

MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after 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 PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On June 7, 2019, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Montana Public Employee Retirement Administration no later than 5:00 p.m. on May 17, 2019, to advise us of the nature of the accommodation that you need. Please contact Kris Vladic, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail kvladic@mt.gov.

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

2.43.3502 ADOPTION OF INVESTMENT POLICY STATEMENT AND
FIXED FUND INVESTMENT POLICY STATEMENT (1) remains the same.

(2) The board adopts and incorporates by reference the Montana Fixed Fund Investment Policy Statement approved by the board on ~~December 13, 2018~~ April 11, 2019. These guidelines apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are pooled together in the plans' stable value group trust. The investment policy statement was developed through mutual agreement amongst the board, the investment manager, and the insurance wrap providers and provides guidance to the investment manager when investing participants' funds contained within the stable value group trust.

(3) remains the same.

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

2.43.5102 ADOPTION OF INVESTMENT POLICY STATEMENT AND
FIXED FUND INVESTMENT POLICY STATEMENT (1) remains the same.

(2) The board adopts and incorporates by reference the Montana Fixed Fund Investment Policy Statement approved by the board on ~~December 13, 2018~~ April 11, 2019. These guidelines apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are pooled together in the plans' stable value group trust. The investment policy statement was developed through mutual agreement amongst the board, the investment manager, and the insurance wrap providers and provides guidance to the investment manager advisor when investing participants' funds contained within the stable value group trust.

(3) remains the same.

AUTH: 19-50-102, MCA

IMP: 19-50-102, MCA

REASON: At the request of its Investment Manager, PIMCO, the Public Employees' Retirement Board amended the Montana Fixed Fund Investment Policy Statement (IPS) effective April 30, 2019. The amendments address FNMA's and FHLMC's initiative to offer a single security and replaces the maximum allocation of 30% to each with a maximum allocation to the single security of 55%; and adopts maximum allocation limits to match those already contained within the benefit responsive contract guidelines of the Montana Fixed Fund's three wrap providers: Voya, Prudential, and Transamerica.

Because the board determined to adopt the original Montana Fixed Fund IPS by reference, 2-4-307(4), MCA, requires that changes to the document also be adopted by reference. Therefore, it is necessary to amend the rules that adopt the Montana Fixed Fund IPS to indicate the version being adopted by reference.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., May 24, 2019.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Kris Vladic at the above address no later than 5:00 p.m., May 24, 2019.

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

of those directly affected has been determined to be 1,341 persons based on approximately 4,080 participants in the Defined Contribution Retirement Plan and 9,339 participants in the 457(b) Deferred Compensation Plan as of June 30, 2018, for a total of 13,419 participants.

7. The Public Employee Retirement Administration 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 Montana Public Employee Retirement Administration.

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 Public Employees' Retirement Board has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

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

/s/ Marty Tuttle
Marty Tuttle
President
Public Employees' Retirement Board

Certified to the Secretary of State April 16, 2019.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 4.5.208 pertaining to the state) PROPOSED AMENDMENT
noxious weed list.)

TO: All Concerned Persons

1. On May 22, 2019, at 9:00 a.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, at 302 N. Roberts, in Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on May 17, 2019, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, P.O. Box 200201, Helena, Montana, 59620-0201; telephone (406) 444-3144; fax (406) 444-5409; or e-mail agr@mt.gov.

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

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

- (a) Tansy ragwort (*Senecio jacobaea*, *Jacobaea vulgaris*);
- (b) Meadow hawkweed complex (*Hieracium caespitosum*, *H. praealtum*, *H. floridundum*, and *Pilosella caespitosa*);
- (c) Orange hawkweed (*Hieracium aurantiacum*, *Pilosella aurantiaca*);
- (d) Tall buttercup (*Ranunculus acris*);
- (e) Perennial pepperweed (*Lepidium latifolium*);
- (f) Yellowflag iris (*Iris pseudacorus*);
- (g) Eurasian watermilfoil complex (*Myriophyllum spicatum* and *M. sibericum*);
- (h) Flowering rush (*Butomus umbellatus*); ~~and~~
- (i) Common buckthorn (*Rhamnus cathartica*); ~~and~~
- (j) Ventenata (*Ventenata dubia*).

AUTH: 80-7-802, MCA

IMP: 7-22-2101, MCA

REASON: The Noxious Weed Listing Workgroup met March 21, 2019, and recommended *Ventenata dubia* (*Ventenata*) be added as a Priority 2A noxious weed. *Ventenata* is an aggressive winter annual grass that can outcompete native vegetation and other invasive plants, including cheatgrass. It tends to occupy rights-

of-way, riparian areas, grasslands, agronomic fields, and rangeland. Ventenata is known to negatively impact forage and cropland production, wildlife habitat, nutrient cycling, and fire/disturbance cycling. Infestations have been confirmed in 19 Montana counties as of 2018 spanning from Flathead County to Rosebud County. Sanders and Gallatin Counties have already declared it as a listed noxious weed. Because infestation size and spread are largely unknown, listing Ventenata as a Priority 2A noxious weed will allow counties to prioritize the species as needed.

ECONOMIC IMPACT: Fiscal impacts associated with adding Ventenata to the noxious weed list are unknown at this time. Department of Agriculture Noxious Weed Program staff recommend a statewide survey be conducted to determine the number of acres infested in Montana. Few control options currently exist and are estimated to cost between \$26-\$75 per acre.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen, Department of Agriculture, P.O. Box 200201, Helena, Montana, 59620-0201; telephone (406) 444-3156; fax (406) 444-5409; or e-mail agr@mt.gov, and must be received no later than 5:00 p.m., May 31, 2019.

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

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

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

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

/s/ Cort Jensen

Cort Jensen
Rule Reviewer

/s/ Ben Thomas

Ben Thomas
Director
Agriculture

Certified to the Secretary of State April 16, 2019.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 8.94.3817 pertaining to the) PROPOSED AMENDMENT
administration of the 2020 Biennium)
Treasure State Endowment Program)
– Planning Grants)

TO: All Concerned Persons

1. On May 16, 2019, at 10:30 a.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building at 301 South Park Avenue, in Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m., May 13, 2019, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail DOCAAdministrativeRules@mt.gov.

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

8.94.3817 INCORPORATION BY REFERENCE OF RULES FOR THE
ADMINISTRATION OF THE TREASURE STATE ENDOWMENT PROGRAM
(TSEP) – PLANNING GRANTS (1) The Department of Commerce adopts and incorporates by reference the ~~2019~~ 2020 Biennium Infrastructure Planning Grant Application and Administration Guidelines for TSEP Infrastructure Planning Grants as rules for the administration of the ~~2019~~ 2020 Biennium Treasure State Endowment Program – Planning Grants.

(2) remains the same.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Planning Bureau, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the Planning Bureau web site at <http://comdev.mt.gov/Programs/TSEP/PlanningGrants/Applying>.

AUTH: 90-6-701, MCA

IMP: 90-6-701, MCA

REASON: It is reasonably necessary to amend this rule to reflect updated requirements to the 2020 biennium guidelines.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bonnie Martello, Department of Commerce, Legal Department, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0533; telephone (406) 841-2596; fax (406) 841-2871; TDD (406) 841-2702; or e-mail DOCAAdministrativeRules@mt.gov, and must be received no later than 5:00 p.m., May 24, 2019.

5. Bonnie Martello, Paralegal, Department of Commerce, has been designated to preside over and conduct this hearing.

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

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

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

/s/ Garrett R. Norcott
Garrett R. Norcott
Rule Reviewer

/s/ Tara Rice
Tara Rice
Director
Department of Commerce

Certified to the Secretary of State on April 16, 2019.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 8.119.101 pertaining to the) AMENDMENT
Tourism Advisory Council)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On May 28, 2019, the Department of Commerce proposes to amend the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m. on May 23, 2019, to advise us of the nature of the accommodation that you need. Please contact Bonnie J. Martello, Paralegal, Montana Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2596; fax (406) 841-2701; TDD (406) 841-2702; or e-mail bmartello@mt.gov.

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

8.119.101 TOURISM ADVISORY COUNCIL (1) remains the same.

(2) The Tourism Advisory Council incorporates by reference the guide entitled "Regulations and Procedures for Regional/CVB Tourism Organizations, ~~April 2016~~ April 2019," setting forth the regulations and procedures pertaining to the distribution of lodging facility use tax revenue. The guide is available for public inspection during normal business hours at the Montana Office of Tourism, Department of Commerce, 301 South Park Avenue, Helena, Montana 59620, or on the Montana Office of Tourism web site at <http://tourism.mt.gov/Portals/92/shared/docs/pdf/Regulations%20%20April%202016%20Final%20proposed.pdf> <https://marketmt.com/TourismAdvisoryCouncil>.

(3) Distribution of funds to regional nonprofit tourism corporations and to nonprofit convention and visitors' bureaus is contingent upon compliance with the "Regulations and Procedures for Regional/CVB Tourism Organizations, ~~April 2016~~ April 2019."

AUTH: 2-15-1816, MCA
IMP: 2-15-1816, MCA

REASON: It is reasonably necessary to amend this rule because the "Regulations and Procedures for Regional/CVB Tourism Organizations, April 2016" were

amended by the Tourism Advisory Council in April 2019 to include changes to the region and CVB annual marketing plan guidelines.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Bonnie Martello, Department of Commerce, Legal Department, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0533; telephone (406) 841-2596; fax (406) 841-2871; TDD (406) 841-2702; or e-mail DOCAAdministrativeRules@mt.gov, and must be received no later than 5:00 p.m., May 24, 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 Bonnie Martello at the above address no later than 5:00 p.m., May 24, 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 20 persons based on 18 convention and visitor bureaus, 6 tourism regions, 13 TAC members, and at least 182 potential applicants for grants of accommodation tax funds.

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

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

/s/ Garrett R. Norcott

Garrett R. Norcott

Rule Reviewer

/s/ Tara Rice

Tara Rice

Director

Department of Commerce

Certified to the Secretary of State April 16, 2019.

BEFORE THE BOARD OF REAL ESTATE APPRAISERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.207.508 pertaining to ad) PROPOSED AMENDMENT
valorem tax appraisal experience)

TO: All Concerned Persons

1. On May 21, 2019, at 9:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Real Estate Appraisers (board) no later than 5:00 p.m., on May 14, 2019, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsrea@mt.gov (board's e-mail).

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

24.207.508 AD VALOREM TAX APPRAISAL EXPERIENCE (1) ~~Experience credit may be awarded to a credentialed Montana Department of Revenue appraiser who can effectively demonstrate compliance with the USPAP.~~ Applicants for licensure or certification may claim 100 percent of the required experience from conducting ad valorem appraisal assignments with the Montana Department of Revenue.

(2) In addition to the general requirements for application, applicants under this rule ~~The applicant shall provide proper documentation as follows:~~

(a) ~~The documentation shall include an experience log which is prescribed by the board, completed by the applicant, and each page attested to with the signature of by the applicant's credentialed Montana Department of Revenue supervisor that the appraisals claimed for experience have been performed in compliance with~~ USPAP Standards 5 and 6.

(b) ~~The documentation shall be limited to appraisals which have been completed in compliance with the USPAP within the last five years.~~

(i) For licensure as a licensed real estate appraiser and licensure as a certified residential real estate appraiser, the appraisals must be for residential properties.

(ii) For licensure as a certified general real estate appraiser, the appraisals must be for nonresidential properties.

~~(3) (b) Applicants shall hold, at a minimum, the following certification(s) issued proof of successful completion of the International Association of Assessing Officers (IAAO) training and testing relevant to the license or certification category applied for and required by the Montana Department of Revenue, or equivalent from another state, as verified on supervisor's affidavit, or by separate documentation issued to applicant: as set forth at ARM 42.18.206 through 42.18.208; and~~

~~(c) a demonstration appraisal report performed in compliance with USPAP Standards 1 and 2.~~

~~(a) Applicants for licensure as a licensed real estate appraiser or licensure as a certified residential real estate appraiser shall hold a Montana Department of Revenue residential certification.~~

~~(b) Applicants for licensure as a certified general real estate appraiser shall hold a Montana Department of Revenue commercial, industrial, or agricultural certification.~~

~~(4) Experience credit accepted under other provisions of applicable statutes or rules such as ARM 24.207.503 is limited to include a maximum of 1,000 hours from the ad valorem experience set forth above. All other experience credit must be obtained as a licensed trainee with an approved mentor.~~

~~(5) All ad valorem appraisal experience claimed for credit toward licensure or certification must have been completed as a Montana Department of Revenue certified real estate appraiser as described in (3) and must have been performed in accordance with the USPAP.~~

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, MCA

REASON: In 2018, the board proposed to update education, experience, and examination rules in MAR Notice No. 24-207-42. These changes were necessary to align with 37-54-105 and 37-54-303, MCA, which require the rules be at least as stringent as the standards required by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and established by the Appraisal Foundation and its Appraisal Qualifications Board (AQB). Following receipt of public comments in that rulemaking, the board did not proceed with the proposed changes to this rule, but further considered the rule in light of comments and relevant suggestions.

To achieve consistency with the standards of the AQB, the board is amending (2) to eliminate the limitation that experience must be gained within the five years prior to application and (1) to allow 100 percent of appraisal experience gained doing mass appraisals to count toward licensure or certification. The board will continue to be stricter than AQB criteria and limit the type of qualifying mass appraisal experience to ad valorem tax experience. The board is adding (2)(c) to be stricter than the AQB criteria and require an applicant under this rule to submit a "demonstration" appraisal report to demonstrate the applicant's proficiency in applying USPAP standards 1 and 2.

The board is further amending this rule to eliminate redundancy and improve clarity, such as the addition in (2)(b) of the reference to the IAAO and Montana

Department of Revenue administrative rules that set forth certification requirements as a condition of employment as an appraiser.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdua@mt.gov, and must be received no later than 5:00 p.m., May 24, 2019.

5. An electronic copy of this notice of public hearing is available at www.realestateappraiser.mt.gov (department and board'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.

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

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

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.207.508 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; facsimile (406) 841-2305; or to dlibsdua@mt.gov.

9. Sharon Peterson, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF REAL ESTATE APPRAISERS
THOMAS STEVENS, CERTIFIED
GENERAL APPRAISER
PRESIDING OFFICER

/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 April 16, 2019.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 2.43.3502 pertaining to the)
investment policy statement for the)
Defined Contribution Retirement Plan)
and ARM 2.43.5102 pertaining to the)
investment policy statement for the)
457(b) Deferred Compensation Plan)

TO: All Concerned Persons

1. On March 15, 2019, the Public Employees' Retirement Board published MAR Notice No. 2-43-582 pertaining to the proposed amendment of the above-stated rules at page 251 of the 2019 Montana Administrative Register, Issue Number 5.

2. The Public Employees' Retirement Board has amended the above-stated rules as proposed.

3. No comments or testimony were received.

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

/s/ Marty Tuttle
Marty Tuttle
President
Public Employees' Retirement Board

Certified to the Secretary of State April 16, 2019.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 17.8.744 and adoption of New	)	AND ADOPTION
Rules I through IX implementing a)	
registration system for certain facilities	)	(AIR QUALITY)
that currently require a Montana air)	
quality permit)	

TO: All Concerned Persons

1. On December 21, 2018, the Board of Environmental Review published MAR Notice No. 17-402 regarding the public hearing on the proposed amendment and adoption of the above-stated rules at page 2430, 2018 Montana Administrative Register, Issue Number 24.

2. The board has amended the rule exactly as proposed. The board has adopted New Rule I (17.8.1801), New Rule II (17.8.1802), New Rule III (17.8.1805), New Rule IV (17.8.1806), New Rule V (17.8.1807), New Rule VI (17.8.1810), New Rule VII (17.8.1811), New Rule VIII (17.8.1812), and New Rule IX (17.8.1815) exactly as proposed.

3. The following comments were received and appear with the board's responses:

COMMENT NO. 1: The board received a comment in support of the proposed amendment and adoption of new rules. The commenter recognized the efforts of the department to work with industry stakeholders in developing a proposed new registration system that is both fair and protective of the environment.

RESPONSE: The board thanks the commenter for the comments.

COMMENT NO. 2: The board received a comment regarding the particulate matter (PM) limits for asphalt plants in proposed New Rule IX. The commenter noted that the proposed PM limit of 0.04 grains per dry standard cubic foot (Gr/DSCF) for all new and/or previously unpermitted asphalt plants comes from a federal New Source Performance Standard (NSPS) that is applicable only to asphalt plants that commenced construction or modification after June 11, 1973. The commenter suggested that the PM emission limits in rule be set in accordance with not just the level but the applicability of the NSPS, allowing a plant that does not meet the applicability requirements of the NSPS to operate without meeting the PM limits of the NSPS.

RESPONSE: The board appreciates the comment. The commenter is correct that the PM emission limit of 0.04 Gr/DSCF is consistent with that set forth in the NSPS. However, the board clarifies that the proposed limit is not simply a surrogate for the NSPS, which, the board notes, remains an applicable federal regulation for certain asphalt plants due to its incorporation by reference into the board's generally

applicable emission standards in ARM 17.8.302. Rather, the proposed limit represents the present-day standard achievable with best available control technology or "BACT." Under existing permitting rules, a company seeking a new Montana air quality permit for an asphalt plant, regardless of its age, would be required to install the maximum air pollution control capability that is technically practicable and economically feasible following a case-by-case BACT analysis. The department has written Montana air quality permits for many asphalt plants over the last decade that have included a BACT analysis and resultant PM emission limit of 0.04 Gr/DSCF.

The board decided not to apply the 0.04 Gr/DSCF limit to existing asphalt plants that hold valid Montana air quality permits containing different limits because those limits were determined to be appropriate based on thorough analyses at the times of issuance. In the absence of any modification of a plant that would require a new evaluation, it would not be reasonable to change the limits for those plants simply because the board has adopted new rules. However, the board believes that any new case-by-case analysis of those or similar asphalt plants would result in a limit of 0.04 Gr/DSCF, in line with the requirements in proposed New Rule IX and consistent with the NSPS. Therefore, the board did not make changes to the PM emission limits based on this comment.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ Edward Hayes

EDWARD HAYES

Rule Reviewer

By: /s/ Christine Deveny

CHRISTINE DEVENY

Chair

Certified to the Secretary of State April 16, 2019.

BEFORE THE BOARD OF ATHLETIC TRAINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.118.301 definitions,	)	REPEAL
24.118.402 fee schedule, 24.118.2101)	
renewals, 24.118.2301 unprofessional)	
conduct, and the repeal of 24.118.507)	
limit on nonlicensee conduct)	

TO: All Concerned Persons

1. On February 8, 2019, the Board of Athletic Trainers (board) published MAR Notice No. 24-118-5 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 170 of the 2019 Montana Administrative Register, Issue No. 3.

2. On March 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 March 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: Several commenters stated that the 2012 CAATE standards referenced in ARM 24.118.301 will be soon outdated, as new standards will take effect on July 1, 2020. The commenters suggested using the word "current" rather than referencing the specific edition.

RESPONSE 1: The board will continue to improve on the way it addresses updating CAATE standards. However, 2-4-307, MCA, requires the board to cite to the specific code, rule, or other publication it is adopting by reference in administrative rule, and cannot adopt an unknown "future" version by reference. Any future versions must be adopted through the administrative rulemaking processes in compliance with the Montana Administrative Procedure Act (MAPA). The board is amending the rule as proposed so the reference to CAATE is more current.

COMMENT 2: Several commenters stated that "approved clinical instructor" in ARM 24.118.301 is no longer used in the 2012 or 2020 CAATE standards, but rather the term "preceptor" is used. The language of the 2012 and 2020 editions definitions of preceptor were provided.

RESPONSE 2: The board acknowledges that the definition is out-of-date but is unable to make this change in a final notice, as it was not included for public comment in the proposal notice. The board will address this change in a future project.

COMMENT 3: Several commenters stated that "clinical instructor educator" in ARM 24.118.301 is no longer used in the 2012 or 2020 CAATE standards and suggested removing the term.

RESPONSE 3: The board acknowledges that the definition is out-of-date but is unable to make this change in a final notice, as it was not included for public comment in the proposal notice. The board will address this change in a future project.

COMMENT 4: Several commenters stated that the reference to the BOC Standards of Professional Practice edition released in 2018 is outdated because they were updated in January 2019. The commenters suggest using the word "current" or "current version" rather than referencing the specific edition.

RESPONSE 4: The board will continue to improve on the way it addresses updating BOC standards. However, 2-4-307, MCA, requires the board to cite to the specific code, rule, or other publication it is adopting by reference in administrative rule, and cannot adopt an unknown "future" version by reference. Any future versions must be adopted through the administrative rulemaking processes in compliance with the Montana Administrative Procedure Act (MAPA). The board is amending the rule as proposed so that the reference to BOC is more current.

4. The board has amended ARM 24.118.301, 24.118.402, 24.118.2101, and 24.118.2301 exactly as proposed.

5. The board has repealed ARM 24.118.507 exactly as proposed.

BOARD OF ATHLETIC TRAINERS
JANET TRETHEWEY, 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 April 16, 2019.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.138.304 definition of)
nonroutine application, 24.138.3101)
general standards for specialties, and)
24.138.3102 specialty advertising)

TO: All Concerned Persons

1. On December 7, 2018, the Board of Dentistry published MAR Notice No. 24-138-75 regarding the public hearing on the proposed amendment of the above-stated rules, at page 2361 of the 2018 Montana Administrative Register, Issue No. 23.

2. On January 7, 2019, a public hearing was held on the proposed amendment of the above-stated rules in Helena. One comment was received by the January 8, 2019 deadline.

3. The board has thoroughly considered the comment received. A summary of the comment and the board response follows:

COMMENT 1: Several commenters opined that the proposed language of ARM 24.138.3102(1) seems to claim that the Commission on Dental Accreditation (CODA) recognizes accreditation agencies, which is incorrect. The commenters stated that CODA is an accreditation agency recognized by the United States Department of Education and suggested the board amend the rule for clarity.

RESPONSE 1: The board agrees and has amended the rule accordingly.

4. The board has amended ARM 24.138.304 and 24.138.3101 exactly as proposed.

5. The board has amended ARM 24.138.3102 with the following changes, stricken matter interlined, new matter underlined:

24.138.3102 SPECIALTY ADVERTISING (1) The board finds that terms stating or implying that a dentist is a specialist in some field of dentistry are terms of art indicating that the dentist has completed an accredited post-doctoral educational program in that field of at least two years. Therefore, a licensed dentist seeking specialty recognition must have successfully completed a post-doctoral program in a specialty area of dentistry consisting of at least two full-time years and which is accredited by ~~an accreditation agency that is recognized by~~ the Commission on Dental Accreditation.

(2) through (5) remain as proposed.

BOARD OF DENTISTRY
GEORGE JOHNSTON, DDS
PRESIDENT

/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 April 16, 2019.

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT,
ARM 24.156.2701 definitions,	)	ADOPTION, AND REPEAL
24.156.2705 unprofessional conduct,)	
24.156.2707 reporting to the board,)	
24.156.2711 ECP licensure)	
qualifications, 24.156.2713 ECP)	
license application, 24.156.2715)	
substantially equivalent education,)	
24.156.2718 continuing education and)	
refresher requirements, 24.156.2719)	
expired license, 24.156.2731 fees,)	
24.156.2732 medical direction,)	
24.156.2751 levels of ECP licensure)	
including endorsements, 24.156.2752)	
ECP endorsement application,)	
24.156.2761 procedures for revision of)	
Montana ECP practice guidelines or)	
curriculum, 24.156.2771 ECP scope of)	
practice; the adoption of New Rule I)	
ECP training courses and New Rule II)	
final pre-licensing examinations; and)	
the repeal of 24.156.2708 complaints,)	
24.156.2717 ECP license renewal,)	
24.156.2741 ECP training)	
program/course application and)	
approval, 24.156.2745 examinations,)	
24.156.2754 initial ECP course)	
requirements, 24.156.2755 post-)	
course requirements, 24.156.2757)	
ECP clinical requirements)	

TO: All Concerned Persons

1. On January 25, 2019, the Board of Medical Examiners (board) published MAR Notice No. 24-156-85 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 83 of the 2019 Montana Administrative Register, Issue No. 2.

2. On February 15, 2019, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Many comments were received by the February 22, 2019 deadline.

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

GENERAL COMMENTS:

COMMENT 1: Three commenters approved of or fully supported the rules proposal.

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

COMMENT 2: One commenter desired clarification on the recertification process and the required continuing education.

RESPONSE 2: The board's guidance on these issues is reflected in ARM 24.156.2718 and the intent of the rules is to provide clarification to ECP licensees.

COMMENT 3: Several commenters expressed concern over the rule changes on testing. The issues included confusion over how testing will be conducted, no Montana exam manual, oversight of testing, no provision for reporting exam results to the NREMT, and whether board or NREMT guidelines are to be used.

RESPONSE 3: The NREMT exams and the state alternative exams both remain viable routes to ECP licensure in Montana and neither process will be changed through these amendments or new rules. Equivalent skills are tested by the NREMT exams and the state alternative exams.

There is currently an "Exam Manual" located on the board's web site which provides guidance to those conducting practical examinations required for licensure at the levels of EMR and EMT. The document is not affected by these changes.

No provision previously existed in rule regarding reporting exam results to NREMT and these rules do not change the process. The current system of ECP course providers reporting through the NREMT web site remains the same.

COMMENT 4: Two commenters asserted there are no assistance or guidance documents and that the proposed rules are out-of-date as they follow 2016 NREMT guidelines. Commenters stated this will lead to undertrained practitioners and questioned what would happen when NREMT changes their requirements and New Rule II still references NREMT 2016 Psychomotor Exam.

RESPONSE 4: It is legally proper to point to a specific version of a document being referenced. The board has chosen the NREMT 2016 Psychomotor Exam requirements. If NREMT publishes a newer version of the document, the board will review the new requirements and may choose to adopt the newer version, amending the rules to reflect that decision. Furthermore, the board concluded that noting a specific version for exam requirements does not mean that applicants and licensees are not expected to be trained to a higher level.

COMMENT 5: Two commenters expressed concern that all training and licensing of ECPs will be turned over to the Department of Public Health and Human Services.

RESPONSE 5: The board does not intend to transfer regulatory authority over ECPs to DPHHS or any other department or entity and has not proposed any changes toward that end in this project.

COMMENT 6: One commenter questioned the proposed changes in state protocols arguing the changes will cause confusion that the protocols were designed to stop.

RESPONSE 6: Changes to the Statewide Protocols document (or "Montana ECP Practice Guidelines" as per this project) exceed the scope of this rules package. Current protocols remain available on the board's web site, which can be located via the Department of Labor and Industry web site.

COMMENT 7: One commenter expressed concern that the board is attempting to remove EMR and EMT levels from Basic Life Support status under the proposed rules and that this would put volunteer agencies in trouble.

RESPONSE 7: The board believes this is a misunderstanding and has no intention of removing EMR and EMT licensure levels in Montana. The board notes that the proposed rule changes do not remove them.

COMMENT 8: Several commenters suggested that the oversight of local EMS systems by the state or board will be reduced or eliminated and are concerned that the board will relinquish many of its current activities regarding EMS training. Commenters stated this will put patients and the public at risk and asked the board to continue oversight and guidance. The commenters believed there will no longer be "support and resources" from BOME staff following these changes, and without state supervision, more rural areas will cut corners to staff the local ambulance. Multiple commenters stated that the proposals are unclear and would compromise the quality of pre-hospital care.

RESPONSE 8: The board is not eliminating any oversight but is changing the method of how oversight will be accomplished. The board strongly disagrees that these rules put public health at risk and fully intends to continue oversight and regulation of ECPs in Montana. Protection of public health and welfare are the primary purposes underlying the board's regulatory authority and the board will continue to provide clear rules to guide all licensees.

Additionally, these rules do not change the responsibilities of medical directors. The only "addition" is under ARM 24.156.2732, which requires a medical director to assess an ECP's endorsement competency and skills and sign an affidavit of such competence upon the ECP's license renewal. Because medical directors are already responsible to sign an ECP's renewal form and authorize an ECP's use of endorsement skills, the board concluded this is merely a clarification.

COMMENT 9: Several commenters stated the rule changes will place an additional or excessive burden on medical directors and eliminate the board's technical assistance for medical directors. A commenter praised the support and resources board staff provides and believed changing the rules will cause more issues. A commenter stated the changes will result in inadequate training and medical standards and a burden on medical direction, especially for wildland firefighters.

RESPONSE 9: Per ARM 24.156.2732, the only new responsibility placed on a medical director is to assess an ECP's endorsement competency and skills and to sign an affidavit stating such competence upon renewal of the ECP's license. All other changes are cleanup and clarification and nothing has changed regarding requirements for wildland firefighters. The board will continue to provide clear rules to guide all licensees.

COMMENT 10: One commenter asked if curricula for ECPs should be specified for each level of licensure, as they are not currently distinguished.

RESPONSE 10: The board concluded that specifying for each license level would be redundant as this is currently done in the USDOT and Montana ECP Practice Guidelines (formerly referred to as Montana Statewide Protocols).

COMMENT 11: One commenter asked the board to clarify the board's "designee" as used throughout the rules by stating the individual's qualifications. The commenter believed the designee has substantial authority while the public doesn't know how the individual is named or the person's qualifications. The commenter was concerned that the designee could expand a licensee's scope of practice.

RESPONSE 11: Under 2-15-1731, MCA, the board is allocated to the Department of Labor and Industry for administrative purposes and 2-15-121, MCA, clarifies that certain duties may be delegated to department staff. Thus, "designee" refers to department staff and would not have authority to change an ECP's scope of practice.

COMMENT 12: One commenter praised the board for a general trend toward adoption of national standards but encouraged more of this movement.

RESPONSE 12: The board appreciates all comments received during the rulemaking process.

COMMENT 13: Several commenters asked the board to review all aspects of the rule revisions, consider each change unilaterally, consider long-term implications, and ensure changes will be for the positive. One commenter suggested the changes may undermine out-of-hospital medical care and lead to dangerous outcomes or providers not providing care. Another commenter believed misleading statements about the profession are included and that without oversight of ECPs, the public will be placed at risk. Commenters suggested the proposed revisions went swiftly through the process and were not fully discussed, and suggested there was not enough time to examine the implications of the changes.

RESPONSE 13: The board has been in the drafting process of these rule changes since the spring of 2017. Since then, the changes were discussed or reviewed in at least six public meetings of the full board, two public meetings of the Medical Direction Committee, one public meeting of the Laws and Rules Committee, and numerous meetings within the department. The board has thoroughly considered the proposed rule package and the comments received.

COMMENT 14: Several commenters were generally confused regarding education and licensure of ECPs including course instructors believing there will be no more application process for courses or instructors and no post-course approvals or required submission of documents. One commenter asked the board to require post-course documentation.

RESPONSE 14: The board concluded that standardizing and streamlining the licensure process for ECPs is critical and these rules are a step in that direction. New Rule I clearly articulates the requirements for ECP courses. While the board cannot make significant amendments to the rule in this final notice, it will consider amendments to the new rule once it is effective. The board would like to emphasize that help/support remains available.

COMMENT 15: One commenter stated the rules proposal does not identify who will keep the state web site up-to-date with protocol changes.

RESPONSE 15: The department maintains all board web sites. Current rules do not address maintenance of the web site and the proposed changes do not alter that process.

COMMENT 16: One commenter asserted that the board currently delegates excessive responsibility to medical directors without oversight and that some of them rely too much on lead instructors to tell them what is happening. The commenter stated that medical directors don't attend training to teach and don't know all their responsibilities and suggested this requires oversight by the board.

RESPONSE 16: The responsibilities of medical directors dictated in these rules already exist under the previous rules. Currently, the state medical director provides training regarding the responsibilities of medical directors which will not change under the proposed rules. Furthermore, the department complaint process is available for specific complaints.

COMMENT 17: One commenter stated that removing current examination procedures would lead to no guidance from the board regarding requirements. The commenter believed that the board would be unable to license new providers.

RESPONSE 17: The board respectfully disagrees and points to these rules as guidance. These rules allow new applicants to become licensed as ECPs in Montana.

COMMENT 18: One commenter suggested the board not remove verification processes from ECP licensure requirements and questioned how the board would determine ineligibility without verification.

RESPONSE 18: The board is unclear as to this comment's meaning, but notes that ARM 24.156.2711 and 24.156.2713 provide guidance on licensure qualifications and the application process.

COMMENT 19: Three commenters expressed opposition to the board discontinuing oversight of lead instructor training and no longer conducting the training. Commenters were also concerned regarding the requirements to become a lead instructor.

RESPONSE 19: These rules do not change the process for becoming a lead instructor.

COMMENT 20: One commenter asked if guidance from a nurse practitioner is considered online medical direction and, if so, if it is prohibited because the rules state only physicians or PAs can do this. The commenter stated that nurse practitioners are capable of providing online medical direction.

RESPONSE 20: This comment exceeds the scope of this proposed rule project.

COMMENT 21: One commenter expressed opposition to new protocols developed by the board, stating that they do not comply with national guidelines or meet educational standards.

RESPONSE 21: This comment exceeds the scope of this proposed rule project.

COMMENT 22: One commenter expressed concerns about newly adopted statewide protocols and specifically in these areas:

- Re: paramedic interfacility transports, the commenter disagrees with titration of medication being limited to nitroglycerin and heparin.
- Re: the allowance for fentanyl, morphine, and ketamine for pain, the commenter states a belief that more options such as Dilaudid and Toradol should be allowed to be carried at the discretion of the medical director.
- Re: the protocol for anaphylaxis for AEMTs with medical endorsement, the commenter states that the wording of the protocol prohibits a NREMT-registered AEMT from giving IM diphenhydramine and should be adjusted to allow NREMT-registered AEMTs to administer that medication.

RESPONSE 22: This comment exceeds the scope of this proposed rule project.

COMMENT 23: Several commenters expressed general concerns about how the proposed rules affect training courses, pre-licensing exams, continuing education, and medical direction.

RESPONSE 23: The board appreciates all comments received during the rulemaking process. However, the board is unable to respond to overly broad comments that do not cite to specific rules or issues.

COMMENT 24: Two commenters were concerned that all oversight of ECP courses is on the medical director instead of being conducted by the board.

RESPONSE 24: The medical director is already responsible for oversight of ECP courses and those responsibilities are not changing in this project. The rule changes also maintain the board's regulatory authority and oversight of ECPs in Montana.

COMMENT 25: One commenter recommended that there be additional training and oversight for medical directors.

RESPONSE 25: Oversight and training of medical directors is already provided by the board.

COMMENT 26: Two commenters expressed concern that the role of medical directors is unclear under the proposed rules.

RESPONSE 26: The board respectfully disagrees and feels that the rules clarify the role of medical directors.

COMMENT 27: One commenter expressed concern that the proposed rules do not provide any application process to conduct exams.

RESPONSE 27: The board believes this is a misunderstanding of the current process as the rule changes do not alter anything in the exam process.

COMMENT 28: Two commenters expressed concern that the board is relinquishing power to NREMT.

RESPONSE 28: There is no intent by the board or within the amendments to transfer regulatory authority over ECPs to NREMT or any other department or entity.

COMMENT 29: One commenter stated it is necessary to retain an alternative way to get licensed in Montana (other than through NREMT certification).

RESPONSE 29: The process for the alternative state exams is not changed in this rule project.

COMMENT 30: One commenter questioned why the Statewide Protocols are being removed under this rules package.

RESPONSE 30: The Statewide Protocols are not being removed under this project but are being renamed "Montana ECP Practice Guidelines" to more clearly describe the use and purpose of the document.

Comments 31 through 39 relate to ARM 24.156.2701:

COMMENT 31: Four commenters disagreed with clinical experience being part of a curriculum and suggested the board amend ARM 24.156.2701(1)(c) to clarify this.

RESPONSE 31: The board believes that this is a misunderstanding of the term "curriculum" and is amending the rule accordingly.

COMMENT 32: One commenter recommended that ARM 24.156.2701(1)(e) be corrected to "National EMS Education Standards and Instructional Guidelines" as the accurate name of the document.

RESPONSE 32: The board appreciates the suggestion and is amending the rule accordingly.

COMMENT 33: Two commenters were concerned regarding the amendment to the definition of "curriculum" in ARM 24.156.2701(1)(e). One commenter asked if the board could set standards for substantially equivalent education as referenced and disregard federal education standards and instructional guidelines. Another asked why the board would consider any standard other than the federal DOT standard.

RESPONSE 33: The board recognizes that the rule section may be confusing as written and is amending the rule for further clarity.

COMMENT 34: Several commenters stated concerns about how the proposed rules address endorsements in general. One commenter asserted that a license endorsement does not move them from one level to the next but is designed to provide further care for a patient when needed, based on a skill set approved by the board. Another commenter stated the definition of "endorsement" in ARM 24.156.2701(1)(j) implies that endorsements are levels of licensure when that was never the intent.

RESPONSE 34: The board concluded that the proposed definition of "endorsement" clarifies and more accurately reflects what an endorsement is and how it is utilized. The board is amending ARM 24.156.2701(1)(j) for additional clarification.

COMMENT 35: One commenter suggested clarification of "endorsement" under ARM 24.156.2701(1)(j) to specify that an endorsement should not be included in initial training but sought after additional training.

RESPONSE 35: The board determined this is already addressed in the rule changes. Additionally, the board cannot make significant amendments to the rule in

this notice but will consider amendments to the new rule once it is published and effective.

COMMENT 36: Several commenters disagreed with "lead instructor" being an endorsement and argued that it does not expand the scope of practice. Commenters hoped that the board did not intend to expand lead instructors' scope of practice and suggested deleting the last sentence from the current definition of lead instructor to address supervision. A commenter suggested the board retain "authorized" in ARM 24.156.2701(1)(k) and not change it to "competent."

RESPONSE 36: The board intentionally defined "lead instructor" as an endorsement because it allows the ECP to conduct courses, which is an expansion of practice. The board is amending the definition per the comment and for clarity.

COMMENT 37: One commenter stated that "lead instructor" as defined in ARM 24.156.2701(1)(k) is a privilege granted by the board and is not an endorsement.

RESPONSE 37: All endorsements are privileges granted by the board.

COMMENT 38: Three commenters noted that "NAEMSE" is defined in ARM 24.156.2701(1)(n) but does not appear elsewhere in the rules and suggested the definition be eliminated.

RESPONSE 38: The board agrees this was an oversight and is removing the definition as suggested.

COMMENT 39: Several commenters suggested amendments to ARM 24.156.2701(1)(p) to either strike "NREMT" and replace it with "National EMS Certification" or add a separate definition of "National EMS Certification" noting that such certification is issued by NREMT. The commenters stated the amendment would be consistent with federal government publications and believed the board should identify NREMT as a private company in the definition.

RESPONSE 39: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the new rule once it is published and effective. The board does not believe it is necessary to identify NREMT as a private company.

COMMENT 40: One commenter stated that the definition of "refresher" in ARM 27.156.2701(1)(r) is difficult to understand and questioned whether it can meet curriculum requirements. The commenter offered suggested language.

RESPONSE 40: The board agrees with the comment and is amending the rule accordingly.

Comments 41 and 42 relate to ARM 24.156.2705:

COMMENT 41: A commenter was concerned that the changes to ARM 24.156.2705 remove the ability of ECPs to report unprofessional conduct to the board.

RESPONSE 41: The board believes this is a misreading of the rule changes, which simply make it not mandatory to report. Under both the current and proposed rules, any individual or entity can report unprofessional conduct of any licensee through the department's complaint process.

COMMENT 42: Several commenters recommended the board amend ARM 24.156.2705 to add irregular behavior in an examination, including fraud or unauthorized possession of exam content, as unprofessional conduct.

RESPONSE 42: The board notes that the suggested conduct is already defined as unprofessional conduct under 37-1-316(3), MCA, and to add it to the rule would unnecessarily duplicate statute in violation of 2-4-305, MCA.

Comments 43 through 45 relate to ARM 24.156.2711:

COMMENT 43: One commenter disagreed with the department no longer requiring a physical copy of a high school diploma or equivalent in ARM 24.156.2711.

RESPONSE 43: The board is making this change in compliance with standardized department rules. Applicants continue to be required to attest to the fact that they have received a high school diploma or equivalent.

COMMENT 44: One commenter asked who the "first" and "second" parties are relative to the "third-party exam" contained in ARM 24.156.2711(1)(b). The commenter stated "third party" is too nebulous and that it is vital for Montana to retain the ability for someone to obtain licensure through a method other than current state licensure or NREMT certification. The commenter suggested defining "third-party exam."

RESPONSE 44: "Third party" refers to an entity outside of the department and is common terminology. An example of a third party in these rules would be NREMT or the alternative state exam. These rules maintain the alternative state exam process.

COMMENT 45: One commenter suggested that National EMS Certification (current active or inactive) equal to or greater than the level applied for should be the only requirement under ARM 24.156.2711(1)(b) and 24.156.2713(1)(b). The commenter suggested the change would align Montana with national standards and simplify many board processes.

RESPONSE 45: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the rule once it is published and effective.

Comment 46 relates to ARM 24.156.2713:

COMMENT 46: One commenter suggested the board amend ARM 24.156.2713(3) to require only an application, fees, and documentation of current active or inactive National EMS Certification.

RESPONSE 46: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the rule once it is published and effective.

Comment 47 relates to ARM 24.156.2715:

COMMENT 47: Several commenters recommended the board repeal ARM 24.156.2715 in its entirety and suggested Montana only require current National EMS Certification (i.e., through NREMT).

RESPONSE 47: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the rule once it is published and effective.

Comments 48 through 54 relate to ARM 24.156.2718:

COMMENT 48: Numerous commenters recommended significant amendments to ARM 24.156.2718 including amending (1) to only require presentation of current completion of NREMT certification or completion of Montana-administered continuing education, striking all remaining language of this rule, and adopting NREMT's continuing education requirements.

RESPONSE 48: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the rule once it is published and effective.

COMMENT 49: Two commenters asked why the board is removing the requirement to document continued competence from ARM 24.156.2718(1)(a) through (1)(d).

RESPONSE 49: The board does want to continue documenting knowledge and skills of ECPs. The terminology noted by the commenter was moved to the definition of "refresher" under ARM 24.156.2701(1)(r).

COMMENT 50: Two commenters suggested the board change "assess" to "assess and document" in ARM 24.156.2718(2)(b) and (c).

RESPONSE 50: Because the definition of "refresher" in ARM 24.156.2701(1)(r) includes documentation, the board is not amending per the comment.

COMMENT 51: One commenter expressed concern that the board cannot determine or influence what NREMT will allow to be used for credit for continuing

education and referenced ARM 24.156.2718(4). The commenter suggested that CE and refresher credits reported to NREMT may be reported to the board to meet requirements for continuing education.

RESPONSE 51: These rules already accept NREMT CE and the board cannot dictate what NREMT accepts. Additionally, the rules allow the board discretion as to whether CE credits will be accepted or not, regardless of what CE is approved or accepted by NREMT.

COMMENT 52: Two commenters asked what will happen if an ECP is audited after ARM 24.156.2718(6) is stricken.

RESPONSE 52: ARM 24.156.2718(6) refers to a lead instructor or medical director being audited about a refresher course the individual conducted. The responsibilities of these individuals are clearly stated under ARM 24.156.2718(5) and New Rule I. An ECP licensee may still be audited for CE compliance by the department under ARM 24.156.2718(7) and (8).

COMMENT 53: One commenter recommended several changes to ARM 24.156.2718 including changing "ECP licensure level" in (2) to "ECP scope of practice" and amending (6) to state that a medical director is responsible for assuring continued competency of endorsements.

RESPONSE 53: The board respectfully disagrees with the suggested change to (2) and concluded the proposed rule is clear. Additionally, the medical director's responsibilities regarding endorsement competency are clearly stated in ARM 24.156.2732, specifically in (6).

COMMENT 54: One commenter suggested the ability to conduct onsite visits should be retained in ARM 24.156.2718 and 24.156.2732.

RESPONSE 54: The board maintains the ability to attend courses and to conduct investigations through the complaint process.

Comment 55 relates to ARM 24.156.2732:

COMMENT 55: Two commenters suggested that ARM 24.156.2732 should only allow medical directors to delegate duties to other medical directors and not to any unrestricted licensed physician or physician assistant.

RESPONSE 55: The board respectfully disagrees and concluded that another physician or a physician assistant who is licensed and in good standing in Montana is able to accept delegable duties from a medical director. The suggestion would have a negative effect on medical directors in general, especially in rural areas. Furthermore, this comment exceeds the scope of this rules project.

Comment 56 relates to ARM 24.156.2761:

COMMENT 56: One commenter suggested clarification of ARM 24.156.2761 as to whether a medical director can petition to change things other than practice guidelines. The commenter asked whether a medical director can propose different standards for "substantially equivalent" curricula.

RESPONSE 56: The board appreciates the comment and is amending ARM 24.156.2761(1), (4)(b), and the rule's title accordingly.

Comments 57 through 59 relate to ARM 24.156.2771:

COMMENT 57: One commenter suggested a significant amendment to ARM 24.156.2771(3)(b) to conform with DPHHS EMS licensing statutes that require licensure or an interstate agreement for an out-of-state service to legally respond in Montana.

RESPONSE 57: The board cannot make significant amendments to the rule in this notice but will consider amendments to the rule once it is published and effective.

COMMENT 58: One commenter requested the board clarify what level "basic" refers to in ARM 24.156.2771(7)(c).

RESPONSE 58: The board agrees with the commenter and is amending (7)(c) to clarify further.

COMMENT 59: One commenter suggested that ARM 24.156.2771(9) can be removed because utilization of antidote kits is taught in all curriculum and refreshers.

RESPONSE 59: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the rule once it is published and effective.

Comments 60 through 66 relate to NEW RULE I:

COMMENT 60: Two commenters asked if the requirements of New Rule I apply to every ECP course or just initial courses and if it applies to all courses, would it include endorsement courses. One commenter suggested adding "initial" prior to "ECP" in the second sentence of (1).

RESPONSE 60: The board intends this rule to apply to all ECP courses.

COMMENT 61: One commenter requested clarification in New Rule I as to how specific a course list must be on a certificate of completion. The commenter noted that a paramedic certificate could be several pages long if all topics are listed in detail.

RESPONSE 61: The board intends the course level completed be clearly stated on the certificate and is amending New Rule I (1)(e)(ii) for further clarity.

COMMENT 62: One commenter suggested the board amend New Rule I (2)(c) to only require that a paramedic program be accredited by the Commission on Accreditation of Education Programs for the Emergency Medical Services Professions (CoAEMSP). The commenter suggested that requiring accreditation by one independent body will be more efficient and may limit the board's liability.

RESPONSE 62: The board cannot make significant amendments to the rule in a final notice but will consider amendments to the new rule once it is effective.

COMMENT 63: One commenter stated the clinical component should not be in the rule as it will be difficult to change and suggested requiring a form instead. The commenter also suggested the board reword New Rule I (4) to show intent that endorsements require medical director oversight.

RESPONSE 63: Forms for the clinical component currently exist on the web site and these changes do not alter that. Additionally, the role of the medical director regarding endorsements is clearly stated in ARM 24.156.2732.

COMMENT 64: Two commenters asked if there is an "EMT with endorsement" course included in New Rule I (4) and (5) and if not, one commenter suggested deleting the language from those sections.

RESPONSE 64: The board appreciates the comment and recognizes the improper terminology was mistakenly added. The board is amending New Rule I (4) and (5)(b) accordingly.

COMMENT 65: Several commenters expressed concern that New Rules I and II will lead to a lack of supervision and quality control over courses and exams.

RESPONSE 65: The board disagrees and concluded that New Rules I and II help to clarify the standards for courses and exams by setting specific criteria in rule. Nothing in the rules alters the supervision and quality control over exams but helps clarify the standards that already exist.

COMMENT 66: One commenter expressed concern that the rules do not state who will be responsible for "verifying testing to NREMT" and that NREMT "requires someone from the state to report who passes ECP classes and practicals." The commenter also suggested that EMT and EMR exams may not count as New Rule I and New Rule II are proposed, because there is confusion about whether the board or NREMT coordinates those exams. The commenter questioned the board delegating authority to a private company and asked who will provide guidance on exams. Several commenters stated that it is unclear who will coordinate EMR and EMT practical exams because NREMT does not offer those exams.

RESPONSE 66: The proposed changes do not alter the processes noted by commenters. This is a misconception. The board already delegates authority to conduct exams to NREMT. Currently, the lead instructor for the ECP course electronically reports to NREMT the names of individuals who pass the course. This system is not changed by these rules. NREMT also currently accepts course completion as proof of a practical exam for EMR and EMT levels and qualifies those individuals to take the NREMT written exam. The process for the alternative state exams is not changed by these rules. The board will continue to provide clear rules to guide all licensees.

Comments 67 through 70 relate to NEW RULE II:

COMMENT 67: One commenter proposed significant amendments to New Rule II, eliminating (2) through (5) and replacing them with two different sections referring to exams required for National EMS Certification examinations. The commenter further recommended removing examination sequencing and the reference to the 2016 psychomotor exam from the rule, and adjusting language regarding psychomotor exams for EMR and EMT, as NREMT does not provide practical exams for certification at those levels.

RESPONSE 67: The board cannot make significant amendments to the rule in this final notice but will consider amendments to the new rule once it is effective.

COMMENT 68: One commenter stated that New Rule II is confusing regarding Montana and NREMT examinations and opined that the board must have oversight over AEMT and paramedic exams in Montana. The commenter further suggested the board establish requirements for exams to include who is responsible, who coordinates, the skills to be evaluated, and the decision-making scenarios used to assure competency.

RESPONSE 68: The board maintains oversight of AEMT and paramedic exams through these rules. The rules already give guidance regarding this comment.

COMMENT 69: One commenter called New Rule II "unusable" and believed it appears to eliminate board-developed EMR and EMT exams that were created with great effort. The commenter asked who the "department" is in the reasonable necessity in the proposal notice and voiced no recollection of any discussion of abandoning the current examination process.

RESPONSE 69: These rules do not eliminate the existing alternative state exam. "Department" in the reasonable necessity statements refers to the Department of Labor and Industry.

COMMENT 70: One commenter stated that New Rule II is not specific enough.

RESPONSE 70: The board respectfully disagrees and is unable to respond to overly broad comments that do not cite to specific issues in a rule.

4. The board has amended ARM 24.156.2705, 24.156.2707, 24.156.2711, 24.156.2713, 24.156.2715, 24.156.2718, 24.156.2719, 24.156.2731, 24.156.2732, 24.156.2751, and 24.156.2752 exactly as proposed.

5. The board has adopted New Rule II (24.156.2721) exactly as proposed.

6. The board has repealed ARM 24.156.2708, 24.156.2717, 24.156.2741, 24.156.2745, 24.156.2754, 24.156.2755, and 24.156.2757 exactly as proposed.

7. The board has amended ARM 24.156.2701, 24.156.2761, and 24.156.2771 with the following changes, stricken matter interlined, new matter underlined:

24.156.2701 DEFINITIONS (1) through (1)(b) remain as proposed.

(c) "Clinical experience" means supervised instruction, observation, or practice in a patient care setting as part of a course curriculum.

(d) remains as proposed.

(e) "Curriculum" means the combination of the National EMS Educational Standards and ~~Instructor~~ Instructional Guidelines prepared by the USDOT, and the Montana ECP Practice Guidelines, ~~or substantially equivalent standards as determined by the board or its designee.~~

(f) through (i) remain as proposed.

(j) "Endorsement" means a ~~supplemental~~ supplement within a level of licensure issued in conjunction with the appropriate standard license type (EMR, EMT, AEMT, or Paramedic). Each endorsement acquired by a licensee indicates the licensee has obtained a defined set of skills and knowledge, determined and approved by the board or its designee, that expands the scope of practice of the ECP.

(k) "Lead instructor" is an endorsement which indicates the endorsed licensee has attended a board-approved instructor training program, and is ~~competent~~ authorized to offer and conduct ECP courses.

(l) and (m) remain as proposed.

~~(n) "NAEMSE" means the National Association of EMS Educators.~~

(o) through (r) remain as proposed but are renumbered (n) through (q).

~~(s) (r)~~ "Refresher" means a program, training, or course that reviews and documents the knowledge and skills of the current curriculum, and documents continued competence and meets curriculum requirements an ECP's current licensure level.

(t) remains as proposed but is renumbered (s).

24.156.2761 PROCEDURES FOR REVISION OF MONTANA ECP PRACTICE GUIDELINES OR CURRICULUM (1) A medical director may submit a petition for revisions to the Montana ECP Practice Guidelines ~~or curriculum.~~

(2) through (4)(a) remain as proposed.

(b) the board finds that the public's interest in granting the revision clearly outweighs the interest of maintaining uniform Montana ECP Practice Guidelines or curriculum; and

(c) remains as proposed.

24.156.2771 ECP SCOPE OF PRACTICE (1) remains as proposed.

(a) operating independently within the most current version of the Montana Montana ECP Practice Guidelines;

(b) through (7)(b) remain as proposed.

(c) practice at the basic EMR level, even if the ECP is licensed at a higher level in another state, unless the individual is licensed at an EMT with endorsement(s), AEMT, or paramedic level, and the federally managed incident has medical direction provided by a Montana licensed physician approved by the board as a medical director, and the physician authorizes the individual to function beyond the basic level;

(d) through (9) remain as proposed.

8. The board has adopted New Rule I (24.156.2720) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I (24.156.2720) ECP TRAINING COURSES (1) through (1)(e)(i) remain as proposed.

(ii) ~~topics taught~~ course level; and

(iii) through (3) remain as proposed.

(4) All ~~EMT with endorsement(s)~~, AEMT, and paramedic level courses must designate a lead instructor and a medical director. The lead instructor is under the supervision of the board and medical director for these courses.

(5) and (5)(a) remain as proposed.

(b) Medical direction of an ~~EMT with endorsement(s)~~, AEMT, or paramedic level course consists of approval of agenda, approval and selection of instructors, involvement in the development and implementation of evaluation tools, participation as an instructor, approval of clinical offerings and objectives to be met by clinical components, and verification of successful course completion for each student.

(6) through (9) remain as proposed.

BOARD OF MEDICAL EXAMINERS
JAMES BURKHOLDER, M.D.
PRESIDENT

/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 April 16, 2019.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 32.8.205 Manner, Positioning,)
and Size of Labeling)

TO: All Concerned Persons

1. On March 15, 2019, the Department of Livestock published MAR Notice No. 32-19-295 regarding the proposed amendment of the above-stated rule at page 285 of the 2019 Montana Administrative Register, Issue Number 5.

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

3. No comments or testimony were received.

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

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

Certified to the Secretary of State April 16, 2019.

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

In the matter of the adoption of	)	NOTICE OF ADOPTION OF
Emergency Rules I through III,	)	EMERGENCY RULES
pertaining to the Montana medical)	
marijuana program)	

TO: All Concerned Persons

1. The Department of Public Health and Human Services (department) is adopting the following emergency rules in response to the decision of the Office of Fair Hearings in: In the Matter of the Fair Hearing of Ranger Leischner, Claimant Case No. 19-2353, dated April 15, 2019 (Leischner decision). The purpose of these emergency rules is to ensure enforcement of the Montana Medical Marijuana Act, 50-46-301, et seq., MCA, by the Medical Marijuana Bureau (bureau) of the department. Enforcement of the Act through these rules is necessary to prevent imminent peril to public health, safety, and welfare.

Pursuant to the Montana Medical Marijuana Act, the bureau licenses and regulates individuals and entities that provide medical marijuana to registered cardholders. Licensing and regulating providers are necessary to ensure that the marijuana and marijuana-infused product provided to qualifying patients is safe and that it is not diverted to non-cardholders. See, e.g., MCA §§ 50-46-303; 50-46-307; 50-46-311; 50-46-312; 50-46-330.

Pursuant to the Montana Medical Marijuana Act, the bureau also regulates cardholders who may legally access medical marijuana pursuant to 50-46-301, et seq., MCA. Regulation of cardholders is necessary to ensure that they have a bona fide medical need for medical marijuana and that they do not divert their medical marijuana to non-cardholders.

The bureau may deny or revoke a card or license to protect the public health, safety, or welfare. See, e.g., MCA §§ 2-4-631(3); 50-46-303; 50-46-308 through 50-46-312; 50-46-317; 50-46-320; 50-46-326; 50-46-330; ARM 37.107.127; ARM 37.107.130.

On April 15, 2019, the Office of Fair Hearings (OFH) held in the Leischner decision that the existing medical marijuana statute and rules do not vest the OFH with jurisdiction to hear contested cases concerning license denials or revocations. Further, the OFH held that the decision of the Montana district court in Steven Palmer, dba Montana Organic Medical Supply (M.O.M.S.) v. Mont. Dep't of Public Health and Human Services, DV 18-1418, does not vest it with jurisdiction to hear contested cases concerning license denial or revocations.

The department finds that an administrative process is necessary to enforce the Montana Medical Marijuana Act. The department further finds that enforcement through card or license denial or revocation is necessary to protect the public health, safety, and welfare. Public health, safety, and welfare will be imperiled if the department is unable to enforce the Act.

For the foregoing reasons, the department enacts these emergency rules. These rules shall remain in effect no longer than 120 days after the date of enactment, after which permanent rules shall have been adopted pursuant to existing statute or to statutory requirements duly enacted during the 2019 state legislative session.

2. New Rule I makes applicable to the Montana Medical Marijuana Program specified existing administrative rules setting out contested case hearing procedures for programs administered by the department. New Rule II sets out additional procedures for the revocation of provider licenses. New Rule III specifies administrative rules for contested case hearings with regard to medical marijuana card revocations.

3. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 6, 2019, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, Department of Public Health and Human Services, P.O. Box 4210, Helena, Montana, 59604; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

4. These temporary emergency rules are effective April 19, 2019.

5. The text of the temporary emergency rules provides as follows:

NEW RULE I ADVERSE BUREAU ACTIONS CONCERNING MEDICAL MARIJUANA PROVIDER LICENSES: APPLICABLE HEARING PROCEDURES

(1) Hearings to contest bureau denials of provider license applications, or bureau revocations of existing provider licenses, shall be conducted pursuant to the following administrative procedures: ARM 37.5.101, 37.5.117, 37.5.131, 37.5.301, 37.5.304, 37.5.307, 37.5.313, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.

AUTH: 50-46-329, 50-46-344, MCA

IMP: 50-46-308, 50-46-312, 50-46-320, 50-46-329, 50-46-330, 50-46-331, MCA

NEW RULE II ADDITIONAL PROCEDURES FOR LICENSE REVOCATIONS

(1) Except as provided in (2), providers may continue to serve existing cardholders at existing registered premises during the pendency of a contested case hearing, until a final agency decision is rendered. No new

cardholders may designate a licensee in a contested case proceeding as their provider. No new registered premises may be licensed to a provider in a contested case proceeding.

(2) Upon a written finding by the bureau that public health, safety, or welfare imperatively requires emergency action, the bureau may summarily suspend a license and all operations of a provider pending the completion of a revocation proceeding. Emergency action may be taken when the public health, safety, or welfare is imperiled:

(a) by unsafe, contaminated, or adulterated marijuana or marijuana-infused product; or

(b) when credible evidence exists of deliberate provider diversion of marijuana or marijuana-infused product to individuals or parties not authorized under statute or rule to possess the marijuana or marijuana-infused product.

AUTH: 50-46-329, 50-46-344, MCA

IMP: 50-46-308, 50-46-312, 50-46-320, 50-46-329, 50-46-330, 50-46-331, MCA

NEW RULE III ADVERSE BUREAU ACTIONS CONCERNING
CARDHOLDERS: APPLICABLE HEARING PROCEDURES (1) Hearings to contest card application denials or revocations by the bureau shall be conducted pursuant to the following administrative procedures: ARM 37.5.101, 37.5.117, 37.5.131, 37.5.301, 37.5.304, 37.5.307, 37.5.313, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.

AUTH: 50-46-344, MCA

IMP: 50-46-320, 50-46-330, 50-46-331, MCA

6. The rationale for the temporary emergency rules is set forth in paragraph 1.

7. A standard rulemaking procedure will be undertaken prior to the expiration of these temporary emergency rules.

8. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses to Gwen Knight at the 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.

9. 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 8 above or may be made by completing a request form at any rules hearing held by the department.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified by electronic mail on April 19, 2019.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

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

Certified to the Secretary of State April 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
Subject

1. Consult ARM Topical Index.
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 December 31, 2018. This table includes notices in which those rules adopted during the period November 2, 2018, through April 11, 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 December 31, 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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2-59-572 Definitions for Credit Unions, p. 2357, 290

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2-43-578 Adopting by Reference the Amended State of Montana Public Employees Pooled Trust in the Defined Contribution Retirement Plan - Adopting by Reference the Amended Stable Value Fund Investment Policy Statement in the Defined Contribution Retirement Plan and the 457(b) Deferred Compensation Plan - Adopting by Reference the Amended State of Montana Public Employees Pooled Trust in the 457(b) Deferred Compensation Plan, p. 1, 288
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- 6-245 Long-Term Care Insurance, p. 2120, 126
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- 6-246 Establishment, Deletion, or Revision of Classifications for Various Industries for Supplementing the NCCI Basic Manual for Workers' Compensation and Employers Liability, p. 1762, 2208

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EDUCATION, Title 10

(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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- 10-102-1801 Depository Procedures for State Publications, p. 2157, 2496

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- 12-509 Closing the Ennis Fishing Access Site and the Valley Garden Fishing Access Site in Madison County, p. 204
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- 12-512 Closing the Smith River From Camp Baker to Eden Bridge, p. 393
- 12-513 Closing the Mallard's Rest Fishing Access Site in Park County, p. 395

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(Board of Behavioral Health)

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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 March 2019 appear. Potential vacancies from May 1, 2019 through July 31, 2019, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of April 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 MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Behavioral Health			
Ms. Laura Dever Great Falls	Governor	Tweedy	3/22/2019 1/1/2023
Qualifications (if required): General public not engaged in social work			
Ms. Carol Staben Burroughs Bozeman	Governor	Reappointed	3/22/2019 1/1/2023
Qualifications (if required): Licensed professional counselor			
Ms. Mona Sumner Billings	Governor	Reappointed	3/22/2019 1/1/2023
Qualifications (if required): Licensed addiction counselor			
Ms. Erin Elizabeth Williams Missoula	Governor	Degel	3/22/2019 1/1/2023
Qualifications (if required): Licensed Professional Counselor			
Board of Environmental Review			
Ms. Hillary Hanson Kalispell	Governor	Reappointed	3/22/2019 1/1/2023
Qualifications (if required): Public member			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Environmental Review Cont.			
Ms. Melissa Hornbein Helena	Governor	Warner	3/22/2019 1/1/2023
Qualifications (if required): Public member			
Dr. David Lehnherr Red Lodge	Governor	Felton	3/22/2019 1/1/2023
Qualifications (if required): Expertise or background as a county health officer			
Board of Oil and Gas Conservation			
Mr. Steven D. Durrett Billings	Governor	Reappointed	3/8/2019 1/1/2023
Qualifications (if required): Member from the oil and gas industry			
Mr. Paul Gatzemeier Billings	Governor	Reappointed	3/8/2019 1/1/2023
Qualifications (if required): Landowner residing in oil or gas producing counties but not involved in the industry			
Ms. Linda Nelson Billings	Governor	Nerud	3/8/2019 1/1/2021
Qualifications (if required): Public member			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Oil and Gas Conservation Cont.			
Mr. Joseph Michael Weber	Governor	Efta	3/8/2019
Fairview			1/1/2023
Qualifications (if required): Attorney			
Board of Personnel Appeals			
Mr. Mario Valdez Martinez	Governor	Reappointed	3/15/2019
Great Falls			1/1/2023
Qualifications (if required): Substitute member who is a full-time employee or elected official of a labor union			
Mr. Kevin William McRae	Governor	Johnson	3/15/2019
Helena			1/1/2023
Qualifications (if required): Management employee			
Ms. Katherine Mary Nordstrom	Governor	Verlanic	3/15/2019
Billings			1/1/2023
Qualifications (if required): Substitute member who is a management employee			
Mr. LeRoy Schramm	Governor	Reappointed	3/15/2019
Helena			1/1/2023
Qualifications (if required): Substitute member having general labor-management experience			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Personnel Appeals Cont.			
Mrs. Jenny Lin Stringer Livingston	Governor	Moore	3/15/2019 1/1/2021
Qualifications (if required): Management employee in an organization			
Board of Regents of Higher Education			
Ms. Joyce C. Dombrowski Missoula	Governor	Albrecht	3/15/2019 2/1/2026
Qualifications (if required): District 1, Independent			
Department of Commerce			
Director Tara Rice Helena	Governor	None Stated	3/1/2019 1/1/2021
Qualifications (if required): None Stated			
Drought and Water Supply Advisory Committee			
Director Tara Rice Helena	Governor	Haxby-Cote	3/8/2019 1/1/2021
Qualifications (if required): Director of the Department of Commerce			
Economic Development Advisory Council			
Director Tara Rice Helena	Governor	Haxby-Cote	3/8/2019 1/1/2021
Qualifications (if required): Director of the Department of Commerce			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Fish and Wildlife Commission			
Mr. Logan Brower Scobey Qualifications (if required): District 4	Governor	Reappointed	3/15/2019 1/1/2023
Mr. Patrick Arthur Byorth Bozeman Qualifications (if required): District 2	Governor	Vermillion	3/15/2019 1/1/2023
Future Ready Montana Cabinet			
Director Tara Rice Helena Qualifications (if required): Director of the Department of Commerce	Governor	Haxby-Cote	3/8/2019 6/30/2019
Interstate Oil Compact Commission			
Mr. Steven D. Durrett Billings Qualifications (if required): Official Representative of Montana	Governor	Efta	3/8/2019 1/1/2021
Invasive Species Council			
Mr. Joe Demontiney, Jr. Box Elder Qualifications (if required): Representative of the Chippewa Cree Tribe	Governor	Wright	3/15/2019 5/9/2021

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Agriculture Development Council			
Director Tara Rice	Governor	Haxby-Cote	3/8/2019
Helena			1/1/2021
Qualifications (if required): Director of the Department of Commerce			
Montana Heritage Preservation and Development Commission			
Director Tara Rice	Governor	Haxby-Cote	3/8/2019
Helena			1/1/2021
Qualifications (if required): Director of the Department of Commerce			
Motorcycle Safety Advisory Board			
Mrs. Lori Ann Balcer	Governor	Schmaus	3/15/2019
Shepherd			7/1/2019
Qualifications (if required): Motorcycle rider representing motorcycle riding groups			
Public Employees' Retirement Board			
Mr. David Allen Severson	Governor	Twardoski	3/15/2019
Missoula			4/1/2021
Qualifications (if required): Member at-large			
State Rehabilitation Council			
Ms. Monique Estelle Casbeer	Governor	Gault	3/15/2019
Missoula			10/1/2021
Qualifications (if required): Representative of individuals with disabilities			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Rehabilitation Council Cont.			
Ms. Chanda Hermanson-Daley	Governor	Domitrovich	3/15/2019
Helena			10/1/2020
Qualifications (if required): DPHHS-DETD Division Administrator			
State-Tribal Economic Development Commission			
Director Tara Rice	Governor	Haxby-Cote	3/8/2019
Helena			1/1/2021
Qualifications (if required): Department of Commerce Representative			
Statewide Independent Living Council			
Dr. Julie Melissa Lane Tudor	Governor	Reappointed	3/15/2019
Three Forks			12/1/2021
Qualifications (if required): Person with a disability			
Transportation Commission			
Ms. Tammi Fisher	Governor	Belcourt	3/14/2019
Kalispell			1/1/2023
Qualifications (if required): District 1, Republican			
Mr. Michael L. Hope	Governor	Schulz	3/8/2019
Bozeman			1/1/2021
Qualifications (if required): District 2, Republican			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Transportation Commission Cont.			
Mr. Noel Phillip Sansaver	Governor	Lambert	3/8/2019
Wolf Point			1/1/2023
Qualifications (if required):	District 4, Democrat		

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Directors of the State Compensation Insurance Fund Ms. Janice VanRiper, Helena Qualifications (if required): Policy Holder	Governor	5/1/2019
Board of Funeral Service Ms. Donna Amaro, Helena Qualifications (if required): Licensed Mortician	Governor	7/1/2019
Board of Hail Insurance Mr. Jim Schillinger, Baker Qualifications (if required): Public member	Governor	5/1/2019
Board of Hearing Aid Dispensers Ms. Helen Hallenbeck, Missoula Qualifications (if required): Licensed Hearing Aid Dispenser	Governor	7/1/2019
Board of Massage Therapy Ms. Patricia Eileen Ryan, Whitefish Qualifications (if required): Massage Therapist	Governor	5/1/2019
Board of Nursing Ms. Joyce C. Dombrowski, Missoula Qualifications (if required): Registered nurse	Governor	7/1/2019
Ms. Laureli Scribner, Roundup Qualifications (if required): Advanced practice registered nurse	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Nursing Cont. Ms. Sarah M. Spangler, Havre Qualifications (if required): Registered Nurse	Governor	7/1/2019
Board of Nursing Home Administrators Mr. Loren Hines, Butte Qualifications (if required): Profession or Institution concerned with the care of chronically ill and infirm aged	Governor	6/1/2019
Board of Pharmacy Ms. Rebecca H. Deschamps, Missoula Qualifications (if required): Licensed Pharmacist	Governor	7/1/2019
Ms. Starla Blank, Helena Qualifications (if required): Licensed Pharmacist	Governor	7/1/2019
Dr. Paul Brand, Florence Qualifications (if required): Licensed Pharmacist	Governor	7/1/2019
Board of Physical Therapy Examiners Ms. Jennifer Lynn Lorengo, Deer Lodge Qualifications (if required): Physical Therapist	Governor	7/1/2019
Board of Plumbers Mr. Scott Lemert, Livingston Qualifications (if required): Master Plumber	Governor	5/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Plumbers Cont.		
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
Mr. Denver Fraser, Clancy Qualifications (if required): Representative of the Department of Environmental Quality	Governor	5/1/2019
Board of Professional Engineers and Professional Land Surveyors		
Mr. M. Ruhul Amin, Bozeman Qualifications (if required): Instructor Professional Engineer (Mechanical)	Governor	7/1/2019
Mr. Raymond Gross, Dillon Qualifications (if required): Professional and Practicing Land Surveyor	Governor	7/1/2019
Mr. Thomas D. Pankratz, Clancy Qualifications (if required): Professional Engineer (Electric)	Governor	7/1/2019
Board of Radiologic Technologists		
Mr. Mike Nielsen, Billings Qualifications (if required): Radiologic Assistant or Radiologic Practitioner Assistance	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

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

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Regents of Higher Education		
Mr. Dalton K. Johnson, Clancy Qualifications (if required): Student Regent	Governor	6/30/2019
Board of Review		
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	7/27/2019
Board of Sanitarians		
Mrs. Stephanie Jean Ler, Sidney Qualifications (if required): Registered sanitarian	Governor	7/1/2019
Commission on Community Service		
Mr. Kevin Myhre, Lewistown Qualifications (if required): Business representative	Governor	7/1/2019
Ms. Heather Margolis, Helena Qualifications (if required): National Service Program	Governor	7/1/2019
Ms. Wendy Nicolai, Helena Qualifications (if required): Public member	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Committee on Telecommunications Access Services for Persons with Disabilities		
Ms. Chanda Hermanson-Dudley, Helena Qualifications (if required): Representative of the Dept. of Public Health and Human Services	Governor	7/1/2019
Mr. Ron Bibler, Great Falls Qualifications (if required): Person with disability, deaf, or hard-of-hearing	Governor	7/1/2019
Mr. Jim Marks, Helena Qualifications (if required): Member from the Department of Public Health and Human Services	Governor	7/1/2019
Mr. John Pavao, Helena Qualifications (if required): Member from the Department of Administration	Governor	7/1/2019
Mr. Thomas Henry Thompson, Missoula Qualifications (if required): Person with disability	Governor	7/1/2019
Community Service Commission		
Ms. Julia Bryant, Helena Qualifications (if required): Public Representative	Governor	7/1/2019
Ms. Amy Unsworth, Helena Qualifications (if required): State Agency Representative	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
District Court Council		
Mr. Glen Welch, Qualifications (if required): Nominated	District Court	6/30/2019
Economic Development Advisory Council		
Mr. Paul Tuss, Havre Qualifications (if required): Bear Paw Development Corporation Region Representative	Governor	7/1/2019
Mr. Mike Henning, Fairfield Qualifications (if required): Sweetgrass Development Region Representative	Governor	7/1/2019
Mr. Joseph J. Willauer, Butte Qualifications (if required): Headwaters Resources Conservation & Development Region	Governor	7/1/2019
Director Pam Haxby-Cote, Helena Qualifications (if required): Headwaters Resource Conservation and Development Region Representative	Governor	7/1/2019
Family Education Savings Program Oversight Committee		
Mr. Tony Ennenga, Missoula Qualifications (if required): Member of the general public	Governor	7/1/2019
Flathead Basin Commission		
Ms. Kate Hunt, Kalispell Qualifications (if required): Public Representative	Governor	6/30/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Flathead Basin Commission Cont.		
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
Future Fisheries Review Panel		
Ms. Dylan Tate Yonce, Missoula Qualifications (if required): Montana High School Student	Governor	6/1/2019
Mr. Terry Chute, Helena Qualifications (if required): Member with expertise in silviculture	Governor	7/1/2019
Mr. Clinton Frederick Peck, Billings Qualifications (if required): Representative of conservation districts	Governor	7/1/2019
Mr. Michael Paul Johns, Bozeman Qualifications (if required): Member who is a licensed angler	Governor	7/1/2019
Mr. William Frank Wichers, Hamilton Qualifications (if required): Member with expertise in fisheries	Governor	7/1/2019
Ms. Karin Fischer Boyd, Bozeman Qualifications (if required): Private sector member who is a fisheries restoration professional	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Future Fisheries Review Panel Cont.		
Mr. Charles E. Dalby, Helena Qualifications (if required): Public member	Governor	7/1/2019
Mr. Bill Semmens, Helena Qualifications (if required): Ex-officio member MDT with experience in highway impacts mitigation	Governor	7/1/2019
Mr. Joseph Willauer, Butte Qualifications (if required): Member who is a licensed Montana angler	Governor	7/1/2019
Ms. Meriwether Schroeer-Smith, Helena Qualifications (if required): Montana High School Student	Governor	7/11/2019
Future Ready Montana Cabinet		
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

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Future Ready Montana Cabinet Cont.		
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
Governor's Advisory Council on Aging		
Ms. Joan Taylor, Helena Qualifications (if required): Public Member	Governor	7/1/2019
Ms. Marianne Roose, Eureka Qualifications (if required): Public Member	Governor	7/1/2019
Ms. Connie Bremner, Browning Qualifications (if required): Public Member	Governor	7/1/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Governor's Advisory Council on Aging Cont. Mr. Alex Ward, Helena Qualifications (if required): Public Member	Governor	7/1/2019
Governor's Postsecondary Scholarship Advisory Council Ms. Connie Wittak, Flaxville Qualifications (if required): Experience in secondary or postsecondary education	Governor	7/1/2019
Groundwater Assessment Steering Committee Representative Walt Sales, Manhattan Qualifications (if required): Agriculture Water User	Governor	7/1/2019
Mr. Mark Thompson, Butte Qualifications (if required): Industrial Water User	Governor	7/1/2019
Historical Society Board of Trustees Mr. Michael Gerard Shields, Helena Qualifications (if required): Public Representative	Governor	7/1/2019
Interstate Commission on Educational Opportunity for Military Children Colonel Harold Stearns, Missoula Qualifications (if required): Compact Commissioner	Governor	7/1/2019
Ms. Tammy Lacey, Fairfield Qualifications (if required): Superintendent of School District that includes High Concentration of Military Children	Governor	7/1/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Interstate Commission on Educational Opportunity for Military Children Cont.		
Superintendent Denise Juneau, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	7/1/2019
Master Sergeant Benjamin Aylward, Great Falls Qualifications (if required): Representative of a Military Installation	Governor	7/1/2019
Major Renea Dorvall, Fort Harrison Qualifications (if required): Representative of the Executive Branch of Government	Governor	7/1/2019
Judicial Standards Commission		
Brianne Dugan, Bozeman Qualifications (if required): Citizen who is not an attorney or judge of any court	Governor	7/1/2019
Ms. Jenny Eck, Helena Qualifications (if required): Citizen	Governor	7/1/2019
Land Information Advisory Council		
Ms. Catherine Maynard, Helena Qualifications (if required): US Dept 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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Land Information Advisory Council Cont.		
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 a Montana Association of GIS Professionals	Governor	6/30/2019
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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Land Information Advisory Council Cont.		
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 and 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
Mrs. Lee Macholz, Missoula Qualifications (if required): County or municipal government active in land information systems	Governor	6/30/2019
Libby Asbestos Superfund Advisory Team		
Mr. George Frank Jamison, Libby Qualifications (if required): Citizen of Lincoln County nominated by the Lincoln County Commission	Governor	7/1/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Mental Disabilities Board of Visitors		
Mrs. Melissa Ancell, Poplar	Governor	6/30/2019
Qualifications (if required): Consumer or family 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		
Montana Agriculture Development Council		
Commissioner Greg Jergeson, Chinook	Governor	7/1/2019
Qualifications (if required): Public representative who is or was actively engaged in agriculture		
Ms. Amy Kellogg, Kalispell	Governor	7/1/2019
Qualifications (if required): Public representative who is or was actively engaged in agriculture		
Montana HELP Act Oversight Committee		
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		

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana HELP Act Oversight Committee Cont.		
Ms. Heather O'Loughlin, Helena Qualifications (if required): Ex-officio non-voting member	Governor	6/30/2019
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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Heritage Preservation and Development Commission		
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
Montana Historical Society Board of Trustees		
Mr. Jim Court, Billings Qualifications (if required): Public Representative	Governor	7/1/2019
Mr. Jim Utterback, Helena Qualifications (if required): Public Representative	Governor	7/1/2019
Mr. A. Christopher Edwards, Billings Qualifications (if required): Public Representative	Governor	7/1/2019
Montana Information Security Advisory Council		
Mr. Ron Baldwin, Helena Qualifications (if required): State Chief Information Officer	Governor	6/30/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Information Security Advisory Council Cont.		
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
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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Information Security Advisory Council Cont.		
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
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

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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Native Youth Suicide Reduction Coalition Cont.		
Ms. Linda Blackbird Short, Great Falls Qualifications (if required): Substance Abuse Program Case Manager	Governor	6/30/2019
Ms. Brenda Bodnar, St. Ignatius Qualifications (if required): Health and Wellness Division Director	Governor	6/30/2019
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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Native Youth Suicide Reduction Coalition Cont.		
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
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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Native Youth Suicide Reduction Coalition Cont.		
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
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 McKeehan, Great Falls Qualifications (if required): Tribal Council Member	Governor	6/30/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Native Youth Suicide Reduction Coalition Cont.		
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
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

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Native Youth Suicide Reduction Coalition Cont.		
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
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
Montana Pulse Crop Committee		
Mr. Ron Williams, Portland, OR Qualifications (if required): Representative of the pulse industry	Governor	6/30/2019

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Montana Pulse Crop Committee Cont.		
Dr. Charles Boyer, Bozeman	Governor	6/30/2019
Qualifications (if required): Dean of Agriculture of Montana State University-Bozeman		
Montana State Workforce Innovation Board		
Director Sheila Hogan, Helena	Governor	7/27/2019
Qualifications (if required): Director of the Department of Public Health and Human Services		
Mr. Alan Daniel Ekblad, Great Falls	Governor	7/27/2019
Qualifications (if required): Workforce Representative		
Ms. Vicky Rae Byrd, Clancy	Governor	7/27/2019
Qualifications (if required): Workforce Representative		
Mr. Paul Hopfauf, Glendive	Governor	7/27/2019
Qualifications (if required): Business Representative		
Commissioner Galen Hollenbaugh, Helena	Governor	7/27/2019
Qualifications (if required): Commissioner of the Department of Labor and Industry		
Ms. Karen Baumgart, Billings	Governor	7/27/2019
Qualifications (if required): Community Organization		
Ms. Jacquie Helt, Helena	Governor	7/27/2019
Qualifications (if required): Workforce Representative		

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont.		
Mr. Miles McCarvel, Missoula Qualifications (if required): Workforce Representative	Governor	7/27/2019
Mr. Barry Reddick, Helena Qualifications (if required): Business Representative	Governor	7/27/2019
Ms. Rebecca Morgan, Missoula Qualifications (if required): Business Representative	Governor	7/27/2019
Montana Wheat and Barley Committee		
Mr. Chris Kolstad, Ledger Qualifications (if required): District 3 and a Republican	Governor	6/1/2019
Mr. Randy Hinebauch, Conrad Qualifications (if required): District 2 and a Republican	Governor	6/1/2019
Motorcycle Safety Advisory Commission		
Mrs. Lori Ann Balcer, Shepherd Qualifications (if required): Motorcycle rider representing motorcycle riding groups	Governor	7/1/2019
Ms. Kristin Kennedy, Sidney Qualifications (if required): Motorcycle riders representing motorcycle riding groups	Governor	7/1/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Motorcycle Safety Advisory Committee		
Sergeant Richard Dean Musson Jr., Bozeman Qualifications (if required): Peace officer	Governor	7/1/2019
Noxious Weed Management Advisory Council		
Mr. Jack Eddie, Dillon Qualifications (if required): Representative of the Montana Weed Control Association	Governor	7/1/2019
Mr. Todd Wagner, Glasgow Qualifications (if required): Agriculture Crop Production	Governor	7/1/2019
Mr. Jim Gordon, Huntley Qualifications (if required): Herbicide Dealer or Applicator	Governor	7/1/2019
Ms. Linda Eklund, Shawmut Qualifications (if required): Livestock Production	Governor	7/1/2019
Mr. Joel Farkell, Brady Qualifications (if required): Consumer Group	Governor	7/1/2019
Ms. Jeannette Nordahl, Lincoln Qualifications (if required): Recreationist/Wildlife Group	Governor	7/1/2019
Mr. Brian Ostwald, Joliet Qualifications (if required): Eastern County Representative	Governor	7/1/2019

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Noxious Weed Management Advisory Council Cont.		
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture and Presiding Officer	Governor	7/1/2019
Ms. Margie Edsall, Alder Qualifications (if required): At-Large Member from the Agriculture Community	Governor	7/1/2019
Mr. Kenny Keever, Havre Qualifications (if required): Biological Research and Control Interests	Governor	7/1/2019
Ms. Kellieann Morris, Stevensville Qualifications (if required): Western County Representative	Governor	7/1/2019
Petroleum Tank Release Board		
Mr. Jerry M Breen, Choteau Qualifications (if required): Representative of Independent Petroleum Marketers and Chain Retailers	Governor	7/1/2019
Mr. Keith Schnider, Great Falls Qualifications (if required): Insurance Industry Representative	Governor	7/1/2019
Mr. Mark Allen Johnson, Bozeman Qualifications (if required): Representative of the Petroleum Release Remediation Consultant Industry	Governor	7/1/2019
Public Defender Commission		
Mr. Richard Gillespie, Helena Qualifications (if required): Attorney nominated by the State Bar Association who represents criminal defense lawyers	Governor	7/1/2019

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Public Defender Commission Cont.		
Ms. Margaret Novak, Chester	Governor	7/1/2019
Qualifications (if required): Member of an organization that advocates on behalf of indigent persons		
Mr. Michael Metzger, Billings	Governor	7/1/2019
Qualifications (if required): Member employed by an organization that provides addictive behavior counseling		
Mr. Brian Gallik, Bozeman	Governor	7/1/2019
Qualifications (if required): Attorney nominated by the Supreme Court		
Small Business Compliance Assistance Advisory Council		
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		
State Banking Board		
Mr. Bart Langemeier, Red Lodge	Governor	7/1/2019
Qualifications (if required): Active officer of a national bank doing business in Montana		
Ms. Amy Rapp, Great Falls	Governor	7/1/2019
Qualifications (if required): Member of the public		

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State Compensation Insurance Fund Board of Directors		
Mr. Matthew Mohr, Big Sky Qualifications (if required): Policy Holder	Governor	5/1/2019
Mr. Jack Owens, Missoula Qualifications (if required): Business/private enterprise policy holder	Governor	5/1/2019
State Electrical Board		
Mr. Rick Hutchinson, Black Eagle Qualifications (if required): Licensed Electrician	Governor	7/1/2019
State Employee Charitable Giving Campaign Advisory Council		
Ms. Sandy Booth, Helena Qualifications (if required): State Employees	Governor	6/13/2019
State Library Commission		
Mr. Bruce Newell, Helena Qualifications (if required): Experience in historic preservation	Governor	6/1/2019
State Tribal Economic Development Commission		
Mr. Carl Kipp, Browning Qualifications (if required): Blackfeet National Alternate Member	Governor	7/1/2019
State Workforce Innovation Board		
Ms. Casey Blumenthal, Helena Qualifications (if required): Business representative	Governor	5/9/2019

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State Workforce Innovation Board Cont.		
Ms. Asta So, Missoula Qualifications (if required): Business Representative	Governor	7/1/2019
Commissioner Michael McGinley, Dillon Qualifications (if required): Local government elected official	Governor	7/27/2019
Commissioner Pam Bucy, Helena Qualifications (if required): Representative of the Department of Labor and Industry	Governor	7/27/2019
Mr. Kevin Phillip Joseph Poulin, Helena Qualifications (if required): Business Representative	Governor	7/27/2019
Superintendent Elsie Arntzen, Helena Qualifications (if required): Superintendent of Public Instruction or designee	Governor	7/27/2019
Mr. Clayton Christian, Helena Qualifications (if required): Representative of the Office of the Commissioner of Higher Education	Governor	7/27/2019
Ms. Jennifer Kobza, Billings Qualifications (if required): Business representative	Governor	7/27/2019
Mr. Loren Rose, Seeley Lake Qualifications (if required): Business representative	Governor	7/27/2019

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State Workforce Innovation Board Cont.		
Mr. Scott Trent, Missoula Qualifications (if required): Business representative	Governor	7/27/2019
Ms. Jane Weber, Great Falls Qualifications (if required): Local government elected official	Governor	7/27/2019
Mr. Ken Fichtler, Helena Qualifications (if required): Governor or designee	Governor	7/27/2019
Mrs. Rebecca Jenice Bey, Billings Qualifications (if required): Business Representative	Governor	7/27/2019
Ms. Jillian Jaye Daniels, Great Falls Qualifications (if required): Business Representative	Governor	7/27/2019
State-Tribal Economic Development Commission		
Mr. Rodney Miller, Wolf Point Qualifications (if required): Fort Peck Tribes Alternate	Governor	6/30/2019
Mr. Carl Kipp, Browning Qualifications (if required): Blackfeet National Alternate Member	Governor	7/1/2019
Chairman Harry Barnes, Browning Qualifications (if required): Blackfeet Nation Representative	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Statewide Public Safety Communications System Advisory Council		
Atty. Gen. Tim Fox, Helena Qualifications (if required): Attorney General	Governor	7/1/2019
Commissioner Joe Briggs, Great Falls Qualifications (if required): Representative of county government	Governor	7/1/2019
Ms. Siri Smillie, Helena Qualifications (if required): Representative of the Governor's Office	Governor	7/1/2019
Mr. Robert DesRosier, Browning Qualifications (if required): Representative of tribal governments	Governor	7/1/2019
Mr. Clinton Loss, Helena Qualifications (if required): Representative of the emergency medical community	Governor	7/1/2019
Mr. Tim Burton, Helena Qualifications (if required): Rep. of a municipality, designated by the Montana league of cities and towns	Governor	7/1/2019
Sheriff Chuck Curry, Kalispell Qualifications (if required): Representative of the law enforcement community	Governor	7/1/2019
Ms. Marjean Penny, Bozeman Qualifications (if required): Rep. of the assoc. of pub-safety communications officials, designated by the MT chapter	Governor	7/1/2019
Chief Joshua Lee Waldo, Bozeman Qualifications (if required): Representative of the fire protection community	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Teachers' Retirement Board		
Mr. Daniel Trost, Helena Qualifications (if required): Representative of the Public	Governor	7/1/2019
Tourism Advisory Council		
Ms. Rhonda Fitzgerald, Whitefish Qualifications (if required): Glacier Country Region Representative	Governor	7/1/2019
Mr. Bill McGladdery, Butte Qualifications (if required): Southwest Montana Region Representative	Governor	7/1/2019
Ms. Katie Marie Grice, Big Sky Qualifications (if required): Yellowstone Country Region Representative	Governor	7/1/2019
Ms. Patricia McGlynn, Kalispell Qualifications (if required): Glacier Country Region Representative	Governor	7/1/2019
Ms. Rachel Elizabeth Gregg, Missoula Qualifications (if required): Glacier Country Region Representative	Governor	7/1/2019
Ms. Lindsey Roth, Kalispell Qualifications (if required): Glacier Country Region Representative	Governor	7/1/2019
Underground Facility Protection Advisory Council		
Mr. Douglas Hansen, Billings Qualifications (if required): Owns a MT underground facility that is an electric distribution or transmission line	Governor	7/1/2019

EXECUTIVE BRANCH VACANCIES – MAY 1, 2019 THROUGH JULY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Underground Facility Protection Advisory Council Cont.		
Ms. Mandy Nay, Circle	Governor	7/1/2019
Qualifications (if required): Member representing a regional water, wastewater or both authority		
Mr. Nicholas Pericich, Bozeman	Governor	7/1/2019
Qualifications (if required): Member representing a municipal sewer or water system or a municipal water supply system		
Mr. Dale Schultz, Butte	Governor	7/1/2019
Qualifications (if required): Member rep public utility that owns a MT underground facility that is a juris. pipeline		
Mr. John Bemis, Helena	Governor	7/1/2019
Qualifications (if required): Member representing a telecommunications provider		
Western Interstate Commission on Higher Education		
Mr. Pat Williams, Missoula	Governor	7/1/2019
Qualifications (if required): Engaged in professional occupation		
Ms. Sheila Stearns, Missoula	Governor	7/1/2019
Qualifications (if required): Member who is engaged in a professional occupation		

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COREY STAPLETON
SECRETARY OF STATE

P.O. BOX 202801
HELENA, MONTANA 59620