

# MONTANA ADMINISTRATIVE REGISTER

2019 ISSUE NO. 6  
MARCH 29, 2019  
PAGES 314-389



# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 6

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 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) 444-9000.

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BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 18.8.1502, 18.8.1503, and	)	AMENDMENT
18.8.1505 pertaining to Motor Carrier	)	
Services Safety Requirements	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On April 29, 2019, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation 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 Transportation no later than 5:00 p.m. on April 5, 2019, to advise us of the nature of the accommodation that you need. Please contact Jeff Steeger, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-4207; fax (406) 444-6136; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail [jsteeger@mt.gov](mailto:jsteeger@mt.gov).

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

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through ~~March 14, 2018~~ February 22, 2019. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at [www.gpo.gov](http://www.gpo.gov).

(2) through (2)(g) remain the same.

(h) For purposes of 49 CFR 396.9, a Commercial Vehicle Safety Alliance (CVSA) Level I, II, III, and V inspection performed by a certified officer or investigator requires the driver's presence and participation to complete the safety inspection of the driver and motor vehicle.

AUTH: 61-10-155, MCA  
IMP: 61-10-141, 61-10-154, MCA

REASON: The proposed amendment to (1) is necessary to adopt the most current published Federal Motor Carrier Safety Regulations, thereby assuring MDT's administrative rule associated with commercial vehicle safety substantially complies with the federal motor carrier safety regulations as listed in 61-10-154, MCA. The proposed amendment to add (2)(h) is necessary to require the driver's presence throughout the entire CVSA safety inspection to ensure the driver is present to complete the entire safety inspection.

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~March 14, 2018~~ February 22, 2019. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at [www.gpo.gov](http://www.gpo.gov).

AUTH: 61-10-155, MCA

IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published version of the federal hazardous materials regulations.

18.8.1505 SAFETY INSPECTION PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA (1) remains the same.

(2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria (~~April 1, 2018~~ April 1, 2019), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or at [www.cvsa.org](http://www.cvsa.org).

(3) remains the same.

AUTH: 61-10-155, MCA

IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current CVSA (Commercial Vehicle Safety Alliance) North American Uniform "Out-of-Service" criteria. The 2019 changes to the CVSA may be viewed at <http://cvsa.org/wp-content/uploads/OOSC-Changes-Letter.pdf>.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jeff Steeger, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana,

59620-1001; telephone (406) 444-4207; fax (406) 444-6136; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail [jsteegeer@mt.gov](mailto:jsteegeer@mt.gov), and must be received no later than 5:00 p.m., April 26, 2019.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Jeff Steeger at the above address no later than 5:00 p.m., April 26, 2019.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 828 persons based on the current 8281 active USDOT accounts based in Montana.

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

8. An electronic copy of this proposal notice is available on the Department of Transportation website at [www.mdt.mt.gov](http://www.mdt.mt.gov).

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 the proposed amendments will not significantly and directly impact small businesses.

11. With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

/s/ Carol Grell Morris  
Carol Grell Morris  
Rule Reviewer

/s/ Michael T. Tooley  
Michael T. Tooley  
Director  
Department of Transportation

Certified to the Secretary of State March 19, 2019.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.29.1611 pertaining to ) PROPOSED AMENDMENT  
medical utilization and treatment )  
guidelines for workers' compensation )  
purposes )

TO: All Concerned Persons

1. On April 19, 2019, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing in conference rooms A and B of the Beck Building, 1805 Prospect Avenue, Helena, 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 public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on April 12, 2019, to advise us of the nature of the accommodation that you need. Please contact Celeste Ackerman, Employment Relations Division, P.O. Box 8011, Helena, Montana 59604-8011; telephone (406) 444-6604; facsimile (406) 444-4140; Montana TTD (406) 444-5549; or e-mail celeste.ackerman@mt.gov.

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

24.29.1611 UTILIZATION AND TREATMENT GUIDELINES

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

(d) for medical services provided January 1, 2017 through December 31, 2017: "Montana Utilization and Treatment Guidelines, 4th edition, 2016"; and

(e) for medical services provided ~~on or after~~ January 1, 2018 through June 30, 2019: "Montana Utilization and Treatment Guidelines, 5th edition, 2017-"; and

(f) for medical services provided on or after July 1, 2019: "Montana Utilization and Treatment Guidelines, 6th edition, 2019."

(2) through (2)(b) remain the same.

(c) Thoracic Outlet Syndrome;

(d) remains the same.

(e) Chronic ~~Regional Pain Syndrome Disorder~~;

(f) through (i) remain the same.

(j) Cumulative Trauma Conditions.

(3) The utilization and treatment guidelines adopted in (1) are to be read in conjunction with the Centers for Disease Control publications:

(a) "CDC Guideline for Prescribing Opioids for Chronic Pain – United States, 2016"; and

(b) 2018 edition of "Implementing the CDC Guideline for Prescribing Opioids for Chronic Pain."

(3) remains the same but is renumbered (4).

(4) (5) All insurers shall routinely and regularly review claims to ensure that care is consistent with the Montana Guidelines adopted by reference in (1) and ~~(6)~~ (7).

(5) and (6) remain the same but are renumbered (6) and (7).

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

IMP: 39-71-704, MCA

REASON: There is reasonable necessity to amend ARM 24.29.1611 in order to incorporate updated medical guidelines that appropriately reflect the state of the art for medical treatment and utilization for workers' compensation purposes.

4. Copies of the proposed 2019 publication identified as the proposed "Montana Utilization and Treatment Guidelines, 6th edition, 2019" is available and can be accessed at <http://erd.dli.mt.gov/work-comp-claims/medical-regulations>. Copies of the Centers for Disease Control publications proposed to be incorporated by reference can be accessed at: [https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fmmwr%2Fvolumes%2F65%2Frr%2Frr6501e1er.htm](https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fmmwr%2Fvolumes%2F65%2Frr%2Frr6501e1er.htm) and <https://www.cdc.gov/drugoverdose/pdf/prescribing/CDC-DUIP-QualityImprovementAndCareCoordination-508.pdf>.

5. A printed version of the proposed 2019 publication is also available by contacting Celeste Ackerman at the address, e-mail, or telephone numbers listed in paragraph 2 of this notice.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Celeste Ackerman, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; fax (406) 444-4140; or e-mail to [celeste.ackerman@mt.gov](mailto:celeste.ackerman@mt.gov), and must be received no later than 5:00 p.m., on April 26, 2019.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices, and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1315 E. Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, or e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov), or may be made by completing a request form at any rules hearing held by the agency.



8. An electronic copy of this notice of public hearing is available through the Secretary of State's web site at <https://sosmt.gov/arm/>. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that a person's difficulties in sending an e-mail do not excuse late submission of comments.

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

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

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

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 19, 2019.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.30.102 and the repeal of	)	PROPOSED AMENDMENT AND
ARM 24.30.105, 24.30.106, and	)	REPEAL
24.30.107 pertaining to occupational	)	
safety and health rules for public	)	
sector employers	)	

TO: All Concerned Persons

1. On April 19, 2019, at 1:30 p.m., the Department of Labor and Industry (department) will hold a public hearing in conference rooms A and B of the Beck Building, 1805 Prospect Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The 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 department no later than 5:00 p.m., on April 12, 2019, to advise us of the nature of the accommodation that you need. Please contact Bryan Page, Employment Relations Division, P.O. Box 8011, Helena, Montana 59604-8011; telephone (406) 444-1605; facsimile (406) 444-4140; Montana TTD (406) 444-5549; or e-mail BPage@mt.gov.

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

24.30.102 OCCUPATIONAL SAFETY AND HEALTH CODE FOR PUBLIC SECTOR EMPLOYMENT (1) remains the same.

(2) As used in the rules adopted by reference in (3) and (4)(a) ~~below~~, unless the context clearly requires otherwise, the following definitions apply:

(a) "Act" means the Montana Occupational Safety and Health Act (50-71-111 through ~~50-71-123~~ 50-71-128, MCA).

(b) through (d) remain the same.

(e) "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction, transportation, communications, electric, gas and sanitary services, and similar operations, an establishment exists at each main or branch office, terminal, station, etc., that either supervise such activities or are the base from which personnel carry out these activities.

(f) "Injury or illness" means an abnormal condition or disorder.

(i) An injury includes cases such as, but not limited to, a cut, fracture, sprain, or amputation.

(ii) An illness includes both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning.

(3) The Department of Labor and Industry adopts a safety code for every place of employment conducted by a public sector employer. This safety code adopts by reference the following occupational safety and health standards found in the Code of Federal Regulations, as of July 1, ~~2014~~ 2018:

(a) and (b) remain the same.

(4) The Department of Labor and Industry adopts reporting requirements related to occupational safety and health for every place of employment conducted by a public sector employer.

(a) The reporting requirements adopted by reference are the following occupational safety and health reporting requirements found in the Code of Federal Regulations, as of July 1, 2018:

(i) 29 CFR 1904.4 through 1904.11;

(ii) 29 CFR 1904.29 through 1904.33;

(iii) 29 CFR 1904.35 and 1904.36; and

(iv) 29 CFR 1904.39 through 1904.42.

(b) For the purposes of reporting fatalities, hospitalizations, amputations, and loss of an eye pursuant to 29 CFR 1904.39, the employer is to contact the Montana Department of Labor and Industry safety bureau by:

(i) electronic submission to the reporting application at the safety bureau's public web site at <http://erd.dli.mt.gov/safety-health>; or

(ii) telephone at 1-844-669-5461 (toll free).

~~(4)~~ (5) All sections adopted by reference are binding on every public sector employer even though the sections are not separately printed in a separate state pamphlet and even though they are omitted from publication in the Montana Administrative Register and the Administrative Rules of Montana. The safety standards and reporting requirements adopted ~~above~~ by this rule and printed in the Code of Federal Regulations, Title 29, as of July 1, ~~2014~~ 2018, are considered under this rule as the printed form of the safety code, and shall be used by the department and all public sector employers, employees, and other persons when referring to the provisions of the safety code. All the provisions, remedies, and penalties found in the Montana Occupational Safety and Health Act apply to the administration of the provisions of the safety code and reporting requirements adopted by this rule.

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

AUTH: 50-71-114, MCA

IMP: 50-71-112, 50-71-114, 50-71-115, ~~50-17-118~~ 50-71-118, MCA

REASONABLE NECESSITY: The department finds that there is reasonable necessity to amend ARM 24.30.102 in order to consolidate the occupational injury and illness reporting requirements for public sector employers with the safety rules applicable to those employers. The proposed amendments incorporate by reference applicable portions of the federal rules on reporting and recordkeeping. The department believes that public sector employers should be held to the same occupational safety and health rules as private sector employers, including reporting requirements. There is reasonable necessity to only adopt portions of 29 CFR Part

1904, because certain portions of the reporting requirements (such as change of ownership) are inapplicable to public sector employers.

The Code of Federal Regulations, Title 29, as of July 1, 2018, can be accessed at <https://www.govinfo.gov/app/collection/cfr/2018/>.

There is reasonable necessity to correct an IMP citation error while otherwise amending the rule. The correction fixes transposed digits in the citation.

4. The department proposes to repeal the following rules:

24.30.105 RECORDING AND REPORTING OCCUPATIONAL INJURIES  
AND ILLNESSES: PURPOSE AND SCOPE

AUTH: 50-71-114, MCA

IMP: 50-71-117, 50-71-119, MCA

24.30.106 RECORDING AND REPORTING OCCUPATIONAL INJURIES  
AND ILLNESSES: DEFINITIONS

AUTH: 50-71-114, MCA

IMP: 50-71-117, MCA

24.30.107 RECORDING AND REPORTING OCCUPATIONAL INJURIES  
AND ILLNESSES: LOG AND SUMMARY

AUTH: 50-71-114, MCA

IMP: 50-71-112, 50-71-113, 50-71-117, MCA

REASONABLE NECESSITY: The department finds that with the proposed amendments to ARM 24.30.102 that incorporate by reference federal reporting requirements, the rules proposed for repeal are no longer needed, and that it is reasonably necessary to repeal the rules at the same time as ARM 24.30.102 is amended.

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 Bryan Page, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; fax (406) 444-4140; or e-mail to [BPage@mt.gov](mailto:BPage@mt.gov), and must be received no later than 5:00 p.m., on April 26, 2019.

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, which includes the name and e-mail or mailing address of the person to receive notices, and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1315 E. Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, or

e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov), or may be made by completing a request form at any rules hearing held by the agency.

7. An electronic copy of this notice of public hearing is available through the Secretary of State's web site at <https://sosmt.gov/arm/>. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that a person's difficulties in sending an e-mail do not excuse late submission of comments.

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

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

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

/s/ MARK CADWALLADER

Mark Cadwallader  
Alternate Rule Reviewer

/s/ GALEN HOLLENBAUGH

Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 19, 2019.

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

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 24.101.413 and the repeal of	)	AMENDMENT AND REPEAL
ARM 24.117.201, 24.117.202,	)	
24.117.301, 24.117.402, 24.117.403,	)	NO PUBLIC HEARING
24.117.406, 24.117.409, 24.117.412,	)	CONTEMPLATED
24.117.415, 24.117.417, 24.117.503,	)	
24.117.601, 24.117.702, 24.117.703,	)	
24.117.704, 24.117.705, 24.117.709,	)	
24.117.710, 24.117.801, 24.117.802,	)	
24.117.803, 24.117.804, 24.117.805,	)	
24.117.806, 24.117.810, 24.117.811,	)	
24.117.812, 24.117.815, 24.117.901,	)	
24.117.903, 24.117.904, 24.117.905,	)	
24.117.909, and 24.117.2301	)	
pertaining to the licensure and	)	
regulation of professional boxing	)	

TO: All Concerned Persons

1. On April 29, 2019, the Department of Labor and Industry (department) proposes to amend and repeal the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on April 19, 2019, to advise us of the nature of the accommodation that you need. Please contact Rhonda Morgan, Athletics Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or [dlibsdeath@mt.gov](mailto:dlibsdeath@mt.gov) (program's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2019 Montana Legislature enacted Chapter 51, Laws of 2019 (Senate Bill 77), an act generally revising laws related to the Department of Labor and Industry to address legislative audit findings and recommendations. The bill was signed by the Governor and became effective March 7, 2019. Because the bill eliminated the licensure and regulation of professional boxing in Montana, the department determined it is reasonably necessary to repeal the Athletics Program rules in ARM Title 24, chapter 117 in compliance with and to further implement the legislation.

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

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(b) remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(c)	Athletics	Boxer, Professional	Nonrenewable, must reapply. License expires June 30.	
		Second	Nonrenewable, must reapply. License expires June 30.	
		Judge	Nonrenewable, must reapply. License expires June 30.	
		Manager/Trainer	Nonrenewable, must reapply. License expires June 30.	
		Promoter	Nonrenewable, must reapply. License expires June 30.	
		Referee	Nonrenewable, must reapply. License expires June 30.	

(d) through (ao) remain the same but are renumbered (c) through (an).

(6) through (6)(d) remain the same.

(e) limited speech-language pathologists;

~~(f) all licenses issued by the Board of Athletics end on June 30 of each year and the licensee must reapply.~~

(7) remains the same.

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

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

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

24.117.201 PROCEDURAL RULES

AUTH: 2-4-201, MCA

IMP: 2-4-201, MCA

24.117.202 PUBLIC PARTICIPATION RULES

AUTH: 2-3-103, MCA  
IMP: 2-3-103, MCA

24.117.301 DEFINITIONS

AUTH: 23-3-405, MCA  
IMP: 23-3-301, 23-3-402, 23-3-404, 23-3-405, MCA

24.117.402 FEES

AUTH: 23-3-405, 37-1-134, MCA  
IMP: 23-3-405, 23-3-501, 37-1-134, 37-1-141, MCA

24.117.403 PROHIBITIONS

AUTH: 23-3-405, MCA  
IMP: 23-3-404, 23-3-405, MCA

24.117.406 GENERAL LICENSING REQUIREMENTS

AUTH: 23-3-405, MCA  
IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.409 BOUT/CONTEST APPROVAL

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.412 FEE ABATEMENT

AUTH: 37-1-101, 37-1-134, MCA  
IMP: 17-2-302, 17-2-303, 37-1-101, 37-1-134, MCA

24.117.415 DEPARTMENT REPRESENTATIVE QUALIFICATIONS

AUTH: 23-3-405, MCA  
IMP: 23-3-402, MCA

24.117.417 DEPARTMENT REPRESENTATIVE DUTIES

AUTH: 23-3-405, MCA  
IMP: 23-3-402, MCA

24.117.503 PROMOTER

AUTH: 23-3-405, MCA  
IMP: 23-3-404, 23-3-405, 23-3-501, MCA



24.117.601 EVENT LICENSE AND REGULATION

AUTH: 23-3-405, 23-3-503, MCA

IMP: 23-3-405, 23-3-503, MCA

24.117.702 BOXING CONTESTANTS

AUTH: 23-3-405, MCA

IMP: 23-3-301, 23-3-404, 23-3-405, 23-3-501, 23-3-603, MCA

24.117.703 FEMALE CONTESTANTS

AUTH: 23-3-405, MCA

IMP: 23-3-405, MCA

24.117.704 WEIGHTS AND CLASSES

AUTH: 23-3-405, MCA

IMP: 23-3-405, MCA

24.117.705 MANAGERS/TRAINERS

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.709 PREFIGHT PHYSICAL EXAMINATION

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.710 MEDICAL PROFESSIONAL REQUIREMENTS

AUTH: 23-3-405, MCA

IMP: 23-3-405, MCA

24.117.801 POINT SYSTEM-SCORING

AUTH: 23-3-405, MCA

IMP: 23-3-405, MCA

24.117.802 NUMBER AND DURATION OF ROUNDS

AUTH: 23-3-405, MCA

IMP: 23-3-405, MCA

24.117.803 DOWN

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.804 ACCIDENTAL AND INTENTIONAL BUTTS

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.805 FOULS

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.806 APPEAL OF DECISIONS OF OFFICIALS

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.810 HAND WRAPS

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.811 OFFICIAL BOXING GLOVES

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.812 MOUTHPIECE

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.815 RING-EQUIPMENT

AUTH: 23-3-405, MCA  
IMP: 23-3-405, MCA

24.117.901 OFFICIALS REQUIRED

AUTH: 23-3-405, MCA  
IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.903 JUDGES

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.904 TIMEKEEPER

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.905 SECONDS

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.909 REFEREE

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, 23-3-501, MCA

24.117.2301 UNPROFESSIONAL CONDUCT

AUTH: 23-3-405, MCA

IMP: 23-3-405, 23-3-603, MCA

6. Concerned persons may submit their data, views, or arguments concerning the proposed amendment and repeal in writing to the Athletics Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdeath@mt.gov](mailto:dlibsdeath@mt.gov), to be received no later than 5:00 p.m., April 26, 2019.

7. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the Athletics Program at the above address no later than 5:00 p.m., April 26, 2019.

8. If the department receives requests for a public hearing on the proposed actions from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be one based on no persons being affected by the proposed amendment.

9. An electronic copy of this notice is available at <http://boards.bsd.dli.mt.gov/ath> (department and program's web site). Although the department strives to keep its web sites accessible at all times, concerned persons

should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

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

11. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. Department staff attempted to contact Senator Mary McNally by telephone and left a voicemail message on March 13, 2019, by e-mail on March 11, 2019, and by regular USPS mail on March 15, 2019.

12. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.101.413 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the department has determined that the repeal of ARM 24.117.201, 24.117.202, 24.117.301, 24.117.402, 24.117.403, 24.117.406, 24.117.409, 24.117.412, 24.117.415, 24.117.417, 24.117.503, 24.117.601, 24.117.702, 24.117.703, 24.117.704, 24.117.705, 24.117.709, 24.117.710, 24.117.801, 24.117.802, 24.117.803, 24.117.804, 24.117.805, 24.117.806, 24.117.810, 24.117.811, 24.117.812, 24.117.815, 24.117.901, 24.117.903, 24.117.904, 24.117.905, 24.117.909, and 24.117.2301 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determinations is available upon request to the Athletics Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; facsimile (406) 841-2305; or to [dlibsath@mt.gov](mailto:dlibsath@mt.gov).

/s/ DARCEE L. MOE

Darcee L. Moe  
Rule Reviewer

/s/ GALEN HOLLENBAUGH

Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 19, 2019.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.71.601 and 37.71.602 ) PROPOSED AMENDMENT  
pertaining to low income )  
weatherization assistance program )  
(LIWAP) )

TO: All Concerned Persons

1. On April 19, 2019, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on April 3, 2019, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, 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](mailto:dphhslegal@mt.gov).

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

37.71.601 ELIGIBILITY FOR WEATHERIZATION SERVICE: PRIORITIES

(1) through (4) remain the same.

(5) In determining which eligible households will receive weatherization services and in what order, households in each of the governor's substate planning districts will be ranked ~~according to~~ by priority according to the following:

(a) through (9) remain the same.

(10) When a dwelling is prioritized high enough to be scheduled for weatherization work, the delivery of services will be deferred until a later date if providing the services would pose a threat to the health or safety of either the weatherization installers or any other person. In such cases the delivery of services will be postponed until the conditions that pose a threat to health or safety have been resolved. The department adopts and incorporates by reference the department's Weatherization Assistance Program (WAP) Policy Manual effective July 1, ~~2018~~ 2019, which outlines the circumstances that justify a deferral of weatherization services. The WAP Policy Manual is located at the department's web site at <http://dphhs.mt.gov/hcsd/energyassistance.aspx> or a copy may be obtained from the Department of Public Health and Human Services, Human and Community

Services Division, Intergovernmental Human Services Bureau, P.O. Box 202956, Helena, MT 59620.

AUTH: 53-2-201, 90-4-201, MCA

IMP: 53-2-201, 90-4-201, 90-4-202, MCA

#### 37.71.602 DETERMINING LOW INCOME WEATHERIZATION

ASSISTANCE (1) Weatherization assistance will be made to eligible households in accordance with the ~~state standard of prioritized measures for sample dwellings as established in (4)~~ determined by the State's Computerized Energy Audit (CEA) system.

(2) Dwellings chosen to be weatherized must receive those measures determined to be cost effective as defined in 10 CFR 440, as amended through July 1, ~~2018~~ 2019. The department adopts and incorporates by reference 10 CFR 440, as amended through July 1, ~~2018~~ 2019. A copy of these federal regulations may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, 111 N. Jackson St., P.O. Box 202925, Helena, MT 59620-2925.

~~(3) The designated local contractor may reorder a standard for any of the following reasons:~~

~~(a) A local contractor completes the department approved energy audit and the audit reveals the cost-benefit ratio would be higher by reordering the standards as prioritized in (4). It must be noted in the client file that the reordering is the most appropriate cost-effective measure in this case and signed off by the weatherization coordinator.~~

~~(b) Material to complete the prioritized standard is not commercially available or fails to meet the materials standards as prescribed by DOE.~~

~~(4)~~ (3) The department adopts and incorporates by reference the department's Weatherization Assistance Program (WAP) Policy Manual and National Renewable Energy Laboratory (NREL) Standard Work Specifications effective July 1, ~~2018~~ 2019. The WAP Policy Manual is located at the department's web site at <http://dphhs.mt.gov/hcsd/energyassistance.aspx> or a copy may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, Intergovernmental Human Services Bureau, P.O. Box 202956, Helena, MT 59620. The NREL Standard Work Specifications are located at the NREL web site at <https://sws.nrel.gov/>.

AUTH: 53-2-201, 90-4-201, MCA

IMP: 53-2-201, 90-4-201, 90-4-202, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing the amendment of ARM 37.71.601 and 37.71.602 pertaining to the Low Income Weatherization Assistance Program (LIWAP). LIWAP is a program to help low income households save home and heating costs and address health and safety

issues. The department proposes to make the following changes to its administrative rules governing LIWAP.

#### ARM 37.71.601

In ARM 37.71.601(5) the department is taking the opportunity to clear up a grammatical error by removing the words "according to."

The department is proposing to amend ARM 37.71.601(10) to update the date of the Weatherization Assistance Program Policy and Procedure Manual to the July 1, 2019 Weatherization Assistance Program Policy and Procedure Manual which will be used for the 2019-2020 program year. This is necessary to ensure that readers are reviewing the appropriate policy.

#### ARM 37.71.602

The department is proposing to amend (1) to clarify the process used requiring energy conservation measures to be prioritized by cost-effectiveness as determined using the State's DOE-approved Computerized Energy Audit (CEA) system.

The department is proposing to amend (2) to require the use of the current edition of 10 CFR 440 amended through July 1, 2019. This is necessary to ensure the most current edition of 10 CFR 440 is utilized.

The department is proposing to strike (3) because this section refers to a previous system for prioritization of weatherization measures which have not been a method approved by DOE in the MT DOE State Plan for several years. The current section does not correctly describe the Savings-to-Investment (SIR) driven weatherization prioritization system used by the DOE-approved, MT site-specific audit software.

This proposed amendment will renumber the old (4) to (3). The department is also proposing to amend the date of the policy manual to ensure the updated Weatherization Assistance Program Policy and Procedure Manual will be used for the 2019-2020 Program Year.

In addition, the department is proposing to further amend (3) to incorporate by reference the updated Standard Work Specifications (SWS) on the National Renewal Energy Laboratory (NREL) website, as amended through July 1, 2019. The amendment also provides the link to the NREL website where the Standard Work Specifications are stored. This is necessary to ensure the most current weatherization standards are utilized.

#### Fiscal Impact

The Low Income Energy Assistance Program, the U.S. Department of Energy, and Bonneville Power Associates are 100% federally funded. Montana Dakota Utilities and Northwestern Energy are 100% utility funds. The department estimates that

Montana will receive the same amount in utility funds, compared to last heating season. It is estimated that 20,000 households will qualify for weatherization benefits this year which is comparable to last year.

5. The department intends to apply the proposed amendments to ARM 37.71.601 and 37.71.602 effective July 1, 2019.

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: Gwen Knight, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., April 26, 2019.

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

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

/s/ Jennifer C. Kaleczyc  
Jennifer C. Kaleczyc  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State March 19, 2019.



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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.79.326 pertaining to Healthy ) PROPOSED AMENDMENT  
Montana Kids (HMK) Dental Benefits )

TO: All Concerned Persons

1. On April 19, 2019, at 9:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on April 3, 2019, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, 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](mailto:dphhslegal@mt.gov).

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

37.79.326 DENTAL BENEFITS (1) remains the same.

(2) Providers must bill for services using the procedure codes and modifiers set forth, and according to the definitions contained in the American Dental Association Manual of Current Dental Terminology (~~CDT 2018~~) (CDT 2019).

(3) Effective July 1, ~~2018~~ 2019, only the dental procedures listed at <http://dphhs.mt.gov/hmk.aspx> are benefits of the HMK coverage group Dental Program.

(4) through (6) remain the same.

AUTH: 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1105, MCA

IMP: 53-4-1003, 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1104, 53-4-1105, MCA

4. STATEMENT OF REASONABLE NECESSITY

Healthy Montana Kids (HMK) CHIP continues to follow the State of Montana Employee Dental Benefit as a benchmark for the Healthy Montana Kids dental benefit as stated in the Centers for Medicare and Medicaid Services (CMS) approved CHIP State Plan. The department proposes to update dental procedure codes, as needed, following the state employee benchmark plan changes. This

change will reflect new procedure code updates, code additions and deletions, and changes to existing code descriptions. Also included is an update to the Current Dental Terminology (CDT) code book reference from 2018 to 2019.

The proposed rule amendment would be effective July 1, 2019. All other rules regarding the HMK Plan will remain the same.

CMS has approved the State Plan citing the State of Montana Employee Dental Benefit as a benchmark. The proposed amendment will comply with the benchmark plan and 2019 CDT Dental Procedure Codes.

The State Employee Dental Benefit Plan (Delta Dental) issues a revised list of covered procedure codes each January 1. When Delta Dental releases the code file with deletions, additions, and changes to descriptions with a January effective date, the department reviews this file and applies any of the changes to the program. The department also reviews the new codes if they replace deleted ones or are in addition to existing codes currently covered. The department examines and makes appropriate changes to any descriptions of codes that may have resulted with the release of the file.

#### Fiscal Impact

The proposed dental procedure code changes should have no fiscal impact at this time. The proposed rule changes could affect an estimated 507 dental providers and 32,597 HMK members.

All dental providers would meet the criteria of a small business with less than 50 full-time employees as defined in Senate Bill 139. The amendment of this rule should have no impact on these small businesses.

These proposed rule amendments are necessary for the department to administer and maintain compliance with federal funding requirements.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Gwen Knight, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., April 26, 2019.

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

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which

program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. 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.

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

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

/s/ Brenda K. Elias  
Brenda K. Elias  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State March 19, 2019.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the adoption of New     ) CORRECTED NOTICE OF  
Rules I through XI pertaining to the     ) ADOPTION AND AMENDMENT  
third-party CDL skills testing program     )  
and the amendment of ARM 23.3.502     )  
pertaining to commercial driver's     )  
license testing     )

TO: All Concerned Persons

1. On September 7, 2018, the Department of Justice published MAR Notice No. 23-3-253 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1766 of the 2018 Montana Administrative Register, Issue Number 17. On February 8, 2019, the department published the notice of adoption and amendment at page 176 of the 2019 Montana Administrative Register, Issue Number 3.

2. This correction notice is being issued to correct a duplicate numbering error in New Rule XI (23.3.570). The rule, as amended in corrected form, reads as follows, deleted matter interlined, new matter underlined:

NEW RULE XI (23.3.570) THIRD-PARTY CDL SKILLS TESTING  
PROGRAM AND CDL SKILLS TEST EXAMINER'S DECERTIFICATION AND RE-  
CERTIFICATION (1) through (3) remain as adopted.

~~(3)~~(4) A third-party CDL skills test examiner may voluntarily surrender their certification and stop conducting skills tests. Any initial or renewal fees will not be refunded.

(4) and (5) remain as adopted, but are renumbered (5) and (6).

3. The replacement pages for this corrected notice will be submitted to the Secretary of State on March 31, 2019.

/s/ Hannah Tokerud  
Hannah Tokerud  
Rule Reviewer

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

Certified to the Secretary of State March 19, 2019.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
AND THE BOARD OF BEHAVIORAL HEALTH  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.101.413, 24.154.403,	)	REPEAL
24.154.2107, 24.219.201, 24.219.401,	)	
24.219.405, 24.219.409, 24.219.415,	)	
24.219.2001, 24.219.2101,	)	
24.219.2201, and the repeal of	)	
24.219.933, 24.219.2004,	)	
24.219.2007, 24.219.2010,	)	
24.219.2104, 24.219.2107,	)	
24.219.2110, 24.219.2204,	)	
24.219.2207, and 24.219.2210	)	
pertaining to renewal dates and	)	
requirements, military training or	)	
experience, continuing education	)	
procedures and documentation,	)	
procedural rules, fee schedules,	)	
continuing education requirements,	)	
accreditation and standards, reporting	)	
requirements, and continuing	)	
education noncompliance	)	

TO: All Concerned Persons

1. On January 11, 2019, the Board of Behavioral Health (board) published MAR Notice No. 24-219-32 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 20 of the 2019 Montana Administrative Register, Issue No. 1.

2. On February 4, 2019, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. Several comments were received by the February 8, 2019, deadline.

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

COMMENT 1: Multiple commenters thanked the board for notifying them of the proposed rulemaking.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

COMMENT 2: Many commenters stated appreciation for the board's work to clean up these rules and stated they had no concerns with the proposed changes.

RESPONSE 2: The board appreciates all comments received during the rulemaking process.

COMMENT 3: One commenter stated the proposed changes would save counselors money by not having to pay a fee and asked if there would still be a list of approved courses online.

RESPONSE 3: The board agrees that not approving continuing education (CE) sponsors or courses may result in a cost savings for licensees. There will no longer be a list of approved courses online as it will be up to licensees to choose CE that meets the professional education objectives set forth in the respective rules.

COMMENT 4: A commenter believed that requiring 20 hours annually for those licensed before July 1 but only ten hours for those licensed after July 1 is confusing and further suggested requiring 20 hours annually with an option for exceptions.

RESPONSE 4: The suggested change exceeds the scope of this rulemaking and cannot be accomplished in a final notice. The board may explore the suggestion in a future rulemaking project.

4. The department has amended ARM 24.101.413 exactly as proposed.

5. The board has amended ARM 24.154.403, 24.154.2107, 24.219.201, 24.219.401, 24.219.405, 24.219.409, 24.219.415, 24.219.2001, 24.219.2101, and 24.219.2201 exactly as proposed.

6. The board has repealed ARM 24.219.933, 24.219.2004, 24.219.2007, 24.219.2010, 24.219.2104, 24.219.2107, 24.219.2110, 24.219.2204, 24.219.2207, and 24.219.2210 exactly as proposed.

BOARD OF BEHAVIORAL HEALTH  
DR. PETER DEGEL, LCPC  
CHAIRPERSON

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 19, 2019.

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 37.86.1402 pertaining to clinic )  
services requirements )

TO: All Concerned Persons

1. On January 11, 2019, the Department of Public Health and Human Services published MAR Notice No. 37-872 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 32 of the 2019 Montana Administrative Register, Issue Number 1.

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:

37.86.1402 CLINIC SERVICES, REQUIREMENTS (1) through (3) remain as proposed.

(4) Conditions for coverage of listed ambulatory surgical center procedures:

(a) Subject to the exclusions in (b), covered surgical procedures are surgical procedures that would not be expected to pose a significant safety risk to a member when performed in an ambulatory surgical center (~~ASC~~) and for which standard medical practice dictates that the member would not typically be expected to require active medical monitoring and care at midnight following the procedure more than 24 hours following an admission. Active medical monitoring includes the monitoring or assessment of respiratory function, cardiovascular function, mental status, pain, temperature, or post-operative hydration at least every 30 minutes.

(b) through (5) remain as proposed.

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

IMP: 53-6-101, 53-6-141, MCA

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

COMMENT #1: The department received 12 comments. All comments expressed concerns about (4)(a) regarding the timeline an ambulatory surgical center is allowed to provide services. Commenters also requested a definition of active medical monitoring.

RESPONSE #1: The department has made two changes to ARM 37.86.1402 based on public comment. Subsection (4)(a) has been updated to state the member would

not typically be expected to require active medical monitoring to exceed 24 hours following an admission. A definition of active medical monitoring has been added.

4. These rule amendments are effective upon publication of this notice of amendment.

/s/ Brenda K. Elias  
Brenda K. Elias  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State March 19, 2019.



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 37.85.105 pertaining to                )  
updating the composite rate for            )  
outpatient maintenance dialysis clinic    )

TO: All Concerned Persons

1. On January 25, 2019, the Department of Public Health and Human Services published MAR Notice No. 37-875 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 112 of the 2019 Montana Administrative Register, Issue Number 2.
2. The department has amended the above-stated rule as proposed.
3. No comments or testimony were received.
4. This rule amendment is effective April 1, 2019.

/s/ Brenda K. Elias  
Brenda K. Elias  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State March 19, 2019.

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 37.47.101, 37.47.102,                )  
37.47.106, 37.47.107, and 37.47.111    )  
pertaining to adult protective services    )

TO: All Concerned Persons

1. On January 11, 2019, the Department of Public Health and Human Services published MAR Notice No. 37-876 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 35 of the 2019 Montana Administrative Register, Issue Number 1.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.
4. These rule amendments are effective March 30, 2019.

/s/ Mark Prichard  
Mark Prichard  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State March 19, 2019.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 42.19.1401, 42.19.1403,	)	REPEAL
42.19.1404, 42.19.1407, and	)	
42.19.1412, and the repeal of ARM	)	
42.19.1402, 42.19.1408, 42.19.1409,	)	
42.19.1410, and 42.19.1411	)	
pertaining to tax increment financing	)	
districts	)	

TO: All Concerned Persons

1. On November 2, 2018, the Department of Revenue published MAR Notice No. 42-2-997 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 2193 of the 2018 Montana Administrative Register, Issue Number 21.

2. On November 26, 2018, a public hearing was held to consider the proposed amendment and repeal; no proponents or opponents were present and no oral testimony was received. The department received written comments from Tim Burton, Executive Director of the Montana League of Cities and Towns.

3. The department amends ARM 42.19.1401 and 42.19.1412, and repeals ARM 42.19.1402, 42.19.1408, 42.19.1409, 42.19.1410, and 42.19.1411 as proposed.

4. The department amends ARM 42.19.1403, 42.19.1404, and 42.19.1407 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

42.19.1403 NOTIFICATION REQUIREMENTS FOR THE CREATION OR AMENDMENT OF AN URBAN RENEWAL DISTRICT (URD) WITH A TAX INCREMENT FINANCING PROVISION (1) remains as proposed.

(2) Before the department can certify the base taxable value of property located within a newly created or amended district, the local government must notify the department of the intent to create or amend a URD containing a tax increment financing provision. The notification must include:

(a) through (d) remain as proposed.

(e) ~~geospatial-vector~~ GIS data files that include locational information in the form of coordinates, points, lines, polygons, etc., if available; and

(f) remains as proposed.

(3) If the local government wants the department to provide a list of the affected real, separately assessed improvements, personal and centrally assessed properties within the district, the local government must provide the notification information required in (2)(a) through (c), and preliminary versions of the notification

information described in (2)(d) and (e), to the department no later than August 1 of the desired base year. Within 60 days after receiving the notification, the department will provide the following to the designated contact:

(a) confirmation that no issues were identified with the preliminary district boundary; and

(b) remains as proposed.

(4) If the local government does not need the department to provide a list of the affected real, separately assessed improvements, personal and centrally assessed properties within the district, the local government must provide the notification information required in (2)(a) through (c), and preliminary versions of the notification information described in (2)(d) and (e), to the department no later than December 1 of the desired base year.

(5) By no later than February 1 of the calendar year following the creation of the district, the local government must provide the department with the following:

(a) final versions of the notification information described in (2)(d) and (e), if not previously provided;

~~(a) (b)~~ a copy of the executed resolution of necessity required by 7-15-4210, MCA. The executed resolution must contain:

(i) an effective date prior to the date on which the URD is created; ~~and~~

(ii) the finding of blight, as required by 7-15-4210(1), MCA; and

~~(ii) (iii)~~ a statement of necessity regarding the interest of public health, morals, or welfare of the residents, as required by 7-15-4210(2), MCA;

~~(b) the documentation (statement of blight) upon which the resolution of the necessity is based;~~

(c) a copy of the local governing body's resolution adopting the growth policy pursuant to 76-1-604, MCA;

~~(e) (d)~~ a copy of the ~~local government's~~ municipality's ~~planning board's~~ commission's finding written recommendation to the local governing body that the urban renewal plan conforms with the local government's growth policy that ~~includes~~ attaches:

~~(i) documentation of the adoption of the growth policy;~~

~~(ii) (i)~~ supporting documentation upon which the conformance is based; and

~~(iii) (ii)~~ supporting documentation upon which ~~the accordance with the~~ exercise of a local governing body's zoning powers is based;

(e) if the documentation in (d) is not available, a copy of the document affirming that the local governing body received no written recommendation from the planning commission and scheduled the public hearing on the urban renewal plan as permitted in 7-15-4214, MCA;

(d) and (e) remain as proposed but are renumbered (f) and (g).

~~(f) (h)~~ a list of all addresses ~~with proof of certified mailing~~ to which a copy of the letter was sent;

(g) remains as proposed but is renumbered (i).

~~(h) (j)~~ a copy of the local government's urban renewal plan pursuant to 7-15-4212 and 7-15-4216, MCA, containing the tax increment provision under 7-15-4216, MCA; and

(i) remains as proposed but is renumbered (k).

(6) Within 20 ~~calendar~~ business days after the department receives the

documentation required in (2) and (5), the department will send notification to the local government whether the documentation is complete and correct for the desired base year.

(a) through (7) remain as proposed.

AUTH: 15-1-201, MCA

IMP: 7-15-4202, 7-15-4210, 7-15-4215, 7-15-4216, 7-15-4282, 7-15-4283, 7-15-4284, 7-15-4285, 15-10-202, 15-10-420, MCA

42.19.1404 NOTIFICATION REQUIREMENTS FOR THE CREATION OR AMENDMENT OF A TARGETED ECONOMIC DEVELOPMENT DISTRICT (TEDD) WITH A TAX INCREMENT FINANCING PROVISION (1) A local government may create or amend a TEDD containing a tax increment financing provision pursuant to Title 7, chapter 15, parts 42 and 43, MCA. The department will review a local government's urban renewal district (URD) or TEDD processes, documents, and information required under those statutes and these rules to determine fulfillment of a district's purpose and the specific requirements provided under 7-15-4279, MCA, in the department's TEDD taxable value certification process.

(2) Before the department can certify the base taxable value of property located within a newly created or amended district, the local government must notify the department of the intent to create or amend a TEDD containing a tax increment financing provision. The notification must include:

(a) through (d) remain as proposed.

(e) ~~geospatial-vector~~ GIS data files that include locational information in the form of coordinates, points, lines, polygons, etc., if available; and

(f) remains as proposed.

(3) If the local government wants the department to provide a list of the affected real, separately assessed improvements, personal and centrally assessed properties within the district, the local government must provide the notification information required in (2)(a) through (c), and preliminary versions of the notification information described in (2)(d) and (e) to the department no later than August 1. Within 60 days of receiving the notification, the department will provide the following to the designated contact:

(a) confirmation that no issues were identified with the preliminary district boundary; and

(b) and (4) remain as proposed.

(5) By no later than February 1 of the calendar year following the creation of the district, the local government must provide the department with the following:

(a) final versions of the notification information described in (2)(d) and (e), if not previously provided;

(a) (b) a copy of the executed resolution of necessity required by 7-15-4279 4280, MCA. The executed resolution must contain:

(i) an effective date prior to the date on which the TEDD was created; and

(ii) the infrastructure deficiency finding, as required by 7-15-4280(1), MCA;

and

(ii) (iii) a statement of necessity regarding the interest of public health, morals, or welfare of the residents, as required by 7-15-4280(1), MCA;

~~(b) the documentation (statement of infrastructure deficiency) upon which the resolution of necessity is based;~~

~~(c) a copy of the local government's planning board's findings that the comprehensive development plan conforms with the local government's TEDD is zoned either for uses in accordance with the area local growth policy as defined in 76-1-103, MCA, for uses in accordance with the development pattern and zoning regulations, or the development district adopted under Title 76, chapter 2, part 1, MCA, that includes: documentation upon which the accordance with zoning is based;~~

~~(i) documentation of the adoption of the growth policy;~~

~~(ii) documentation upon which the conformance is based;~~

~~(iii) documentation upon which the accordance with zoning is based; and~~

~~(iv) if a county is proposing to create a TEDD and does not have a growth policy, it must show that it has zoning in the proposed TEDD that is in accordance with the development pattern and the zoning regulations in the district;~~

~~(d) a copy of the resolution adopting the zoning of the district, pursuant to 7-15-4279, MCA;~~

~~(e) a copy of the resolution adopting the growth policy, pursuant to 76-1-604, MCA, if applicable;~~

~~(d) and (e) remain as proposed but are renumbered (f) and (g).~~

~~(f) (h) a list of all addresses with proof of certified mailing to which a copy of the letter was sent;~~

~~(g) and (h) remain as proposed but are renumbered (i) and (j).~~

~~(f) (k) a copy of the executed ordinance adopting the comprehensive development plan for the district with the tax increment financing provision pursuant to 7-15-4216 or 7-15-4284, MCA, that:~~

~~(i) ensures that the purpose of the district is the development of infrastructure to encourage and retain value-adding industry;~~

~~(ii) identifies the use and purpose for which the TEDD was created;~~

~~(iii) ensures that the area within the TEDD is large enough to host a diversified base of multiple tenants and was not designed to serve the need of a single tenant; and~~

~~(iv) is in conformance with the local government's growth policy.~~

~~(6) Within 20 calendar business days after the department receives the required documentation in (2) and (5), the department will send notification to the local government whether the documentation is complete and correct for the desired base year.~~

~~(a) through (7) remain as proposed.~~

AUTH: 15-1-201, MCA

IMP: 7-15-4279, 7-15-4282, 7-15-4283, 7-15-4284, 7-15-4285, 15-10-202, 15-10-420, 76-1-103, MCA

42.19.1407 DETERMINATION OF BASE AND INCREMENTAL TAXABLE VALUES OF URBAN RENEWAL DISTRICTS (URD) OR TARGETED ECONOMIC DEVELOPMENT DISTRICTS (TEDD) (1) through (4) remain as proposed.

(5) A local government that amends the boundaries or makes changes within

a valid URD or TEDD, pursuant to the provisions of Title 7, chapter 15, parts 42 and 43, MCA, shall follow the process described in ARM 42.19.1403 or 42.19.1404.

(a) In cases where a boundary amendment removes property from an existing URD or TEDD:

(i) the removed property shall be considered newly taxable pursuant to 15-10-420, MCA;

(ii) the base year ~~and the base taxable value~~ of the original URD or TEDD will not change; ~~and~~

(iii) the total ~~actual taxable~~ value of the URD or TEDD will be reduced by the value of the property that has been removed from the boundary district. The value of the property being removed ~~out of the URD or TEDD~~ will be the actual taxable value determined by the department for ad valorem tax purposes as of January 1 of the year in which the department ~~approves~~ certifies the amendment; ~~and. An amendment that removes property from a URD or TEDD will cause a reduction in the incremental taxable value of the URD or TEDD.~~

(iv) The reduced base value of the URD or TEDD will be determined by the following formula:

$$\frac{\text{Original District Base Value}}{\text{District Base Value}} = \left[ \frac{\text{Removed Property's Value}}{\text{Value}} \times \frac{\text{Original District Base Value}}{\text{District's Current Total Value}} \right] = \frac{\text{New Reduced District Base Value}}{\text{District Base Value}}$$

(b) In cases where a URD or TEDD boundary amendment adds new property to an existing URD or TEDD:

(i) remains as proposed.

(ii) the base taxable value of the property being added to the URD or TEDD by the boundary amendment will be the actual taxable value determined by the department for ad valorem tax purposes as of January 1 of the year in which the department ~~approves~~ certifies the amendment;

(iii) and (iv) remain as proposed.

AUTH: 15-1-201, MCA

IMP: 15-10-202, 7-15-4284, 7-15-4285, 15-10-420, MCA

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

COMMENT 1: On behalf of the Montana League of Cities and Towns (MLCT), Mr. Burton comments that MLCT believes that the department proposes these rule amendments to collect and maintain documentation that local governments have followed the statutory requirements when creating and amending districts with tax increment financing provisions.

RESPONSE 1: The department thanks Mr. Burton for the comment. It is correct that several amendments were proposed at the recommendation of the Legislative Audit Division to require local governments to submit documentation demonstrating that they meet statutory requirements when creating and amending urban renewal districts (URD and TEDD) with tax increment financing provisions. The department and the Legislative Audit Division also agreed that updating these rules would provide better and necessary guidance to prospective and current districts relative to the department's statutory certification and reporting process for taxable property values. This revised process includes additional documentation requirements of local governments and implements more specific timelines in processing URD and TEDD paperwork so the department can certify the base taxable value of property located within a newly created or amended district.

COMMENT 2: Mr. Burton made comments regarding MLCT's interpretation of the department's statutory role in URD and TEDD districts with tax increment financing. MLCT proposed amendments to ARM 42.19.1403(2) and 42.19.1404(2) and the rules' catchphrases.

RESPONSE 2: The department appreciates the input of the MLCT and has made additional revisions to the rules' catchphrases and at ARM 42.19.1403(2) and 42.19.1404(2).

COMMENT 3: Mr. Burton stated concerns with the department's proposed amendments to ARM 42.19.1403(2)(d) and 42.19.1404(2)(d), which require a local government to provide a legal description accompanied by a map illustrating the district's proposed boundary. MLCT suggests legal descriptions may change over the course of a district's creation or amendment and proposed revisions to the amendments.

RESPONSE 3: The department appreciates the input and has made additional revisions to ARM 42.19.1403(3) through (5) and 42.19.1404(3) through (5) to address the potential for the submission of preliminary district information required under (2) in each of these rules.

COMMENT 4: Mr. Burton requests clarification or a definition for the term "geospatial vector files" in ARM 42.19.1403(2)(e) and 42.19.1404(2)(e).

RESPONSE 4: The term "geospatial vector files" refers to database files that contain spatial data models of geographic or property features which are commonly used in geographic information systems (GIS). The department has revised the amendments to clarify the industry-standard information sought by the department in GIS database files should a local government opt to provide the district property data in that form.

COMMENT 5: Mr. Burton comments that the proposed amendments to ARM 42.19.1403(3) and 42.19.1404(3), and the department's response time to provide the



requested property information, will place a burden on department resources which may inadvertently result in delays in local government district projects.

RESPONSE 5: The department appreciates the comment and the MLCT's concern that the department will not be able to meet its response obligations under both rules; however, this deadline length was established at the request of the Legislative Audit Division. The department is confident that the proposed timeline can be met.

The preliminary notice to the department provided in ARM 42.19.1403(3) and 42.19.1404(3) allows department staff adequate time for important preparatory work in identifying and resolving discrepancies or errors in a legal description or boundary and notifying centrally assessed taxpayers to request description and base value information, which can often take months to receive. This preparation time will enable the department to acknowledge and set up new or amended URD or TEDD districts promptly and more efficiently after all the required documentation is submitted.

Notwithstanding, the department will implement the rule subsection as proposed and will monitor local government information request response times and address any complications with stakeholders should they arise.

COMMENT 6: Mr. Burton requests the purpose of the date of December 1 in ARM 42.19.1403(4) and 42.19.1404(4) for when a local government must provide the department with its district information when the entity does not need improvements and properties information within the district.

RESPONSE 6: The department thanks Mr. Burton for the comment and directs the MLCT to the second paragraph of the department's Response 5, which also applies to ARM 42.19.1403(4) and 42.19.1404(4), and to Response 3 regarding the department's additional amendments regarding preliminary district information.

COMMENT 7: Mr. Burton states that the proposed amendments under ARM 42.19.1403(5)(c) require additional revision due to the role of the municipality's planning commission, not planning board, to review and make recommendations to the local governing body regarding the urban renewal plan's conformity with the growth policy. Additional amendments were proposed.

RESPONSE 7: The department thanks Mr. Burton for the comments and agrees with the input. The department has amended ARM 42.19.1403(5)(b) through (5)(e) to include specific local government URD process requirements provided in 7-15-4210 through 7-15-4217, MCA.

COMMENT 8: Mr. Burton comments that 7-1-2122 and 7-1-4129, MCA, do not require certified mail as stated in the proposed amendments to ARM 42.19.1403(5)(f) and 42.19.1404(5)(f). MLCT requests the department revise the amendment to remove the proof of certified mailing requirement.

RESPONSE 8: The department thanks Mr. Burton for the comments and agrees with the requirement. The department has amended the content now numbered as ARM 42.19.1403(5)(h) and 42.19.1404(5)(h), respectively.

COMMENT 9: Mr. Burton commented that the department's increased role, stated in ARM 42.19.1403(6), is appreciated but concerning to MLCT if the revised processes will result in delays.

RESPONSE 9: The department appreciates the comment and concern. Based on the comment, and upon additional consideration, the department has changed the nature of the day calculation from 20 calendar days to 20 business days. The department also directs MLCT to Response 5.

COMMENT 10: Mr. Burton commented concerns with the proposed amendments under ARM 42.19.1403(6) and (6)(a), and 42.19.1404(6) and (6)(a), which seek to clarify local government timelines to respond to department requests for information and documentation used in district tax valuation certification. Amendments to provide additional local government response were proposed.

RESPONSE 10: The department thanks Mr. Burton for the comment but disagrees that the additional time proposed by MLCT for these subsections will be beneficial; and it is somewhat contrary to MLCT's concerns stated in Comment 9. The amendments to ARM 42.19.1403(6)(a) and 42.19.1404(6)(a) remain as proposed.

COMMENT 11: Mr. Burton commented on the amendments to ARM 42.19.1404(5)(c) regarding the department's proposed requirement of proof of the local government's planning board's finding that the comprehensive development plan conforms with the local government's growth policy.

RESPONSE 11: The department thanks Mr. Burton for the comment. Based on the comments and suggested additional amendment, the department has amended ARM 42.19.1404(5)(b) to correct one statutory reference and specify in (5)(c) through(e) the local government TEDD requirements stated under 7-15-4279 and 7-15-4280, MCA, and in Title 76, chapters 1 and 2, MCA.

COMMENT 12: Mr. Burton opined that the department's amendments to ARM 42.19.1404, proposed as (5)(i), may exceed the department's rulemaking authority, and he suggested revisions to the proposed amendments.

RESPONSE 12: The department disagrees with Mr. Burton's conclusions. An agency does not exceed its rulemaking authority when, by rule, it requires copies of documents and disclosures that are evidence of other statutorily required processes or purposes. In this case, the Montana Legislature stated the purpose and requirements for TEDD districts in 7-15-4278 through 7-15-4280, MCA, and these requirements were reflected in the proposed amendments to (5)(i). The department also refers Mr. Burton and the MLCT to Response 1 as to the recommendations of the Legislative Audit Division.

Notwithstanding this general disagreement, the department believes that its role and support of the legislature's TEDD district purpose and general requirements are better stated in (1) than in (5)(i), and the department has stricken the proposed amendments in (5)(i) and amended (1) accordingly.

COMMENT 13: Mr. Burton stated that the proposed amendment under ARM 42.19.1407(5)(a)(iii) refers inaccurately to the department approving amendments to district boundaries and he proposed revisions to the proposed rule amendments.

RESPONSE 13: The department appreciates the comments and agrees that the proposed rule text requires additional amendment to clarify the impact that an amendment to a URD or TEDD district has on base, incremental, and total taxable values. Based on the comments, the department has amended ARM 42.19.1407(5) by clarifying language for the various types of values discussed in URD or TEDD certification and provides the formula that the department will use when it processes and certifies a local government's amendments to a URD or TEDD.

/s/ Todd Olson  
Todd Olson  
Rule Reviewer

/s/ Gene Walborn  
Gene Walborn  
Director of Revenue

Certified to the Secretary of State March 19, 2019.

## **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 an online 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<br>Subject | 1. Consult ARM Topical Index.<br>Update the rule by checking recent rulemaking 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.                |

## RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 2018. This table includes notices in which those rules adopted during the period October 5, 2018, through March 15, 2019, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2018, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2018 or 2019 Montana Administrative Registers.

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

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(Office of Public Instruction)

- 10-1-131 Soliciting Applications for Membership on a Negotiated Rulemaking Committee to Amend ARM 10.55.606 Pertaining to the Procedures in Determining Accreditation Status Using Student Performance Measures Based on Results of the Required Statewide Assessments, p. 80, 163
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(Board of Sanitarians)

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## EXECUTIVE BRANCH 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 executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in February 2019 appear. Potential vacancies from April 1, 2019 through June 30, 2019, are also listed.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of March 1, 2019.

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.

**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2019**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>4th Judicial District</b>			
Mr. Shane Anthony Vannatta Missoula	Governor	New	2/22/2019 12/31/2020
Qualifications (if required): None Stated			
<b>Board of Public Education</b>			
Ms. Madalyn Quinlan Helena	Governor	Carroll	2/1/2019 2/1/2026
Qualifications (if required): District 2, Democrat			
<b>Coal Board</b>			
Ms. Marianne Roose Eureka	Governor	Reappointed	2/15/2019 1/1/2023
Qualifications (if required): District 1, public administration			
Mr. Tim Schaff Roundup	Governor	Reappointed	2/15/2019 1/1/2023
Qualifications (if required): District 2, expertise in education			
Mrs. Veronica Small-Eastman Lame Deer	Governor	Reappointed	2/15/2019 1/1/2023
Qualifications (if required): District 2, expertise in education			



**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2019**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Future Fisheries Review Panel</b>			
Mr. William Mytton	Governor	Johnstone	2/15/2019
Absarokee			7/1/2020
Qualifications (if required): Expertise in commercial agriculture			
<b>Hard-Rock Mining Impact Board</b>			
Ms. Donna von Nieda	Governor	Reappointed	2/15/2019
Nye			1/1/2023
Qualifications (if required): District 1, impact area and elected school district trustee			
Ms. Jane Weber	Governor	Reappointed	2/15/2019
Great Falls			1/1/2023
Qualifications (if required): District 2, elected county commissioner			
<b>Montana Alfalfa Seed Committee</b>			
Mr. Dallas Dale Steiger	Governor	Reappointed	2/15/2019
Hysham			12/1/2021
Qualifications (if required): Actively engaged in the growing of alfalfa seed within the state			
<b>State Banking Board</b>			
Mr. David Madison	Governor	Johnson	2/15/2019
Shelby			7/1/2021
Qualifications (if required): Member of the public			

**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2019**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Western Interstate Energy Board</b>			
Mr. Jeff Blend	Governor	Jones	2/15/2019
Helena			1/1/2021
Qualifications (if required): Alternate board member			
Mr. Dan Lloyd	Governor	Blend	2/15/2019
Helena			1/1/2021
Qualifications (if required): Board member			

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>pointed By</u>	<u>Term End</u>
<b>Board of Architects and Landscape Architects</b>		
Ms. Shelly Engler, Bozeman Qualifications (if required): Licensed landscape architect	Governor	4/1/2019
Ms. Janet Cornish, Butte Qualifications (if required): Representative of public not engaged in the practice of architecture	Governor	4/1/2019
Mr. Nathan Steiner, Billings Qualifications (if required): Licensed landscape architect	Governor	4/1/2019
Ms. Marie O'Neill, Bozeman Qualifications (if required): Licensed architect who is on the staff of the Montana State University-Bozeman	Governor	4/1/2019
Mr. Steven Thomas Small, Billings Qualifications (if required): Representative of the Public	Governor	4/1/2019
<b>Board of Clinical Laboratory Science Practitioners</b>		
Ms. Vicki Rice, Helena Qualifications (if required): Clinical science practitioner who holds an active license	Governor	4/1/2019
Mr. Carl Donovan, Great Falls Qualifications (if required): Public member not associated in the practice of clinical laboratory science	Governor	4/1/2019
Mr. Matthew Kalanick, Great Falls Qualifications (if required): Clinical science practitioner who holds an active license	Governor	4/1/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of County Printing</b>		
Commissioner Carol Brooker, Thompson Falls Qualifications (if required): County Commissioner	Governor	4/1/2019
Commissioner Laura Obert, Townsend Qualifications (if required): County Commissioner	Governor	4/1/2019
Mr. Scott Turner, Billings Qualifications (if required): Member of the printing industry	Governor	4/1/2019
Mr. Jim Strauss, Great Falls Qualifications (if required): Member of the printing industry	Governor	4/1/2019
Mr. Roger Wagner, Nashua Qualifications (if required): Member of the general public	Governor	4/1/2019
Mr. David McCumber, Butte Qualifications (if required): Member of the printing industry	Governor	4/1/2019
<b>Board of Directors of the State Compensation Insurance Fund</b>		
Ms. Janice VanRiper, Helena Qualifications (if required): Policy Holder	Governor	5/1/2019
<b>Board of Hail Insurance</b>		
Mr. Jim Schillinger, Baker Qualifications (if required): Public member	Governor	5/1/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Massage Therapy</b>		
Ms. Patricia Eileen Ryan, Whitefish Qualifications (if required): Massage Therapist	Governor	5/1/2019
<b>Board of Nursing Home Administrators</b>		
Mr. Loren Hines, Butte Qualifications (if required): Profession or Institution concerned with the care of chronically ill and infirm aged	Governor	6/1/2019
<b>Board of Optometry</b>		
Mr. Peter Fontana, Great Falls Qualifications (if required): Representative of the public not engaged in the practice of optometry	Governor	4/1/2019
Mr. Douglas Kimball, Bozeman Qualifications (if required): Optometrist	Governor	4/1/2019
<b>Board of Plumbers</b>		
Mr. Scott Lemert, Livingston Qualifications (if required): Master Plumber	Governor	5/1/2019
Ms. Debi Friede, Havre Qualifications (if required): Representative of the public	Governor	5/1/2019
Mr. Steve Carey, Frenchtown Qualifications (if required): Journeyman Plumber	Governor	5/1/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Plumbers Cont.</b>		
Mr. Denver Fraser, Clancy	Governor	5/1/2019
Qualifications (if required): Representative of the Department of Environmental Quality		
<b>Board of Real Estate Appraisers</b>		
Mr. Peter Fontana, Great Falls	Governor	5/1/2019
Qualifications (if required): Licensed Real Estate Appraiser		
Mr. George Luther Jr., Miles City	Governor	5/1/2019
Qualifications (if required): Licensed or certified real estate appraiser		
Mr. Myles Link, Missoula	Governor	5/1/2019
Qualifications (if required): Representative of the public who is not engaged in the occupation of real estate		
<b>Board of Realty Regulation</b>		
Representative Josh Peck, Butte	Governor	5/1/2019
Qualifications (if required): Public Representative		
Ms. Cynthia Lanier, Lakeside	Governor	5/1/2019
Qualifications (if required): Real Estate Broker		
Mr. Eric Ossorio, Big Sky	Governor	5/1/2019
Qualifications (if required): Real Estate Broker		

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Realty Regulation Cont.</b> Mr. Daniel Dean Wagner, Billings Qualifications (if required): Real Estate Broker	Governor	5/1/2019
<b>Board of Regents of Higher Education</b> Mr. Dalton K. Johnson, Clancy Qualifications (if required): Student Regent	Governor	6/30/2019
<b>District Court Council</b> Mr. Glen Welch, Qualifications (if required): Nominated	District Court	6/30/2019
<b>Flathead Basin Commission</b> Ms. Kate Hunt, Kalispell Qualifications (if required): Public Representative	Governor	6/30/2019
Mr. Charles (Jackson) Potter, Columbia Falls Qualifications (if required): Public Representative	Governor	6/30/2019
Ms. Jasmine Courville-Brown, Ronan Qualifications (if required): Public Representative	Governor	6/30/2019
<b>Future Fisheries Review Panel</b> Ms. Dylan Tate Yonce, Missoula Qualifications (if required): Montana High School Student	Governor	6/1/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Future Ready Montana Cabinet</b>		
Lt. Governor Mike Cooney, Helena Qualifications (if required): Lieutenant Governor	Governor	6/30/2019
Director Sheila Hogan, Helena Qualifications (if required): Director of the Department of Public Health and Human Services	Governor	6/30/2019
Commissioner Clayton Christian, Helena Qualifications (if required): Commissioner of Higher Education	Governor	6/30/2019
Governor Steve Bullock, Helena Qualifications (if required): Governor	Governor	6/30/2019
Mr. Ken Fichtler, Helena Qualifications (if required): Director of the Governor's Office of Economic Development	Governor	6/30/2019
Major General Matthew Quinn, Helena Qualifications (if required): Adjutant General of the Montana National Guard	Governor	6/30/2019
Superintendent Elsie Arntzen, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	6/30/2019
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	6/30/2019
Director Tara Rice, Helena Qualifications (if required): Director of the Department of Commerce	Governor	6/30/2019



**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Land Information Advisory Council</b>		
Ms. Catherine Maynard, Helena Qualifications (if required): U.S. Department of Agriculture	Governor	6/30/2019
Mr. Mike Bousliman, Helena Qualifications (if required): Designee of a Department Director	Governor	6/30/2019
Mr. Rudy Cicon, Chester Qualifications (if required): Montana Association of Registered Land Surveyors	Governor	6/30/2019
Ms. Janet Cornish, Butte Qualifications (if required): Active in land information systems & represents public utilities	Governor	6/30/2019
Mr. Warren C. Fahner Jr., Polson Qualifications (if required): County or municipal government	Governor	6/30/2019
Director John Tubbs, Helena Qualifications (if required): Department Director	Governor	6/30/2019
Ms. Elaina M. Graham, Great Falls Qualifications (if required): U.S. Department of Agriculture	Governor	6/30/2019
Ms. Molly Hirschi, Bozeman Qualifications (if required): Person who is a member of the Montana Association of GIS Professionals	Governor	6/30/2019
Ms. Leslie Zolman, Helena Qualifications (if required): Person who is a member of the Montana Association of GIS Professionals	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Land Information Advisory Council Cont.</b>		
Mr. Joshua F. Alexander, Billings Qualifications (if required): Person employed by the U.S. Department of the Interior	Governor	6/30/2019
Ms. Dawn Anderson, Helena Qualifications (if required): Designee of a Department Director	Governor	6/30/2019
Ms. Ricki Ann Bauer, Garrison Qualifications (if required): County or municipal government	Governor	6/30/2019
Mr. Gordon Conn, Helena Qualifications (if required): Designee of a Department Director	Governor	6/30/2019
Mr. Jerry Grebenc, Helena Qualifications (if required): Active in land information systems & represents public utilities	Governor	6/30/2019
Mr. Matthew Heller, Bozeman Qualifications (if required): Person employed by the US Dept of the Interior	Governor	6/30/2019
Mr. Valentijn Hoff, Missoula Qualifications (if required): Montana University System	Governor	6/30/2019
Mr. Eric Spangenberg, Helena Qualifications (if required): County or municipal government	Governor	6/30/2019
Mr. Shawn Walks Over Ice, Crow Agency Qualifications (if required): Indian Tribal Interests	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Land Information Advisory Council Cont.</b>		
Mrs. Lee Macholz, Missoula	Governor	6/30/2019
Qualifications (if required): County or municipal government active in land information systems		
<b>Mental Disabilities Board of Visitors</b>		
Mrs. Melissa Ancell, Poplar	Governor	6/30/2019
Qualifications (if required): Consumer or family member of consumer of developmental disability services		
Ms. Jessica Clark, Missoula	Governor	6/30/2019
Qualifications (if required): Consumer or family member of consumer of mental health services		
Ms. Sicily Nicole Morris, Billings	Governor	6/30/2019
Qualifications (if required): Professional person in the field of mental health treatment		
<b>Montana HELP Act Oversight Committee</b>		
Mr. Jesse Laslovich, Helena	Governor	6/30/2019
Qualifications (if required): Representative of the State Auditor's Office		
Mr. S. Kevin Howlett, Arlee	Governor	6/30/2019
Qualifications (if required): Ex-officio non-voting member		
Ms. Tara Veazey, Helena	Governor	6/30/2019
Qualifications (if required): Member of the General Public or a Staff Member of the Governor's Office		
Ms. Heather O'Loughlin, Helena	Governor	6/30/2019
Qualifications (if required): Ex-officio non-voting member		

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana HELP Act Oversight Committee Cont.</b>		
Ms. Jessica Rhoades, Helena Qualifications (if required): Member of the general public or a staff member of the Governor's Office	Governor	6/30/2019
Senator Edward Buttrey, Great Falls Qualifications (if required): Ex-officio non-voting member	Governor	6/30/2019
Dr. David Mark, Hardin Qualifications (if required): Primary Care Physician	Governor	6/30/2019
Ms. Cherie Taylor, Cut Bank Qualifications (if required): Representative of a Critical Access Hospital	Governor	6/30/2019
Ms. Barbara J. Schneeman, Billings Qualifications (if required): Ex-officio non-voting member	Governor	6/30/2019
Mr. John H. Goodnow, Great Falls Qualifications (if required): Representative of a Hospital	Governor	6/30/2019
Mr. Mike Frank, Helena Qualifications (if required): Third-party administrator	Governor	6/30/2019
Ms. Kristen Hansen, Helena Qualifications (if required): Representative of State Auditor's Office	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Heritage Preservation and Development Commission</b>		
Ms. Marilyn Ross, Twin Bridges Qualifications (if required): Experience in historic preservation	Governor	5/1/2019
Mr. Stan Ozark, Glasgow Qualifications (if required): Public at-large	Governor	5/1/2019
Mr. Philip Maechling, Florence Qualifications (if required): Experience in community planning	Governor	5/1/2019
Ms. Shera Konen, Ennis Qualifications (if required): Broad experience in business	Governor	5/1/2019
<b>Montana Information Security Advisory Council</b>		
Mr. Ron Baldwin, Helena Qualifications (if required): State Chief Information Officer	Governor	6/30/2019
Ms. Erika Billiet, Kalispell Qualifications (if required): Local Governments	Governor	6/30/2019
Mr. Dale Daugherty, Billings Qualifications (if required): General public	Governor	6/30/2019
Ms. Anne Dormady, Helena Qualifications (if required): Montana Analysis and Technical Information Center Representative (MATIC)	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Information Security Advisory Council Cont.</b>		
Mr. Eric Frazee, Missoula Qualifications (if required): General public	Governor	6/30/2019
Mr. Adrian Irish, Missoula Qualifications (if required): University Representative	Governor	6/30/2019
Ms. Margaret Kauska, Helena Qualifications (if required): State Government Agency	Governor	6/30/2019
Mr. Roger Laferriere, Hamilton Qualifications (if required): General public	Governor	6/30/2019
Representative Kelly McCarthy, Billings Qualifications (if required): State Legislature	Governor	6/30/2019
Ms. Lynne Pizzini, Helena Qualifications (if required): State Government Agency	Governor	6/30/2019
Major General Matthew Quinn, Helena Qualifications (if required): State Homeland Security Advisor	Governor	6/30/2019
Mr. Mike Sangray, Helena Qualifications (if required): Public member	Governor	6/30/2019
Mr. Mark Simon, Great Falls Qualifications (if required): General public	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Information Security Advisory Council Cont.</b>		
Ms. Karen Sprenger, Missoula Qualifications (if required): General public	Governor	6/30/2019
Ms. Jeanne Vold, Butte Qualifications (if required): General public	Governor	6/30/2019
Senator Jeffrey Welborn, Dillon Qualifications (if required): State Legislator	Governor	6/30/2019
Mr. Earl Campbell, Billings Qualifications (if required): Law Enforcement Representative and is an addition to the Council	Governor	6/30/2019
Mr. Justin van Almelo, Bozeman Qualifications (if required): University Representative and is an addition to the Council	Governor	6/30/2019
Mr. Andy Hanks, Helena Qualifications (if required): State Agency	Governor	6/30/2019
Commissioner Tony O'Donnell, Helena Qualifications (if required): State Agency	Governor	6/30/2019
Mr. Timothy Bottenfield, Helena Qualifications (if required): Chief Information Officer	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Information Security Advisory Council Cont.</b>		
Mr. Paul Kozlowitz, Missoula	Governor	6/30/2019
Qualifications (if required): K-12 Representative and is an addition to the Council		
<b>Montana Native Youth Suicide Reduction Coalition</b>		
Mr. Richard Sangrey, Box Elder	Governor	6/30/2019
Qualifications (if required): Chief of Staff		
Ms. Kati Antonich, Great Falls	Governor	6/30/2019
Qualifications (if required): Nurse/Tobacco Program Manager		
Mr. Peter Big Hair, Crow Agency	Governor	6/30/2019
Qualifications (if required): Crow Nation Recovery Center Director		
Mr. Ernie Bighorn, Poplar	Governor	6/30/2019
Qualifications (if required): Leadership, TAP Coordinator		
Mr. Loren Bird Rattler, Browning	Governor	6/30/2019
Qualifications (if required): Leadership, Blackfeet Resource Management Plan Project Manager		
Ms. Linda Blackbird Short, Great Falls	Governor	6/30/2019
Qualifications (if required): Substance Abuse Program Case Manager		
Ms. Brenda Bodnar, St. Ignatius	Governor	6/30/2019
Qualifications (if required): Health and Wellness Division Director		



**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Ms. Patty Boggs, Butte Qualifications (if required): Health Coordinator	Governor	6/30/2019
Ms. Bertha Brown, Lame Deer Qualifications (if required): MSPI Dragonfly Co-Facilitator	Governor	6/30/2019
Ms. Shawna Buffalo, St. Ignatius Qualifications (if required): Behavioral Health Therapist	Governor	6/30/2019
Ms. Carla Campbell, Butte Qualifications (if required): Nurse Practitioner	Governor	6/30/2019
Ms. Kathy Chavis, Butte Qualifications (if required): Licensed Addiction Counselor	Governor	6/30/2019
Mr. Dale DeCoteau, Poplar Qualifications (if required): Mental Health Manager/Suicide Prevention Coordinator	Governor	6/30/2019
Ms. Monique Denny, Billings Qualifications (if required): Leadership	Governor	6/30/2019
Ms. Valerie Enemy Hunter, Billings Qualifications (if required): Leadership	Governor	6/30/2019
Ms. Aryn Fisher, Lame Deer Qualifications (if required): Youth	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Mr. Michael Geboe, Great Falls Qualifications (if required): Licensed Addiction Counselor	Governor	6/30/2019
Ms. Lily Gervais, Missoula Qualifications (if required): Behavioral Health Supervisor	Governor	6/30/2019
Mr. Bubby Gopher, Box Elder Qualifications (if required): Youth	Governor	6/30/2019
Ms. Mckenzie Gopher, Box Elder Qualifications (if required): Youth	Governor	6/30/2019
Mr. Lazorus Hugs, Pryor Qualifications (if required): Youth	Governor	6/30/2019
Ms. Erin Irvine, St. Ignatius Qualifications (if required): ECS Parent Mentor	Governor	6/30/2019
Mr. Calvin Jilot, Box Elder Qualifications (if required): Business Committee Member	Governor	6/30/2019
Ms. Desarae KillEagle, Dodson Qualifications (if required): Leadership	Governor	6/30/2019
Ms. Jordell King Cole, Hays Qualifications (if required): Youth	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Mr. Jess T. Kirkaldie, Hays Qualifications (if required): Youth	Governor	6/30/2019
Ms. Mary Ellen LaFromboise, Browning Qualifications (if required): Blackfeet Family Services Director	Governor	6/30/2019
Ms. Jade-Heather Lepotokisi, Browning Qualifications (if required): MSPI Coordinator	Governor	6/30/2019
Mr. Ivan MacDonald, Missoula Qualifications (if required): Behavioral Health Intern	Governor	6/30/2019
Ms. Carrie Manning, Poplar Qualifications (if required): Leadership	Governor	6/30/2019
Ms. AriAnna Matt, St. Ignatius Qualifications (if required): Assistant Youth Leader	Governor	6/30/2019
Ms. Kimberly McKeegan, Great Falls Qualifications (if required): Tribal Council Member	Governor	6/30/2019
Mr. Wyatt Miller, Frazer Qualifications (if required): Youth	Governor	6/30/2019
Ms. Madison Mitchell, Great Falls Qualifications (if required): Youth	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Ms. Rylee Mitchell, Great Falls Qualifications (if required): Youth	Governor	6/30/2019
Ms. Shania Nagel, Billings Qualifications (if required): Youth	Governor	6/30/2019
Ms. Marilee Peterson, Missoula Qualifications (if required): RN Care Navigator	Governor	6/30/2019
Ms. Rachel Picardo, Helena Qualifications (if required): Receptionist	Governor	6/30/2019
Ms. Marina Powers, Missoula Qualifications (if required): Medical Assistant	Governor	6/30/2019
Ms. Ronnelle Running Fisher, Hays Qualifications (if required): Acting Supervisor Fort Belknap Law Enforcement	Governor	6/30/2019
Ms. Deborah Russell, Garryowen Qualifications (if required): Acting HHS Cabinet Head/Crow Tribal Health Director	Governor	6/30/2019
Ms. Alexis Smith, Helena Qualifications (if required): Behavioral Healthcare Coordinator	Governor	6/30/2019
Mr. Haden Standing Water, Lame Deer Qualifications (if required): Youth	Governor	6/30/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Ms. Kim Tatsey-McKay, Browning Qualifications (if required): Good Medicine Program Director	Governor	6/30/2019
Ms. Janelle Timber-Jones, Lame Deer Qualifications (if required): MSPI Dragonfly Coordinator	Governor	6/30/2019
Ms. Maria Vega, Wolf Point Qualifications (if required): Youth	Governor	6/30/2019
Ms. Samantha Vulles, Helena Qualifications (if required): Youth Program Coordinator	Governor	6/30/2019
Ms. Dacee Whiteman, Garryowen Qualifications (if required): Youth	Governor	6/30/2019
<b>Montana Pulse Crop Committee</b>		
Mr. Ron Williams, Portland, OR Qualifications (if required): Representative of the pulse industry	Governor	6/30/2019
Dr. Charles Boyer, Bozeman Qualifications (if required): Dean of Agriculture of Montana State University-Bozeman	Governor	6/30/2019
<b>Montana Wheat and Barley Committee</b>		
Mr. Chris Kolstad, Ledger Qualifications (if required): District 3 and a Republican	Governor	6/1/2019

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Wheat and Barley Committee Cont.</b>		
Mr. Randy Hinebauch, Conrad	Governor	6/1/2019
Qualifications (if required): District 2 and a Republican		
<b>Public Employee's Retirement Board</b>		
Mr. Warren Dupuis, Helena	Governor	4/1/2019
Qualifications (if required): Active Member of the Public Retirement System		
Ms. Maggie Jean Peterson, Anaconda	Governor	4/1/2019
Qualifications (if required): Experience in Investment Management, Counseling, or Financial Planning		
<b>Small Business Compliance Assistance Advisory Council</b>		
Ms. Michelle Lee Bryan, Missoula	Governor	5/1/2019
Qualifications (if required): Not an owner or representative of an owner of small business stationary sources		
Ms. Diana Vanek, Bozeman	Governor	5/1/2019
Qualifications (if required): Not an owner or representative of an owner of small business stationary sources		
<b>State Compensation Insurance Fund Board of Directors</b>		
Mr. Matthew Mohr, Big Sky	Governor	5/1/2019
Qualifications (if required): Policy Holder		

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2019 THROUGH JUNE 30, 2019**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Compensation Insurance Fund Board of Directors Cont.</b> Mr. Jack Owens, Missoula Qualifications (if required): Business/private enterprise policy holder	Governor	5/1/2019
<b>State Employee Charitable Giving Campaign Advisory Council</b> Ms. Sandy Booth, Helena Qualifications (if required): State Employees	Governor	6/13/2019
<b>State Library Commission</b> Mr. Bruce Newell, Helena Qualifications (if required): Experience in historic preservation	Governor	6/1/2019
<b>State Workforce Innovation Board</b> Ms. Casey Blumenthal, Helena Qualifications (if required): Business representative	Governor	5/9/2019
<b>State-Tribal Economic Development Commission</b> Mr. Rodney Miller, Wolf Point Qualifications (if required): Fort Peck Tribes Alternate	Governor	6/30/2019

MONTANA ADMINISTRATIVE  
REGISTER

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MARCH 29, 2019  
PAGES 314-389

**COREY STAPLETON**  
SECRETARY OF STATE

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