

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

LABOR AND INDUSTRY, Department of, Title 24

24-171-36 (Board of Outfitters) Notice of Public Hearing on Proposed Amendment and Repeal - Fees - Outfitter Records - Watercraft Identification - Outfitter Qualifications - Fishing Outfitter Operations Plans - Outfitter Examination - Operations Plans and Amendments - Renewals - Unprofessional Conduct and Misconduct - Transfer of River-Use Days. 855-862

LIVESTOCK, Department of, Title 32

32-16-274 Notice of Proposed Amendment - Isolation of Rabid or Suspected Rabid Animals - Animal Contacts. No Public Hearing Contemplated. 863-865

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-192 (Board of Oil and Gas Conservation and the Department) Notice of Public Hearing on Proposed Amendment - Oil and Gas Privilege and License Tax. 866-868

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-753 Notice of Public Hearing on Proposed Adoption - Creating the Montana Achieving a Better Life Experience (ABLE) Program. 869-876

PUBLIC SERVICE REGULATION, Department of, Title 38

38-2-234 Amended Notice of Public Hearing on Proposed Amendment - Procedural Rules. 877

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-59-543 Notice of Amendment - Semiannual Assessment for Banks. 878

COMMERCE, Department of, Title 8

8-94-142 Notice of Adoption - Administration of the 2018 Biennium Federal Community Development Block Grant (CDBG) – Planning Grants. 879

EDUCATION, Department of, Title 10

10-10-127 (Superintendent of Public Instruction) Notice of Amendment and Repeal - School Finance. 880

10-11-126 (Superintendent of Public Instruction) Notice of Adoption - Distribution of Oil and Gas Production Taxes. 881

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-460 Notice of Amendment and Adoption - Aquatic Invasive Species. 882-885

JUSTICE, Department of, Title 23

23-16-243 Notice of Adoption and Amendment - Temporary Gambling Authority - Participation in Gambling Operations - Sports Pool Design and Operation - Software Specifications for Video Poker Machines. 886

LABOR AND INDUSTRY, Department of, Title 24

24-301-311 Notice of Amendment and Repeal - Applicability of Statutes and Rules - Definitions - Commercial or Business Occupancy - Third Party Inspections - Reciprocity - Requirements for Data Plate - Application for Review - Plan Review Termination - Quality Control - Changes to Reviewed Plans - Unit Identification - Plan Renewal - Insignias - Fees - Inspections - Certificates - Effective Date - Information Required to Dealer - Application for Approval - Model Manufactured Location - Out-of-State Applicant - Evidence of Review - Discontinuance of Review. 887-888

LIVESTOCK, Department of, Title 32

32-16-273 Notice of Amendment - Special Requirements for Alternative Livestock as Defined in 87-4-406, MCA - Intrastate Movement of Cattle: Identification - Elk-Red Deer Hybridization Tests - Importation of Alternative Livestock. 889

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-182 Notice of Adoption - Rye Creek Stream Depletion Zone. 890-892

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-741 Notice of Amendment - Increasing Certain Fees for Certified Copies of Vital Records. 893

REVENUE, Department of, Title 42

42-2-947 Notice of Amendment - Universal System Benefits Programs. 894

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 895-896

How to Use ARM and MAR. 897

Accumulative Table. 898-908

Boards and Councils Appointees. 909-914

Vacancies on Boards and Councils. 915-931

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

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 24.171.401 fees, 24.171.408)	PROPOSED AMENDMENT AND
outfitter records, 24.171.413)	REPEAL
watercraft identification, 24.171.502)	
outfitter qualifications, 24.171.505)	
fishing outfitter operations plan,)	
24.171.507 outfitter examination,)	
24.171.520 operations plans and)	
amendments, 24.171.2101 renewals,)	
24.171.2301 unprofessional conduct)	
and misconduct, and the repeal of)	
24.171.702 transfer of river-use days)	

TO: All Concerned Persons

1. On June 10, 2016, at 9:00 a.m., a public hearing will be held in room B-07, basement conference room, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Outfitters (board) no later than 5:00 p.m., on June 3, 2016, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsout@mt.gov (board's e-mail).

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

24.171.401 FEES (1) through (1)(g) remain the same.

- (h) Fee for each set of two replacement ~~or additional~~ watercraft identification tags 5
- (i) ~~Fee for audit of river-use days~~ 50
- (j) remains the same, but is renumbered (i).

AUTH: 37-1-131, 37-1-134, 37-47-201, 37-47-306, MCA

IMP: 37-1-134, 37-1-141, 37-47-304, 37-47-306, 37-47-307, 37-47-308, 37-47-310, MCA

REASON: The board determined it is reasonably necessary to amend this rule to address questions from board staff and licensees applying that replacement sets of watercraft identification tags consist of two tags and cost \$5. The amendment will also clarify that additional sets of watercraft identification tags will not be issued at the time replacement sets are issued.

The board is striking the fee for audit of river-use days to align with the board's repeal of ARM 24.171.702, the rule containing provisions on auditing river-use days. Because the board has neither processed an audit nor collected the audit fee in over two years, the board estimates there will be no effect on annual revenue for the elimination of this process and the accompanying fee.

24.171.408 OUTFITTER RECORDS (1) Outfitters shall maintain current, true, complete, and accurate records ~~at all times~~, submit the records to the board ~~with application to renew licenses as required by administrative rule~~, and make the records available at all times at the outfitter's main base camp or business office to enforcement or investigative personnel authorized or appointed by the board, upon subpoena or order of a court, or written request of the board or a state or federal agency for law enforcement purposes.

(2) and (3) remain the same.

(4) In general, ~~submitted~~ outfitter records, including, but not limited to the operations plans, shall be maintained as confidential information and shall not be released to any person or organization without written permission of the outfitter, subpoena or order of a court, or written request of a state or federal agency for law enforcement purposes. A specific outfitter's number of NCHU is confidential information, but whether an outfitter has NCHU of a particular category is public information. Also, while total acreage of private lands where any outfitter is authorized to operate is a matter of public record, where a particular outfitter is authorized to operate is a confidential matter between the landowner and the outfitter. The Department of Fish, Wildlife and Parks or the Private Land/Public Wildlife Council may use board data to create a map depicting all private land where any outfitter is authorized to operate. All inquiries for outfitter records shall be reviewed and considered in relation to this rule and the competing interests between the public's right to know and the rights of privacy involved in the particular records requested.

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

IMP: 37-47-201, 37-47-301, MCA

REASON: The board is amending this rule to address concerns that licensees could be required to maintain records at all times even in the field or back country. The board determined it is reasonably necessary to amend (1) to clarify the board's intent that outfitter records be accurately maintained at the place of operation and provided as required in rule and in specific stated instances. The board concluded that these amendments will reflect a more reasonable method of record keeping that fits the practice of outfitting, while still ensuring that records are provided when needed.

Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.171.413 WATERCRAFT IDENTIFICATION (1) A person holding a valid outfitter or guide license who utilizes any type of watercraft while providing services shall prove evidence of licensure by displaying, at all times, a services are being provided, board-issued watercraft identification tags.

(2) ~~The tag tags~~ shall display the outfitter or guide license number for identification purposes. Licenses must add license numbers to the tags and maintain the tags in a readable fashion.

(3) An unlicensed outfitter assistant shall display a board-issued watercraft identification tags on each watercraft to be occupied by the outfitter assistant, showing the license number of the employing outfitter.

~~(4) The tag shall be effective for one calendar year.~~

~~(5) (4) The One tag shall be affixed to either each side of the watercraft at the bow, or at the oarlock, or stern of the watercraft and be of a size approved by the board so that if they may be easily seen from another watercraft or from shore.~~

~~(6) (5) The Each tag shall be affixed to the watercraft or on a removable plaque or in such a way that if the craft is sold or is not being used by the licensee while the licensee is providing services, the tag may be removed or concealed to prevent misidentification of the occupant(s) as licensees.~~

~~(7) Improper use of watercraft identification shall be considered misconduct under ARM 24.171.2301.~~

~~(8) (6) Licensees shall may~~ be provided with one set of two watercraft identification tags at the time of application for licensure or renewal, at no charge, upon request. A fee will be assessed for any replacement in accordance with ARM 24.171.401.

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

IMP: 37-1-134, 37-47-201, 37-47-301, 37-47-302, 37-47-303, 37-47-304,
MCA

REASON: The board is amending (1) to address licensee questions by clarifying that licensees need only ensure their watercraft tags are displayed while providing licensed services, and not necessarily at all other times.

It is reasonably necessary to amend this rule to revise the process for issuance and use of watercraft identification tags. While the purpose of these tags is not to validate licensure but to identify watercraft as commercial in the pursuit of fish or game, the decal number must correlate with the license number which must be in possession when providing services. To increase efficiencies and reduce board costs, the board is amending the rule to issue tags without a specific year and on which licensee will add their license numbers. This will allow the tags to be reused for several years as the board will no longer issue them annually.

The board is amending (5) and (6) to address confusion and clarify the board's intent that watercraft identification tags be affixed to each side of the watercraft. Although tags are currently issued in pairs at licensure or renewal for no additional charge, the board concluded these amendments are necessary to address licensee questions.

The board is striking (7) as redundant and unnecessarily confusing. Law enforcement will cite licensees who do not properly display watercraft identification and report such violations to the board. Failure to comply with the board's laws and rules is already included as unprofessional conduct under ARM 24.171.2301.

24.171.502 OUTFITTER QUALIFICATIONS (1) through (1)(b)(i) remain the same.

(ii) 100 days of verified experience ~~as a licensed outfitter~~ in another state guiding clients in pursuing the types of game and using the methods for which licensure is sought by the applicant, subject to approval by the board as a licensed outfitter, a licensed guide, or equivalent experience as determined by the board. All experience in this subsection is subject to board approval.

(2) through (4) remain the same.

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

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

REASON: The board is amending this rule to clarify that out-of-state outfitter, guide, or equivalent experience is acceptable for outfitter applicants. The board concluded that this change will facilitate licensure while still ensuring qualified licensed outfitters, since administration of outfitter licensure varies from state to state, but the practice remains essentially the same.

24.171.505 FISHING OUTFITTER OPERATIONS PLAN (1) A fishing outfitter may include in a proposed or an existing operations plan, a general reference to "all surface waters governed by the Montana Stream Access Law, 23-2-302, MCA and accessible by public access points not requiring a permit issued by a state or federal agency(ies)". Alternatively, the outfitter may include in a proposed or existing operations plan specific surface waters governed by the Montana Stream Access Law and accessible by public access points not requiring a permit issued by a state or federal agency, by including detailed descriptions of those specific waters as provided in ~~37-47-304(2)(h) and (i) (c)(ii)~~, MCA.

(2) Surface waters accessible only by private land or access points requiring a permit issued by a state or federal agency(ies) may only be included in a fishing outfitter's proposed or existing operations plan by describing the waters in detail as provided in ~~37-47-304(2)(h) and (i) (c)(ii)~~, MCA. A copy of the Description and submission of private land access permission and permit(s) issued by the appropriate state or federal agency(ies) must be submitted to the board office with the outfitter's proposed operations plan or any amendment to an existing operations plan shall be governed by ARM 24.171.520.

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

IMP: 37-47-201, 37-47-304, MCA

REASON: In 2013, House Bill 274 revised several statutes regarding outfitter and guide licensure, including 37-47-304, MCA. The board is amending this rule now to reflect the correct statutory section, as the statute was renumbered by the 2013 bill.

The board is further amending (2) to align with amendments proposed to ARM 24.171.520(1)(b) in this notice. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.171.507 OUTFITTER EXAMINATION (1) ~~Application to take Applicants for the outfitter examination shall be by~~ submit a completed license application accompanied by the required fee no later than 30 days prior to the examination date.
(2) through (5) remain the same.

AUTH: 37-1-131, 37-47-201, MCA
IMP: 37-47-201, 37-47-305, MCA

REASON: The board is updating this rule to facilitate current technology and utilize the department's network of service centers that can now administer exams inside of the 30-day requirement.

24.171.520 OPERATIONS PLANS AND AMENDMENTS (1) An operations plan is prepared by the outfitter and submitted to the board and consists of the following:

- (a) remains the same.
- (b) for fishing outfitters, a ~~written description~~ summarization of the boundaries of the outfitter's operation, provided in the following terms, except as otherwise provided in ARM 24.171.505:
 - (i) the name of each water body, including the section of each river or stream, that may be utilized by the applicant while providing services; ~~and~~
 - (ii) a description of private land, by name of ranch and county where located, over which access is allowed; and
 - (iii) an affidavit by the outfitter to the board that the outfitter is in possession of any public land permits or licenses properly executed for federal or state public property where the outfitter is authorized to operate;
- (c) for hunting outfitters a ~~written description~~ summarization of the locations and boundaries of the outfitter's operation, which is where the outfitter is authorized to operate, provided in the following terms:
 - (i) the name of each public land agency or owner of private property;
 - (ii) through (d) remain the same.
 - (e) ~~copies of leases and permits for~~ an affidavit by the outfitter to the board that the outfitter possesses public land permits or licenses properly executed for federal or state public property where the outfitter is authorized to operate.

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

(3) As part of renewal, each outfitter shall attest that ~~the private~~ all lands information required as part of the outfitter's operations plan on file with the board is current and accurate.

- (4) Whenever the outfitter gains permission to use additional private or public property, the outfitter shall update the operations plan the earlier of:
(a) through (5) remain the same.

AUTH: 37-1-131, 37-47-201, MCA
IMP: 37-47-201, 37-47-304, MCA

REASON: The board is amending this rule to require that outfitters affirm and report land use information to the board, and maintain records in their place of business, without submitting actual copies of land use agreements to the board. The amendments will reduce administrative responsibilities and improve efficiencies by allowing the department to utilize standardized forms and processes in fulfillment of 37-1-104, MCA.

Currently, outfitters must submit a written description on individual forms for each property in their operations plans. The board is amending (1)(b) and (c) to simplify the process by requiring outfitters to submit summaries of all lands including legal descriptions.

The board is amending (2) to simplify and streamline the process for amending outfitter operations plans. The board determined that having outfitters amend the plans and then submit the updated plans to the board will help ensure the board has the most accurate, up-to-date plans on record.

Outfitters have been required for many years to report and clarify land use, whether public or private. The board is now amending (3) and (4) to align with these established standards and processes.

24.171.2101 RENEWALS (1) through (4) remain the same.

(5) License renewal applications for guides shall be made on forms provided by the department and shall be accompanied by: ~~the required fee.~~

(a) the required renewal fee; and

(b) a copy of the licensee's valid and current first aid certification.

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

IMP: 37-1-104, 37-1-141, 37-47-201, 37-47-302, 37-47-304, 37-47-306, 37-47-307, ~~37-47-318~~, MCA

REASON: The board is amending this rule to prevent unnecessary costs and time during the audit process. The board concluded that by directing licensed guides to submit first aid certification documentation at renewal time, staff will have necessary documents on hand, as opposed to the current process where proof is requested via U.S. mail within a time specified. The amendments will prevent numerous board-generated and costly complaints for licensees who fail to respond to department communications, but who do in fact hold valid and current first aid certification.

Implementation citations are being amended to delete a reference to a repealed statute.

24.171.2301 UNPROFESSIONAL CONDUCT AND MISCONDUCT

(1) remains the same.

- (a) not violate any law, rule, or policy of the Department of Fish, Wildlife, and Parks concerning the certification of nonresidents for procuring hunting licenses;
- (b) through (j) remain the same.
- (k) maintain current, true, complete, and accurate records ~~at all times~~;
- (l) make all client records available at the outfitter's main base camp or business office to enforcement or investigative personnel authorized or appointed by the board upon subpoena or order of a court or written request of the board or a state or federal agency for law enforcement purposes;
- (m) through (3) remain the same.

AUTH: 37-1-131, 37-1-319, 37-47-201, MCA

IMP: 37-1-312, 37-1-316, 37-1-319, 37-47-201, 37-47-341, MCA

REASON: The board is amending this rule to provide consistency and align with proposed amendments to ARM 24.171.408 and 24.171.520. These amendments clarify that failing to comply with the revised requirements is considered unprofessional conduct for licensees.

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

24.171.702 TRANSFER OF RIVER-USE DAYS found at ARM page 24-18580

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

IMP: 37-47-201, 37-47-310, MCA

REASON: The board determined it is reasonably necessary to repeal this rule because the authority governing river-use days lies with another Montana state agency and not with the board. This rule refers to a regulatory function of the restricted use permitted rivers that are regulated by the Montana Department of Fish, Wildlife and Parks and governed by the Montana Fish and Wildlife Commission.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsout@mt.gov, and must be received no later than 5:00 p.m., June 17, 2016.

6. An electronic copy of this notice of public hearing is available at www.outfitter.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may

be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

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

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

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.171.401, 24.171.408, 24.171.413, 24.171.502, 24.171.505, 24.171.507, 24.171.520, 24.171.2101, and 24.171.2301 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 24.171.702 will not significantly and directly impact small businesses.

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

10. Steve Gallus, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF OUTFITTERS
ROBIN CUNNINGHAM, CHAIRPERSON

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

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

Certified to the Secretary of State May 9, 2016

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of
ARM 32.3.1203 isolation of rabid or
suspected rabid animals and
32.3.1205 animal contacts

NOTICE OF PROPOSED
AMENDMENT

NO PUBLIC HEARING
CONTEMPLATED

TO: All Concerned Persons

1. On June 19, 2016, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., June 10, 2016, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

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

32.3.1203 ISOLATION OF RABID OR SUSPECTED RABID ANIMALS

(1) Any rabid or clinically suspected rabid animal must be isolated in strict confinement under proper care and under observation of a ~~deputy state~~ licensed veterinarian, in a pound, veterinary hospital, or other adequate facility in a manner approved by the state veterinarian. If professional veterinary evaluation warrants, the animal may be humanely destroyed and the brain or other appropriate tissues handled in accordance with ARM 32.3.1207. The animal must be handled in accordance with the National Association of State Public Health Veterinarians, Inc. (NASPHV) compendium of animal rabies control or other subsequently developed scientifically acceptable procedure recognized by the NASPHV.

(2) remains the same.

AUTH: 81-2-102, 81-2-103, MCA
IMP: 81-2-102, 81-2-103, MCA

REASON: The department proposes to replace "deputy state veterinarian" with "licensed veterinarian." Many small animal veterinarians in Montana are not federally accredited. This change recognizes the significant work that nonaccredited small animal veterinarians do for rabies management in Montana.

32.3.1205 ANIMAL CONTACTS (1) ~~Any nonvaccinated or not currently vaccinated animal that has been exposed to a confirmed rabid or suspected rabid animal must be either ordered destroyed by the state veterinarian or quarantined in strict isolation in a place and manner approved by the state veterinarian for a period of six months. If the animal is to be quarantined, rabies vaccine should be administered upon entry into isolation.~~

~~(2) Any currently vaccinated animal as defined in the Compendium of Animal Rabies Prevention and Control that has been exposed to a confirmed rabid or suspected rabid animal should be revaccinated immediately and observed for 45 days.~~

(1) Animals that have been exposed to a confirmed rabid or suspected rabid animal shall be managed according to vaccination status as per the Compendium of Animal Rabies Prevention and Control. Additional consideration can be given to severity of exposure, current health status, and local rabies epidemiology.

(2) Currently vaccinated animals shall be revaccinated immediately and observed for 45 days.

(3) Dogs and cats overdue for a booster vaccination with appropriate documentation of previous vaccination shall be managed as per (2).

(4) Animals without appropriate documentation of previous vaccination shall either be:

(a) ordered destroyed by the state veterinarian, or

(b) quarantined in strict isolation in a place and manner approved by the state veterinarian for a period not to exceed six months and rabies vaccine administered within 96 hours of exposure.

(5) Dogs and cats overdue for a booster vaccination and with a documented amnestic response to vaccination through serologic monitoring at the owner's expense may be managed as per (2).

AUTH: 81-2-102, 81-2-103, MCA

IMP: 81-2-102, 81-2-103, MCA

REASON: The department proposes to revise management of animals exposed to a rabid or suspected rabid animal to be consistent with the recently released 2016 Compendium of Animal Rabies Prevention and Control. These changes reflect current science showing the response to vaccination of an animal past due for rabies vaccination, as well as better data about the incubation period of the disease.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., June 17, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written

comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., June 17, 2016.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 80, based upon approximately 796 licensed veterinarians in Montana.

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

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

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

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

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

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

Certified to the Secretary of State, May 9, 2016.

BEFORE THE BOARD OF OIL AND GAS CONSERVATION AND
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 36.22.1242 regarding the oil) PROPOSED AMENDMENT
and gas privilege and license tax)

To: All Concerned Persons

1. On June 15, 2016, at 2:00 p.m., the Department of Natural Resources and Conservation and the Board of Oil and Gas Conservation will hold a public hearing at 2535 St. Johns Avenue, Billings, Montana, to consider the proposed amendment of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than June 3, 2016, to advise us of the nature of the accommodation that you need. Please contact Jim Halvorson, Board of Oil and Gas Conservation, 2535 St. Johns Avenue, Billings, MT 59102; telephone (406) 656-0040; fax (406) 655-6015; e-mail jhalvorson@mt.gov.

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

36.22.1242 REPORTS BY PRODUCERS – TAX REPORT – TAX RATE

(1) remains the same.

(2) The privilege and license tax on each barrel of crude petroleum and each 10,000 cubic feet of natural gas produced, saved, and marketed, or stored within the state or exported therefrom shall be ~~30.00~~ 100 percent (~~0.9/10 of 1%~~) of the rate authorized in 82-11-131, MCA, (3/10 of 1%) of the market value thereof. This rule is effective on all crude petroleum and natural gas produced on and after October 1, ~~2006~~ 2016.

AUTH: 82-11-111, MCA

IMP: 82-11-123, 82-11-131, ~~82-11-133~~, MCA

REASONABLE NECESSITY: Oil price during the past biennium averaged \$74 per barrel (Energy Information Administration First Purchaser Price) and quarterly expenditures generally exceeded income at the current tax rate of 0.0009 or 30% of the maximum allowable rate. The average oil price as of March 11, 2016, was \$26.25/barrel (North Dakota, NDIC weekly report).

The proposed increase of the authorized privilege and license tax under 82-11-131, MCA, is reasonably necessary to provide funds to maintain income for board operations and perform activities required by statute.

Under the proposed rule change the effective tax rate to producers will change from 0.0026 to 0.0030. The increase in tax is expected to affect 200 oil and gas producers with an increased tax burden of approximately \$240,000 over the 12 months following adoption of the new rate. This action is estimated to add approximately \$1,300,000 to the board's earmarked revenue account over the same period.

Additionally, implementation statute 82-11-133, MCA, is obsolete as it was repealed in 1995.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted in writing to Jim Halvorson, Board of Oil and Gas Conservation, 2535 St. Johns Avenue, Billings, MT 59102; telephone (406) 656-0040; fax (406) 655-6015; or e-mail jhalvorson@mt.gov, and must be received no later than 5:00 p.m. on June 17, 2016.

5. Jim Halvorson, Board of Oil and Gas Conservation, has been designated to preside over and conduct the public hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Lucy Richards, P.O. Box 201601, 1625 Eleventh Avenue, Helena, MT 59620; fax (406) 444-2684; e-mail dnrc_publicinfo@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that 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.

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

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

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

/s/ Dennison Butler
DENNISON BUTLER
Rule Reviewer

/s/ Linda Nelson
LINDA NELSON
Board Chair, Board of Oil and Gas Conservation

Certified to the Secretary of May 9, 2016.

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
Rules I through IX pertaining to) PROPOSED ADOPTION
creating the Montana achieving a)
better life experience (ABLE) program)

TO: All Concerned Persons

1. On June 9, 2016, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 1, 2016, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

NEW RULE I ACHIEVING A BETTER LIFE EXPERIENCE (ABLE)
PROGRAM: PURPOSE (1) The purpose of the ABLE program is to provide Montana residents with access to a tax-favored program designed to provide secure funding for qualified disability-related expenses on behalf of individuals with disabilities that will supplement, but not supplant, benefits provided through public or private sources.

AUTH: 53-25-104, MCA
IMP: 53-25-102, MCA

NEW RULE II DEFINITIONS The following definitions, found in 53-25-103, MCA, apply to this subchapter:

- (1) "Account" means an eligible participating account established under Title 53, chapter 25, MCA, by or on behalf of an eligible individual.
- (2) "Account owner" means the designated beneficiary of the account.
- (3) "Annual contribution limit" means the limit established in section 529A(b)(2) of the Internal Revenue Code, 26 U.S.C. 529A(b)(2).

(4) "Application" means a form executed by or on behalf of a prospective account owner to enter into a participating trust agreement and open an account. The application incorporates the participating trust agreement by reference.

(5) "Committee" means the achieving a better life experience program oversight committee established in 53-25-105, MCA.

(6) "Contribution" means a payment to an account for the benefit of a designated beneficiary.

(7) "Department" means the Department of Public Health and Human Services provided for in 2-15-2201, MCA.

(8) "Designated beneficiary" means the eligible individual on whose behalf an account is established.

(9) "Eligible individual" means an eligible individual as defined in section 529A(e)(1) of the Internal Revenue Code, 26 U.S.C. 529A(e)(1).

(10) "Financial institution" means a bank, commercial bank, national bank, savings bank, savings and loan association, credit union, insurance company, trust company, investment adviser, or other similar entity that is authorized to do business in this state.

(11) "Investment products" means, without limitation, certificates of deposit, savings accounts paying fixed or variable interest, financial instruments, one or more mutual funds, and a mix of mutual funds.

(12) "Member of the family" means, with respect to a designated beneficiary, a member of the family of the designated beneficiary as defined in section 529A(e)(4) of the Internal Revenue Code, 26 U.S.C. 529A(e)(4).

(13) "Nonqualified withdrawal" means a withdrawal from the account that is not:

(a) a qualified withdrawal;

(b) a withdrawal made as the result of the death of the designated beneficiary of an account; or

(c) a rollover distribution or a change of designated beneficiary described in 53-25-111, MCA.

(14) "Participating trust agreement" means an agreement between an account owner and the department or its designee that creates a trust interest in the trust and provides for participation in the program.

(15) "Program" means the Montana achieving a better life experience program provided for in 53-25-101, et seq., MCA and authorized under section 529A of the Internal Revenue Code, 26 USC 529A.

(16) "Program manager" means a financial institution that acts as an agent of the trust as provided in 53-25-112, MCA.

(17) "Qualified disability expenses" means qualified disability expenses as defined in section 529A(e)(5) of the Internal Revenue Code, 26 USC 529A(e)(5).

(18) "Qualified withdrawal" means a withdrawal from an account to pay the qualified disability expenses of the beneficiary of the account. A qualified withdrawal may be made by the beneficiary, by an agent of the beneficiary who has a power of attorney for the beneficiary, or by the beneficiary's legal guardian.

(19) "Rollover distribution" means a transfer of funds made:

(a) from one account in another state's qualified program to an account for the benefit of the same designated beneficiary or an eligible individual who is a family member of the former designated beneficiary; or

(b) from one account to another account for the benefit of an eligible individual who is a family member of the former designated beneficiary.

(20) "Trust" means the achieving a better life experience savings trust as provided in 53-25-121, MCA.

(21) "Trustee" means the department in its capacity as trustee of the trust.

AUTH: 53-25-104, MCA

IMP: 53-25-103, MCA

NEW RULE III FEES (1) There is a one-time application fee of \$25 for opening a new account. The fee must be paid when the new account is established.

(2) Financial institutions acting as program managers may impose fees upon account owners. Program management fees must be approved by the department before they can be imposed.

(3) Application fees collected must be remitted to the department and placed in a state special revenue account and only be used for administration of the program.

(4) Program management fees will be retained by each program manager as compensation for program management services.

AUTH: 53-25-104, MCA

IMP: 53-25-109, 53-25-112, MCA

NEW RULE IV DUTIES OF PROGRAM MANAGER (1) Each program manager must do the following:

(a) generally administer and carry out the program according to the directions and policies of the department and applicable law;

(b) keep adequate records of each account that is under its direction, keep such account segregated from other accounts and post contributions to accounts within no later than the business day that it receives verification that such contributions consist of fully collected funds;

(c) provide the department and all appropriate governmental and regulatory agencies all reports and information as may be required or deemed necessary to obtain tax advantages available under state or federal laws;

(d) provide regular statements at least annually, within 31 days of the annual period to which they apply, to each account owner showing all contributions, withdrawals, and earnings posted to each account during the previous reporting period;

(e) comply with the terms and conditions of its contract with the department;

(f) take all actions required to keep the program in compliance with the requirements of the ABLE Act and all reasonable action not contrary to the ABLE Act, these rules or the depository or program manager's contract to manage its program accounts so that it is treated as a qualified ABLE Act program under section 529A(b) of the Internal Revenue Code, 26 USC 529A(b);

(g) comply with all other laws and regulations applicable to the program manager;

(h) retain or provide copies to the department of all applications and related documentation received pursuant to these rules;

(i) include in any application, participating trust agreement, contract, offering or disclosure document, and any other document identified by the department that may be used in connection with a contribution to an account an express statement that the account is not insured by the state and that the principal deposited and any investment return are not guaranteed by the state; and

(j) include in any application or participating trust agreement a statement that the program must provide that a portion or all of the balance remaining in the account of a deceased designated beneficiary must be distributed to a state that files a claim against the designated beneficiary or the account itself with respect to benefits provided to the designated beneficiary under that state's Medicaid plan.

AUTH: 53-25-104, MCA

IMP: 53-25-109, 53-25-110, 53-25-113, MCA

NEW RULE V OPENING OF ACCOUNTS: QUALIFICATIONS (1) An account may be opened by or on behalf of an eligible individual who is a resident of Montana or a resident of a state that has entered into a contract with Montana to provide its residents access to the program.

(2) An eligible individual or the eligible individual's legal guardian or agent under a power of attorney may open an account for the benefit of the eligible individual by:

(a) completing an application and a participating trust agreement supplied by the program manager;

(b) making the minimum contribution required by the program manager; and

(c) paying the one-time application fee.

(3) The application or participating trust agreement must include:

(a) the name, address, telephone number, and social security number or employer identification number of the contributor;

(b) the name, address, telephone number, and social security number of the eligible individual who will be the designated beneficiary and account owner;

(c) the designation of the financial institution with which the funds in the account will be invested;

(d) the certification relating to no excess contributions adopted by the department;

(e) the designation of the type of account to be opened if more than one type of account is offered;

(f) the certification that money in the account will be used solely to save for and to pay for the account owner's qualified disability expenses;

(g) the certification that the account will not be used or pledged as security for a loan;

(h) copies of documents establishing a legal guardianship or power of attorney if the account is established by a legal guardian or individual acting pursuant to a power of attorney; and

(i) any other information the department requires.

(4) Unless required by federal law or regulation, money in any account may not be counted as a resource in determining eligibility for an assistance program operated under Title 53, MCA, or any other federal, state, or local government means-tested program.

AUTH: 53-25-104, MCA

IMP: 53-25-109, 53-25-120, MCA

NEW RULE VI CONTRIBUTIONS AND LIMITS (1) Subject to the limitations in (2), any person, including a nonresident of Montana and an individual who is not the account owner, may make a contribution to an account.

(2) All contributions to accounts must be in cash and may not exceed the annual contribution limit found in section 529(A)(b)(2) of the Internal Revenue Code, 26 USC 529(b)(2).

(3) Contributions may be made following payroll deduction plans to which the contributor and his or her employer are parties. In such case, the employer, on behalf of the contributor, will send the contribution to the program manager, as agent for the trustee.

AUTH: 53-25-104, MCA

IMP: 53-25-109, MCA

NEW RULE VII WITHDRAWALS (1) Qualified withdrawals from an account are:

(a) a withdrawal from an account to pay the qualified disability expenses of an account owner;

(b) a withdrawal made as the result of the death of the account owner; or

(c) a rollover distribution or a change of designated beneficiary and account owner.

(2) A qualified withdrawal may be made by the account owner, by an agent of the account owner who has a power of attorney for the beneficiary, or by the account owner's legal guardian for qualified disability expenses.

(3) Nonqualified withdrawals are any withdrawals from an account other than qualified withdrawals and are subject to a recapture tax, as allowed under section 529A(c)(3) of the Internal Revenue Code and as implemented by the Montana Department of Revenue.

AUTH: 53-25-104, MCA

IMP: 53-25-110, MCA

NEW RULE VIII REPORTING REQUIREMENTS (1) At least annually, within 31 days of the annual period to which they apply, the program manager must provide to each account owner an account statement. The statement must include:

(a) a balance of the account at the beginning of the reporting period;

(b) all activity during the reporting period including deposits, withdrawals, penalties paid, and income earned; and

(c) the balance at the end of the reporting period.

(2) A program manager must prepare and provide to account owners such information as the Internal Revenue Service or federal income tax law may require be provided to account owners by the required deadlines.

(3) A program manager must prepare and provide to the Department of Revenue (DOR) such information as the director of DOR may request to permit the DOR to verify the \$3,000 income deduction permitted by 15-30-2110(12), MCA.

(4) A program manager, upon request of the department, must provide to the department copies of the reports that it provides to account owners.

AUTH: 53-25-104, MCA

IMP: 53-25-109, 53-25-118, MCA

NEW RULE IX TERMINATION OF PROGRAM MANAGER (1) If the department determines not to renew a contract with an existing program manager, then the department, as trustee of the trust, may take appropriate action consistent with the interest of the program and the accounts.

(2) Except as provided in (3), if the department does not renew a contract with a program manager, at the end of the term of the nonrenewed contract, the program manager must:

(a) continue to administer accounts already established with the program manager, including accepting additional contributions;

(b) not establish new accounts unless and until a new program contract is executed with the department; and

(c) comply with all rules or policies established by the department or the terms of a contract between the department and the nonrenewed program manager executed for the purpose of administering and managing the existing accounts.

(3) The department may terminate a contract with a program manager or prohibit the continued investment of funds with a nonrenewed program manager at any time for good cause on the recommendation of the committee.

(4) Upon termination of a program manager contract for good cause or prohibition of investment upon recommendation of the committee, the department must take custody of account funds held at the financial institution and must promptly reinvest the funds with another financial institution selected as a program manager by the department and into the same investment products or substantially similar investment products.

(5) Subject to (6), prior to terminating a contract or prohibiting investment, the department must give account owners notice of the termination and a period of up to 30 days to voluntarily terminate the account and to select another program manager with which to establish an account.

(6) If termination of a program manager causes an emergency that may lead to a loss of funds to any account owner, the department may take emergency action as necessary or appropriate to prevent the loss of funds. After taking emergency action, the department must provide notice to account owners and opportunity for action as provided in (5).

AUTH: 53-25-104, MCA

IMP: 53-25-109, 53-25-112, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to adopt New Rules I through IX in order to implement Senate Bill 399 (SB399) passed by the 64th Montana Legislature in 2015 and codified in Title 53, chapter 25, MCA. The proposed rule language is written to implement the Montana Achieving a Better Life Experience (ABLE) Act, which provides for tax-exempt savings accounts for disability-related expenses.

The rule language was developed based on the language in the ABLE Act and language in the Board of Regent's policy regarding college savings 529 accounts. Section 53-25-104, MCA, requires that these rules be written. This program is based upon the authority in section 529A of the Internal Revenue Code, so relevant state and federal laws apply.

New Rules I through IX

These proposed new rules provide purpose, definitions, requirements, and limitations for this program authorized by the ABLE Act. They describe the benefits of the ABLE Act program and how the program will be operated.

These proposed new rules are necessary in order to adhere to legislative intent, provide direction for program manager(s), specify requirements and limitations, and ensure the state's compliance with federal requirements.

Fiscal Impact

The legislative fiscal note that accompanied SB399 estimated that for the biennium, the impact to the general fund would be \$23,600 in expenses and \$42,000 in lost revenue.

An estimate of the number of individuals who will access this program is not available at this time.

5. The department intends to apply these new rule adoptions retroactively to January 1, 2016. A retroactive application of the proposed rule adoptions 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., June 17, 2016.

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 mail on April 27, 2016.

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

12. Medicaid monies will not be used in the operation of the ABLE Act Program and therefore performance-based measures are not applicable.

/s/ Shannon McDonald for
Susan Callaghan, Attorney
Rule Reviewer

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

Certified to the Secretary of State May 9, 2016.

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 38.2.4801, 38.2.4802,) HEARING ON PROPOSED
38.2.4803, 38.2.4804, 38.2.4805, and) AMENDMENT
38.2.4806 pertaining to procedural)
rules)

TO: All Concerned Persons

1. On April 8, 2016, the Department of Public Service Regulation published MAR Notice No. 38-2-234 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 580 of the 2016 Montana Administrative Register, Issue Number 7. On June 3, 2016, at 1:30 pm, the Department of Public Service Regulation will hold a public hearing in the Bollinger Room, 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Service Regulation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Service Regulation no later than 5:00 p.m. on May 27, 2016, to advise us of the nature of the accommodation that you need. Please contact Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail asolem@mt.gov.

3. The deadline in which to notify interested persons was not met by the department.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may be submitted by e-filing on the commission's web site at <http://psc.mt.gov> ("Account Login/Registration" under "Electronic Documents" tab) under Docket No. N2016.4.38; or by submitting comments to the person in number 2, and must be received no later than 5:00 p.m., June 10, 2016. All written comments will be posted to the commission's web site.

/s/ JUSTIN KRASKE
Justin Kraske
Rule Reviewer

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

Certified to the Secretary of State May 9, 2016.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
2.59.104 pertaining to semiannual)
assessment for banks)

TO: All Concerned Persons

1. On March 18, 2016, the Department of Administration published MAR Notice No. 2-59-543 pertaining to the proposed amendment of the above-stated rule at page 479 of the 2016 Montana Administrative Register, Issue Number 6.

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

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

COMMENT 1: The Montana Independent Bankers Association (MIB) is a trade association of Montana's independent bankers. The MIB commented that it supports the proposed amendment to this administrative rule which would charge no fee for the June 30, 2016, bank assessment. The MIB commented that the department has had staffing changes and has reorganized recently. The MIB supports the bank assessment holiday proposed in this rule, as long as it is economically feasible to do so.

RESPONSE 1: The department thanks the MIB for its support of this amendment.

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 May 9, 2016.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to the administration)
of the 2018 Biennium Federal)
Community Development Block Grant)
(CDBG) Program – Planning Grants)

TO: All Concerned Persons

1. On April 8, 2016, the Department of Commerce published MAR Notice No. 8-94-142 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 554 of the 2016 Montana Administrative Register, Issue Number 7.
2. No comments were received.
3. The department has adopted NEW RULE I (ARM 8.94.3818) as proposed.

/s/ KELLY A. LYNCH
KELLY A. LYNCH
Rule Reviewer

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

Certified to the Secretary of State May 9, 2016.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 10.10.301, 10.10.301B through)	REPEAL
10.10.301D, 10.10.304, 10.10.311,)	
10.10.319, 10.10.320, 10.10.504,)	
10.10.613, 10.10.614, 10.15.101,)	
10.16.3817, 10.20.102, 10.20.104,)	
10.20.105, 10.21.101H, 10.22.102,)	
10.22.104, and 10.23.102 and the)	
repeal of ARM 10.30.405 pertaining)	
to school finance)	

TO: All Concerned Persons

1. On March 4, 2016, the Superintendent of Public Instruction published MAR Notice No. 10-10-127 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 363 of the 2016 Montana Administrative Register, Issue Number 5. On April 8, 2016, the Superintendent of Public Instruction published an amended notice of public hearing on the proposed amendment and repeal of the above-stated rules at page 556 of the 2016 Montana Administrative Register, Issue Number 7.

2. The Superintendent has amended ARM 10.10.301, 10.10.301B through 10.10.301D, 10.10.304, 10.10.311, 10.10.319, 10.10.320, 10.10.504, 10.10.613, 10.10.614, 10.15.101, 10.16.3817, 10.20.102, 10.20.104, 10.20.105, 10.21.101H, 10.22.102, 10.22.104, and 10.23.102 as proposed.

3. The Superintendent has repealed ARM 10.30.405 as proposed.

4. No comments or testimony were received.

/s/ Ann Gilkey
Ann Gilkey
Rule Reviewer

/s/ Dennis Parman
Dennis Parman for Denise Juneau
Superintendent of Public Instruction

Certified to the Secretary of State May 9, 2016.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I and II pertaining to distribution)
of oil and gas production taxes)

TO: All Concerned Persons

1. On April 8, 2016, the Superintendent of Public Instruction published MAR Notice No. 10-11-126 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 558 of the 2016 Montana Administrative Register, Issue Number 7.

2. The Superintendent has adopted New Rule I (10.11.101) and New Rule II (10.11.102) as proposed.

3. These rules are effective July 1, 2016 and terminate on June 30, 2019.

4. No comments or testimony were received.

/s/ Ann Gilkey
Ann Gilkey
Rule Reviewer

/s/ Dennis Parman
Dennis Parman for Denise Juneau
Superintendent of Public Instruction

Certified to the Secretary of State May 9, 2016.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 12.11.341 and the adoption of) ADOPTION
New Rule I pertaining to aquatic)
invasive species)

TO: All Concerned Persons

1. On February 19, 2016, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-460 pertaining to the public hearings on the proposed amendment and adoption of the above-stated rules at page 263 of the 2016 Montana Administrative Register, Issue Number 4.

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

12.11.341 AQUATIC INVASIVE SPECIES INSPECTION STATIONS

(1) through (3) remain as proposed.

(4) Any vessel at an inspection station found with invasive species, or containing residual water and has been in infested water in the last 30 days, will be decontaminated by AIS staff as arranged by the department. Infested waters contain microscopic AIS species including zebra mussels, *Dreissenia polymorpha*, and quagga mussels, *Dreissenia bugensis*, and are identified on the map titled "Mussel-Infested States and Waterbodies" available at fwp.mt.gov. AIS staff shall refer to the map or to the most current known information. ~~Decontamination methods may include hot water washing, hot water flushing, and drying time. A decontamination order may be issued that could require a drying period as directed by the department. During the drying period, the department may lock the vessel to the trailer to prevent launching, or put it in a secured location not accessible to the owner or operator until the drying period is complete. The vessel must pass a second inspection prior to launching in Montana waters.~~

(5) Decontamination methods on vessels subject to (4) may include hot water washing, hot water flushing, and drying time, including interior portions of complex engine systems and pumps. A decontamination order may be issued that requires a drying period as directed by the department. The drying time will depend on weather conditions. During the drying period, the department may lock the vessel to the trailer to prevent launching. The department will be responsible for arranging the time and location to unlock the vessel when the drying time is complete. It is prohibited for anyone other than authorized department staff to remove the lock during the drying time. The vessel must pass a second inspection prior to launching in Montana waters in order to be considered decontaminated.

3. The department 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 (12.11.342) REMOVAL OF VEGETATION AND PLUGS

(1) remains as proposed.

(2) Upon removing a vessel from any surface waters and before leaving the associated boat launch or parking area, ~~Any~~ drain plug, bailer, valves or other device that prevents water drainage from bilges, ballasts or livewells must be removed ~~or opened during transport~~ except where otherwise provided in current published fishing regulations. If the vessel does not have a plug, reasonable measures must be taken to dry or drain all compartments or spaces that hold water. Reasonable measures include emptying bilges, application of absorbents, and ventilation. The following are exempt:

(a) and (b) remain as proposed.

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: The department received several comments in support of the rule language as proposed.

Response 1: The department appreciates your participation in the rule making process.

Comment 2: The department received several comments expressing concern and opposition about the proposed language regarding temporary confiscation of personal property during drying periods.

Response 2: The department has amended the proposed rule language regarding confiscation. The department believes that the decontamination methods including washing, flushing, drying, and locking the vessel to the trailer when drying time is needed, is sufficient to prevent the spread of aquatic invasive species at this time without administratively confiscating personal property.

Comment 3: The department received several comments suggesting the rule language should be more explanatory regarding the processes in which AIS staff will make decisions about decontamination and locking the vessel.

Response 3: The department has amended the proposed rule language to be more descriptive about decontamination and locking the vessel, including referring only to vessels where invasive species are found, specifically dreissenid mussels, and vessels with complex engines and pump systems.

Comment 4: The department received comments suggesting an internal policy be developed on how the rule is going to be implemented and that it be posted on the

department's web site for the public to view.

Response 4: An internal policy will be created, including an informational handout to present to boaters that go through inspection stations. This information will be posted on fwp.mt.gov.

Comment 5: The department received several comments concerning the proposed language regarding removal of the drain plug during transport. Concerns included forgetting to put the plug back in before launching and sinking the boat, difficulty removing some drain plugs, and that all the water still may not drain.

Response 5: The department has amended the proposed language to remove the requirement for drain plugs to remain out during transport but still requiring removal before leaving the water body or associated parking area. Regardless of the difficulty to remove a drain plug, the best practice for draining a boat is to remove the plug. Even though draining a boat may not be 100% effective to drain all of the water, it is the standard management practice. For places in the boat that are accessible, an absorbent material could be used to remove the remainder of the water.

Comment 6: The department received several comments regarding delays, congestion, and safety at boat ramps from the requirement to remove the drain plug and vegetation from the vessel before leaving the boat ramp and associated area.

Response 6: There are many issues that impact the congestion and delays at boat ramps besides removal of drain plugs and vegetation. The requirement to remove drain plugs and vegetation should not increase the time significantly. Vessels may also be pulled away from the boat ramp to associated parking areas to do these requirements.

Comment 7: The department received several comments concerning rule enforcement and associated fines.

Response 7: Initially, AIS staff will be focused on educating the public, then implementing enforcement based on assessment of the effectiveness of education efforts. As with any enforcement officer, wardens will have the discretion in deciding whether or not a citation should be issued. Enforcement as a tool to address compliance will be evaluated on a case-by-case basis.

Comment 8: The department received one comment stating more specific language should be added about how long is required to effectively dry a boat.

Response 8: The department has amended the proposed rule to include that the duration of time required to effectively dry a boat depends on weather conditions.

Comment 9: The department received comments concerning the inexperience of the inspectors making decisions to confiscate or lock a vessel.

Response 9: The department has amended the proposed rule to remove the confiscation language and to specify that AIS staff will decontaminate as arranged by the department. While seasonal AIS workers may be doing initial inspections, washing, and flushing, more experienced, trained AIS staff will be involved in making the decision to lock a vessel.

Comment 10: The department received two comments stating the eastern fishing district regulations allowing the transport of live fish are inconsistent with the proposed rule language.

Response 10: The proposed rule language includes an exception for transport of live fish where provided in current published fishing regulations.

Comment 11: The department received several comments stating suggestions for improvements to the overall AIS program outside the scope of this rulemaking.

Response 11: The department values and appreciates these suggestions and will evaluate these comments for the future advancements in the AIS program.

Comment 12: The department received two comments stating that the department should clear weeds at boat ramps to prevent spread.

Response 12: The department will evaluate the need and will work with boat ramp owners in the future to evaluate the efficacy of the comment.

Comment 13: The department received a comment stating that the department should provide the vessel owner verification that the boat had passed the second inspection and is therefore considered decontaminated.

Response 13: The decontamination order will include the vessel has passed a second inspection.

/s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

/s/ M. Jeff Hagener
M. Jeff Hagener
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State May 9, 2016

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New)	NOTICE OF ADOPTION AND
Rule I concerning temporary)	AMENDMENT
gambling authority and the)	
amendment of ARM 23.16.119,)	
23.16.502, 23.16.1702, 23.16.1703,)	
and 23.16.1907 concerning)	
participation in gambling operations,)	
sports pool design and operation, and)	
software specifications for video)	
poker machines)	

TO: All Concerned Persons

1. On April 8, 2016, the Department of Justice published MAR Notice No. 23-16-243 regarding the public hearing on the proposed adoption and amendment of the above-stated rules at page 569, 2016 Montana Administrative Register, Issue Number 7.

2. The department has adopted New Rule I (23.16.509) and amended ARM 23.16.119, 23.16.502, 23.16.1702, 23.16.1703, and 23.16.1907 as proposed.

3. The department received one comment. John Iverson, on behalf of the Montana Tavern Association, expressed the Association's support for the proposed new rule and rule amendments.

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

/s/ Timothy C. Fox
TIMOTHY C. FOX
Attorney General
Department of Justice

Certified to the Secretary of State May 9, 2016.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.301.501 applicability of)	REPEAL
statutes and rules, 24.301.511)	
definitions, 24.301.513 commercial or)	
business occupancy, 24.301.516 third)	
party inspections, 24.301.523)	
reciprocity, 24.301.525 requirements)	
for data plate, 24.301.535 and)	
24.301.536 application for review,)	
24.301.542 plan review termination,)	
24.301.543 quality control,)	
24.301.545 changes to reviewed)	
plans, 24.301.549 unit identification,)	
24.301.550 plan renewal, 24.301.557,)	
24.301.558, 24.301.560, 24.301.561,)	
24.301.562, and 24.301.566)	
insignias, 24.301.565 and 24.301.567)	
fees, 24.301.607 inspections -)	
certificates - fees, and the repeal of)	
ARM 24.301.512 effective date,)	
24.301.524 information required to)	
dealer, 24.301.532, 24.301.533, and)	
24.301.534 application for approval,)	
24.301.538 model manufactured)	
location, 24.301.539 out-of-state)	
applicant, 24.301.541 evidence of)	
review, and 24.301.548)	
discontinuance of review)	

TO: All Concerned Persons

1. On February 19, 2016, the Department of Labor and Industry (department) published MAR Notice No. 24-301-311 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 276 of the 2016 Montana Administrative Register, Issue No. 4.

2. On March 11, 2016, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. One comment was received by the March 18, 2016, deadline.

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

COMMENT 1: One commenter expressed general support for the changes and the department's shift to electronic plan submissions. The commenter also appreciated the decrease of many application fees.

RESPONSE 1: The department recognizes the participation of the commenter and appreciates all comments made during the rulemaking process.

4. The board has amended ARM 24.301.501, 24.301.511, 24.301.513, 24.301.516, 24.301.523, 24.301.525, 24.301.535, 24.301.536, 24.301.542, 24.301.543, 24.301.545, 24.301.549, 24.301.550, 24.301.557, 24.301.558, 24.301.560, 24.301.561, 24.301.562, 24.301.565, 24.301.566, 24.301.567, and 24.301.607 exactly as proposed.

5. The board has repealed ARM 24.301.512, 24.301.524, 24.301.532, 24.301.533, 24.301.534, 24.301.538, 24.301.539, 24.301.541, and 24.301.548 exactly as proposed.

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

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

Certified to the Secretary of State May 9, 2016

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 32.3.221 special requirements)
for alternative livestock as defined in)
87-4-406, MCA, 32.3.2006 intrastate)
movement of cattle: identification,)
32.4.402 elk-red deer hybridization)
tests, and 32.4.601 importation of)
alternative livestock)

TO: All Concerned Persons

1. On March 18, 2016, the Department of Livestock published MAR Notice No. 32-16-273 pertaining to the proposed amendment of the above-stated rules at page 505 of the 2016 Montana Administrative Register, Issue Number 6.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

DEPARTMENT OF LIVESTOCK

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

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

Certified to the Secretary of State May 9, 2016.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I regarding the Rye Creek Stream Depletion Zone) NOTICE OF ADOPTION
)
)

To: All Concerned Persons

1. On December 24, 2015, the Department of Natural Resources and Conservation published MAR Notice No. 36-22-182 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 2235 of the 2015 Montana Administrative Register, Issue Number 24. On February 19, 2016, the department published a notice of extension of comment period on the proposed adoption at page 297 of the 2016 Montana Administrative Register, Issue No. 4.

2. The department has adopted New Rule I (36.12.2205) as proposed.

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

COMMENT 1:

Commenters stated excess use and stream depletion are due to surface water diversions on the stream.

RESPONSE 1:

The purpose of the Rye Creek stream depletion zone (SDZ) is not to address depletions to Rye Creek caused by existing irrigation practices. It is to limit the flow rate and volume for future wells developed under the groundwater exception to the permit requirements provided for by 85-2-306(3)(a), MCA, in order to reduce surface water depletions and their impact on senior water right holders. Current permitted wells will not be affected by an SDZ designation. No further designations are contemplated by statute. The designation to include upstream lands is not due to the current practice of over-pumping of water which may be connected to Rye Creek.

COMMENT 2:

Commenters stated the petitioners cause the greatest reduction in flows to Rye Creek due to their irrigation practices. The petitioners take more water than they can use or have a legal right to use.

RESPONSE 2:

The purpose of the Rye Creek SDZ is not to address depletions to Rye Creek caused by existing irrigation practices (see Response 1). Any allegation of overuse by irrigators is properly directed to the DNRC Missoula Water Regional Office (WRO) through a water use complaint.

COMMENT 3:

Commenters stated the SDZ infringes on property rights and may impose an unwanted covenant on private property.

RESPONSE 3:

All waters in the state of Montana are the property of the state. A water right only allows the holder of a water right to use that water. The Montana Legislature has directed DNRC to administer and apply the provisions of the Montana Water Use Act, including establishment of an SDZ pursuant to 85-2-380, MCA. Establishment of an SDZ will not affect existing water rights. A person may still obtain a new beneficial water use permit in accordance with the applicable provisions of the Water Use Act. A person may still obtain a certificate of groundwater development consistent with the Rye Creek SDZ and 85-2-306(3)(a), MCA.

COMMENT 4:

Commenter stated petitioners filed a water use complaint against them that was investigated by DNRC. The commenter further stated the DNRC report, which resulted from that investigation, shows the proposed Rye Creek SDZ does not meet the minimum criteria for an SDZ. That report showed the commenter's ponds/pits would equate to a depletion of 5.33 gallons per minute (gpm). That is 15% (or half) of what the definition of stream depletion zone requires.

RESPONSE 4:

The letter from Missoula WRO regional manager Jim Nave addressed compliance with the Water Use Act and quantified the consumption of water uses from the ponds as 5.33 gpm during July (the month of highest consumption). The letter does not quantify the amount of water withdrawn from the source or the timing of depletions from the source. That evaluation would be necessary to determine whether depletion from the use would constitute 30% within 30 days as specified in the statutes. The letter implies the use of 5.33 gpm is 15% of the withdrawal. This is apparently relevant to the 35 gpm limit on a groundwater certificate and not actual withdrawal. This is different from the SDZ analysis contained in the petition materials.

COMMENT 5:

Commenter stated they fully support the petition for the creation of the Rye Creek SDZ. Such a designation will help protect these important tributaries to the Bitterroot River as well as protect every property owner and water right holders along the SDZ.

RESPONSE 5:

The purpose of the Rye Creek SDZ is to limit the flow rate and volume for future wells developed under the groundwater exception to the permit requirements provided for by 85-2-306(3)(a), MCA, in order to reduce surface water depletions and their impact on senior water right holders. Other values may experience secondary benefits.

COMMENT 6:

The rule hearing should have been held in Hamilton or Missoula instead of Helena in January. Holding the hearing in Helena causes a hardship to attend.

RESPONSE 6:

DNRC is not obligated to hold a hearing in any specific area. All written comments submitted carry the same weight as oral comments received at a hearing.

/s/ John E. Tubbs

JOHN E. TUBBS

Director

Natural Resources and Conservation

/s/ Brian Bramblett

BRIAN BRAMBLETT

Rule Reviewer

Certified to the Secretary of State on May 4, 2016.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.8.116 pertaining to)
increasing certain fees for certified)
copies of vital records)

TO: All Concerned Persons

1. On March 4, 2016, the Department of Public Health and Human Services published MAR Notice No. 37-741 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 434 of the 2016 Montana Administrative Register, Issue Number 5.

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

3. No comments or testimony were received.

/s/ Nick Domitrovich
Nick Domitrovich, Attorney
Rule Reviewer

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

Certified to the Secretary of State May 9, 2016.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.29.101, 42.29.102, and)
42.29.103 pertaining to universal)
system benefits programs)

TO: All Concerned Persons

1. On January 8, 2016, the Department of Revenue published MAR Notice No. 42-2-947 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 13 of the 2016 Montana Administrative Register, Issue Number 1. On April 22, 2016, the Department of Revenue published an amended notice of proposed amendment and extension of comment period at page 712 of the 2016 Montana Administrative Register, Issue Number 8.

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

3. No further comments or testimony were received.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State May 9, 2016

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.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- 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 December 31, 2015. This table includes those rules adopted during the period January 1, 2016, through March 31, 2016, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2015, this table, and the table of contents of this issue of the Register.

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 2015/2016 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-VII	Credit Union Supervisory Committee - Credit Union Investment Rules - Board of Director Training, p. 1556, 2247
2.5.201	and other rules - Definitions - Changes Within the State Procurement Bureau and Central Stores Program, p. 612
2.5.701	and other rules - State Surplus Property Program, p. 355, 719
2.21.4002	and other rules - Equal Employment Opportunity - Nondiscrimination - Harassment Prevention, p. 617
2.55.502	Individual Loss Sensitive Dividend Distribution Plan, p. 548
2.59.104	Semiannual Assessment for Banks, p. 479
2.59.303	and other rules - Closing a Consumer Loan Business - Reimbursement of Department Costs in Bringing an Administrative Action - Credit Insurance - Examination Fees - Licensure Surrender - Annual Reports, p. 1547, 2246
2.59.416	and other rules - Credit Union Investments, p. 359, 720
2.59.1710	and other rules - Records to Be Maintained by Mortgage Brokers - Records to Be Maintained by Mortgage Lenders - Reporting Forms for Mortgage Servicers, p. 1563, 2249
2.59.1735	Determining the Amount of Surety Bond for a New Mortgage Broker or Mortgage Lender, p. 630

(Public Employees' Retirement Board)

- I Redirection of Certain PERS Employer Contributions From the Defined Benefit Trust Fund for the Purposes of Paying Off the Plan Choice Rate Unfunded Actuarial Liability to Defined Contribution Member Accounts, p. 2179, 310
- I-XI Deferred Retirement Option Plan (DROP) for Members of the Highway Patrol Officers' Retirement System, p. 1778, 2244
- 2.43.3501 Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document, p. 784
- 2.43.3502 and other rule - Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457 Deferred Compensation Plan, p. 787

(Board of Examiners)

- 2.53.201 Model Procedural Rules, p. 627

AGRICULTURE, Department of, Title 4

- I Pesticide Certification and Training Fees, p. 551
- 4.3.407 and other rules - Student Loans - Public Participation - Mint Committee, p. 1571, 2136
- 4.9.301 and other rule - Wheat and Barley Committee Grants, p. 1568, 2135
- 4.16.201 and other rule - Growth Through Agriculture (GTA), p. 790

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

- 6.6.3702 and other rules - Reporting by Holding Company Systems, p. 246, 824
- 6.6.4907 Patient-Centered Medical Homes, p. 1796, 2250
- 6.10.703 Securities Restitution Fund, p. 256, 721

COMMERCE, Department of, Title 8

- I Administration of the 2018 Biennium Federal Community Development Block Grant (CDBG) Program – Planning Grants, p. 554
- I Administration of the 2016 and 2017 Program Year Federal Community Development Block Grant (CDBG) Program – Public Facilities Projects, p. 633
- I Administration of the 2016 and 2017 Program Year Federal Community Development Block Grant (CDBG) Program – Competitive Housing and Neighborhood Renewal Projects, p. 635
- 8.2.503 Administration of the Quality Schools Grant Program, p. 2060, 17
- 8.94.3814 and other rule - Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 178, 511
- 8.94.3816 Administration of the 2017 Biennium Treasure State Endowment Program–Emergency Grants, p. 969, 1484

8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 795

(Board of Horse Racing)

8.22.2301 and other rules, Board of Horse Racing, p. 2252

EDUCATION, Department of, Title 10

(Office of Public Instruction)

I-II Distribution of Oil and Gas Production Taxes, p. 558

10.10.301 and other rules - School Finance, p. 363, 556

10.16.3122 and other rules - Special Education, p. 1578, 2257

(Board of Public Education)

10.57.412 and other rules - Educator Licensure, p. 1402, 2091

(State Library)

10.102.1152 Deferrals, p. 1800, 2270

FISH, WILDLIFE AND PARKS, Department of, Title 12

12.7.201 and other rules - Commercial Bait Seining, p. 259, 585

12.9.804 and other rules - Game Damage Hunts, p. 875, 2138, 138

12.11.341 and other rule - Aquatic Invasive Species, p. 263

(Fish and Wildlife Commission)

12.2.601 State Land Access Tax Credit, p. 1803, 202

12.6.106 Removal of Shelter, p. 1806, 203

12.11.206 and other rule - Temporary Client Days on the Beaverhead and Big Hole Rivers, p. 267

(State Parks and Recreation Board)

I-XXIV State Parks Public Use, p. 482, 825

GOVERNOR, Office of, Title 14

I-II Implementation of the Sage Grouse Stewardship Act, p. 2125, 458

ENVIRONMENTAL QUALITY, Department of, Title 17

17.36.101 and other rules - Subdivisions/On-Site Subsurface Wastewater Treatment - Application--Contents - Review Procedures--Applicable Rules - Re-review of Previously Approved Facilities: Procedures - Setbacks - Sewage Systems: Agreements and Easements - Existing Systems - Water Supply Systems: Operation and Maintenance, Ownership, Easements, and Agreements - Fee Schedules - Disposition of Fees, p. 2192, 722

- 17.40.201 and other rules - Definitions - Classification Systems - Examinations - Experience and Education - Continuing Education Requirements - Approved Training Providers, p. 1593, 2144
- 17.50.523 Transportation, p. 4, 725
- 17.74.101 and other rules - Occupational Noise - Occupational Air Contaminants, p. 2062, 18

(Board of Environmental Review)

- 17.4.201 and other rules - Procedural Rules - Water Quality - Public Water Supply and Sewage System Requirements - Water Pollution Rules - Radiological Criteria - State and EPA Coordination - Pretreatment - Definitions - Enforcement Actions for Administrative Penalties - Purpose - Enforcement Procedures - Suspended Penalties, p. 2182, 517
- 17.8.334 and other rules - Emission Standards for Existing Aluminum Plants—Startup and Shutdown - Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants - Mercury Allowance Allocations Under Cap and Trade Budget, p. 1809, 512
- 17.8.610 and other rules - Major Open Burning Source Restrictions - Conditional Air Quality Open Burning Permits - Christmas Tree Waste Open Burning Permits - Commercial Film Production Open Burning Permits - Firefighter Training - Conditions for Issuance or Denial of Permit - General Requirements for Air Quality Operating Permit Content, p. 563
- 17.8.818 Averaging Period for the PM-2.5 Significant Monitoring Concentration, p. 801
- 17.24.201 and other rules - Rules and Regulations Governing the Opencut Mining Act, p. 1951, 513
- 17.30.1001 and other rules - Water Quality - Subdivisions/On-Site Subsurface Wastewater Treatment - Public Water and Sewage System Requirements - Solid Waste Management - Definitions - Adoption by Reference - Wastewater Treatment Systems: Technical Requirements - Plans for Public Water Supply or Public Sewage System - Plans for Public Water Supply or Wastewater System - Incorporation by Reference and Availability of Referenced Documents, p. 2188

TRANSPORTATION, Department of, Title 18

- 18.6.202 Outdoor Advertising Control, p. 381
- 18.8.431 and other rules - Motor Carrier Services, p. 2205, 312
- 18.8.512 Motor Carrier Services, p. 638

CORRECTIONS, Department of, Title 20

- I Authorization for Probation and Parole Officers to Carry Firearms - Firearms Training Requirements - Department Procedures Pertaining to Firearms, p. 2211, 462
- I-IV Implementing the Medicaid Rate as the Reimbursement Rate the State of Montana Will Pay Health Care Providers for Services Provided to Individuals in the Care or Custody of the Department of Corrections or the Department of Public Health and Human Services, p. 2215, 313

(Board of Pardons and Parole)

20.25.101 and other rules - Parole and Executive Clemency, p. 2064, 139

JUSTICE, Department of, Title 23

- 23.16.119 and other rules - Temporary Gambling Authority - Participation in Gambling Operations - Sports Pool Design and Operation - Software Specifications for Video Poker Machines, p. 569

LABOR AND INDUSTRY, Department of, Title 24

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

- I-III Workforce Development Activities for Montana HELP Act Participants, p. 105, 728
- I-IX Reopening of Medical Benefits Automatically Closed in Certain Workers' Compensation Claims, p. 2073, 204, 586
- 24.17.103 and other rules - Prevailing Wage Rates for Public Works Projects, p. 1813, 2271, 140
- 24.29.1433 and other rules - Workers' Compensation Medical Service Fee Schedules, p. 641
- 24.301.146 and other rules - Modifications to the International Building Code Applicable to Department and Local Government Code Enforcement - Incorporation by Reference of International Swimming Pool and Spa Code - Adoption by Reference of ARM 37.111.1115 Review of Plans, p. 1619, 19
- 24.301.301 and other rules - Incorporation by Reference of Uniform Plumbing Code - Fees - Incorporation by Reference of International Wildland-Urban Interface Code (IWUIC), p. 2084, 316
- 24.301.501 and other rules - Applicability of Statutes and Rules - Definitions - Commercial or Business Occupancy - Third Party Inspections - Reciprocity - Requirements for Data Plate - Application for Review - Plan Review Termination - Quality Control - Changes to Reviewed Plans - Unit Identification - Plan Renewal - Insignias - Fees - Inspections - Certificates - Effective Date - Information Required to

Dealer - Application for Approval - Model Manufactured Location - Out-of-State Applicant - Evidence of Review - Discontinuance of Review, p. 276

(Board of Barbers and Cosmetologists)

24.121.301 and other rules - Definitions - Nonroutine Applications - Premises and General Requirements - Licensing - Military Training or Experience - School Operations - Salons/Booth Rental - Disinfecting Agents - Salon Preparation Storage and Handling - Blood Spills, p. 1340, 2034

(Board of Behavioral Health)

I-III Licensees Authorized to Perform Psychological Assessments - Educational Requirements for Performing Psychological Assessments Without Supervision - Licensees Qualified to Supervise Psychological Assessments, p. 1614, 2276

24.154.301 and other rules - Definitions - Fee Schedule - Military Training or Experience - Education Requirement - Application Procedures - Licensure by Endorsement - Supervised Work Experience - Nonresident Licensed Addiction Counselor Services - Inactive Status and Conversion From Inactive to Active Status - Continuing Education Requirements - Continuing Education Procedures and Documentation - Unprofessional Conduct - Supervisor Qualifications - Qualified Treatment Setting - Addiction Counselor Licensure Candidate Application Procedures - Addiction Counselor Licensure Candidate Requirements - Addiction Counselor Licensure Candidate Annual Registration Requirements - Gambling Disorder Education Requirement for Current Licensed Addiction Counselor Licensees - Procedural Rules - Public Participation Rules - Renewals - Complaint Procedure, p. 646

24.219.101 and other rules - Board Organization - Definitions - Fee Schedules - Supervisor Qualifications - LCSW Licensure - LCPC Licensure - LMFT Licensure - Code of Ethics - Screening Panel - Public Participation - LCPC Education Requirements - LMFT Education Requirements - Social Worker Licensure Candidates - Professional Counselor Licensure Candidates - Marriage and Family Therapist Licensure Candidates - Renewals - Complaint Procedure, p. 1991, 221

(Board of Chiropractors)

24.126.411 and other rules - Patient Records Retention - Continuing Education Requirements - Approved Continuing Education - Unprofessional Conduct - Sexual Relations With a Patient and Sexual Misconduct - Board Meetings - Record of Minutes and Hearings - Renewals, p. 270, 733

(Board of Clinical Laboratory Science Practitioners)

24.129.603 and other rules - Licensing, p. 1602, 518

(Board of Funeral Service)

24.147.402 and other rules - Mortician License - Mortuary Transfers, Inspections, and Temporary Permits - Out-of-State Mortician Licensure - Sale of At-Need, Preneed, and Prepaid Funeral Arrangements, p. 1605, 314

(Board of Massage Therapy)

24.155.601 Licensure by Grandfather Clause, p. 1611, 315

(Board of Nursing)

24.159.301 and other rules - Definitions - Purpose - Criteria for Delegation of Nursing Tasks - General Nursing Functions - Parliamentary Authority - Preparation of Licenses - Duplicate or Lost Licenses - Nursing Delegation, p. 497

(Board of Physical Therapy Examiners)

24.177.2105 and other rule - Continuing Education - Dry Needling, p. 576

(Board of Public Accountants)

24.201.301 and other rules - Definitions - Fee Schedule - Use of CPA/LPA Designation - Licensing and Examinations - Professional Conduct Rules - Mandatory Peer Review - Renewal and Continuing Education - Complaint Procedures - Firms—Registration - Approved Peer Review Programs and Standards - Fee Abatement - Out-of-State Applicants Continuing Education Requirement, p. 110

(Board of Radiologic Technologists)

24.204.401 and other rules - Fees - Military Training - Course Requirements for Limited Permit Applicants - Code of Ethics - Renewals, p. 1818, 2274

(Board of Real Estate Appraisers)

24.207.101 and other rules - Board Organization - Fees - Definitions - Examination - Application Requirements - Qualifying Experience - Mentor Requirements - Registration and Renewal - Record-Keeping Requirements - Unprofessional Conduct - Renewals, p. 1405, 217

LIVESTOCK, Department of, Title 32

32.2.401 and other rules - Feral Swine Mandatory Reporting - Fees - Additional Requirements for Cattle - Semen Shipped Into Montana, p. 2221, 223

32.2.406 Licensee Assessments, p. 2017, 6

32.3.221 and other rules - Special Requirements for Alternative Livestock as Defined in 87-4-406, MCA - Intrastate Movement of Cattle: Identification - Elk-Red Deer Hybridization Tests - Importation of Alternative Livestock, p. 505

32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 135, 463

(Board of Milk Control)

- I-II Penalties, p. 293, 588
- 32.23.301 Licensee Assessments, p. 2227, 317
- 32.24.506 and other rule - Producer Committee - Pooling Plan Definitions, p. 2230, 319

(Board of Horse Racing)

- 32.28.101 and other rules - Board of Horse Racing, p. 2252

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I East Valley Controlled Groundwater Area, p. 2020, 224
- I Rye Creek Stream Depletion Zone, p. 2235, 297

(Board of Land Commissioners)

- 36.11.432 and other rule - Grizzly Bear Conservation Measures on the Stillwater and Coal Creek State Forest, p. 8, 589
- 36.25.1001 and other rules - Cabin Site Leasing, p. 181

(Board of Oil and Gas Conservation)

- I Certification of Carbon Sequestration Equipment, p. 1355, 2035

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-IV Implementing the Medicaid Rate as the Reimbursement Rate the State of Montana Will Pay Health Care Providers for Services Provided to Individuals in the Care or Custody of the Department of Corrections or the Department of Public Health and Human Services, p. 1854, 2313
- I-X Implementation of the Montana Health and Economic Livelihood Partnership (HELP) Program, p. 1837, 2294
- 37.8.116 Increasing Certain Fees for Certified Copies of Vital Records, p. 434
- 37.36.604 Updating the Annual Poverty Guidelines for the Montana Telecommunications Access Program, p. 888, 2146
- 37.40.301 and other rules - Nursing Facility Reimbursement - Updating Outdated Terms, p. 697
- 37.40.422 Updating Direct Care Wage Effective Dates and Reimbursement Updates Effective January 1, 2016, p. 2128, 320
- 37.40.801 and other rules - Hospice Reimbursement and Updates, p. 807
- 37.40.830 Updating Hospice Reimbursement Fee Schedules to Reflect New Federal Rates, p. 2024, 20
- 37.57.101 and other rules - Children's Special Health Services Financial Assistance Program, p. 664
- 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, 2148

- 37.70.107 and other rules - Low Income Assistance Program (LIEAP) Amendments for the 2014-2015 and 2015-2016 Heating Season, p. 1624, 2145
- 37.79.304 and other rule - Healthy Montana Kids (HMK)/CHIP Dental Benefits and Evidence of Coverage, p. 1832, 2292
- 37.80.101 and other rules - Child Care Assistance - Implementation of Required Policy Changes Under the Child Care and Development Block Grant of 2014, p. 1652, 590
- 37.81.304 Updating the Big Sky Rx Maximum Premiums to Match the Federal Monthly Benefit Benchmark, p. 2028, 21
- 37.85.104 and other rule - Revision of Fee Schedules for Medicaid Provider Rates Effective July 1, 2016, p. 669, 804
- 37.85.105 and other rule - Effective Dates of Montana Medicaid Provider Fee Schedules, p. 1826, 2238, 151
- 37.85.204 and other rules - Medicaid Program Treatment Limits - Cost-Share Requirements - Medicaid Coverage, p. 409, 829
- 37.85.406 and other rules - Hospitals - Inpatient Hospitals - Rural Health Clinics - Federally Qualified Health Centers, p. 705, 840
- 37.86.101 Updating the Physician-Related Services Provider Manual, p. 1667, 2092
- 37.86.105 and other rules - Changes to Montana Medicaid Pharmacy Reimbursement, p. 684
- 37.86.1006 Establishment of an Annual Payment Limit for Dental Services Provided Through Medicaid, p. 1859, 2315
- 37.86.2803 and other rules - Addition of Lactation Services to Medicaid Outpatient Hospital Services, p. 1661, 1823, 2289
- 37.86.3503 and other rules - Compliance to ICD-10-CM, p. 1415, 2283
- 37.87.903 Children's Mental Health Bureau Medicaid Services Policy Manual Revisions, p. 817
- 37.87.1201 and other rules - Provider Participation - Program Requirements - Reimbursement Procedures for Psychiatric Residential Treatment Facility (PRTF) Services, p. 985, 1239, 2147
- 37.106.704 Ten Additional Inpatient Beds Granted by a Waiver Under the Patients and Providers Act of 2008 for Critical Access Hospitals, p. 430, 839
- 37.106.1901 and other rules - Adding a Forensic Mental Health Facility Endorsement to a Licensed Mental Health Center, p. 1424, 144
- 37.107.117 Reduction of Application and Renewal Fees Associated With the Montana Marijuana Act Cardholder Registry, p. 298

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.2.4801 and other rules - Procedural Rules, p. 580
- 38.5.1902 Cogeneration and Small Power Production, p. 1442, 2318
- 38.5.2202 and other rule - Pipeline Safety, p. 2132, 321

REVENUE, Department of, Title 42

- I-III Tax Credits for Contributions to Qualified Education Providers - Student Scholarship Organizations, p. 1682, 2331, 2348
- 42.2.303 and other rule - Meetings With Department Leadership, Information Access, and the Department's Acceptance of Power of Attorney Requests, p. 439, 841
- 42.2.613 and other rules - Uniform Dispute Review Process - Department's Office of Dispute Resolution, p. 442, 510
- 42.4.2902 and other rules - Tax Credits for Historic Property Preservation, p. 1862, 2362
- 42.9.101 and other rules - Pass-Through Entities, p. 1694, 2152
- 42.11.104 and other rules - 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, p. 1254, 1671, 2093
- 42.11.301 and other rules - Agency Liquor Stores, p. 1735, 2162
- 42.13.301 and other rules - Distillery Deliveries - Alternating Proprietor on a Manufacturer's Premises - Contract Manufacturing - Storage of Alcoholic Beverages, p. 1727, 2157
- 42.15.108 and other rules - Fiduciaries, Estates, and Trusts, p. 897, 22
- 42.15.214 Resident Military Salary Exclusion, p. 1679, 2325
- 42.18.124 and other rules - Property Valuation Periods - Property Appraiser Certification Requirements, p. 1448, 2040
- 42.19.401 and other rules - Property Tax Assistance Programs, p. 1453, 2041
- 42.20.102 and other rules - Property Classification, Appraisal, Valuation, and Exemptions, p. 1709, 2350
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1866, 2364
- 42.21.158 and other rules - Personal Property Reporting Requirements - Personal Property Taxation Dates - Livestock Reporting - Livestock Per Capita Fee Payments, p. 1673, 2322
- 42.22.101 and other rules - Centrally Assessed Property, p. 1686, 2149
- 42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 456, 736
- 42.25.1801 Crude Oil Pricing - Stripper Well Bonus and Stripper Well Exemption Definitions, p. 301, 735
- 42.29.101 and other rules - Universal System Benefits Programs, p. 13, 712
- 42.38.102 and other rules - Unclaimed Property, p. 1249, 2036

SECRETARY OF STATE, Office of, Title 44

- 1.2.104 Administrative Rules Services Fees, p. 716
- 1.2.419 Scheduled Dates for the 2016 Montana Administrative Register, p. 1744, 2097
- 1.3.307 and other rule - Rulemaking Notice Requirements, p. 1748, 2098

- 44.2.301 and other rules - Business Services Division Filings and Fees, p. 304, 594
 - 44.5.114 and other rule - Fees Charged by the Business Services Division for the Filing of Annual Reports, p. 2031, 2367
 - 44.5.120 Trademark Fees, p. 1751, 2099
 - 44.5.121 Miscellaneous Fees Charged by the Business Services Division, p. 2241, 200, 519
 - 44.5.131 Rules Governing the Registration of Business/Mark Names, p. 1469, 2042
 - 44.14.301 and other rules - Fees Charged by the Records and Information Management Division, p. 1473, 2043
 - 44.14.312 Fees Charged by the Records and Information Management Division, p. 2089, 90
 - 44.15.101 and other rules - Notaries Public, p. 1358, 1913, 2096
- (Commissioner of Political Practices)
- 44.10.101 and other rules - Campaign Finance Reporting, Disclosure, and Practices, p. 1138, 28, 81

BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in April 2016 appear. Vacancies scheduled to appear from May 1, 2016 through July 31, 2016, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 1, 2016.

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

BOARD AND COUNCIL APPOINTEES FROM APRIL 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Dentistry (Labor and Industry)			
Ms. Cherry Loney Great Falls	Governor	Vogel	4/8/2016 4/1/2021
Qualifications (if required): Public member			
Mr. Kevin Miltko Missoula	Governor	Klise	4/8/2016 4/1/2021
Qualifications (if required): Licensed Dentist			
Board of Hail Insurance (Agriculture)			
State Auditor Monica J. Lindeen Huntley	Governor	reappointed	4/8/2016 1/1/2017
Qualifications (if required): State Auditor			
Mr. Jim Schillinger Baker	Governor	reappointed	4/8/2016 5/1/2019
Qualifications (if required): Public member			
Board of Personnel Appeals (Labor and Industry)			
Ms. Anne L. MacIntyre Helena	Governor	reappointed	4/8/2016 1/1/2020
Qualifications (if required): Attorney with General Labor-Management experience			
Mr. Jerry Rukavina Great Falls	Governor	Soumas	4/8/2016 1/1/2019
Qualifications (if required): Alternate member who is full-time employee or elected official of a labor union			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Personnel Appeals (Labor and Industry) cont.			
Mr. Jim Soumas Joliet	Governor	reappointed	4/8/2016 1/1/2017
Qualifications (if required): Full-time employee or elected official of a labor union			
Board of Private Security (Labor and Industry)			
Captain Mark O. Guy Laurel	Governor	Skuletich	4/8/2016 8/1/2018
Qualifications (if required): City Police Department			
Board of Professional Engineers and Professional Land Surveyors (Labor and Industry)			
Mr. Thomas D Pankratz Clancy	Governor	Johnston	4/8/2016 7/1/2019
Qualifications (if required): Professional Engineer (Electric)			
Mr. Roger Wagner Nashua	Governor	Lovitt-Abrahamson	4/22/2016 7/1/2019
Qualifications (if required): Representative of public not engaged in or directly connected with practice of engineering			
Mr. Lance Zanto Helena	Governor	Lovitt-Abrahamson	4/22/2016 7/1/2019
Qualifications (if required): Representative of public not engaged in or directly connected with practice of engineering			
Building Codes Council (Labor and Industry)			
Mr. Ron Bartsch Montana City	Governor	reappointed	4/22/2016 10/1/2017
Qualifications (if required): Representative of the home building industry			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Building Codes Council (Labor and Industry) cont.			
Mr. Mick Wonnacott Butte	Governor	reappointed	4/22/2016 10/1/2017
Qualifications (if required): Representative from the building industry			
Burial Preservation Board (Administration)			
Ms. Skye Gilham Browning	Governor	reappointed	4/22/2016 9/1/2017
Qualifications (if required): Physical anthropologist			
Mr. Steve Platt Helena	Governor	reappointed	4/22/2016 9/1/2017
Qualifications (if required): Montana State Historic Preservation Officer			
Ms. Marilyn Silva Miles City	Governor	reappointed	4/22/2016 9/1/2017
Qualifications (if required): Representative of the public			
Hard-Rock Mining Impact Board (Commerce)			
Ms. Jane Weber Great Falls	Governor	Plumage	4/8/2016 1/1/2019
Qualifications (if required): person when appointed to the board is an elected County Commissioner			
Noxious Weed Management Advisory Council (Agriculture)			
Mr. Jack Eddie Dillon	Governor	reappointed	4/22/2016 7/1/2017
Qualifications (if required): Member from the Montana Weed Control Association			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Noxious Weed Management Advisory Council (Agriculture) cont.			
Ms. Margie Edsall Sheridan	Governor	Dupuis	4/22/2016 7/1/2017
Qualifications (if required): Member from the agriculture community			
Mr. Joel Farkell Brady	Governor	Olivarez	4/22/2016 7/1/2017
Qualifications (if required): Member from a consumer group			
Ms. Jeannette Nordahl Lincoln	Governor	Vermillion	4/22/2016 7/1/2017
Qualifications (if required): Member from a recreationist or wildlife group			
Mr. Brian Ostwald Joliet	Governor	Zoanni	4/22/2016 7/1/2017
Qualifications (if required): Member representing counties from the eastern part of the state			
Public Employees' Retirement Board (Administration)			
Mr. Timm Twardoski Helena	Governor	Reappointed	4/22/2016 4/1/2021
Qualifications (if required): Member at-large			
State Workforce Innovation Board (Labor and Industry)			
Mr. Paul Hopfauf Glendive	Governor	McKee	4/22/2016 7/1/2017
Qualifications (if required): Business Representative			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State-Tribal Economic Development Commission (Commerce)			
Ms. Delina Cuts The Rope Harlem	Governor	reappointed	4/22/2016 6/30/2018
Qualifications (if required): Fort Belknap Indian Community Alternate Representative			
Mr. Alvin Jim Kennedy Harlem	Governor	reappointed	4/22/2016 6/30/2018
Qualifications (if required): Fort Belknap Indian Community Representative			
Tourism Advisory Council (Commerce)			
Ms. Tami Burke Glasgow	Governor	Harbaugh	4/8/2016 7/1/2018
Qualifications (if required): Missouri River Country Region Representative			
Ms. Katie Marie Grice Big Sky	Governor	Austin	4/8/2016 7/1/2016
Qualifications (if required): Yellowstone Country Region Representative			

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Aging Advisory Council (Public Health and Human Services) Ms. Joan Taylor, Helena Qualifications (if required): Public Representative</p>	Governor	7/1/2016
<p>Commissioner Marianne Roose, Eureka Qualifications (if required): Public Representative</p>	Governor	7/1/2016
<p>Ms. Connie Bremner, Browning Qualifications (if required): Public Representative</p>	Governor	7/1/2016
<p>Mr. Alex Ward, Helena Qualifications (if required): Public Representative</p>	Governor	7/1/2016
<p>Board of Hearing Aid Dispensers (Labor and Industry) Ms. Helen Hallenbeck, Missoula Qualifications (if required): Dispenser with National Certification and Masters</p>	Governor	7/1/2016
<p>Board of Massage Therapists (Labor and Industry) Mr. Stacy Baird, East Helena Qualifications (if required): massage therapist</p>	Governor	5/6/2016
<p>Board of Nursing (Labor and Industry) Ms. Heather O'Hara (Onstad), Helena Qualifications (if required): registered nurse and an educator</p>	Governor	7/1/2016
<p>Ms. Tammy Talley, Missoula Qualifications (if required): licensed practical nurse</p>	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Nursing (Labor and Industry) cont. Ms. Shari Brownback, Helena Qualifications (if required): Licensed Practical Nurse</p>	Governor	7/1/2016
<p>Board of Nursing Home Administrators (Labor and Industry) Mr. Jim Corson, Billings Qualifications (if required): 55 years of age or older</p>	Governor	5/28/2016
<p>Mr. Ken Chase, Billings Qualifications (if required): public representative 55 years of age or older</p>	Governor	5/28/2016
<p>Board of Pharmacy (Labor and Industry) Ms. Shirley Baumgartner, Glasgow Qualifications (if required): licensed pharmacist</p>	Governor	7/1/2016
<p>Board of Physical Therapy Examiners (Labor and Industry) Ms. Susan Michels, Great Falls Qualifications (if required): Physical Therapist</p>	Governor	7/1/2016
<p>Board of Plumbers (Labor and Industry) Mr. Jeffrey Gruizenga, Billings Qualifications (if required): professional engineer (mechanical)</p>	Governor	5/4/2016
<p>Board of Radiologic Technologists (Labor and Industry) Mr. Mike Nielsen, Billings Qualifications (if required): Radiology Technician and Radiology Practitioner Assistant</p>	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Realty Regulation (Labor and Industry) Mr. Pat Goodover, Great Falls Qualifications (if required): real estate salesperson and a Republican</p>	Governor	5/9/2016
<p>Board of Regents (Education) Mr. Asa Hohman, Missoula Qualifications (if required): Student Regent</p>	Govenor	6/30/2016
<p>Board of Research and Commercialization Technology (Commerce) Mr. Leonard Smith, Billings Qualifications (if required): enrolled member of Montana Tribe</p>	Governor	7/1/2016
<p>Ms. Prairie Big Horn, Lolo Qualifications (if required): enrolled member of a Montana tribal government</p>	Governor	7/1/2016
<p>Board of Sanitarians (Labor and Industry) Mr. James Zabrocki, Miles City Qualifications (if required): Sanitarian</p>	Governor	7/1/2016
<p>Board of Veterinary Medicine (Labor and Industry) Dr. Kathy McGann, Missoula Qualifications (if required): veterinarian</p>	Governor	7/31/2016
<p>Ms. Rebecca Mattix, Bozeman Qualifications (if required): Veterinarian</p>	Governor	7/31/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Butte Natural Resource Damage Restoration Council (Justice) Rep. Edith McClafferty, Butte Qualifications (if required): Public Representative	Governor	7/1/2016
Ms. Helen O'Connor, Butte Qualifications (if required): Public Representative	Governor	7/1/2016
Mr. Dave Williams, Butte Qualifications (if required): Public Representative	Governor	7/1/2016
Children's Trust Fund Board (Public Health and Human Services) Ms. Ann Gilkey, Helena Qualifications (if required): State Agency involved in education and social work relating to children Representative	Governor	7/1/2016
Commission on Community Service (Governor) Ms. Erica McKay, Bozeman Qualifications (if required): Youth Representative	Governor	7/1/2016
Commission on Practice of the Supreme Court (Supreme Court) Ms. Jean Faure, Great Falls Qualifications (if required): none specified	elected	6/19/2016
Committee on Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services) Mr. Ron Bibler, Great Falls Qualifications (if required): Disabilities Community (Deaf or Hard of Hearing)	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Committee on Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services) cont.		
Ms. Linda Kirkland, Helena Qualifications (if required): Department of Administration	Governor	7/1/2016
Ms. Chris Caniglia, Helena Qualifications (if required): Business Person non-disabled	Governor	7/1/2016
Mr. Jim Marks, Helena Qualifications (if required): Department of Administration	Governor	7/1/2016
Ms. Cheryl Dickens, Bozeman Qualifications (if required): Disabilities Community (Deaf or Hard of Hearing)	Governor	7/1/2016
Community Service Commission (Governor)		
Mr. Adam Vauthier, Anaconda Qualifications (if required): Non-Profit Organization	Governor	7/1/2016
Mr. William Russell McElyea, Bozeman Qualifications (if required): Organized Labor	Governor	7/1/2016
Ms. Heather Margolis, Helena Qualifications (if required): National Service Program	Governor	7/1/2016
Ms. Wendy Nicolai, Helena Qualifications (if required): Agency Representative	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>District Court Council (Justice) Judge Robert L. "Dusty" Deschamps, III, Missoula Qualifications (if required): District Court Judge Position 1</p>	Justice	6/30/2016
<p>Economic Development Advisory Council (Commerce) Mr. Jim Smitham, Butte Qualifications (if required): Public Representative</p>	Governor	7/23/2016
<p>Mr. Paul Tuss, Havre Qualifications (if required): Public Representative</p>	Governor	7/23/2016
<p>Mr. Mike Henning, Fairfield Qualifications (if required): Public Representative</p>	Governor	7/23/2016
<p>Mr. Tim Warner, Helena Qualifications (if required): Public Representative</p>	Governor	7/23/2016
<p>Electrical Board (Labor and Industry) Ms. Dawn Achten, Billings Qualifications (if required): public representative</p>	Governor	7/1/2016
<p>Family Education Savings Oversight Committee (Higher Education) Ms. Laura McGee, Billings Qualifications (if required): public representative</p>	Governor	7/1/2016
<p>Future Fisheries Review Panel (Fish, Wildlife and Parks) Mr. Alan Johnstone, Wilsall Qualifications (if required): expertise in commercial agriculture</p>	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Future Fisheries Review Panel (Fish, Wildlife and Parks) cont. Mr. Jim Stone, Ovando Qualifications (if required): expertise in irrigated agriculture</p>	Governor	7/1/2016
<p>Ms. Karin Boyd, Bozeman Qualifications (if required): Private Sector Fisheries Restoration Professional</p>	Governor	7/1/2016
<p>Ms. Nancy Winslow, Missoula Qualifications (if required): expertise in mining reclamation techniques</p>	Governor	7/1/2016
<p>Governor's Commission on Community Service (Governor) Mr. Doug Mitchell, Helena Qualifications (if required): State agency representative</p>	Governor	7/1/2016
<p>Governor's Postsecondary Scholarship Advisory Council (Governor) Ms. Connie Wittak, Flaxville Qualifications (if required): Experience in Education</p>	Governor	7/1/2016
<p>Insure Montana Board (State Auditor) Mr. John Jaksha, Butte Qualifications (if required): Commissioner of Securities and Insurance Representative</p>	Auditor	6/30/2016
<p>Interagency Coordinating Council for State Prevention Programs (Public Health and Human Services) Ms. Marilyn Zimmerman, Poplar Qualifications (if required): Experiences related to the private or nonprofit provision of prevention programs</p>	Governor	7/1/2016
<p>Ms. Diane Cashell, Bozeman Qualifications (if required): experiences related to the private or nonprofit provision of prevention programs</p>	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Interim Montana Clean Power Plan Advisory Council (Environmental Quality)		
Mr. Thomas Schneider, Helena Qualifications (if required): General member	Governor	7/6/2016
Rep. Duane Ankney, Colstrip Qualifications (if required): State Legislature	Governor	7/6/2016
Rep. Gary Forrester, Billings Qualifications (if required): Coal-fired power plant owners and investor-owned utilities	Governor	7/6/2016
Director David A. Galt, Helena Qualifications (if required): Electric cooperatives and large industrial electric consumers	Governor	7/6/2016
Ms. Kathy Hadley, Deer Lodge Qualifications (if required): Hunters/anglers	Governor	7/6/2016
Mr. Paul Gatzemeier, Billings Qualifications (if required): General member	Governor	7/6/2016
Sen. Jim Keane, Butte Qualifications (if required): Hunters/anglers	Governor	7/6/2016
Rep. Krayton Kerns, Laurel Qualifications (if required): State Legislature	Governor	7/6/2016
Mr. Alan Ekblad, Great Falls Qualifications (if required): Organized labor	Governor	7/6/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Interim Montana Clean Power Plan Advisory Council (Environmental Quality) cont. Commissioner Kirk Bushman, Billings Qualifications (if required): Public Service Commission and Montana Consumer Counsel	Governor	7/6/2016
Mr. Carl Borgquist, Bozeman Qualifications (if required): Renewable energy	Governor	7/6/2016
Mr. Christopher Christianes, Great Falls Qualifications (if required): General member	Governor	7/6/2016
Mr. Gordon Criswell, Hysham Qualifications (if required): Coal-fired power plant owners and investor-owned utilities	Governor	7/6/2016
Mr. Douglas Hardy, Great Falls Qualifications (if required): Hunters/anglers	Governor	7/6/2016
Ms. Britt Erica Ide, Bozeman Qualifications (if required): General member	Governor	7/6/2016
Ms. Lorna Luebbe, Bellevue Qualifications (if required): Coal-fired power plant owners and investor-owned utilities	Governor	7/6/2016
Mr. Charles Magraw, Helena Qualifications (if required): Conservation and environment	Governor	7/6/2016
Mr. Darrin Neal Old Coyote, Crow Agency Qualifications (if required): Tribal	Governor	7/6/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Interim Montana Clean Power Plan Advisory Council (Environmental Quality) cont.		
Mr. James Phillip Orchard, Decker Qualifications (if required): Coal mining	Governor	7/6/2016
Mr. William Pascoe, Absarokee Qualifications (if required): General member	Governor	7/6/2016
Ms. Sania Ruthanne Radcliffe, Portland, OR Qualifications (if required): Coal-fired power plant owners and investor-owned utilities	Governor	7/6/2016
Mr. Frank Diego Rivas, Helena Qualifications (if required): Energy efficiency	Governor	7/6/2016
Mr. John Roeber, Helena Qualifications (if required): Organized Labor	Governor	7/6/2016
Mr. Rex Mervin Rogers, Colstrip Qualifications (if required): Organized Labor	Governor	7/6/2016
Mr. Darrell Soyars, Spokane, WA Qualifications (if required): Coal-fired power plant owners and investor-owned utilities	Governor	7/6/2016
Mr. Patrick Sweeney, Billings Qualifications (if required): Conservation and environment	Governor	7/6/2016
Mr. William Wayne Thompson, Butte Qualifications (if required): Coal-fired power plant owners and investor-owned utilities	Governor	7/6/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Mental Disabilities Board of Visitors (Governor) Ms. Amy Tipton, Wolf Point Qualifications (if required): Experience relative to the treatment and welfare of adults with serious mental illnesses	Governor	7/1/2016
Mint Committee (Agriculture) Mr. Clyde Fisher, Columbia Falls Qualifications (if required): mint grower/research council representative	Governor	7/1/2016
Mr. Kirk Passmore, Kalispell Qualifications (if required): mint grower	Governor	7/1/2016
Montana Agriculture Development Council (Agriculture) Commissioner Greg Jergeson, Chinook Qualifications (if required): representative who is or was actively engaged in agriculture	Governor	7/1/2016
Mr. Verges Aageson, Gilford Qualifications (if required): Agriculture Representative	Governor	7/1/2016
Ms. Amy Kellogg, Kalispell Qualifications (if required): Agriculture Representative	Governor	7/1/2016
Montana Heritage Preservation and Development Commission (Commerce) Ms. Marilyn Ross, Twin Bridges Qualifications (if required): Historic Preservation	Governor	5/23/2016
Mr. Philip Maechling, Florence Qualifications (if required): Community Planning	Governor	5/23/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Heritage Preservation and Development Commission (Commerce) cont. Mr. Jason Davis, Helena Qualifications (if required): Business	Governor	5/23/2016
Ms. Shera Konen, Ennis Qualifications (if required): At-Large Representative	Governor	5/23/2016
Montana Historical Society Board of Trustees (Historical Society) Secretary Bob Brown, Whitefish Qualifications (if required): public member	Governor	7/1/2016
Mr. Thomas Nygard, Bozeman Qualifications (if required): public member	Governor	7/1/2016
Ms. Crystal Wong Shors, Helena Qualifications (if required): public member	Governor	7/1/2016
Montana Suicide Review Team (Public Health and Human Services) Mr. Karl Rosston, Helena Qualifications (if required): Montana's Suicide Prevention Officer	Governor	6/30/2016
Sheriff Brian Gootkin, Bozeman Qualifications (if required): Law Enforcement Representative	Governor	6/30/2016
Ms. Stephanie Iron Shooter, Billings Qualifications (if required): Advocacy Organization	Governor	6/30/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Montana Suicide Review Team (Public Health and Human Services) cont. Ms. Carol Josephson, Elliston Qualifications (if required): Licensed Clinical Social Worker</p>	Governor	6/30/2016
<p>Dr. Leonard Lantz, Helena Qualifications (if required): Psychiatrist</p>	Governor	6/30/2016
<p>Mr. Bowman Smelko, Helena Qualifications (if required): Psychologist</p>	Governor	6/30/2016
<p>Ms. Vicki Waddington, Sidney Qualifications (if required): Clergy</p>	Governor	6/30/2016
<p>Noxious Weed Management Advisory Council (Agriculture) Mr. Jack Eddie, Dillon Qualifications (if required): Montana Weed Control Association</p>	Governor	7/1/2016
<p>Mr. Jim Olivarez, Missoula Qualifications (if required): consumer group</p>	Governor	7/1/2016
<p>Ms. Jennifer Anderson Vermillion, Livingston Qualifications (if required): Recreationist or Wildlife Group</p>	Governor	7/1/2016
<p>Mr. Dick Zoanni, Sidney Qualifications (if required): Eastern Montana Weed District Representative</p>	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Petroleum Tank Release Compensation (Environmental Quality)		
Mr. Jerry M. Breen, Choteau	Governor	7/1/2016
Qualifications (if required): Representative of the Independent Petroleum Markets		
Mr. Tom Downey, Butte	Governor	7/1/2016
Qualifications (if required): Representative of the Insurance Industry		
Mr. Roger Noble, Kalispell	Governor	7/1/2016
Qualifications (if required): Representative of the Petroleum Services Industry		
Mr. Keith Schnider, Great Falls	Governor	7/1/2016
Qualifications (if required): representative of the insurance industry		
Potato Commodity Advisory Council (Agriculture)		
Mr. Brad Haidle, Fallon	Director	5/20/2016
Qualifications (if required): Potato Producer		
Mr. Pat Fleming, Pablo	Director	5/20/2016
Qualifications (if required): Potato Producer		
Public Defender Commission (Administration)		
Ms. Bonnie Olson, Marion	Governor	7/1/2016
Qualifications (if required): Public Representative nominated by the Speaker of the House		
Mr. Michael Metzger, Billings	Governor	7/1/2016
Qualifications (if required): Representative of an organization providing addictive and behavioral counseling		

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Small Business Compliance Assistance Advisory Council (Environmental Quality) Ms. Michelle Bryan Mudd, Missoula Qualifications (if required): Public Representative	Governor	5/1/2016
Ms. Diana Vanek, Bozeman Qualifications (if required): Public Representative	Governor	5/1/2016
State Banking Board (Administration) Mr. Bart Langemeier, Red Lodge Qualifications (if required): National Bank Officer	Governor	7/1/2016
Ms. Amy Rapp, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2016
State Library Commission (Education) Ms. Fredricka Hunter, Missoula Qualifications (if required): Public Representative	Governor	5/22/2016
Mr. Bruce Newell, Helena Qualifications (if required): Public Representative	Governor	5/22/2016
State Tribal Economic Development Commission (Commerce) Rep. Bill Whitehead, Wolf Point Qualifications (if required): Assiniboine and Sioux Tribes Alternate	Governor	6/30/2016
Mr. Rodney Miller, Wolf Point Qualifications (if required): Fort Peck Tribe Representative	Governor	6/30/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Tribal Economic Development Commission (Commerce) cont. Mr. Roger "Sassy" Running Crane, Browning Qualifications (if required): Blackfeet Tribe's member	Governor	6/30/2016
Ms. Cheryl Reevis, Browning Qualifications (if required): Blackfeet Tribe's alternate member	Governor	6/30/2016
Dr. Kenneth Ryan, Poplar Qualifications (if required): Fort Peck Tribe alternate	Governor	6/30/2016
Mr. Garrett Big Leggins, Poplar Qualifications (if required): Assiniboine and Sioux Tribes Representative	Governor	6/30/2016
Mr. Harry Barnes, Browning Qualifications (if required): Blackfeet Nation Representative	Governor	6/30/2016
Mr. William Old Chief, Browning Qualifications (if required): Blackfeet Nation Alternate Representative	Governor	6/30/2016
Teachers' Retirement Board (Administration) Mr. Darrell Layman, Glendive Qualifications (if required): retired teacher	Governor	7/1/2016
Mr. Jeff Greenfield, Shepherd Qualifications (if required): teacher	Governor	7/1/2016
Mrs. Janice Muller, Hamilton Qualifications (if required): Active Teacher	Governor	7/1/2016

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2016 THROUGH JULY 31, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Tourism Advisory Council (Commerce) Ms. Rhonda Fitzgerald, Whitefish Qualifications (if required): Glacier Country Region	Governor	7/1/2016
Mr. Stan Ozark, Glasgow Qualifications (if required): Missouri River Region	Governor	7/1/2016
Mr. Bill McGladdery, Butte Qualifications (if required): Goldwest Country Region	Governor	7/1/2016
Mr. Dan Austin, Billings Qualifications (if required): Southeast Montana Country Region	Governor	7/1/2016
Mr. Mark Anderlik, Missoula Qualifications (if required): Glacier Country Region	Governor	7/1/2016