfer of	)	AMENDMENT, TRANSFER, AND
ARM 42.38.104, 42.38.203, and	)	REPEAL
42.38.206, and repeal of ARM)	
42.38.204 pertaining to unclaimed)	
property)	

TO: All Concerned Persons

1. On September 21, 2015, at 11 a.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed adoption, amendment, transfer, and repeal of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, advise the department of the nature of the accommodation needed, no later than 5 p.m. on September 11, 2015. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

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

NEW RULE I RURAL ELECTRIC OR TELEPHONE COOPERATIVES -
DETERMINATION OF UNCLAIMED PROPERTY EXEMPT FROM ESCHEATMENT

(1) Unclaimed patronage refunds of a rural electric or telephone cooperative are not presumed abandoned under 70-9-803, MCA, if the cooperative, upon the action of the board of trustees:

(a) maintains the unclaimed patronage refunds in a separate account or fund, which can only be used for educational purposes in the cooperative's community;

(b) does not include the amount of the unclaimed patronage refunds in the cooperative's general fund ledger;

(c) demonstrates the existence of established written guidelines, policies, and procedures granting the use of the unclaimed patronage refunds for educational purposes only; and

(d) records and substantiates all disbursements of the unclaimed patronage funds.

(2) Unclaimed patronage refunds held in the separate account or fund set forth in (1) can remain in the account or fund and accumulate to provide for educational expenditures that are greater than the annual amount deposited into the

account or fund.

(3) For patronage refunds issued in a calendar year, the distribution date is December 31, of the year the patronage refund is issued.

AUTH: 70-9-828, MCA

IMP: 35-18-316, 70-9-803, MCA

REASON: The department proposes adopting New Rule I to clarify when a patronage refund issued by a rural electric or telephone cooperative is not presumed abandoned property for the purposes of 70-9-803, MCA, and to coordinate the distribution date in 70-9-803, MCA, with the distribution date in 35-18-316, MCA.

As proposed, the new rule will provide the circumstances when unclaimed patronage refunds in a cooperative will not be presumed abandoned and therefore not subject to escheatment to Montana.

NEW RULE II NONUTILITY COOPERATIVES - DETERMINATION OF UNCLAIMED PROPERTY EXEMPT FROM ESCHEATMENT (1) Unclaimed shares in a nonutility cooperative are not presumed abandoned under 70-9-803, MCA, if the cooperative, upon the action of the board of trustees:

(a) maintains the unclaimed shares in a separate account or fund, which can only be used for charitable or civic purposes in the cooperative's community;

(b) does not include the amount of the unclaimed shares in the cooperative's general fund ledger;

(c) demonstrates the existence of established written guidelines, policies, and procedures granting the use of the unclaimed shares for charitable or civic purposes only; and

(d) records and substantiates all disbursements of the shares.

(2) Unclaimed shares held in the separate account or fund set forth in (1) can remain in the account or fund and accumulate to provide for charitable or civic expenditures that are greater than the annual amounts deposited into the account or fund.

AUTH: 70-9-828, MCA

IMP: 70-9-803, MCA

REASON: The department proposes adopting New Rule II to clarify when unclaimed shares issued by a nonutility cooperative will not be presumed abandoned property for the purposes of 70-9-803, MCA, which sets forth the presumptions of abandonment.

As proposed, the new rule will provide the circumstances when unclaimed shares in a cooperative will not be presumed abandoned and therefore not subject to escheatment to Montana.

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

42.38.102 APPLICABILITY (1) remains the same.

~~(2) Holders required to report and deliver abandoned property in their possession to the Department of Revenue include but are not limited to:~~

- ~~(a) banks, trust companies, savings banks, and other banking organizations;~~
- ~~(b) credit unions, savings and loan associations, and other financial organizations;~~
- ~~(c) corporations, partnerships, medical facilities, insurance companies, cooperatives, and other business associations; and~~
- ~~(d) courts, public offices, agencies, and political subdivisions of Montana or the United States.~~

AUTH: 70-9-828, MCA

IMP: 70-9-803, 70-9-804, MCA

REASON: The department proposes amending ARM 42.38.102 to strike the language in (2) and move and define the term "holder" as proposed in ARM 42.38.103 below.

42.38.103 DEFINITIONS The following definitions apply to this chapter:

~~(1) "Items of property" as used in the Uniform Unclaimed Property Act, with respect to money or funds, generally means amounts in a single account. Interest or earnings are part of the principal and are part of the "items of property".~~

~~(2) An "item" is an account in a financial institution regardless of the number of deposits made by the owner or accruals on the account. Other "items" include but are not limited to:~~

~~(a) unclaimed dividends declared but held for payment, annually or otherwise, for an absent owner of stock certificates of a corporation;~~

~~(b) ownership certificates of a corporation held for distribution to an owner, solely or jointly; and~~

~~(c) individual accounts made up of public utility deposits or refunds.~~

(1) "Finder" means an individual, company, or corporation that locates owners of unclaimed property and assists them in retrieving the property for a fee or commission.

(2) "Holder" has the meaning given in 70-9-802, MCA, and includes, but is not limited to, financial institutions, corporations, partnerships, limited liability companies, cooperatives, business associations, courts, governmental entities, and political subdivisions.

(3) "Memorandum" means, but is not limited to, the following:

(a) a confirmation letter or card signed by the owner;

(b) a personal letter or inquiry from the owner;

(c) a note in the holder's file that the owner discussed the account or property with the holder or holder's employee in person or by telephone; or

(d) a written or verbal communication (evidenced by a note in the holder's file) between the holder and the owner of multiple accounts regarding knowledge of all accounts, active and dormant, that generate regular statements or notices to the owner.

AUTH: 70-9-828, MCA

IMP: 70-9-801, 70-9-802, 70-9-803, MCA

REASON: The department proposes amending ARM 42.13.103 to add a customary definitions rule lead-in statement that provides the context for the terms being defined.

The department further proposes striking terms not currently used in the unclaimed property rules, defining terms found in the proposed new rules in this notice, relocating relevant terms from the proposed repeal of ARM 42.38.204 into this rule to locate all unclaimed property rule definitions together, and adding 70-9-801, MCA, as an implementing citation because it provides for the Uniform Unclaimed Property Act.

5. The department proposes transferring the following rules:

42.38.104 (42.38.220) PRESUMPTION OF OWNERSHIP

AUTH: 70-9-828, MCA
IMP: 70-9-802, 70-9-805, MCA

42.38.203 (42.38.305) CLAIMS FOR RECOVERY OF PROPERTY DELIVERED TO STATE

AUTH: 70-9-828, MCA
IMP: 70-9-815, 70-9-825, MCA

42.38.206 (42.38.310) CLAIMS OF PROPERTY BY FINDERS

AUTH: 70-9-828, MCA
IMP: 70-9-825, MCA

REASON: The department proposes transferring ARM 42.38.104, 42.38.203, and 42.38.206, as part of a reorganization of ARM Title 42, chapter 38, Abandoned Property. For consistency with the term used in statute, the chapter will be renamed Unclaimed Property. For ease of reference by users, the newly named chapter will also be separated into three subchapters titled (1) General Provisions, (2) Holder Reporting, and (3) Owner Claims. These three rules will be transferred by subject matter accordingly.

6. The department proposes repealing the following rule:

42.38.204 DEFINITIONS

AUTH: 70-9-828, MCA
IMP: 70-9-802, MCA

REASON: The department proposes repealing ARM 42.38.204 and placing all definitions for terms related to unclaimed property together in ARM 42.38.103, to

provide the definitions for unclaimed property rules together in a single location as part of the reorganization of ARM Title 42, chapter 38.

7. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than October 5, 2015.

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

9. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 7 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

10. An electronic copy of this notice is available on the department's web site at revenue.mt.gov/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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

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

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption, amendment, transfer, and repeal of the above-referenced rules will not significantly and directly impact small businesses. Documentation of the department's determination is available online at revenue.mt.gov/rules, or upon request from the person in 7.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State August 17, 2015.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 42.11.104, 42.11.105,	)	PROPOSED AMENDMENT
42.11.211, 42.11.213, 42.11.243,)	
42.11.245, 42.11.251, 42.11.402,)	
42.11.405, 42.11.406, 42.11.421,)	
42.11.422, 42.11.423, 42.11.424, and)	
42.11.425 pertaining to liquor prices,)	
vendor product representatives and)	
permits, samples, advertising,)	
unlawful acts, inventory policy)	
(powdered/crystalline liquor)	
products), product availability,)	
product listing, bailment, and state)	
liquor warehouse management)	

TO: All Concerned Persons

1. On September 21, 2015, at 1:30 p.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building facing Sanders Street.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, advise the department of the nature of the accommodation needed, no later than 5 p.m. on September 11, 2015. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

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

42.11.104 CALCULATION OF POSTED PRICE (1) and (2) remain the same.

(3) Unless a vendor qualifies for a reduced state markup under ARM 42.11.106, the state markup is as follows:

- (a) ~~40~~ 40.5 percent on any liquor other than fortified or sacramental wine;
- (b) through (4) remain the same.

AUTH: 16-1-303, MCA
IMP: 16-1-302, 16-1-404, MCA

REASON: The department proposes amending ARM 42.11.104 due to the passage of Senate Bill 193, L. 2015, which sets the state's markup rate for liquor products at 40.5 percent, effective November 1, 2015. Amending the rule is necessary to create continuity with the statute. The department further proposes adding 16-1-404, MCA, as an implementing statute because it sets forth the 40.5 percent markup rate used in this rule.

42.11.105 DEFINITIONS The following definitions apply to subchapters 1, 2, and 4:

~~(1) "Adult" means a person 21 years of age or older.~~

~~(2)(1) "Bailment" means the product at the department's Helena state liquor warehouse that is owned by the vendor. All product shipped into the Helena warehouse will be received as bailment and will remain until depleted or redelivered to the vendor.~~

~~(3) "Bailment warehouse" means the designated building in Helena where product is received, stored, and shipped from.~~

~~(4) "Beyond vendor's control" means that a vendor has considered all mitigated measures.~~

~~(5) "Broker" means a person, partnership, association, or corporation under contract to a vendor to arrange for the employment and registration of the vendor's representatives as provided by these rules and/or to supervise those representatives.~~

~~(6)(2) "Consumer advertising specialties" are items that are designed to be carried away by the consumer, such material includes, but is not limited to: including trading stamps, nonalcoholic mixers, pouring racks, ash trays ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors.~~

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

~~(8) "Erratic sales" means sales having no fixed or regular course; lacking consistency, regularity, or uniformity.~~

~~(9) "Employ" means to engage the services of a person either through direct supervision and control of the person or through a contract for services with the person.~~

~~(10) "List" means to establish a product's availability according to one of the classifications in ARM 42.11.405.~~

~~(11)(4) "Point of sale Point-of-sale advertising materials" are items designed to be used within a retail establishment to attract consumer attention to the product. Such materials include, but are not limited to: including posters, placards, designs, inside signs (electric, mechanical, or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage lists or menus.~~

~~(12)(5) "Primary packaging" means the container that directly holds the alcoholic beverage. Examples of primary packaging include, but are not limited to, including aluminum cans, glass bottles, and a box containing a plastic bladder or other soft flexible container.~~

~~(13) remains the same, but is renumbered (6).~~

~~(14)~~(7) "Promote" means to: undertake efforts with the intention of increasing sales or public awareness of a product or distiller, including soliciting product orders from agency liquor store agents and retail licensees, disseminating product information or promotional materials, and distributing product samples.

~~(a) solicit product sales at state agency liquor stores, licensees, special events, and/or the general public;~~

~~(b) contribute to the growth of products through the state agency liquor stores, licensees, special events, and/or the general public;~~

~~(c) disseminate product information to state agency liquor stores, licensees, special events, and/or the general public; and~~

~~(d) distribute product samples in accordance with ARM 42.11.243.~~

~~(8) "Registered vendor representative" means an individual registered, as provided by these rules, to promote a vendor's product in Montana.~~

~~(15)~~(9) "Regular product" means a product that: has sold 50 or more cases

(a) is among the highest-selling 1,300 products in the state based on case sales in the 12-month period leading up prior to the department's biannual review if: where sales are not erratic or based upon closeout or overstock;

~~(a) product sales are not a result of closeout, overstock, or erratic sales;~~

~~(b) product is available year-round; and~~

~~(c) product has been in the state for at least six months prior to the review.~~

~~(16) "Representative" means a person employed and registered, as provided by these rules, by a vendor to promote the sale of the vendor's product in Montana.~~

~~(17) "Sample" means a liquor product furnished by a liquor vendor to registered brokers and representatives for the purpose of promoting the product to licensed all-beverage retailers or agency liquor store agents.~~

~~(18)~~(10) "Seasonal product" means a product that is only available ~~by the manufacturer~~ during certain times of the year.

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

(12) "State liquor warehouse" means the designated building in Helena where product is received and stored and from which product is shipped to agency liquor stores.

~~(20)~~(13) "Vendor" means a person, partnership, association, corporation, or other business entity selling liquor party that sells product to the department and to whom which the department makes payment for liquor product depleted from the vendor's bailment inventory held at the state liquor warehouse.

~~(21)~~(14) "Vendor's Vendor permit" means a permit issued to a vendor entitling the vendor to promote ~~the sale of its products in Montana through~~ registered vendor representatives registered in accordance with these rules.

AUTH: 16-1-303, MCA

IMP: 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.105 to edit and add definitions of terms that are used in ARM Title 42, chapter 11, subchapters 1, 2, and 4, and to remove definitions of terms that are no longer used in the rules or those deemed unnecessary to define.

The department proposes removing definitions for adult, bailment warehouse, beyond the vendor's control, broker, erratic sales, employ, list, and sample. These are commonly understood terms that do not require definition by rule.

The department also proposes making minimal amendments to the definitions for bailment, consumer advertising specialties, point-of-sale advertising materials, primary packaging, promote, seasonal product, vendor, and vendor permit, to improve readability and to ensure consistent use of defined terms.

The department further proposes changing the term representative to registered vendor representative and the term bailment warehouse to state liquor warehouse to provide consistency in the rules on this subject matter.

The department proposes to amend the definition of the term regular product by limiting the number of regular products to the highest-selling 1,300. There are currently 1,234 regular products offered by the department. The number of regular products has increased each time the department conducts its biannual review. The proposed amendment will enable the department to manage space at the liquor warehouse more efficiently by capping the total number of regular products.

42.11.211 VENDOR REPRESENTATIVES (1) A vendor ~~who~~ desires seeking to promote the sale of its liquor in Montana shall register at least one representative with the department ~~product must do so through registered vendor representatives.~~ A vendor may register a maximum of three representatives is not required to register individuals who only promote product at the distiller's licensed premises. The vendor must also obtain a vendor permit pursuant to ARM 42.11.213.

~~(2) Liquor may only be promoted by the vendor's registered representative or a party accompanied by the vendor's registered representative, except as provided in (8).~~

~~(3)(2)~~ An electronic application and the registration fee must be submitted for each applicant seeking to represent a vendor must submit an application and the vendor representative registration fee.

~~(4)(3)~~ The department shall approve an application upon determining that the applicant:

(a) possesses no ownership interest in any Montana alcoholic beverage retail license or a ~~state~~ an agency liquor store;

(b) is ~~48~~ 21 years of age or older; and

(c) is a resident of Montana.

~~(5)(4)~~ A representative's registration is effective upon the department's approval of the application. All registrations expire on September 30 of each year.

~~(6)(5)~~ A representative seeking registration renewal shall submit a an electronic renewal application and the vendor representative registration fee; postmarked by on or before September 1 of each year.

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

~~(8) A vendor shall fill the one required representative position within 60 days of a vacancy. To promote its liquor during this 60-day period, the vendor must provide the department with advance written notice identifying the unregistered representative.~~

~~(9)~~(7) The annual registration fee for each ~~vendor representative applicant~~ is \$50. This fee must be paid when the applicant first seeks approval to represent a vendor and upon each renewal of the registration thereafter.

AUTH: 16-1-303, MCA
IMP: 16-3-103, 16-3-107, MCA

REASON: The department proposes amending ARM 42.11.211 to create continuity with statute due to the passage of House Bill (HB) 350, L. 2015, which revises liquor vendor representative requirements.

The department proposes striking language from (1) because the number of allowed representatives is set forth in statute. The department also proposes striking the language in (2) because statute does not allow vendors to have unregistered representatives promote their product in Montana.

The department proposes inserting language to clarify that promotion can only occur through registered vendor representatives and that individuals performing services at the distillery's sample room may promote product on-site without being registered. As set forth by rule, any party seeking to promote product outside of the distillery's sample room must be registered. Further, the vendor is also required to obtain a vendor's permit.

The department further proposes updating the minimum age requirement for serving as a vendor representative in newly numbered (3) based upon the passage of HB 350. The department also proposes striking the language in (8) because the requirement for a vendor to fill any vacancies of representation within 60 days was removed with the passage of HB 350.

Additionally, the department proposes amending the rule language to make it clear that vendors need to apply for and renew their vendor registrations electronically in newly numbered (2) and (5). This is consistent with current practices. The department further proposes adding language in newly numbered (4) and (5) that make it clear that the vendor registration is valid for one year and must be renewed annually thereafter.

42.11.213 VENDOR PERMIT (1) A vendor ~~who desires~~ seeking to promote the sale of its liquor in Montana shall obtain a vendor permit from the department and employ at least one representative pursuant to ARM 42.11.211.

(2) An applicant for a vendor permit must submit an electronic application and the vendor permit fee.

(3) remains the same.

(4) A vendor permit is effective upon the department's approval of the application. All vendor permits expire on September 30 of each year.

(5) A vendor seeking renewal of its vendor permit shall submit a an electronic renewal application and the vendor permit fee, ~~postmarked by~~ on or before September 1 of each year.

(6) remains the same.

AUTH: 16-1-303, MCA
IMP: 16-3-103, MCA

REASON: The department proposes amending ARM 42.11.213 to make it clear that in order to promote products a vendor must have a vendor permit and also employ a registered vendor representative, pursuant to ARM 42.11.211.

Additionally, the department proposes amending (1) and (5) to make it clear that vendors need to apply for and renew vendor permits electronically. This is consistent with current practices. The department also proposes adding language in (4) and (5) to make it clear that the permit is valid for one year and must be renewed annually thereafter to continue product promotion.

42.11.243 SAMPLES (1) Sample products must be shipped The distribution of samples in Montana may only be conducted as follows:

(a) the vendor must hold a current vendor permit as required under ARM 42.11.213;

(b) the vendor representative must be registered as required under ARM 42.11.211;

(c) except as provided for in 16-4-311, MCA, the vendor must ship the samples to the state liquor warehouse for distribution purposes at no charge to the state. department;

(2) A sample of liquor

(d) an agency liquor store may only be purchased through state agency liquor stores by sell samples to a registered liquor vendor representative and the cost shall be.

(3) The posted price for a sample liquor case is \$12.00 per case for shipping and handling; and

(e) only registered vendor representatives may provide samples.

(4) Sample products, which must be in their original containers, may only be given to licensed all-beverage retailers or agency liquor store agents.

(5) Samples may not be given to a licensed all-beverage retailer or an agency liquor store agent who has purchased the brand within the last 12 months.

(6) A registered representative may not give more than three liters of a distilled spirit or a fortified wine as samples to an all-beverage retailer or agency liquor store agent within the last 12 months.

(7) On-premise consumption of samples must take place at a licensed all-beverage establishment or at a special event conducted under a catering endorsement.

(8) In addition to the consumption allowed under (7), all-beverage retailers and agency liquor store agents are allowed to consume samples, given to them at their establishment by a registered representative, on private property not otherwise licensed by this code.

(9) Sample products must meet the following criteria:

(2) Each vendor is subject to an annual sample limitation of 200 liters per product.

(a) samples Samples are limited to primary packaging containing no more than 750 milliliters; and

(b) limit of 72 bottles per brand label, per vendor, per calendar year plus 720 bottles of 50 milliliters or 200 milliliters; or

~~(c) If a vendor does not produce a product in a size of 750 milliliters or less, then the next largest size may be substituted for the 750 milliliter.~~

~~(10)(3) For sample cases to be removed from bailed inventory bailment, the vendor must submit a request on a form provided by the department. A vendor must submit the form at least seven days prior to the requested ship date.~~

~~(11)(4) In order to distribute samples, the vendor's representatives must be registered as required under ARM 42.11.211, and the vendor must hold a current vendor permit as required under ARM 42.11.213. A registered vendor representative may only provide samples as follows:~~

~~(a) samples may only be provided to licensed all-beverage retailers or agency liquor store agents;~~

~~(b) samples may not be provided to an all-beverage retailer or agency liquor store that purchased the product within the previous 12 months; and~~

~~(c) no more than three liters of a product may be provided to a retailer or agency liquor store.~~

~~(5) Samples may not be consumed on the premises of an agency liquor store.~~

AUTH: 16-1-303, MCA

IMP: 16-3-103, 16-3-107, MCA

REASON: The department proposes amending ARM 42.11.243 primarily to improve clarity and readability by condensing and reordering the language and reducing the overall length of the rule. The general language content from all but two sections of the rule is proposed to be retained, but in a revised and easier to follow format.

The department proposes adding language in (1)(c) that provides a qualifying distillery, under 16-4-311, MCA, the ability to deliver sample cases of liquor directly to agency liquor stores. This ability is based on the passage of House Bill 506 during the 2015 legislative session, which allows microdistilleries to deliver products directly to agency liquor stores. The department intends to apply the amendments to ARM 42.11.243, upon adoption, except for (1)(c) which will become effective on January 1, 2016, when the legislative changes to 16-4-311, MCA, become effective.

The department proposes striking the language in (7) and (8) because information pertaining to where liquor can legally be consumed is clearly addressed in statute and was determined to be unnecessary detail to include in this rule. Alternatively, the department is proposing to include a short statement in new (5) regarding the prohibition of alcohol consumption in agency liquor stores. While a statutorily driven prohibition, the department thinks it is important to clarify this in the rule covering samples.

The department also proposes amending the volume limit formally set forth in newly numbered (2)(b) to state a combined annual volume limitation. The department proposes an annual volume limitation to afford vendors more flexibility in how sample cases can be shipped in sizes of 750 milliliters or less.

The department further proposes adding 16-3-107, MCA, as an implementing statute because it addresses the need to have a registered vendor representative to promote product in Montana as referred to in the rule.

42.11.245 ADVERTISING SPECIALTIES (1) Registered vendor representatives ~~are allowed to~~ may distribute ~~point of sale~~ point-of-sale advertising materials and consumer advertising specialties to a retailer as set forth in Title 27 of the Code of Federal Regulations, regulation number 6.84, ~~in effect on April 1, 2012.~~ Copies may be obtained ~~at the United States Treasury web site located at~~ www.ttb.gov.

(2) Registered vendor representatives may not directly or indirectly pay or credit the retailer for using these materials.

AUTH: 16-1-303, MCA

IMP: 16-3-103, MCA

REASON: The department proposes amending ARM 42.11.245 to create a consistent use of terms defined and used in ARM Title 42, chapter 11, and to improve the clarity and readability of the rule by making grammatical and punctuation changes and removing unnecessary language.

42.11.251 UNLAWFUL ACTS (1) Sections 16-1-304, 16-2-105, 16-3-101, 16-3-103, 16-6-104, and 16-6-301, MCA, ~~of the Montana Alcoholic Beverage Code,~~ provide that certain practices in connection with the sale of alcoholic beverages shall be unlawful. All vendors ~~and their brokers~~ and registered vendor representatives shall be familiar with and abide by these statutes.

(2) Although not limiting the scope of the statutory provisions, and with the exception of the consumer advertising specialties stated in ARM 42.11.245, the following practices ~~violate one or more of the statutes cited in (1)~~ are prohibited:

(a) and (b) remain the same.

(c) to purchase drinks "for the house" to induce the purchase of ~~particular brands~~ a product;

(d) to induce department personnel to promote the sale of ~~particular brands~~ a product. This prohibition does not apply to discussions between vendors or registered vendor representatives and department employees with regard to the department's purchase of liquor;

(e) to grant, allow, or pay money or anything of substantial value to licensees or their agents or employees ~~in order to~~ induce the sale of ~~particular brands~~ a product;

(f) to represent, expressly or by implication, that a vendor, ~~broker,~~ or registered vendor representative is affiliated with or has any influence over any department of the state government; or

(g) to repurchase, replace, or exchange any ~~liquors~~ product purchased by licensees or other persons from ~~state agency~~ liquor stores.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-304, 16-2-105, 16-3-101, 16-3-103, 16-6-104, 16-6-301, MCA

REASON: The department proposes amending ARM 42.11.251 to create a consistent use of terms defined and used in ARM Title 42, chapter 11, and to

improve the clarity and readability of the rule by rewording and/or removing unnecessary language.

42.11.402 INVENTORY POLICY (1) remains the same.

(2) Each product a vendor ~~desires~~ seeks to sell in ~~the state of~~ Montana must be approved by the department. In order to consider the product for approval, the department must receive a picture copy of the product's primary packaging.

(3) Liquor products are a mature product category, restricted by law to only consumers age 21 or older and who are not intoxicated, and therefore should be marketed in a responsible and appropriate manner. The department, in its discretion and on a case-by-case basis, will not approve a liquor product that:

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

(d) requires specialized handling requirements such as frozen or refrigerated products; or

(e) is in powdered or crystalline form.

(4) remains the same.

AUTH: 16-1-303, MCA

IMP: 16-1-104, 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.402 to change a word and remove unnecessary language in (2), and to protect the health, welfare, and safety of the citizens of Montana by prohibiting the sale of alcohol products in powdered or crystalline form in the state with the addition of new (e) in (3).

Several states across the country have current legislation or are actively pursuing legislation to prevent the sale of liquor in powdered or crystalline form in their states based on concerns raised regarding the potential negative social impact and problems identified with making those products available.

As set forth in Montana statute, the department is charged with ensuring the health, welfare, and safety of Montana's citizens in all matters regarding the regulation of alcohol sales in Montana. The department takes this responsibility seriously and does not believe that allowing Montana to be a test market in determining whether the social impact concerns related to these products are valid would be in the best interest of the health, welfare, and safety of Montana's citizens.

42.11.405 PRODUCT AVAILABILITY (1) Liquor products will be made available for sale in the following classifications:

(a) Regular products will be designated in the department's quarterly price list, book and have sufficient supply maintained in the ~~bailment~~ state liquor warehouse in accordance with ARM 42.11.421. An agent shall give an all-beverage licensee an a reduction of 8 percent discount on a full off the posted price for purchasing regular products in unbroken case lot of a regular product lots.

(b) Special order products that have sold at least one case in the prior 12 months will be published in the department's quarterly price list book. An agent shall not give an all-beverage licensee an 8 percent discount ~~on a full~~ for purchasing special order products in unbroken case lot of a special order product lots.

(i) Inventories will be maintained in the bailment state liquor warehouse in accordance with ARM 42.11.421 if the item has sold more than 24 cases on the highest-selling 350 special order products based on case sales in the 12-month period leading up prior to the department's biannual review.

(ii) Inventories will not be maintained in the bailment state liquor warehouse for all other special order products if the item has sold 24 or less cases in the 12-month period leading up to the department's biannual review.

These ~~items~~ products will be available on an order-by-order basis and, depending on ~~supplier~~ vendor requirements and availability, the order may take six weeks or more to be filled.

(A) A vendor with a ~~current Montana~~ vendor permit ~~who has and~~ at least one registered vendor representative may ship these products in to the state liquor warehouse on a promotional contract if approved by the department on a predetermined form. To seek approval for the shipment, the vendor must submit the request on a form prescribed by the department. The department shall notify the vendor upon approval. The promotional contract should state:

(I) ~~state~~ that the product will be maintained in the bailment state liquor warehouse;

(II) ~~list~~ the test market locations proposed for the product and the expected initial order amount;

(III) ~~describe~~ the promotional strategy that the vendor and the vendor's registered representative will undertake during the six-month promotion period; and

(IV) ~~specify~~ a return address for excess product at the end of the promotional period.

(B) No additional ~~supplier~~ vendor promotions will be allowed until excess product is removed from the state liquor warehouse. If arrangements have not been made to ship excess product back within 30 days of notification, product will be destroyed at the vendor's expense.

(c) Seasonal products are not published in the department's quarterly price list book. ~~Seasonal products are only available from the manufacturer during certain times of the year.~~ The department will notify ~~store agents~~ agency liquor stores when seasonal products become available. An agent shall not give an all-beverage licensee an 8 percent discount on a full for purchasing seasonal products in unbroken case lot of a seasonal product lots.

(d) Discontinued products are not published in the department's quarterly price list book. Discontinued products are available until all inventories have been depleted. An agent is not required to give an all-beverage licensee an 8 percent discount on a full for purchasing discontinued products in unbroken case lot of discontinued product lots; however, the agent may sell the product below its last ~~known~~ posted price.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104~~, 16-1-302, 16-2-201, MCA

REASON: The department proposes amending ARM 42.11.405 to create a consistent use of terms defined and used in this chapter of rules and proposes improving the clarity and readability of the rule by rewording and/or removing

unnecessary language. The department also proposes striking an unnecessary implementing statute.

The department further proposes amending the rule to require the department to maintain inventories of only the highest-selling 350 special order products. Currently, the department maintains inventories on 344 special order products. The number of special order products continues to grow each time the department conducts its biannual review. The proposed amendment will enable the department to manage space at the liquor warehouse more efficiently by capping the total number of special products.

42.11.406 PRODUCT LISTING ~~(1) A product listing will be determined by the total number of cases the product sold in the 12-month period leading up to the department's biannual review. The listings will be reviewed in January and July of each year. The results of the January review are effective May 1. The results of the July review are effective November 1. The listings will be categorized as regular product and special order product, as defined in ARM 42.11.105.~~

(1) Each January and July, the department shall classify all products based on the criteria set forth in ARM 42.11.405. The classifications from the January review are effective May 1. The classifications from the July review are effective November 1.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104~~, 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.406 to condense and improve the clarity of the rule by rewording and/or removing unnecessary language. The department further proposes striking an unnecessary implementing statute.

42.11.421 BAILMENT LIMITS ~~(1) Regular Vendors shall supply the state liquor warehouse with regular products must be maintained in the bailment warehouse and maintained special order products in an amount above the minimum level and below the maximum level as set forth in (2) and (3).~~

(2) The minimum ~~bailment~~ level is a historical three-week case demand. The historical three-week case demand is calculated by taking the ~~products past 12-months sales~~ product's sales from the previous 12 months and dividing by ~~42~~ 52 to obtain a ~~monthly~~ weekly demand. This figure is ~~divided by four to obtain a weekly demand~~ and then multiplied by three to obtain a three-week demand.

(3) The maximum level is a historical twelve-week case demand. The historical twelve-week case demand is calculated by taking the ~~products past~~ product's sales from the previous 12 months sales and dividing by ~~42~~ 52 to obtain a ~~monthly~~ weekly demand. This figure is ~~divided by four to obtain a weekly demand~~ and then multiplied by 12 to obtain a twelve-week demand. The maximum level may be exceeded ~~from time to time~~ if a vendor demonstrates to the department's satisfaction that a larger amount is needed to meet a sales forecast or to obtain an economical shipment and the department agrees.

(4) remains the same.

(5) ~~Vendors will also be charged the costs incurred by the department when there is insufficient product to fill orders during sales periods~~ shall honor a product's sale price for agency liquor store orders that were not filled during a sale month due to insufficient inventory.

(6) Fees and charges credits will be offset against department payments the department's payment for products.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104~~, 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.421(1) to make it clear that vendors are required to maintain an appropriate level of special and regular product inventory at the state liquor warehouse.

The department also proposes changing the explanation of the calculation formula in (2) and (3) to match the method currently used in the warehouse management computer system, which divides the sales in a 12-month period by weeks rather than by months to compute the historical demand of a product.

The department further proposes amending (5) to clarify the vendor's obligation to honor sales prices for product that is out of stock when ordered by an agency liquor store during the sale period.

The department also proposes amending the rule to create a consistent use of terms defined and used in this chapter of rules and proposes improving the clarity and readability of the rule by rewording and/or removing unnecessary language and striking an unnecessary implementing statute.

42.11.422 BAILMENT RECEIVINGS ~~(1) Vendors may ship products to the bailment warehouse upon approval and in accordance with ARM 42.11.406.~~

~~(2)(1)~~ Vendors ~~must~~ shall provide the department a ~~bill of lading~~ bill of lading for each shipment to the ~~bailment~~ state liquor warehouse by fax, or e-mail, ~~or mail post~~ marked ten days in advance of the expected date of arrival. The ~~bill of lading~~ bill of lading must include the quantity, the National Alcoholic Beverage Control Association control state code, and a description of each ~~item~~ product shipped.

~~(3)(2)~~ The department ~~will~~ shall send vendors an acknowledgement of receipt within 24 hours of receipt. ~~Any variance with the bill of lading, and the number of undamaged cases received, will be noted on the acknowledgement receipt~~ noting any variance from the bill of lading.

~~(4)(3)~~ The number of cases received per product will be credited to the vendor's bailment ~~warehouse~~ inventory.

~~(5)(4)~~ Damaged cases will be adjusted ~~to~~ from the vendor's bailment ~~warehouse~~ inventory.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104~~, 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.422 to create a consistent use of terms defined and used in this chapter of rules and proposes

improving the clarity and readability of the rule by rewording and/or removing unnecessary language. The department proposes striking the language in (1) because it covers the shipping of product and is unnecessary in this rule that covers the receiving of product.

The department also proposes to strike from rule the ability for a vendor to submit a bill of lading via standard mail. Currently, bills of lading are received by fax or e-mail.

The proposed amendment is consistent with current practices. The department further proposes striking an unnecessary implementing statute.

42.11.423 BAILMENT DEPLETIONS (1) The department may deplete products from the vendor's bailment warehouse inventory if the department is purchasing a the product from a vendor.

(2) ~~Payment for a purchase less any fees or charges will be made~~ The department shall pay the vendor for products purchased within 15 days from the close of the month ~~that the department depletes the product from the bailment warehouse~~ as follows:

(a) for regular products, the department shall pay the vendor the price stated on the standard price quotation form submitted for publication in the most recent quarterly price book;

(b) for special order, seasonal, and discontinued products, the department shall pay the price currently on file with the department; and

(c) all prices in (a) and (b) shall be freight on board to the state liquor warehouse.

~~(3) Payment amount for a purchase will be a vendor's price per case FOB Helena, Montana, that was quoted to the department~~ For regular products, vendors shall submit the standard price quotation form not less than 60 75 days prior to the publication of the department's price list publication date except special order, seasonal, and discontinued products quarterly price book.

(4) The number of cases depleted per product will be debited ~~to~~ from the vendor's bailment warehouse inventory, and

~~(5) Upon~~ upon request, a vendor ~~may~~ shall be notified weekly of the amount and date ~~a vendor's~~ the products were depleted ~~from the bailment warehouse.~~

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104,~~ 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.423 to make it clear that the price the department will pay for any product it is purchasing from a vendor will be the most current price on record and that the price must already include any vendor freight charges.

The department proposes increasing the number of days from 60 to 75 by which a standard price quotation form for a regular list product must be submitted to the department. This proposal is consistent with current practices and will ensure all forms submitted by vendors will be processed prior to issuance of the quarterly price book.

The department also proposes amending the rule to create a consistent use of terms defined and used in this chapter of rules and proposes improving the clarity and readability of the rule by rewording and/or removing unnecessary language.

The department further proposes striking an unnecessary implementing statute.

42.11.424 BAILMENT ADJUSTMENTS (1) The vendor's bailment ~~warehouse~~ inventory will be adjusted for ~~vendor product~~ withdrawals, purchases, ~~receiving~~ deliveries, defective merchandise, and errors.

(2) Vendors may withdraw their products from the bailment state liquor warehouse by sending a written request to the department ~~to carry out their~~ instructions.

(3) ~~Vendors will be charged~~ The department shall charge vendors the direct and indirect costs ~~the department incurs~~ for carrying out vendor withdrawal instructions.

(4) ~~Products in excess of a six month supply will be destroyed~~ The department shall destroy, at the vendor's expense, product held in the state liquor warehouse in excess of the maximum level established by ARM 42.11.421 after ~~ten~~ 30 days' notice to the vendor.

(5) ~~A vendor may be notified~~ Upon request, the department shall notify a vendor weekly of the number of cases credited to the vendor's bailment ~~warehouse~~ inventory that were ~~found to be~~ deficient or defective, (i.e. e.g., hidden breakage, packed short, or ~~have~~ bottles with no fill or low fill) ~~during the week. Vendors will be given the opportunity to have the deficient cases redelivered at their cost or destroyed.~~ A vendor may ask the department to return or destroy defective cases at the vendor's cost.

(6) ~~A vendor may be notified~~ Upon request, the department shall notify a vendor weekly of the number of cases credited or debited to the vendor's bailment ~~warehouse~~ inventory in error ~~during the week~~ and an explanation of the errors ~~that were found~~.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104~~, 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.424 to add language in (4) to clarify the circumstances under which the department will destroy excess product held in the state liquor warehouse and to increase the department's advance notification of the pending destruction to the vendor from 10 to 30 days.

The department also proposes amending the rule to create a consistent use of terms defined and used in this chapter of rules and proposes improving the clarity and readability of the rule by rewording and/or removing unnecessary language.

The department further proposes striking an unnecessary implementing statute.

42.11.425 STATE LIQUOR BAILMENT WAREHOUSE MANAGEMENT

(1) Only department personnel are authorized to ~~move or~~ handle products in the bailment state liquor warehouse.

(2) Vendors may arrange with the department for the temporary transfer of selected cases of product to a work area within the ~~bailment~~ state liquor warehouse. Vendors or ~~vendors'~~ registered vendor representatives may inspect or modify cases of their product in the work area. The department must approve any modifications that may affect ~~documentation of balances in the~~ vendor's bailment warehouse inventory. Vendors will be charged the direct and indirect costs the department incurs for transferring cases to and from the work area.

(3) Vendors and ~~vendors'~~ registered vendor representatives may ~~make a request to the department to~~ observe the operation of the ~~bailment~~ state liquor warehouse at any time during regular working hours ~~by arranging an appointment.~~

(4) While on a visit to the ~~bailment~~ state liquor warehouse, vendors and ~~vendors'~~ registered vendor representatives must observe ~~Montana state liquor warehouse~~ all safety rules.

(5) The department will take physical inventory in the ~~bailment~~ state liquor warehouse four times a year and reconcile ~~the count with the~~ vendor's bailment ~~warehouse~~ inventory.

AUTH: 16-1-103, 16-1-303, MCA

IMP: 16-1-103, ~~16-1-104~~, 16-1-302, MCA

REASON: The department proposes amending ARM 42.11.425 to create a consistent use of terms defined and used in this chapter of rules and proposes improving the clarity and readability of the rule by rewording and/or removing unnecessary language.

The department further proposes striking an unnecessary implementing statute and amending the rule title to reflect the rule content as amended.

4. The department intends to apply the amendments to ARM 42.11.243, upon adoption, except for (1)(c) which will become effective on January 1, 2016, when the legislative changes to 16-4-311, MCA, become effective.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than October 5, 2015.

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

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 5

above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. An electronic copy of this notice is available on the department's web site at revenue.mt.gov/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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary sponsors of House Bill 350, House Bill 506, and Senate Bill 193, Representative Ray Shaw, Representative David Moore, and Senator Bruce Tutvedt, respectively, were contacted by regular mail on May 19, 2015, and subsequently notified on July 13, 2015.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses. Documentation of the department's determination is available online at revenue.mt.gov/rules, or upon request from the person in 5.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State August 17, 2015

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 2.4.402 pertaining to the Single)
Audit Act reporting fees for local)
governments)

TO: All Concerned Persons

1. On June 25, 2015, the Department of Administration published MAR Notice No. 2-4-527 pertaining to the proposed amendment of the above-stated rule at page 781 of the 2015 Montana Administrative Register, Issue Number 12.

2. The department has thoroughly considered the comment received. A summary of the comment received and the department's response follow:

COMMENT 1: One comment was opposing the proposed fee increase.

RESPONSE 1: State law (2-7-514, MCA) requires that filing fees be based on the department's cost. The department carefully calculated the proposed fees to keep them as low as possible while still covering costs. Therefore, the department adopted the fees as proposed.

3. The department has amended ARM 2.4.402 exactly as proposed.

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

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

Certified to the Secretary of State August 17, 2015.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On May 14, 2015, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-442 pertaining to the proposed amendment and adoption of the above-stated rules at page 507 of the 2015 Montana Administrative Register, Issue Number 9.

2. The commission has adopted NEW RULE I (ARM 12.11.1910) as proposed.

3. The commission has amended ARM 12.11.501 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

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

(1) through (97) remain the same.

(978) Silver Lake

ARM 12.11.1910

(98) through (115) remain the same but are renumbered (99) through (116).

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

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

4. The commission has thoroughly considered the comments received. A summary of the comments received and the commission's responses are as follows:

Comment 1: The commission received one comment in support of the amendments.

Response 1: The commission appreciates the participation in this rulemaking process.

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

/s/ William Schenk
William Schenk
Rule Reviewer

Certified to the Secretary of State August 17, 2015.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On May 28, 2015, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-443 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 618 of the 2015 Montana Administrative Register, Issue Number 10.

2. The commission has amended the following rules as proposed: ARM 12.6.2208 and 12.6.2215.

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

12.6.2204 SPECIFIC REQUIREMENTS FOR CARE AND HOUSING OF EXOTIC WILDLIFE (1) through (2)(a) remain as proposed.

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

(c) Live shrimp may not be transferred out of the facility.

(c) through (f) remain as proposed but are renumbered (d) through (g).

(3) remains as proposed.

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

4. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

COMMENT #1: The commission received one comment in support of the prohibited recommendation for the African Soft Fur/Natal Rat.

RESPONSE #1: The commission appreciates the participation in this rulemaking process.

COMMENT #2: The commission received one comment expressing general concern regarding exotic species and the negative impacts that may occur without the regulation of importation of exotic species.

RESPONSE #2: The commission is also concerned about the impacts of exotic species and evaluates all risks associated with exotic species being imported into the state.

COMMENT #3: The commission received one comment that supported the prohibited recommendation for African Soft Fur/Natal Rat, but opposed the controlled recommendation for the Pacific White Shrimp. The comment suggested that the classification for Pacific White Shrimp should be prohibited instead of controlled due to concerns that the Pacific White Shrimp would have similar impacts to the Mysis Shrimp that were released into Flathead Lake.

RESPONSE #3: Unlike Mysis Shrimp, the Pacific White Shrimp will not survive in the freshwaters of Montana. The controlled status also only allows the Pacific White Shrimp to be held in self-contained systems with no connection to open water; additionally the shrimp will not be allowed to leave the facilities alive and facilities will have to comply with all permit requirements. The commission does not agree that the Pacific White Shrimp poses the same risks as the Mysis Shrimp, and therefore believes the controlled status is sufficient.

COMMENT #4: The commission received one comment requesting information about the risk and threat of the two species in Montana.

RESPONSE #4: The primary concern with Pacific White Shrimp is their ability to introduce pathogens that could potentially infect other aquatic organisms. Not enough information exists on the African Soft Fur/Natal Rat to understand the potential impacts of wild colonies of these rodent species in Montana, but there are concerns regarding the rat's ability to spread human pathogens.

COMMENT #5: The commission received one comment recommending a language change to the proposed rule amendments to allow for the importation of Pacific White Shrimp larvae into the production facilities.

RESPONSE #5: The commission amended the language from the original proposal to allow for the importation of Pacific White Shrimp larvae into production facilities.

/s/ Aimee Fausser
Aimee Fausser
Rule Reviewer

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

Certified to the Secretary of State August 17, 2015

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

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 37.87.2203 and the repeal of) REPEAL
ARM 37.87.2202, 37.87.2205,)
37.87.2225, and 37.87.2233)
pertaining to Non-Medicaid Respite)
Care Services for youth with serious)
emotional disturbance)

TO: All Concerned Persons

1. On June 25, 2015, the Department of Public Health and Human Services published MAR Notice No. 37-713 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 801 of the 2015 Montana Administrative Register, Issue Number 12.

2. The department has repealed the above-stated rules as proposed.

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

37.87.2203 NON-MEDICAID SERVICES PROGRAM (1) and (2) remain as proposed.

(3) The department adopts and incorporates by reference the CMHB's Non-Medicaid Services Program Provider Manual, dated ~~September 1, 2015~~ October 1, 2015 (the Manual), which sets forth the requirements and limitations of the CMHB's Non-Medicaid Services Program.

(4) remains as proposed.

AUTH: 53-2-201, 53-6-113, 53-21-703, MCA

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, ~~53-21-201, 53-21-202,~~ 53-21-701, 53-21-702, MCA

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: One commenter recommended changing the effective date for this rule amendment to October 1, 2015 to be concurrent with the proposed rule amendments in MAR Notice Number 37-718 and MAR Notice Number 37-719.

RESPONSE #1: The department thanks the commenter for the comment and will amend the effective date for MAR Notice Number 37-713 and the Manual adopted and incorporated by reference in ARM 37.87.2203 to October 1, 2015.

COMMENT #2: The department received a comment from legislative services indicating that MAR Notice No. 37-719 contained two erroneous implementing citations. During the review of MAR Notice No. 37-713, the editor at Administrative Rules Services found this same error.

RESPONSE #2: The department is deleting 53-21-201 and 53-21-202, MCA, from the implementing section of MAR Notice No. 37-713. These two statutes have been repealed.

5. This rule amendment is effective October 1, 2015.

/s/ Susan Callaghan
Susan Callaghan, Attorney
Rule Reviewer

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

Certified to the Secretary of State August 17, 2015.

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

In the matter of the adoption of NEW	)	NOTICE OF ADOPTION,
RULE I, the amendment of ARM	)	AMENDMENT, AND REPEAL
38.3.104, 38.3.116, 38.3.124,)	
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 May 28, 2015 the Department of Public Service Regulation published MAR Notice No. 38-3-229 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 628 of the 2015 Montana Administrative Register, Issue Number 10.

2. The department has adopted New Rule I (38.3.406), amended ARM 38.3.104, 38.3.116, 38.3.124, 38.3.201, 38.3.401, 38.3.402, 38.3.405, 38.3.601, 38.3.602, 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 repealed 38.3.501, 38.3.2406, 38.3.3304, and 38.3.3404 as proposed. The department has amended ARM 38.3.701 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

38.3.701 EVIDENCE OF INSURANCE REQUIRED (1) and (2) remain as proposed.

~~(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

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: The commenter supports the proposed rules and has already filed comments regarding insurance forms. Additionally, the commenter said that it will carry insurance for all drivers it is partnered with and will work with commission staff regarding a complaint process and map of service coverage areas it intends to operate in.

RESPONSE #1: The commenter's proposed insurance forms, while welcome, are not a part of the proposed rules. The commission appreciates the commenter's cooperation.

COMMENT #2: Several commenters would like to see the rules clarified regarding Annual Reports involving Class E, Transportation Network Carriers (TNCs) and that there be greater transparency in the Annual Reports. TNCs do not pay taxes or file annual reports. The commenters felt that drivers should not be criminals, should keep insurance and books, and should be able to be audited. Also, commenters questioned the transparency in regards to Annual Reports, i.e. how many cars and drivers will there be in a city, as well as the amount of revenue? Several commenters stated that TNCs do not have to file for business licenses, annual reports, kinds of cars, types of charges, etc.

RESPONSE #2: SB 396 excludes TNCs from the annual reporting requirement. The commission has no role in the state's tax policies. SB 396 provides the commission with limited authority to conduct audits of TNCs to ensure safety with respect to TNC drivers.

COMMENT #3: Several commenters stated that most of the drivers are subcontract drivers and the rules and laws do not mesh regarding insurance. Commenters stated that they had concerns if an insurance company did not notify the company or the commission of a problem. Insurance should be in the driver's name, for liability and safety reasons. The commenters have concerns about insurance and state that there are gray areas. If TNC drivers turn off their cell phones is their insurance still in effect? Also, what happens when there is no cell phone coverage? Is there no insurance coverage? Also, most of the customers the commenters serve do not have cell phone coverage. There are a lot of places in Montana without cell phone coverage, what happens then? Commenters expressed concerns about unfairness issues between motor carrier classes. TNCs or their contracted drivers are insured when the app is on but the insurance is not activated when the app is off. Is the insurance level enough? What compensation for potential accident victims will there be? Shouldn't insurance be a 24/7 kind of thing instead of an "on or off" deal? There should be a rock solid set of guidelines and not an "on or off" policy.

RESPONSE #3: Providers of insurance for regulated motor carriers or the motor carrier itself must give the commission at least 30 days' notice of cancellation of a regulated motor carrier's insurance. SB 396 provides that either the TNC or the TNC driver, or a combination of both, may carry the required insurance. SB 396 and these rules require either the TNC or the TNC driver or both to comply with the commission's insurance requirements. Regarding the commenter's concern that

lack of cell phone service may interrupt a TNC driver's logged-in status, the commission responds that the rules do not address every technical or legal question that may arise as TNC service becomes available in the state. SB 396 includes specific provisions regarding insurance requirements when the TNC driver is logged in to the TNC application and when the TNC driver is engaged in a prearranged ride. Consistent with commission practice, the commission expects that a TNC applicant's name will match the insured's name.

COMMENT #4: One commenter felt that there is a paperwork problem in regard to rate changes, as the current carriers have to prove any increase in rate. TNCs can change their rates and operating times at any time, which is not fair. How long do current carriers have to wait to do operating time or rate changes?

RESPONSE #4: SB 396 excludes TNCs from rate regulation and operating times.

COMMENT #5: Safety is an issue, as well as employee classification and criminal backgrounds of the drivers. The commenter felt that assaults and safety of drivers is a concern also. How can the commission put a plan in place to protect the public?

RESPONSE #5: These rules do not address every technical or legal question that may arise as TNC service becomes available in the state. However under current motor carrier regulation, the motor carriers themselves and their insurance companies are responsible for inquiring into the backgrounds of their drivers.

COMMENT #6: One commenter pointed out that Paragraph 10 of the Notice states that the changes in rules will significantly and directly impact small business. SB 396 is not a good bill but was bullied into Montana. The "red carpet" has been rolled out for them and there is not a level playing field. How can the commission change the rules? What about stranded costs that current license holders will have? The current license holders have financial obligations to their creditors and how will they now be able to meet their obligations, considering they now have stranded costs? The commenter suggested that any newcomers (Class E or other new) should pay the grandfathered recipients an amount per run (high, mid, and low) and there should be an increase in the cost of a permit for anyone new. Also, what is in place to fix the current license holder situation and public safety? The commission needs to reach out to the license holders to see how to help them or to ask questions.

RESPONSE #6: This rulemaking proceeding is not the appropriate venue for complaints about SB 396.

COMMENT #7: The commenter stated that the Freedom of Information Act is important.

RESPONSE #7: The commission agrees with this comment; however, SB 396 defines what information the commission can request from the TNCs. If the commission does not have information in its possession it cannot make it available to the public.

COMMENT #8: The commenter said that this meeting is unfair. His business, which had been thriving, will have less value as of July 1, 2015.

RESPONSE #8: This rulemaking proceeding is not the appropriate venue for complaints about SB 396.

COMMENT #9: A commenter expressed concerns in regard to lost revenue and taxes because of TNCs.

RESPONSE #9: This rulemaking proceeding is not the appropriate venue for complaints about SB 396.

COMMENT #10: Commenters complained about SB 396, the legislative process and questioned that it provides no rulemaking authority.

RESPONSE #10: This rulemaking proceeding is not the appropriate venue for complaints about SB 396. The definition of "motor carrier" was revised by SB 396 to add that, in addition to contract and common carriers, TNCs are motor carriers. There may be inconsistencies between SB 396 and other provisions of Title 69, Chapter 12; however, the commission must implement all provisions of Chapter 12, including those in SB 396, to the best of its ability. The commission's motor carrier rulemaking authority is found at 69-12-201(2), MCA.

COMMENT #11: A commenter questioned whether SB 396 violates the Montana Constitution including provisions involving property rights and impairing contracts.

RESPONSE #11: The rulemaking proceeding is not the appropriate venue for complaints about SB 396. In addition attorneys for the Montana Legislature review bills prior to introduction to verify they are constitutional.

COMMENT #12: Commenters expressed concerns about the impact of SB 396 on motor carrier revenues and future values of the motor carrier licenses.

RESPONSE #12: This rulemaking proceeding is not the appropriate venue for complaints about SB 396.

COMMENT #13: Several commenters responded to commission questions pertaining to whether new motor carriers could provide proof of insurance with the application to meet the rebuttable presumption of fitness. Several commenters questioned whether proof of insurance from the insurance carrier was going to be possible until an actual authority was issued by the commission. Some commenters stated that some type of documentation of insurance should be available from the insurance carrier.

RESPONSE #13: The commission appreciates the comments in response to commission questions. The commission is aware that insurance carriers may be

unable to provide proof of insurance to a motor carrier applicant prior to an authority being issued. Therefore the commission clarifies ARM 38.3.701.

/s/ JUSTIN KRASKE
JUSTIN KRASKE
Rule Reviewer

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

Certified to the Secretary of State August 17, 2015.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.19.1401 pertaining to)
targeted economic development)
districts)

TO: All Concerned Persons

1. On June 25, 2015, the Department of Revenue published MAR Notice No. 42-2-929 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 806 of the 2015 Montana Administrative Register, Issue Number 12.

2. On July 16, 2015, a public hearing was held to consider the proposed amendment. Joe Roberts of the Montana Association of Realtors, and Brian Caldwell, appeared and testified at the hearing. Representative Ed Greef, David O'Connor, Chair of the Big Sky Chamber of Commerce, and Julie Foster, Executive Director of the Ravalli County Economic Development Authority, also submitted written comments.

3. Based upon the comments received and after further review, the department has amended ARM 42.19.1401 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

42.19.1401 DEFINITIONS The following definitions apply to this subchapter:

(1) through (3) remain as proposed.

(4) "Value-adding economic projects" means projects that, through the employment of knowledge or labor, add value to industrial or technological products, processes, or export services resulting in the creation of new wealth.

(a) Value-adding economic projects include projects:

(i) that mechanically or chemically transform materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States Office of Management and Budget; and

(ii) that, through a technological process, transform materials, substances, or information into new products.

~~(a)~~(b) Value-adding economic projects do not include projects undertaken by service-based businesses or industries including, but not limited to, hotels, restaurants, automobile dealerships, and other similar businesses or industries.

(c) Nothing in this section precludes service-based businesses or industries from being located within a targeted economic development district (TEDD), provided the primary purpose of the TEDD is the development of infrastructure to encourage the location and retention of value-added economic projects.

COMMENT 1: Representative Ed Greef commented that he and others in

Ravalli County have some concerns that the proposed rule amendments might place restrictions on the county's recent application for a targeted economic development district (TEDD) in the Hamilton area. For example, the new language seems not to include the development and marketing of agricultural products such as cheese manufacturing or poultry processing.

RESPONSE 1: The department appreciates Representative Greef's comments. The proposed amendments are intended to broaden the applicability of the rule, not to narrow it. The department seeks to ensure that value-adding technology projects are considered value-adding economic projects in accordance with the legislature's intent. The proposed amendments are not intended to narrow "secondary value-added products or commodities" for TEDDs. The implementing statute for the rule allows for the processing Representative Greef mentioned.

COMMENT 2: Regarding the department's proposed amendment striking ARM 42.19.1401(1), the department received comments from Brian Caldwell, and David O'Connor, Chair of the Big Sky Chamber of Commerce (chamber).

Mr. Caldwell testified about friendly amendments and trying to better understand the intent of the legislature in helping promote the adoption of TEDDs. He commented that the United States North American Industry Classification System (NAICS) manual in (1) is a nationally recognized, fairly robust methodology of understanding business classification and it strikes him as odd that the department would remove a clear way to understand the industries that may qualify.

Mr. O'Connor stated that the chamber strongly encourages the department to retain the reference to the NAICS manual as a reference point for value-adding economic development and to provide certainty in terms of recognized value-adding industries. He stated the manual provides common industry definitions, is frequently used for administrative and regulatory purposes, and is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the United States business economy. Mr. O'Connor further stated that the NAICS manual provides an objective standard and predictability.

Mr. O'Connor suggested that if the department has concerns regarding the narrowness of the existing language in ARM 42.19.1401(1)(a) and (b), adding a provision to encompass technology and possibly other industries is a potential solution.

RESPONSE 2: The department appreciates Mr. Caldwell and Mr. O'Connor's comments and agrees that the use of the NAICS manual may assist local governments in determining the types of manufacturing projects that qualify as value-adding projects. For this reason the department is amending the rule to again reference the NAICS manual.

COMMENT 3: Regarding the department's proposed language in ARM 42.19.1401(4)(a), the department received comments from Joe Roberts, Montana Association of Realtors (MAR), Mr. Caldwell, Mr. O'Connor, and Julie Foster, Executive Director of the Ravalli County Economic Development Authority (RCEDA).

Mr. Roberts testified that the MAR doesn't have a problem with most of the rule, but they do have a problem with (4)(a), which says value-adding economic projects do not include projects undertaken by service-based businesses or industries including, but not limited to, hotels, restaurants, automobile dealerships, and other similar businesses or industries. He commented that the determination of what is and what is not a qualifying TEDD should be made by the local government authorities, as contemplated in statute, and not by department rulemaking. Mr. Roberts further commented that while the rules needed to be updated to reflect 2013 legislative changes, the MAR finds no invitation in that legislation for the department to further define or refine the statutory definitions that are contained therein.

Mr. Caldwell commented that the proposed definition relating to service-based industries significantly narrows the types of businesses that could be included in a TEDD. By excluding the service industry the department is not recognizing all of the types of projects or processes that were previously allowable under the industrial, technology, and aerospace tax increment finance districts. He asked why the department is eliminating secondary value-adding industries and removing definitions that made sense to people. Mr. Caldwell further commented that the department has made it less clear what would or would not be excluded. The sentence that ends with "similar businesses or industries" creates an opportunity to describe any intended business or industry as not qualifying, which may be at cross purposes with legislative intent.

Mr. O'Connor stated that the chamber requests that the language "and other similar businesses or industries," be deleted because the proposed language is broad and ambiguous and does not provide clear direction in terms of what types of similar businesses or industries would be excluded from value-adding economic projects. This ambiguity results in uncertainty, which is not an economic driver.

Ms. Foster requested that the department consider striking (4)(a) and not make the already challenging job of economic development more difficult. She stated that because of the many hurdles that economic development professionals must navigate to achieve a successful project, including those with tax increment finance, this proposed amendment concerns her. Ms. Foster commented that she feels strongly that stating what cannot be done in a district is a problem and will create unintended negative consequences. She further commented that TEDDs may last up to 40 years when they can, maybe, project out three years. Original legislation for tax increment finance is more than 30 years old and did not attempt to list what a district cannot do.

Ms. Foster also commented that the phrase "and similar businesses" will create a time-consuming problem for economic developers assisting with a project to create a TEDD who are asked to determine if something is a "similar business." She stated that the NAICS manual for manufacturing says that businesses like bakeries and candy stores can be included in manufacturing if they produce a product that is to be taken off the premises and eaten. Food and beverage and the economics of growing, producing, adding value, marketing, and distributing those products are important job creators and income generators in Ravalli County. Demand is growing. Innovation and collaboration are increasing. Food hubs are collaborative enterprises that aggregate locally-sourced food to meet wholesale, retail, institutional, and even individual demand. Their numbers have increased almost

threefold between 2007 and 2014, and their market outreach activities and technical services provide market opportunities for midsized farms and small and beginning farmers.

Ms. Foster stated that she agrees that a standalone restaurant, in most cases, doesn't belong in the TEDD. However, there are models that could include a restaurant that will belong in the TEDD. Entrepreneurs are creative, innovative, and nimble. A government agency is never going to guess what the next big thing will be. She asked that the department please not write a list of "no's" when the ideas have not yet been proposed. By saying "no" up front it seems the department will create a situation where the business and local government will be compelled to gain the department's approval in advance. Ms. Foster further stated that without (4)(a) the department may still disagree.

RESPONSE 3: The department appreciates the comments from Mr. Roberts, Mr. Caldwell, Mr. O'Connor, and Ms. Foster. After considering them, the department has amended the rule language to clarify that nothing in the rule will prevent service-based industries from being located within a TEDD, provided the primary intent of the TEDD is the development of infrastructure to encourage the location and retention of value-added projects as they are defined in this rule.

The department is, however, retaining the phrase "and similar businesses" in the rule as proposed. Language such as this is frequently used in both statute and rule and is a commonly accepted method of including certain items in a larger class of items without producing a lengthy and exhaustive list.

COMMENT 4: Mr. Roberts commented that the MAR accepts that the department has authority to adopt rules concerning valuation issues in TEDDs; however, the MAR's area of concern is not with valuation but with the general rulemaking. He stated that the rulemaking authority referenced in the notice is very broad in language, is practically without limit, and goes against the grain of the Montana Administrative Procedure Act which has been held in numerous cases to say that an agency must rely on a specific grant of authority from the legislature.

Mr. Roberts stated that the legislature specifically placed TEDDs in Title 7, the local government title, and because the primary actors are local governments and the legislature, the role of the department is limited to valuation and establishing the boundaries of the tax increment financing districts. He stated that if the legislature wanted the department to have general supervisory authority over TEDDs, they would have said so.

Mr. Roberts referenced court cases that he said speak to the department's rulemaking authority, such as *DOR v Fallon County* and *Gold Creek Cellular v DOR*. He stated that the Supreme Court's decision in the *Gold Creek* case threw out rulemaking from the department found to be arbitrary and in conflict with legislative definitions. Mr. Roberts commented that he thinks that case is substantially equivalent to the question involved in this rulemaking, in that the local government units are in a much better position to make a determination of what qualifies for inclusion within a TEDD, and arbitrarily defining what cannot be included at this level is not really the way the statute was written.

RESPONSE 4: The department appreciates Mr. Roberts' comments. However, the *Fallon County* case clearly provides the department the authority to develop and adopt rules relating to tax increment financing. Further, the proposed rule, as amended, does not exceed the rulemaking authority established by the legislature and affirmed by the Fallon County court. Because the proposed rule, as amended, does not exceed the scope of the department's legislative authority and because the rule neither expands nor reduces the statutory language relating to TEDDs, the rulemaking does not come under the purview of the *Gold Creek* decision.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State August 17, 2015

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION AND
Rule I and the amendment of ARM	)	AMENDMENT
44.3.110 and 44.3.2511 pertaining to)	
voting accessibility for electors with)	
disabilities and the Montana Absent)	
Uniformed Services and Overseas)	
Voter Act)	

TO: All Concerned Persons

1. On July 16, 2015, the Secretary of State published MAR Notice No. 44-2-204 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 915 of the 2015 Montana Administrative Register, Issue Number 13.

2. The Secretary of State has amended the following rules as proposed: ARM 44.3.110 and 44.3.2511.

3. The Secretary of State has adopted the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (44.3.116) ELECTRONIC TRANSMISSION OF VOTING MATERIALS (1) and (1)(a) remain the same.

(b) When an election administrator receives a valid application for electronic transmission of a ballot from an elector with disabilities, the election administrator shall, subject to (1), e-mail the elector the ballot, instructions to the elector, and a transmittal cover sheet that includes an elector affirmation. A ballot secrecy envelope and a ballot signature envelope shall be provided either electronically or through the mail to each elector with a valid application for electronic ballot. The original ballot shall be retained in a secure absentee envelope or container for that purpose.

(c) through (j) remain the same.

4. No member of the public commented. The Secretary of State received a comment from K. Virginia Aldrich, an attorney for the State Administration and Veterans' Affairs Interim Committee, suggesting that language concerning the transmission of a secrecy envelope be added to the rule. The rule is amended to accommodate that suggestion.

5. The effective date of these amendments and new rule is October 1, 2015.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 17th day of August, 2015.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 44.14.202 pertaining to the)
retention of local government)
electronic long-term records)

TO: All Concerned Persons

1. On July 16, 2015, the Secretary of State published MAR Notice No. 44-2-205 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 920 of the 2015 Montana Administrative Register, Issue Number 13.
2. The Secretary of State has amended the above-stated rule as proposed.
3. No comments or testimony were received.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated the 17th day of August, 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.

ADMINISTRATION, Department of, Title 2

I	Annual Report by Consumer Loan Licensees, p. 2061, 2827
I-VII	Requiring Deferred Deposit Loan Applicants to Use the Nationwide Multistate Licensing System for All Future Licensing, p. 1654, 2449, 369
I-VIII	Transitioning Existing Sales Finance Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1633, 2446, 366
I-VIII	Transitioning Existing Consumer Loan Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1640, 2447, 367
I-VIII	Transitioning Existing Escrow Business Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1647, 2448, 368
2.4.402	Single Audit Act Reporting Fees for Local Governments, p. 781
2.59.104	Semiannual Assessment for Banks, p. 351, 748
2.59.127	and other rules - Derivatives and Securities Financing Transactions as They Relate to Lending Limits and Credit Exposures, p. 390, 814
2.59.1502	and other rule - Annual Report by Deferred Deposit Loan Licensees, p. 2058, 2826
2.59.1716	and other rules - Recovery of the Costs in Bringing an Administrative Action - Treatment of Initial License Applications Submitted Near Year-End - Abandonment of Initial License Applications - Mortgage Licensees, p. 499, 923

2.59.1738 Renewal Fees for Mortgage Brokers, Lenders, Servicers, and Originators, p. 959

(Public Employees' Retirement Board)

2.43.3505 Establishment of Long-Term Disability Trust Fund, p. 348, 812

(State Compensation Insurance Fund)

2.55.320 Classifications of Employments, p. 2904, 141

AGRICULTURE, Department of, Title 4

4.5.206 and other rules - State Noxious Weed List - Regulated Plant List, p. 612, 1042

4.5.308 and other rule - Noxious Weed Seed Free Forage Fees, p. 784

4.12.113 Apiary Registration Fees, p. 45, 299

4.12.1405 Nursery Fees, p. 47, 300

4.17.105 and other rules - Organic Application Procedures and Fees - Fees for Services - Annual Report and Assessment Fees, p. 602, 1041

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

I Patient-Centered Medical Homes, p. 1863, 3045

I-III Fire Tax, p. 394, 1043

I-VII Network Adequacy, p. 3017, 565

6.6.507B and other rules - Medicare Supplements, p. 689, 1049

6.6.3104A and other rule - Long-Term Care, p. 398, 1046

6.6.3504 Annual Audited Reports and Establishing Accounting Practices and Procedures to Be Used in Annual Statements, p. 256, 925

6.6.4902 and other rules - Patient-Centered Medical Homes, p. 2702, 3051

6.10.209 and other rule - Offerings, p. 962

COMMERCE, Department of, Title 8

I Actions That Qualify as Categorical Exclusions Under the Montana Environmental Policy Act, p. 966

8.94.3708 and other rules - Administration of the CDBG Program, p. 3026, 142

8.94.3727 Administration of the 2015-2016 Federal Community Development Block Grant (CDBG) Program, p. 98, 301

8.94.3727 Administration of the 2015-2016 Federal Community Development Block Grant (CDBG) Program, p. 402, 750

8.94.3816 Administration of the 2017 Biennium Treasure State Endowment Program—Emergency Grants, p. 969

8.94.3817 Administration of the 2017 Biennium Treasure State Endowment Program – Planning Grants, p. 355, 749

8.99.806 Administration of the Business Workforce Training Grant, p. 971

- 8.99.918 Administration of the Big Sky Economic Development Trust Program, p. 789, 1193
- 8.99.1001 and other rules - Implementation of the Montana Indian Language Preservation Pilot Program, p. 504, 815
- 8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 288, 753

EDUCATION, Department of, Title 10

(Board of Public Education)

- I-XV Preschool Programming for Public Schools, p. 2318, 2943
- 10.57.101 and other rules - K-12 Educator/Specialist Licensing, p. 2211, 2930
- 10.57.102 and other rules - Educator Licensure, p. 698, 1051
- 10.58.102 and other rules - Educator Preparation Programs, p. 2250, 2936
- 10.63.108 Preschool Hours, p. 616, 1055

(State Library)

- 10.101.101 Agency Organization, p. 166, 444, 816

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.9.804 and other rules - Game Damage Hunts, p. 875

(Fish and Wildlife Commission)

- I Apprentice Hunter Certificate, p. 791
- 12.6.2204 and other rules - Exotic Species Classification, p. 618
- 12.7.807 Fishing Contests, p. 295, 929
- 12.9.206 McLean Game Preserve, p. 2907, 268
- 12.11.501 and other rule - Recreational Use on Silver Lake in Deer Lodge County, p. 50, 583
- 12.11.501 and other rule - Recreational Use on Silver Lake in Deer Lodge County, p. 507
- 12.11.501 and other rules - Recreational Use on the Blackfoot River Recreation Corridor, p. 292, 926
- 12.11.645 Whitefish River, p. 434, 1460, 3053

(State Parks and Recreation Board)

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

ENVIRONMENTAL QUALITY, Department of, Title 17

- I-IX Vessel Pumpout Facilities, p. 881
- 17.53.113 Hazardous Waste - Registration and Registration Maintenance Fees - Fee Assessment, p. 101, 298, 1194

(Board of Environmental Review)

- I-III Clean Air Act, p. 1092
- 17.8.101 and other rules - Definitions - Incorporation by Reference - Availability of Referenced Documents - Ambient Air Monitoring - Fluoride in Forage - Methods and Data, p. 3031, 370
- 17.8.102 and other rule - Air Quality - Incorporation by Reference--Publication Dates - Availability of Referenced Documents, p. 104, 817
- 17.30.1101 and other rules - Montana Pollutant Discharge Elimination System (MPDES) Permits - Purpose and Scope - Definitions - Permit Requirements - Exclusions - Designation Procedures: Small Municipal Separate Storm Sewer Systems (MS4s) - Application Procedures - General Permits - Conditions Applicable to All Permits - Application Procedures: General - Notice of Intent Procedures - Transfer of Permit Coverage Pertaining to Storm Water Discharges, p. 1667, 3056
- 17.74.359 and other rules - Annual Asbestos Project Permits - Training Provider Requirements - Permit Fees - Accreditation and Accreditation Renewal Fees - Course Approval and Renewal Fees - Course Audit Fees, p. 974

TRANSPORTATION, Department of, Title 18

- 18.2.261 Montana Environmental Policy Act Categorical Exclusions, p. 2492, 2950
- 18.6.202 and other rules - Outdoor Advertising Control, p. 2909, 21
- 18.7.102 and other rules - Highway Right-of-Way Encroachment Permits, p. 2329, 2828
- 18.8.1505 Motor Carrier Services Out-of-Service Criteria, p. 1096

JUSTICE, Department of, Title 23

- 23.12.407 House Number Height for Day Care Centers, p. 621, 931
- 23.16.1712 and other rules - Conduct of Sports Tab Games - The Award of Sports Tab Game Prizes - Sports Tab Games Record Keeping Requirements, p. 793, 1197

(Public Safety Officer Standards and Training Council)

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

LABOR AND INDUSTRY, Department of, Title 24

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

- 24.11.101 and other rules - Requests for Information - Unemployment Insurance, p. 357, 510, 932

- 24.16.101 and other rules - Workplace Safety - Wage Protection - Workforce Services, p. 107, 1056
- 24.17.101 and other rules - Prevailing Wage Rates for Public Works Projects, p. 2499, 3058
- 24.21.415 and other rule - Apprenticeship Training Ratios, p. 2920, 374
- 24.21.1003 Apprenticeship Training Ratios, p. 363, 405, 754
- 24.29.1433 and other rules - Workers' Compensation Medical Service Fee Schedules - Utilization and Review of Medical Services, p. 406, 818
- 24.117.101 and other rules - Board Organization - General Information - Club Boxing - Kickboxing - Wrestling - Australian Tag Team Wrestling - Mixed Martial Arts - License Suspension and Revocation, p. 2339, 2954
- 24.131.301 and other rules - Construction Blasters - Crane and Hoisting Operating Engineers - Elevator Licensing Program Renewals, p. 2924, 64

(Workers' Compensation Court)

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

(Board of Barbers and Cosmetologists)

- 24.121.301 and other rules - Definitions - General Requirements - Licensure by Examination - Out-of-State Applicants - Postsecondary School Licensure - Examination Requirements and Process - School Requirements - School Operating Standards - School Curricula - Student Withdrawal, Transfer, or Graduating - Instructor Requirements - Teacher-Training Curriculum - Salons/Booth Rental - Implements, Instruments, Supplies, and Equipment - Salon Preparation Storage and Handling - Continuing Education - Unprofessional Conduct - Nonroutine Application - Granting Exception - Licensure Equivalency - Credited Hours for Montana-Licensed Individuals - Inactive Instructor License - Licensee and Applicant Contact Information, p. 705, 1198

(Board of Dentistry)

- 24.138.402 Fee Schedule, p. 2346, 2710, 3062
- 24.138.406 and other rules - Dental Auxiliaries Functions - Dentist Licensure by Credentials - Dentist Licensure by Credentials for Specialists - Dental Hygiene Limited Access Permit - Denturist Intern - Converting Inactive License to Active - Reactivation of an Expired License - Military Training or Experience - Continuing Education - Screening Panel - Continuing Education in Anesthesia - Introduction, p. 1099

(Board of Hearing Aid Dispensers)

- 24.150.401 and other rules - Fees - Examination - Renewals, p. 412, 1057

(Board of Medical Examiners)

- 24.156.508 and other rules - Approved Residency - Examination - Graduate Training Requirements - Occasional Case Exemption - Unprofessional

- Conduct - Definitions - Initial License - Professional Conduct and Standards - Physician Assistant License Renewal - Podiatry Postgraduate Training, p. 1474, 2833
- 24.156.601 and other rules - Fees - Continuing Education - Definitions - Obligation to Report to Board - ECP Licenses - Medical Direction - Initial ECP Course Requirements - ECP Clinical Requirements - Procedures for Board-Approved ECP Curriculum - Scope of Practice, p. 169, 820

(Board of Nursing)

- 24.159.401 and other rules - Fees - Nonroutine Applications - Medication Aide II Training Program Curriculum - Licensed Practical Nurses - Registered Nurses - Initial APRN License - Alternative Monitoring Track Admission Criteria - Inactive Status Licensure - Supervision of Probationary Licensees - APRN Educational Requirements and Qualifications, p. 115, 642
- 24.159.604 and other rules - Nursing Education Programs - Waiver of Faculty Qualifications, p. 186, 644
- 24.159.1010 and other rules - Standards Related to Intravenous (IV) Therapy - Nurse Licensure Compact, p. 516

(Board of Occupational Therapy Practice)

- 24.165.401 and other rules - Fees - Applications for Licensure - Examinations - Supervision—General Statement - Supervision—Methods - Standards of Practice - Documentation of Instruction and Training - Qualifications to Apply Topical Medications—Clinician Defined - Inactive Status - Continuing Education - Continuing Education—Waiver - Definitions - Deep Modality Endorsement, p. 1883, 56

(Board of Optometry)

- 24.168.2301 and other rules - Unprofessional Conduct - Nonroutine Applications - Renewals, p. 2350, 143

(Board of Outfitters)

- 24.171.401 and other rules - Fees - Inspection - Outfitter Records - Safety Provisions - Watercraft Identification - Application for Outfitter License - Outfitter Qualifications - Successorship - Outfitter Examination - Amendment to Operations Plan - Guide Qualifications - Guide License - NCHU Categories, Transfers, and Records - Renewals - Unprofessional Conduct - Booking Agents and Advertising - Outfitter Assistants - Nonroutine Applications - Effect of Fee for Expansion of Net Client Hunter Use - Outfitter Application, p. 2354, 58, 269
- 24.171.502 Outfitter Qualifications, p. 521, 624

(Board of Pharmacy)

- 24.174.301 and other rules - Definitions - Pharmacist Meal/Rest Breaks - Internship Requirements - Registration Requirements - Patient Counseling - Personnel - Drug Distribution and Control - Use of

Contingency Kits - Requirements for Submitting Prescription Registry Information - Legal Suspension or Revocation - Prescription Requirements - Sterile Products - Quality Assurance Program Requirements, p. 2508, 302
24.174.503 and other rules - Administration of Vaccines - Additions, Deletions, and Rescheduling of Dangerous Drugs - Scheduling of Dangerous Drugs, p. 524

(Board of Physical Therapy Examiners)

24.177.501 and other rules - Examinations - Licensure of Out-of-State Applicants - Dry Needling - Renewals - Complaint Procedure, p. 531

24.177.2105 Continuing Education, p. 1057, 2835

(Board of Professional Engineers and Professional Land Surveyors)

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

(Board of Public Accountants)

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

(Board of Real Estate Appraisers)

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

Continuing Education Noncompliance - Unprofessional Conduct,
p. 2714, 3064

(Board of Realty Regulation)

24.210.625 and other rules - Inactive to Active License Status - New Licensee
Mandatory Continuing Education - Continuing Real Estate Education -
Inactive to Active Status—Property Management - Continuing Property
Management Education, p. 416, 933

(Board of Respiratory Care Practitioners)

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

24.213.412 and other rule - Renewals - Board Seal, p. 259, 1201

(Board of Sanitarians)

24.216.402 - Fee Schedule, p. 262, 584

(Board of Speech-Language Pathologists and Audiologists)

24.222.401 Fees, p. 2736, 3066

LIVESTOCK, Department of, Title 32

32.2.401 and other rules - Department Fees, p. 216, 376

32.2.405 Miscellaneous Fees, p. 2739, 3073

32.3.139 and other rules - Appointment as Deputy State Veterinarian -
Requirements for Importation - Official Health Certificate - Permits -
Brands and Earmarks - Permit Required for Livestock, Game,
Furbearing Animals, Wild Animals, Embryos, and Semen, p. 208, 423,
936

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

32.3.212 Additional Requirements for Cattle, p. 213, 445

32.3.221 and other rules - Special Requirements for Alternative Livestock as
Defined in 87-4-406, MCA - Elephants - Change of Ownership Test -
Handling of Live Animals - Handling of Carcasses and Carcass Parts
of Anthrax-Infected Animals, p. 2376, 2955

32.3.502 Official Trichomoniasis Testing and Certification Requirements,
p. 2928, 271

32.23.301 Licensee Assessments, p. 132, 305

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I Conservation Strategies on Forested State Trust Lands, p. 53
- 36.12.101 and other rules - Definitions - Procedural Rules for Hearings, p. 2525, 2956
- 36.16.101 and other rules - Water Reservation Rules, p. 1108

(Board of Oil and Gas Conservation)

- I Certify Carbon Sequestration Equipment Placed in Service After January 1, 2014, and Certified by the Department of Environmental Quality Prior to October 1, 2015, p. 798, 1202

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-XI Production and Sale of Cottage Food Products, p. 1008
- I-XVI Implementing the New Program Community First Choice Services, p. 2381, 3075
- 37.5.118 and other rules - Substantiations of Child Abuse and Neglect - Background Checks for Placement and Licensing, p. 1, 306
- 37.8.107 and other rules - Update of Vital Records to Reflect Current Practices, p. 891
- 37.12.401 and other rule - Laboratory Fees for Analysis - Newborn Screening for Severe Combined Immunodeficiency Disease (SCID), p. 561, 828
- 37.34.3005 and other rule - Increase of Reimbursement Rates - Clarification of Language in the Developmental Disabilities Manual, p. 556, 827
- 37.36.604 Updating the Annual Poverty Guidelines for the Montana Telecommunications Access Program, p. 888
- 37.40.307 and other rules - Nursing Facility Reimbursement, p. 550, 824
- 37.40.402 and other rules - Updating the Hospital Swing-Bed Direct Care Wage to the Current Fiscal Year, p. 2548, 3085
- 37.40.830 Updating Hospice Reimbursement Fee Schedules to Reflect New Federal Rates, p. 2812, 144
- 37.40.1026 and other rules - Revision of Fee Schedules for Medicaid Provider Rates, p. 536, 822
- 37.40.1101 and other rules - Establishment of Regulations for the Personal Assistance Services Program, p. 2552, 3086
- 37.50.315 Addition of a New Supervision Level Within the Foster Care Classification Model System, p. 1772, 24
- 37.57.102 and other rule - Updating Federal Poverty Guidelines to 2015 Levels and to Align Children's Special Health Services (CSHS) With the Healthy Montana Kids (HMK) Financial Assistance Eligibility Criteria, p. 1130
- 37.79.304 Updating the HMK Evidence of Coverage Document, p. 429, 762
- 37.81.304 Big Sky Rx Prescription Drug Premium Changes, p. 2573, 3093
- 37.85.104 and other rule - Updating the Fee Schedules for Adult and Children's Mental Health Fee Schedules, p. 1018
- 37.85.105 Revision of Fee Schedules for Medicaid Provider Rates, p. 2544, 26

- 37.85.403 and other rule - Date Changes to ICD CM and PCS Services-ICD-10, p. 1778, 3074
- 37.86.101 and other rules - Extension of Enhanced Reimbursements for Primary Providers, p. 3041, 145
- 37.86.1103 Addition of Definitions to the Outpatient Drugs, Fraud, Waste, and Abuse Rules, p. 2576, 3094
- 37.86.1802 Coverage Codes for Durable Medical Equipment, p. 2579, 3095
- 37.86.2402 and other rules - Medicaid Transportation - Personal Per Diem - Ambulance Services, p. 433, 825
- 37.86.2901 and other rules - Changes to Medicaid Inpatient Hospital Services, p. 2742, 3096
- 37.86.4401 and other rule - Federally Qualified Health Centers and Rural Health Clinics, p. 425, 761
- 37.86.5110 Revision of Exceptions for Passport to Health Services Referrals, p. 1127
- 37.87.102 and other rules - Revision of Authorization Requirements for Medicaid Mental Health Services for Youth, p. 1023
- 37.87.807 and other rule - Revision of Fee Schedules for Medicaid Provider Rates, p. 1911, 2858
- 37.87.1201 and other rules - Provider Participation - Program Requirements - Reimbursement Procedures for Psychiatric Residential Treatment Facility (PRTF) Services, p. 985
- 37.87.2203 and other rules - Non-Medicaid Respite Care Services for Youth With Serious Emotional Disturbance, p. 801
- 37.88.205 and other rules - Updating the Date of the Current Procedural Terminology (CPT) Codes, p. 1906, 2857
- 37.97.102 and other rules - Updating Rules for Youth Care Facilities, p. 12, 756
- 37.106.514 Removal of References to Anesthesiologist Assistants in Outpatient Centers for Surgical Services, p. 1572, 2974
- 37.110.201 and other rules - Updating the Montana Retail Food Establishment Rules, p. 1364, 2957
- 37.114.701 and other rules - Implementation of HB 158 (2015) Regarding the Modernization of Immunization Laws Related to School, p. 999

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.3.104 and other rules - Motor Carriers, p. 628
- 38.5.1307 and other rules - Telephone Extended Area Service, p. 265, 1203
- 38.5.2102 Utility Electricity Voltage, p. 138, 309
- 38.5.2202 and other rule - Pipeline Safety, p. 135, 308
- 38.5.3403 Operator Service Provider Allowable Rates, p. 1134

REVENUE, Department of, Title 42

- I Filing Requirements for Pass-Through Entities With More Than 100 Partners, p. 2410, 2979
- I Value Before Reappraisal for Agricultural Land, p. 2768, 3097

- 42.2.511 Review of Centrally Assessed Property Appraisals - Removing an Outdated Reference to a Form Number, p. 1136
- 42.3.101 and other rules - 2009 Recodification of Statutes in Title 15, Chapter 30, MCA, p. 439, 763
- 42.12.101 and other rules - Liquor Licenses and Permits - Fees - Regulation of Licensees, p. 2413, 2980
- 42.13.902 and other rules - Responsible Alcohol Sales and Service Act Server Training Programs, p. 732, 1205
- 42.15.108 and other rules - Fiduciaries, Estates, and Trusts, p. 897
- 42.15.109 and other rules - Montana Family Education Savings Program - Income Tax General Provisions - Tax Returns, p. 2403, 2976
- 42.17.101 and other rules - Withholding and Estimated Tax Payments—General Withholding and Mineral Royalty Withholding, p. 2815, 27
- 42.18.121 and other rules - The Montana Reappraisal Plan, p. 2582, 2990
- 42.19.401 Targeted Economic Development Districts, p. 806
- 42.20.102 and other rules - Valuation and Classification of Real Property, p. 2612, 2994
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 2589, 2991

SECRETARY OF STATE, Office of, Title 44

- 44.3.110 and other rules - Voting Accessibility for Electors With Disabilities - Montana Absent Uniformed Services and Overseas Voter Act, p. 915
- 44.5.122 and other rule - Fees Charged by the Secretary of State, p. 1038
- 44.6.110 and other rules - Secretary of State's Electronic Filing System - Filing of a Title 71 Lien - Requirements for Filing UCC Amendments With the Business Services Division, p. 743
- 44.14.202 Retention of Local Government Electronic Long-Term Records, p. 920

(Commissioner of Political Practices)

- 44.10.101 and other rules - Campaign Finance Reporting, Disclosure, and Practices, p. 1138
- 44.12.204 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2823, 28

BOARD APPOINTEES AND VACANCIES

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

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

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

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of August 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 JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Funeral Service (Labor and Industry)			
Mr. Michael Thompson Ronan	Governor	reappointed	7/10/2015 7/1/2020
Qualifications (if required): licensed crematory			
Board of Hearing Aid Dispensers (Labor and Industry)			
Mr. Alfred McLees Billings	Governor	reappointed	7/10/2015 7/1/2018
Qualifications (if required): licensed hearing aid dispenser and fitter			
Board of Livestock (Livestock)			
Mr. John Lehfeldt Lavina	Governor	not listed	7/10/2015 7/10/2018
Qualifications (if required): none specified			
Board of Massage Therapy (Labor and Industry)			
Ms. Patricia Eileen Ryan Whitefish	Governor	reappointed	7/10/2015 5/1/2019
Qualifications (if required): massage therapist			
Board of Nursing (Labor and Industry)			
Ms. Joyce Dombrowski Missoula	Governor	not listed	7/10/2015 7/1/2019
Qualifications (if required): registered nurse			
Ms. Laureli Scribner Roundup	Governor	Weiss	7/10/2015 7/1/2019
Qualifications (if required): advanced practice registered nurse			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Pharmacy (Labor and Industry)			
Mr. Michael Bertagnolli Three Forks	Governor	Bradley	7/10/2015 7/1/2020
Qualifications (if required): licensed pharmacist			
Board of Real Estate Appraisers (Labor and Industry)			
Mr. Timothy Peter McGinnis Polson	Governor	Forbes	7/10/2015 5/1/2018
Qualifications (if required): licensed or certified real estate appraiser			
Mr. Frank Schoenen, Jr. Great Falls	Governor	Christophersen	7/10/2015 5/1/2018
Qualifications (if required): representative of the public not engaged in the occupation of real estate appraisal			
Board of Realty Regulation (Labor and Industry)			
Ms. Cynthia Lanier Lakeside	Governor	Milless	7/24/2015 5/1/2019
Qualifications (if required): Real Estate Broker			
Mr. Eric Ossorio Big Sky	Governor	Abramson	7/24/2015 5/1/2019
Qualifications (if required): Real Estate Broker			
Rep. Josh Peck Butte	Governor	McDermott	7/24/2015 5/1/2019
Qualifications (if required): Public Representative			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Realty Regulation (Labor and Industry) cont.			
Mr. Daniel Dean Wagner Billings	Governor	Wardell	7/24/2015 5/1/2019
Qualifications (if required): Real Estate Broker			
Board of Regents of Higher Education (Education)			
Mr. Asa Hohman Missoula	Governor	Williams	7/1/2015 6/30/2016
Qualifications (if required): Student Regent			
Mr. Robert Nystuen Lakeside	Governor	Krauss	7/24/2015 2/1/2022
Qualifications (if required): District 1, Independent			
Board of Veterans' Affairs (Military Affairs)			
Mr. Shawn Backbone Crow Agency	Governor	reappointed	7/31/2015 8/1/2019
Qualifications (if required): Tribal government representative			
Mr. David E. Boyd, Sr. Poplar	Governor	reappointed	7/31/2015 8/1/2019
Qualifications (if required): Tribal member honorably discharged veteran			
Mr. Richard A. Juvik Helena	Governor	reappointed	7/31/2015 8/1/2019
Qualifications (if required): Honorably discharged veteran who serves as a representative of veterans at large			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Veterans' Affairs (Military Affairs) cont.			
Mr. William Willing Anaconda	Governor	reappointed	7/31/2015 8/1/2019
Qualifications (if required): Training education or experience related to veterans' issues			
Board of Water Well Contractors (Natural Resources and Conservation)			
Mr. Kevin Haggerty Bozeman	Governor	reappointed	7/10/2015 7/1/2018
Qualifications (if required): Montana water well contractor			
Building Codes Council (Labor and Industry)			
Mr. Jason Douglas Poston Missoula	Governor	Driver	7/10/2015 10/1/2017
Qualifications (if required): licensed elevator mechanic			
Capitol Complex Advisory Council (Administration)			
Sen. Carol Williams Missoula	Governor	Sands	7/31/2015 7/1/2017
Qualifications (if required): public member			
Flathead Basin Commission (Natural Resources and Conservation)			
Ms. Jasmine Courville-Brown Ronan	Governor	reappointed	7/31/2015 6/30/2019
Qualifications (if required): Public Representative			
Ms. Kate Hunt Kalispell	Governor	reappointed	7/31/2015 6/30/2019
Qualifications (if required): Public Representative			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Flathead Basin Commission (Natural Resources and Conservation) cont.			
Mr. Charles (Jackson) Potter Columbia Falls	Governor	reappointed	7/31/2015 6/30/2019
Qualifications (if required): Public Representative			
Governor's Advisory Council on Aging (Public Health and Human Services)			
Ms. Laurie Glover Great Falls	Governor	Miller	7/24/2015 7/1/2018
Qualifications (if required): Public Representative			
Mr. Bradley Howell Roundup	Governor	Yenne	7/24/2015 7/1/2018
Qualifications (if required): Public Representative			
Sen. Gerald Pease Lodge Grass	Governor	reappointed	7/24/2015 7/1/2018
Qualifications (if required): Public Representative			
Governor's Postsecondary Scholarship Advisory Council (Higher Education)			
Mr. LeRoy Schramm Helena	Governor	reappointed	7/10/2015 7/1/2018
Qualifications (if required): experience in secondary or postsecondary education			
Groundwater Assessment Steering Committee (Natural Resources and Conservation)			
Mr. Walter Sales Manhattan	Governor	reappointed	7/24/2015 7/1/2019
Qualifications (if required): Agriculture Water User			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Groundwater Assessment Steering Committee (Natural Resources and Conservation) cont.			
Mr. Mark Thompson Butte	Governor	Dale	7/24/2015 7/1/2019
Qualifications (if required): Industrial Water User			
Interstate Commission on Educational Opportunity for Military Children (Military Affairs)			
Master Sergeant Benjamin Aylward Great Falls	Governor	reappointed	7/24/2015 7/1/2019
Qualifications (if required): Representative of a Military Installation			
Major Renea Dorvall Fort Harrison	Governor	reappointed	7/24/2015 7/1/2019
Qualifications (if required): Representative of the Executive Branch of Government			
Superintendent Denise Juneau Helena	Governor	reappointed	7/24/2015 7/1/2019
Qualifications (if required): Superintendent of Public Instruction			
Ms. Tammy Lacey Fairfield	Governor	reappointed	7/24/2015 7/1/2019
Qualifications (if required): Superintendent of School District that includes High Concentration of Military Children			
Colonel Harold Stearns Missoula	Governor	reappointed	7/24/2015 7/1/2019
Qualifications (if required): Compact Commissioner			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Interstate Medical Licensure Compact Commission (Labor and Industry)			
Dr. James Feist Bozeman	Governor	not listed	7/24/2015 7/1/2018
Qualifications (if required): Physician member of the Montana Board of Medical Examiners			
Mr. Ian Marquand Helena	Governor	not listed	7/24/2015 7/1/2018
Qualifications (if required): Board Executive Officer			
Judicial Standards Commission (Justice)			
Ms. Brianne Kristine Dugan Bozeman	Governor	Schleif	7/24/2015 7/1/2019
Qualifications (if required): Citizen who is not an attorney or judge of any court			
Montana Agriculture Development Council (Agriculture)			
Commissioner Greg Jergeson Chinook	Governor	Aageson	7/31/2015 7/1/2016
Qualifications (if required): representative who is or was actively engaged in agriculture			
Montana Family Support Services Advisory Council (Public Health and Human Services)			
Ms. Rebecca Bogden-Richards Great Falls	Governor	Synness	7/10/2015 4/9/2016
Qualifications (if required): Parent Representative			
Ms. Catherine Murphy Helena	Governor	Plaska	7/10/2015 4/9/2016
Qualifications (if required): Agency Representative			

BOARD AND COUNCIL APPOINTEES FROM JULY 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. Latosha Vavak Columbus	Governor	Cummings	7/10/2015 4/9/2016
Qualifications (if required): Parent Representative			
Montana Heritage Preservation and Development Commission (Commerce)			
Ms. Barbie Durham Cameron	Governor	reappointed	7/24/2015 5/1/2018
Qualifications (if required): Broad experience in Business			
Mr. F.W. "Bill" Howell West Yellowstone	Governor	reappointed	7/24/2015 5/1/2018
Qualifications (if required): Experience managing facilities that cater to the needs of tourists			
Montana Organic Commodity Advisory Council (Agriculture)			
Ms. Alison Harmon Bozeman	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			
Mr. Matt Johnson Hinsdale	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			
Mr. Ty O'Connor Broadus	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Organic Commodity Advisory Council (Agriculture) cont.			
Ms. Catherine Odden Dutton	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			
Mr. Mark Smith Lavina	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			
Mr. Karl Sutton Polson	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			
Sen. Gene Thayer Great Falls	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): organic handler representative			
Director Ron de Yong Helena	Director	not listed	7/1/2015 7/1/2017
Qualifications (if required): Director of the Department of Agriculture			
Public Defender Commission (Administration)			
Mr. Larry Mansch Missoula	Governor	not listed	7/24/2015 7/1/2018
Qualifications (if required): Attorney nominated by the President of the state Bar			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Public Defender Commission (Administration) cont.			
Ms. Maylinn Elise Smith Missoula	Governor	Russell	7/24/2015 7/1/2018
Qualifications (if required): Member of an Organization that advocates on behalf of a racial minority population			
State Banking Board (Administration)			
Mr. Phil G. Gaglia Billings	Governor	reappointed	7/24/2015 7/1/2018
Qualifications (if required): Active officer in state bank of Montana			
Mr. Jack Johnson Billings	Governor	reappointed	7/24/2015 7/1/2018
Qualifications (if required): Public Representative			
State Electrical Board (Labor and Industry)			
Mr. Mel Medhus, III Kalispell	Governor	reappointed	7/10/2015 7/1/2020
Qualifications (if required): master licensed electrical contractor			
State Emergency Response Commission (Military Affairs)			
Ms. Delila Bruno Helena	Governor	Livingston	7/31/2015 10/1/2015
Qualifications (if required): Disaster and Emergency Services Coordinator			
Mr. Jordan Love Great Falls	Governor	Brunoi	7/31/2015 10/1/2015
Qualifications (if required): Representative of the Department of Public Health and Human Services			

BOARD AND COUNCIL APPOINTEES FROM JULY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Library Commission (Education)			
Commissioner Connie Eissinger Brockway	Governor	Scheetz	7/24/2015 6/1/2018
Qualifications (if required): Public Representative			
Mr. Ken Wall Missoula	Governor	Gransberry	7/24/2015 6/1/2018
Qualifications (if required): Public Representative			
Statewide Independent Living Council (Public Health and Human Services)			
Ms. Mary Olson Missoula	Governor	not listed	7/31/2015 12/1/2017
Qualifications (if required): Person with disability not employed by state agency			
Ms. Karen Underwood Billings	Governor	Spang	7/31/2015 12/1/2016
Qualifications (if required): At-Large Member			
Statewide Interoperability Governing Board (Administration)			
Mr. Curt Stinson Helena	Governor	Nassat	7/24/2015 10/1/2015
Qualifications (if required): Representative of Montana Association of Chiefs of Police			

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Alternative Health Care Board (Labor and Industry) Dr. Nancy Patterson, Great Falls Qualifications (if required): naturopathic physician	Governor	9/1/2015
Dr. Anne Camber, Libby Qualifications (if required): medical doctor	Governor	9/1/2015
Board of Athletic Trainers (Labor and Industry) Mr. Brian Coble, Helena Qualifications (if required): athletic trainer (postsecondary school)	Governor	10/1/2015
Mr. Christopher Heard, Butte Qualifications (if required): athletic trainer (health care facility)	Governor	10/1/2015
Dr. Derrick Johnson, Butte Qualifications (if required): physician	Governor	10/1/2015
Dr. John David Michelotti, Helena Qualifications (if required): Physician	Governor	10/1/2015
Board of Barbers and Cosmetologists (Labor and Industry) Ms. Corie Mora, Great Falls Qualifications (if required): manicurist	Governor	10/1/2015
Ms. Sara Dobbins, Helena Qualifications (if required): public representative	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Barbers and Cosmetologists (Labor and Industry) cont. Ms. Jennifer Gross, Billings Qualifications (if required): Public Representative</p>	Governor	10/1/2015
<p>Ms. Abigail Coburn, Missoula Qualifications (if required): Public Representative</p>	Governor	10/1/2015
<p>Board of Medical Examiners (Labor and Industry) Rep. Mary Anne Guggenheim, Helena Qualifications (if required): doctor of medicine</p>	Governor	9/1/2015
<p>Dr. James D. Upchurch, Crow Agency Qualifications (if required): doctor of medicine</p>	Governor	9/1/2015
<p>Ms. Tanja A. Brekke, Bozeman Qualifications (if required): acupuncturist</p>	Governor	9/1/2015
<p>Board of Outfitters (Labor and Industry) Mr. Robin Cunningham, Gallatin Gateway Qualifications (if required): fishing outfitter</p>	Governor	10/1/2015
<p>Mr. Shawn McNeely, Bozeman Qualifications (if required): fishing and hunting outfitter</p>	Governor	10/1/2015
<p>Board of Psychologists (Labor and Industry) Ms. Bonnie Hyatt Murphy, Livingston Qualifications (if required): public representative</p>	Governor	9/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Burial Preservation Board (Administration)		
Mr. Robert P. Four Star, Poplar Qualifications (if required): Representative of Fort Peck Tribe	Governor	9/1/2015
Mr. Steve Platt, Helena Qualifications (if required): Montana Historical Preservation Officer Representative	Governor	9/1/2015
Ms. Marilyn Silva, Miles City Qualifications (if required): Public Representative	Governor	9/1/2015
Ms. Skye Gilham, Browning Qualifications (if required): Physical Anthropologist	Governor	9/1/2015
Ms. Rosemary Caye, Elmo Qualifications (if required): Representative of Confederated Salish and Kootenai Tribes	Governor	9/1/2015
Governor's Healthier Montana Task Force (Public Health and Human Services)		
Ms. Peggy Kopp, Sidney Qualifications (if required): Hospital Representative	Governor	10/25/2015
Mr. Todd Harwell, Helena Qualifications (if required): Department of Public Health and Human Services Representative	Governor	10/25/2015
Dr. Caitlin Hall, Crow Agency Qualifications (if required): Tribal Health Programs	Governor	10/25/2015
Dr. Roman Hendrickson, Sheridan Qualifications (if required): Healthcare Providers	Governor	10/25/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Governor's Healthier Montana Task Force (Public Health and Human Services) Mr. Clay Vincent, Bozeman Qualifications (if required): Public Health Agency</p>	Governor	10/25/2015
<p>Historic Preservation Review Board (Historical Society) Ms. Miki Wilde, East Helena Qualifications (if required): public representative</p>	Governor	10/1/2015
<p>Board of Barbers and Cosmetologists (Labor and Industry) Mr. Timothy Urbaniak, Billings Qualifications (if required): public representative</p>	Governor	10/1/2015
<p>Ms. Debra Hronek, Red Lodge Qualifications (if required): public representative</p>	Governor	10/1/2015
<p>Ms. Ellen Crain, Butte Qualifications (if required): Public Representative</p>	Governor	10/10/2015
<p>Ms. Anne L. Foster, Huntley Qualifications (if required): Public Representative</p>	Governor	10/10/2015
<p>Ms. Jodie Foley, Helena Qualifications (if required): State Archivist</p>	Governor	10/10/2015
<p>Mr. Jon Ille, Hardin Qualifications (if required): Public Representative</p>	Governor	10/10/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Barbers and Cosmetologists (Labor and Industry) cont. Mr. Samuel Meister, Missoula Qualifications (if required): Public Representative</p>	Governor	10/10/2015
<p>Historical Records Advisory Council (Historical Society) Ms. Heather Hultman, Bozeman Qualifications (if required): Public Representative</p>	Governor	10/10/2015
<p>Ms. Kristi Dawn Scott, Great Falls Qualifications (if required): Public Representative</p>	Governor	10/10/2015
<p>Noxious Weed Seed Free Forage Advisory Council (Agriculture) Ms. Jane Mangold, Bozeman Qualifications (if required): Montana State University-Bozeman Extension Service</p>	Governor	9/1/2015
<p>Private Land Public Wildlife Advisory Council (Fish, Wildlife and Parks) Mr. Chris King, Winnett Qualifications (if required): Landowner</p>	Governor	10/10/2015
<p>Mr. Pat Gunderson, Glasgow Qualifications (if required): BLM Representative Ex-officio Member</p>	Governor	10/10/2015
<p>Mr. Bruce M. Coccoli, Helena Qualifications (if required): representative of the National Guard</p>	Governor	10/1/2015
<p>Mr. Bruce Suenram, Helena Qualifications (if required): representative of the Department of Natural Resources and Conservation</p>	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) Mr. William T. Rhoads, Butte Qualifications (if required): representative of a utility company	Governor	10/1/2015
Mr. David Mason, Helena Qualifications (if required): representative of the fire services training school	Governor	10/1/2015
Mr. Royce Shipley, Great Falls Qualifications (if required): representative of the U.S. Air Force	Governor	10/1/2015
Mr. Thomas Kuntz, Red Lodge Qualifications (if required): representative of a fire service association	Governor	10/1/2015
Mr. Michael J. McGinley, Dillon Qualifications (if required): representative of the association of counties	Governor	10/1/2015
Commissioner Ed Tinsley, Fort Harrison Qualifications (if required): representative of the Disaster and Emergency Services	Governor	10/1/2015
Mr. Mike Vogel, Bozeman Qualifications (if required): representative of the university system	Governor	10/1/2015
Mr. Joe Marcotte, Billings Qualifications (if required): representative of the league of cities and towns	Governor	10/1/2015
Mr. Jim DeTienne, Helena Qualifications (if required): representative of the Emergency Medical Services and Trauma Services Section/DPHHS	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont. Ms. Sheena Wilson, Helena Qualifications (if required): representative of the governor's office	Governor	10/1/2015
Ms. Cheryl Richman, Helena Qualifications (if required): representative of the Department of Transportation	Governor	10/1/2015
Mr. Ron Jendro, Helena Qualifications (if required): representative of the Department of Fish, Wildlife and Parks	Governor	10/1/2015
Mr. Ron Zellar, Helena Qualifications (if required): representative of the Department of Agriculture	Governor	10/1/2015
Mr. Michael Mercer, Great Falls Qualifications (if required): representative of the National Weather Service	Governor	10/1/2015
Mr. Pete Lawrenson, Missoula Qualifications (if required): representative of a railroad company	Governor	10/1/2015
Mr. Dale Nelson, Ronan Qualifications (if required): representative of a tribal emergency response commission	Governor	10/1/2015
Ms. Bonnie Lovelace, Helena Qualifications (if required): representative of the Department of Environmental Quality	Governor	10/1/2015
Major Thomas Butler, Helena Qualifications (if required): representative of the Department of Justice	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont.		
Ms. Delila Bruno, Helena Qualifications (if required): representative of the Emergency Medical Services and Trauma Services Section/DPHHS	Governor	10/1/2015
Mr. Scott Sanders, Belgrade Qualifications (if required): representative of an emergency medical services association	Governor	10/1/2015
Chief John Turner, Fort Benton Qualifications (if required): representative of a law enforcement association	Governor	10/1/2015
Mr. Roger Ebner, Butte Qualifications (if required): representative of an emergency management association	Governor	10/1/2015
Ms. Judith LaPan, Sidney Qualifications (if required): representative of a public health organization	Governor	10/1/2015
Mr. Peter Ridgeway, Missoula Qualifications (if required): representative of the transportation industry	Governor	10/1/2015
Ms. Michelle Slyder, Billings Qualifications (if required): representative of the petroleum industry	Governor	10/1/2015
Mr. Andre Marcure, Missoula Qualifications (if required): representative of the insurance industry	Governor	10/1/2015
Mr. Patrick Lonergan, Bozeman Qualifications (if required): DES Association	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>State Emergency Response Commission (Military Affairs) cont. Ms. Jackie Williams, Helena Qualifications (if required): Department of Agriculture Representative</p>	Governor	10/1/2015
<p>Major Shawn Hardy, Fort Harrison Qualifications (if required): National Guard Representative</p>	Governor	10/1/2015
<p>Mr. Walt Kerttula, Helena Qualifications (if required): Department of Transportation Representative</p>	Governor	10/1/2015
<p>Ms. Tara Moore, Bozeman Qualifications (if required): University System Representative</p>	Governor	10/1/2015
<p>General Bradley A. Livingston, Fort Harrison Qualifications (if required): Disaster and Emergency Services Division Representative</p>	Governor	10/1/2015
<p>Mr. Anthony Bacino, Missoula Qualifications (if required): Railroad Company Representative</p>	Governor	10/1/2015
<p>Mr. Donald Britton, Great Falls Qualifications (if required): National Weather Service Representative</p>	Governor	10/1/2015
<p>Ms. Nikki Johnson, Helena Qualifications (if required): Agriculture Representative</p>	Governor	10/1/2015
<p>LTC Michael Moreni, Fort Harrison Qualifications (if required): Representative of the National Guard</p>	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Statewide Interoperability Governing Board (Administration)		
Mr. Tim Fox, Helena Qualifications (if required): Attorney General or Designee	Governor	10/1/2015
Mr. Geoff Feiss, Helena Qualifications (if required): Representative of the Montana Telecommunications Industry	Governor	10/1/2015
Mr. Tim Burton, Helena Qualifications (if required): Governor's Office Representative	Governor	10/1/2015
Mr. Kevin Myhre, Lewistown Qualifications (if required): Representative of Montana League of Cities and Towns	Governor	10/1/2015
Ms. Bonnie Lorang, Helena Qualifications (if required): Representative of the Montana Telecommunications Industry	Governor	10/1/2015
Sheriff Leo C. Dutton, Helena Qualifications (if required): Representative of the Montana Sheriffs and Peace Officers Association	Governor	10/1/2015
Mr. Mike Doto, Butte Qualifications (if required): Representative of the Montana State Volunteer Firefighters Association	Governor	10/1/2015
Director Jason Smith, Helena Qualifications (if required): Director of Indian Affairs	Governor	10/1/2015
Director Mike Tooley, Helena Qualifications (if required): Department of Transportation Director	Governor	10/1/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Statewide Interoperability Governing Board (Administration) cont. Mr. Patrick Lonergan, Bozeman Qualifications (if required): Montana Fire Chiefs Association	Governor	10/1/2015
Mr. Ron Baldwin, Helena Qualifications (if required): Chief Information Officer or Designee	Governor	10/1/2015
Commissioner Joe Briggs, Great Falls Qualifications (if required): Representative of the Montana Association of Counties	Governor	10/1/2015
Ms. Jayne Rogers, Great Falls Qualifications (if required): Representative of the Montana EMS Association	Governor	10/1/2015
Colonel Jeff Fisher, Fort Harrison Qualifications (if required): Department of Military Affairs Representative	Governor	10/1/2015
Chief Roger Nasset, Kalispell Qualifications (if required): Representative of Montana Association of Chiefs of Police	Governor	10/1/2015
Mr. Kevin Box, Whitehall Qualifications (if required): Representative of the Montana Emergency Medical Services Association	Governor	10/1/2015
Trauma Care Committee (Public Health and Human Services) Mr. Tim Sinton, Choteau Qualifications (if required): representative of the Central Region Trauma Advisory Council	Governor	11/2/2015
Dr. Dennis Maier, Billings Qualifications (if required): representative of the Montana Committee on Trauma/ACS	Governor	11/2/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Trauma Care Committee (Public Health and Human Services) cont. Ms. Elaine Schuchard, Glasgow Qualifications (if required): representative of the Emergency Nurses Association	Governor	11/2/2015
Ms. Kristen Lowery, Deer Lodge Qualifications (if required): representative of the Montana Trauma Coordinators	Governor	11/2/2015
Ms. Leah Emerson, Ronan Qualifications (if required): representative of the Western Region Trauma Advisory Council	Governor	11/2/2015
Mr. Sam Miller, Bozeman Qualifications (if required): representative of the Eastern Region Trauma Advisory Council	Governor	11/2/2015
Mr. Don Whalen, Missoula Qualifications (if required): representative of private ambulances	Governor	11/2/2015
Ms. Becky Arbuckle, Qualifications (if required): representative of the Montana Emergency Medical Services Association	Governor	11/2/2015
Dr. Sidney Williamson, Bozeman Qualifications (if required): representative of the American College of Emergency Physicians	Governor	11/2/2015
Ms. Roberta Shupe, Harlem Qualifications (if required): representative of the Indian Health Service	Governor	11/2/2015
Ms. Joy Fortin, Kalispell Qualifications (if required): representative of the Montana Trauma Coordinators	Governor	11/2/2015

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2015 THROUGH NOVEMBER 30, 2015

Board/current position holder

Appointed by

Term end

Water and Wastewater Operators' Advisory Council (Environmental Quality)

Mr. Roger Skogen, Valier

Governor

10/16/2015

Qualifications (if required): wastewater plant operator