

MONTANA ADMINISTRATIVE REGISTER

2020 ISSUE NO. 4
FEBRUARY 28, 2020
PAGES 347-432



MONTANA ADMINISTRATIVE REGISTER

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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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 April 30, 2020, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Montana Public Employee Retirement Administration no later than 5:00 p.m. on March 20, 2020, to advise us of the nature of the accommodation that you need. Please contact Kris Vladoic, 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 kvladoic@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) The board adopts and incorporates by reference the State of Montana 401(a) Defined Contribution Plan Investment Policy Statement approved by the board on February 14, ~~2019~~ 13, 2020. The Investment Policy Statement provides investment guidelines for the defined contribution plan, a long-term retirement-savings vehicle that permits participants to invest employer and participant contributions on a tax-deferred basis. The investment guidelines help the board to meet its fiduciary responsibilities to evaluate and positively influence the direction of the plan and its investments for the benefit of the plan participants and beneficiaries.

(2) and (3) remain the same.

AUTH: 19-3-2104, MCA

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

2.43.5102 ADOPTION OF INVESTMENT POLICY STATEMENT AND
FIXED FUND INVESTMENT POLICY STATEMENT (1) The board adopts and incorporates by reference the State of Montana 457 Plan (deferred compensation)

Investment Policy Statement approved by the board on February 14, 2019 13, 2020. The Investment Policy Statement provides investment guidelines for the 457(b) deferred compensation plan, a supplemental retirement-savings vehicle that permits participants to invest on either a pre-tax or a tax-deferred basis. The investment guidelines help the board to meet its fiduciary responsibilities to evaluate and positively influence the direction of the plan and its investments for the benefit of the plan participants and beneficiaries.

(2) and (3) remain the same.

AUTH: 19-50-102, MCA

IMP: 19-50-102, MCA

REASON: The Public Employees' Retirement Board, as administrator of the Public Employees' Retirement System Defined Contribution Retirement Plan (DCRP) and the State of Montana's 457(b) Deferred Compensation Plan (457 Plan), adopted the two plans' original investment policy statements in 2002. The investment policy statements are currently reviewed on a yearly basis and amended to reflect best practices in defined contribution plan investments.

Pursuant to the recommendation of the board's investment consultant, RVK, and the board's advisory committee, the Employee Investment Advisory Council, the board amended the investment policy statements on February 13, 2020.

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

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

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., March 27, 2020.

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., March 27, 2020.

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 1,381 persons based on approximately 4,266 participants in the Defined Contribution Retirement Plan and 9,540 participants in the 457(b) Deferred Compensation Plan as of June 30, 2019, for a total of 13,806 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/ William Holahan
William Holahan
Chief Legal Counsel
and Rule Reviewer

/s/ Pepper Valdez
Pepper Valdez
Vice-President
Public Employees' Retirement Board

Certified to the Secretary of State February 18, 2020.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 8.94.3814 and 8.94.3815) PROPOSED AMENDMENT
pertaining to governing the)
submission and review of applications)
for funding under the Treasure State)
Endowment Program (TSEP))

TO: All Concerned Persons

1. On March 20, 2020, at 10:00 a.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

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., March 17, 2020, 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 200523, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD (406) 841-2702; facsimile (406) 841-2771; or e-mail to docadmimistrativerules@mt.gov.

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

8.94.3814 INCORPORATION BY REFERENCE OF RULES FOR THE
ADMINISTRATION OF TREASURE STATE ENDOWMENT GRANTS (1) The
Department of Commerce adopts and incorporates by reference the ~~2018~~ 2020
Montana Treasure State Endowment Program Project Administration Manual (~~March~~
~~2018~~) (March 2020) as rules for the administration of TSEP grants.
(2) and (3) remain the same.

AUTH: 90-6-710, MCA
IMP: 90-6-710, MCA

REASON: It is reasonably necessary to amend this rule to incorporate updated information in the 2023 biennium administration manual.

8.94.3815 INCORPORATION BY REFERENCE OF RULES GOVERNING
THE SUBMISSION AND REVIEW OF APPLICATIONS FOR FUNDING UNDER
THE TREASURE STATE ENDOWMENT PROGRAM – PROJECT GRANTS
(1) The Department of Commerce adopts and incorporates by reference the
~~2018~~ 2020 Montana Treasure State Endowment Construction Application Guidelines

(~~March 2018~~) (March 2020) as rules governing the submission and review of applications under the TSEP program.

(2) and (3) remain the same.

AUTH: 90-6-710, MCA

IMP: 90-6-710, MCA

REASON: It is reasonably necessary to amend this rule to incorporate updated information in the 2023 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 the Department of Commerce, Community Development Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana, 59620-0523; by facsimile to (406) 841-2771, or e-mail to banseth@mt.gov, and must be received no later than 5:00 p.m., March 27, 2020.

5. The Office of Legal Affairs 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 may 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 Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to docadministrativerules@mt.gov, or 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 rules will not significantly and directly impact small businesses.

/s/ Amy Barnes

Amy Barnes
Rule Reviewer

/s/ Tara Rice

Tara Rice
Director
Department of Commerce

Certified to the Secretary of State on February 18, 2020.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.3.403 pertaining to) PROPOSED AMENDMENT
replacement licenses)

TO: All Concerned Persons

1. On March 23, 2020, at 6:00 p.m., the Department of Fish, Wildlife and Parks (department) will hold a public hearing at the Fish, Wildlife and Parks Headquarters Building, 1420 E. 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than March 13, 2020, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

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

12.3.403 REPLACEMENT LICENSES (1) A person may replace a department-issued hunting license or permit that is lost, stolen, or destroyed by signing an affidavit affirming that the license was lost, stolen, or destroyed. A person may obtain and submit the affidavit at a department office or any department license provider.

(2) The person must appear personally at a department regional or area office or at headquarters in Helena, Montana ~~To~~ replace a lost, stolen, or destroyed license ~~requiring a carcass tag the~~ a second or subsequent time for the same species within a two-year period, the following apply:

(a) ~~a carcass tag is that portion of a hunting license that a person is required to affix to the carcass of an animal;~~

(b) ~~the two year period shall run from March 1 of the year of license purchase through February 28, 24 months later;~~

(c) ~~the person shall obtain, complete, and submit an affidavit affirming that the tag was lost, stolen, or destroyed;~~

(d) ~~the person shall appear personally at a department regional or area office or at headquarters in Helena, Montana to obtain, complete, and submit the affidavit.~~

(3) ~~A person may not replace a license requiring a carcass tag a third time for the same species within a two-year period. Subsection (2)(b) defines the two-year period.~~

(4) (3) The fee for each replacement license or permit issued under this rule is \$5.

AUTH: 87-2-104, MCA
IMP: 87-2-104, MCA

REASON: The department is transitioning from the thermal paper licenses and permits to regular paper for licenses and permits. This change may result in customers needing to replace licenses with more frequency. The proposed rule amendments make it more convenient for customers by removing the limit of reprints allowed and the requirement for customers to sign an affidavit to receive a replacement license or permit.

4. Concerned persons may submit their data, views, or arguments either orally or in writing to: Department of Fish, Wildlife and Parks, Attn: Licensing, P.O. Box 200701, Helena, MT, 59620-0701; or e-mail FWPLicensingRules@mt.gov, and must be received no later than March 27, 2020.

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

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

7. 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/ Aimee Hawkaluk

Aimee Hawkaluk

Rule Reviewer

Department of Fish, Wildlife and Parks

/s/ Dustin Temple

Dustin Temple

Chief of Administration

Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 18, 2020.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF PUBLIC HEARING
17.74.350, 17.74.352, 17.74.355,)	ON PROPOSED AMENDMENT,
17.74.359, and 17.74.364; the repeal of)	REPEAL, AND ADOPTION
17.74.401, 17.74.402, 17.74.403, and)	
17.74.404; and the adoption of New)	(ASBESTOS)
Rules I through IV pertaining to)	
incorporation by reference, definitions,)	
asbestos project permits, training)	
provider requirements, fees, and refunds)	

TO: All Concerned Persons

1. On March 24, 2020, at 2:00 p.m., the Department of Environmental Quality (department) will hold a public hearing in Room 111 of the Metcalf Building, 1520 E. Sixth Avenue, Helena, Montana to consider the proposed amendment, repeal, and adoption of the above-stated rules. Before the hearing, on the same day, at 1:00 p.m., the department will conduct an informal public meeting to discuss the proposed rules and answer questions pertaining to these rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Sandy Scherer, Legal Secretary, no later than 5:00 p.m., March 17, 2020, to advise us of the nature of the accommodation that you need. Please contact Sandy Scherer at the Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail sscherer@mt.gov.

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

17.74.350 INCORPORATION BY REFERENCE -- PUBLICATION DATES

(1) Unless expressly provided otherwise, whenever there is a reference in this subchapter to a federal regulation, the reference is to the July 1, ~~2019~~2040, edition of the Code of Federal Regulations (CFR).

(2) Copies of the CFR are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 512-1800. The CFR may also be accessed electronically at: <https://www.gpo.gov>. Materials adopted and incorporated by reference in this subchapter are also available for public inspection and copying at DEQ, 1520 East 6th Avenue, P.O. Box 200901, Helena, MT 59620-0901.

AUTH: 75-2-503, MCA
IMP: 75-2-503, MCA

REASON: It is necessary that the department adopt the most current version of the CFR to maintain parity with federal regulations so that the Asbestos Control Program meets federal stringency requirements and maintains state program authorization. Additionally, it is necessary to adopt the most current version of the CFR to protect human health and the environment consistent with 40 CFR Part 61, subparts A and M. It is necessary to adopt (2) to inform the public where it can access regulations incorporated by reference in this subchapter.

17.74.352 DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) remains the same.

(2) "Annual base amount" means the amount of regulated asbestos-containing material, up to 25,000 square, 25,000 linear, or 25,000 cubic feet or any combination thereof, that an annual asbestos project permit holder may disturb or remove under an annual asbestos project permit during the year the annual permit is in effect.

(2) through (12) remain the same but are renumbered (3) through (13).

(14) "Asbestos unit measurement (AUM)" means each unit of asbestos-containing material that may be disturbed or removed either in square, linear, or cubic feet or any combination thereof.

(13) and (14) remain the same but are renumbered (15) and (16).

(17) "Cubic foot" means a unit of volume for three-dimensional materials, such as insulation, equal to one foot in length, width, and height. This measurement may only be used when the depth of the material exceeds three inches or cannot be otherwise calculated.

(15) through (23) remain the same but are renumbered (18) through (26).

(27) "Homogenous materials" means materials that are uniform in color, texture, and age.

(24) remains the same but is renumbered (28).

(29) "Layered homogenous materials" means materials in which the elements making up the composition are in the form of layers. This term may only be applied to flooring systems, wallboard systems, or roofing systems.

(30) "Linear foot" means a unit of length equal to one foot and may only be used for pipe measurement.

(25) through (28) remain the same but are renumbered (31) through (34).

(35) "Square foot" means a unit of area for two-dimensional materials, such as flooring, equal to the area of a square that is one foot in length and width.

(29) through (31) remain the same but are renumbered (36) through (38).

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: The 2015 Legislature passed House Bill 434 (HB 434) directing the department to convene an Asbestos Advisory Group (AAG) to advise the agency on matters relating to asbestos regulation. Pursuant to HB 434, the AAG submitted recommendations for the department's consideration. The department is proposing

adding new definitions in accordance with AAG Recommendation #2. AAG Recommendation #2 states, "DEQ should revise state regulatory definitions to allow for more administrative flexibility while not causing harm to health or the environment."

The department is proposing to adopt (2) to add a definition of "annual base amount" to provide a consistent way for the department to track the amount of asbestos removed under an annual asbestos project permit and to assess fees for annual asbestos project permits that are sufficient to support the program. The annual base amount will provide an annual asbestos project permit holder the ability to disturb or remove a specific amount of regulated asbestos containing material during the permit term, will provide a method for the department and the permit holder to track the amount of asbestos containing materials removed under an annual asbestos project permit, and will allow for fee assessments based upon the amount of regulated asbestos containing material removed during the term of an annual asbestos project permit. Adding this definition provides coordination with the proposed fee changes in NEW RULE I. See reason statement for NEW RULE I.

Under ARM 17.74.352 and NEW RULE I, the department is proposing an annual base amount of up to 25,000 square, 25,000 linear, or 25,000 cubic feet or any combination thereof consistent with the asbestos unit measurement (AUM) fees in proposed NEW RULE I, Table 2. Under these proposed amendments, an annual project permit holder would pay the same amount as an asbestos project permit holder based upon the amount of AUMs that are removed or disturbed. The department is proposing this change in response to stakeholder concerns that there should not be a significant difference in cost for an annual project permit versus a project permit. See reason statement for NEW RULE I. The department will collect additional fees from an annual asbestos project permit holder when the annual base amount exceeds 25,000 AUMs.

The department is proposing to adopt (14) to define "asbestos unit measurement (AUM)" as a basis for collecting a flat fee based on the AUM range that may be disturbed or removed. The department is proposing to use AUMs to more accurately track how much material is disturbed or removed during an asbestos project. Adding this definition corresponds with the proposed fee changes in NEW RULE I. See reason statement for NEW RULE I.

The department is proposing to adopt new definitions in (17) "cubic foot," (30) "linear foot," and (35) "square foot," to define measurement terms that are used in proposed fee rule changes in NEW RULE I. The proposed definitions are necessary to avoid confusion and provide clarity for assessing fees. The proposed definition of "linear foot" in (30) will only be used for pipe measurement in accordance with EPA Applicability Determination Index Control Number: A06003, referencing the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) 61.145(a)(1)(i) and 61.145(a)(4)(i).

The department is proposing new definitions in (27) and (29) to coordinate proposed changes in the fee rules at NEW RULE I(6). The department is proposing these changes to implement AAG and stakeholder input that multiple adjacent homogenous layers within a building material be considered as one layer for the purpose of fee assessment. The department believes the proposed definitions in (27) and (29) will encourage more accurate reporting of the presence of multiple layered building materials and proper treatment, removal, and disposal of these

materials. Not assessing each layer separately will reduce fees paid to the department for asbestos projects involving removal of layered homogenous building materials, but will result in greater compliance with the Montana Asbestos Control Act.

17.74.355 ASBESTOS PROJECT PERMITS (1) through (6) remain the same.

(7) A copy of the asbestos project permit application, permit, project design, and sketch must be posted and maintained on site in a conspicuous location during the asbestos project and made available for examination by department employees or representatives upon request. ~~A copy of the asbestos project contract must be maintained on site and be made available for examination by department employees or representatives.~~

(8) remains the same.

AUTH: 75-2-503, MCA

IMP: 75-2-503, 75-2-511, MCA

REASON: The department is proposing to eliminate the requirement that asbestos project contracts be maintained onsite and made available for examination by the department. Asbestos project contracts do not reflect asbestos volumes and do not provide information necessary for the department to review the assessment of permit fees or project design. Asbestos project permit fees are based on "asbestos unit measurement," as further described in the reason statement for proposed NEW RULE I.

17.74.359 ANNUAL ASBESTOS PROJECT PERMITS (1) An annual asbestos project permit authorizes a facility to conduct asbestos projects within the confines of the facility's controlled area during the ~~period~~ year for which the permit is in force. After July 1, 2020, the annual asbestos project permit period is January 1 through December 31.

(2) through (4) remain the same.

(5) An annual asbestos project permit expires ~~one~~ on December 31 of the year after issuance in which the permit is issued, unless the facility owner applies for renewal a new annual permit at least 45 days before the expiration date by November 15 of the year the current annual permit was issued, and the department approves the application.

(6) An application for ~~renewal of an annual asbestos project permit must address in detail only the portions of the permit application that require revision, updating, supplementation, or deletion, and:~~

(a) indicate the amount of regulated asbestos-containing material proposed to be disturbed or removed during the permit period;

(b) require the permittee to report any amount of regulated asbestos-containing material disturbed or removed during the annual asbestos project period that exceeds the amount in (a);

(c) require the permittee to revise the annual asbestos project permit in accordance with (7); and

(d) may incorporate by reference any required information that has been previously submitted.

(7) An amendment revision to the an annual asbestos project permit is required as soon as possible or within 10 calendar days of the following when there is:

(a) a change in project contractor, or owner;

(b) a change in demolition/renovation contractor, transporter, or disposal site facility;

(c) an alternate work practice request is submitted for department approval in accordance with ARM 17.74.353(1)(e);

(d) the amount of regulated asbestos-containing material being disturbed exceeds the amount in (6)(a) by 20 percent or more; or

(e) any significant other change of similar in scope or magnitude of asbestos projects conducted at the facility during the project period.

AUTH: 75-2-503, MCA

IMP: 75-2-503, 75-2-504, MCA

REASON: The department is proposing to establish a standard annual asbestos project permit cycle, beginning January 1 and ending December 31, and to set a specific date of November 15, by which annual asbestos project permit holders must submit necessary information for department approval of a new annual permit. Setting a specific deadline to apply for a new annual asbestos project permit allows the department to eliminate the 45-day submission requirement, and provides an adequate review period before the new annual asbestos project permit period begins.

Adopting a standard permit year would allow the department to better stage the workload associated with approving facility annual permits. It would also provide annual permit applicants with a consistent and stable planning period. The fee associated with annual permits is proposed as a flat rate, which allows the removal or disturbance of 25,000 asbestos unit measurement (AUM) (See NEW RULE I(2)(Table 1)). The application for an annual asbestos permit must document the amount of asbestos-containing material proposed for removal during the annual permit term to ensure the correct fee is assessed.

The proposed amendments would also provide the department with a consistent method for tracking asbestos-containing material identified during inspections, removed during projects, and ultimately disposed during an annual asbestos project permit period to ensure compliance with the Montana Asbestos Control Act and protect human health and the environment.

The department is proposing to strike "renewal of" from (6) because a permittee would be required to apply for an annual asbestos project permit every year. The department is proposing (6)(a) to assist the department in tracking the amount of asbestos-containing material being identified during inspections, removed during projects, and ultimately disposed of during an annual asbestos project permit period to protect human health and the environment.

The department is proposing (6)(b) and (c) to require annual permit holders to report amounts that exceed the proposed amount of asbestos-containing material in

(6)(a) and revise the annual asbestos project permit when the amount of asbestos-containing material removed or disturbed during the term of the annual permit exceeds the amount in (6)(a) by 20 percent or more. The permittee will not be charged a permit revision fee unless cumulative quantities exceed 25,000 AUMs pursuant to the proposed rule amendment at NEW RULE I(2).

The department is proposing (6)(d) to save the permittee and the department time in submitting and processing applications by not requiring the permittee to re-enter previously submitted information if it is still accurate.

The department is proposing to strike "demolition" from (7) because demolition notices are handled separately from annual asbestos project permits. Demolition notices only pertain to non-regulated asbestos containing material. If the asbestos were to become regulated during a demolition, then the permittee would have to apply for an asbestos project permit or modify the amount of regulated asbestos-containing material proposed to be disturbed or removed during the permit period in the existing annual permit.

The proposed amendments at (7)(a) and (b) are necessary to require revision of an annual asbestos project permit when there is a change in project contractor, project owner, change in renovation contractor, transporter, disposal facility, or a request for approval of alternate work practice. These revisions are necessary to enable the department to track the handling and removal of asbestos-containing material during an annual asbestos project permit period.

The department is proposing (7)(c) to align the rule with the Asbestos NESHAP notification requirements. Under the proposed change, an annual asbestos project permit holder must notify the department when the amount of asbestos-containing material disturbed during the annual permit period exceeds the asbestos containing material identified in the original permit application by 20 percent or more. The proposed amendments are necessary to align this rule with fee rule amendments being proposed in NEW RULE I.

The proposed amendment at (7)(d) is necessary to require revision of an annual asbestos project permit when there are significant changes in scope or magnitude of asbestos projects conducted at a permitted facility during the annual asbestos project period.

17.74.364 TRAINING PROVIDER REQUIREMENTS (1) through (4) remain the same.

(5) All training course materials and examinations must be submitted to the department ~~in advance~~ for the department's approval. Upon department approval, the training course is approved for a two-year period, beginning January 1 of the year following approval. The department may not accept applications for training course approval before October 1 of the year preceding the two-year training course approval period. A person may apply for approval as a training course provider of a training course beginning January 1 of the year following training course approval by submitting ~~all of the following to the department at least 45 calendar days prior to the proposed date of course presentation:~~ by November 15 of the preceding year:

(a) through (d) remain the same.

(e) a list of the proposed instructors who will teach the course along with their resume and or other documentation supporting of the instructors' qualifications,

which must include significant academic and/or field experience in the asbestos control disciplines to be instructed;

(f) remains the same.

(g) a course schedule indicating the time allotted for each topic ~~and the instructor for each subject~~;

(h) through (6) remain the same.

(7) ~~The department must be notified~~ A training course provider shall notify the department at least 45 days in advance of implementing any proposed changes in the content of approved training courses, examinations, or instructors during the two-year course approval period in (5). The department shall approve, or deny, in writing or request additional information regarding any proposed changes in training course, or examination contents, or change in instructor(s) within 45 working days of receiving the notification.

(8) remains the same.

(9) ~~The department may audit an approved training course and examination and may audit a training course following any change in the course.~~

(10) ~~Following an audit conducted under this rule, the course provider shall pay the audit fee specified in ARM 17.74.404.~~

(149) Department personnel may ~~audit~~ evaluate any training course offered for accreditation in an asbestos-related occupation without paying tuition or the cost of materials.

(12) remains the same but is renumbered (10).

(11) Training provider course approval expires at the end of the two-year approval period established in (5), unless the training provider applies for renewal by November 15 of the year the approval period expires.

(12) A training provider seeking to renew course approval shall provide the department with the information listed in (5) and pay the appropriate fee as provided in [NEW RULE III].

AUTH: 75-2-503, MCA

IMP: 75-2-511, MCA

REASON: The department is proposing to amend (5) to require submitting training course renewals by a specific date. This amendment allows the department to allocate staff resources more effectively during the winter months in a business cycle when asbestos projects are generally in the planning phase and prior to the traditional construction season. Additionally, the summer months are the busy time for the regulated community, so having the training provider renewal period during the winter will equally benefit persons working, or training to work, in asbestos related occupations.

Through this proposed rule change and NEW RULE III, the department is proposing a renewal fee for all initial and refresher courses to be paid prior to the end of the two-year course approval period established in (5). These rule amendments are necessary to establish a consistent two-year timeframe for training course approvals, which will allow the department and training providers to plan and complete course review work more efficiently.

The proposed rule amendments at (5)(e) are necessary to clarify training

provider requirements so that training providers have notice of the documentation required to support training course instructor's qualifications for course approval by the department.

The department is proposing amendments to (7) to set timeframes for course providers to notify the department of any changes to approved courses. This change is necessary to ensure efficient processing of proposed changes and timely course review and approval. Additionally, the department is proposing amendments to (7) to ensure that the department approves, denies, or requests additional information regarding proposed changes in approved courses in a timely fashion so that training providers can be confident they are providing training that meets department approval and supports asbestos work that is protective of human health and the environment.

The department is proposing to delete (9) and (10) to replace the course audits with evaluations as set forth in proposed amendments to former (11), which is proposed to be renumbered (9). The department has determined that auditing approved training courses and examinations is not efficient or cost effective for the department or training providers. The department will retain the ability to evaluate training courses to ensure courses meet the accreditation requirements in 75-2-511, MCA, and verify that courses are taught, and examinations are administered, in a manner that protects human health and the environment. Additionally, with these rule amendments, the department is proposing repeal of ARM 17.74.404 (Course Audit Fees).

The department is proposing new (11) to set a deadline for training course providers to renew their course approvals. This amendment is necessary to maintain an established, consistent timeframe for the department to approve course renewals.

The department is proposing new (12) to ensure training providers provide the department with relevant information and pay the department course approval and renewal fees that are commensurate with costs associated with the department's resources dedicated to reviewing training course providers qualifications and course content.

4. The rules proposed for repeal, effective June 30, 2020, are as follows:

17.74.401 PERMIT FEES

AUTH: 75-2-503, MCA

IMP: 75-2-503, 75-2-504, MCA

REASON: The department is proposing to repeal ARM 17.74.401 effective June 30, 2020, and to adopt NEW RULE I effective July 1, 2020. The repeal of ARM 17.74.401 and subsequent replacement of ARM 17.74.401 with NEW RULE I is necessary to adopt a new schedule of asbestos permit fees with time to phase in data base support for the proposed new fee structure. See reason statement for NEW RULE I.

The proposed repeal of ARM 17.74.401 will eliminate the requirement that contracts be submitted because it will not be necessary for the department to review

contracts, and estimate contract volumes, for the assessment of fees under proposed NEW RULE I.

The proposed repeal will also eliminate the department's fee for inspections of an asbestos project, which is unnecessary because the department no longer conducts asbestos inspections upon request by a project owner, operator, or permittee. Instead, asbestos project owners and operators may hire accredited asbestos inspectors to conduct asbestos inspections.

17.74.402 ACCREDITATION AND ACCREDITATION RENEWAL FEES

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: The department is proposing to repeal ARM 17.74.402 effective June 30, 2020, and to adopt NEW RULE II effective July 1, 2020. The repeal of ARM 17.74.402 and subsequent replacement of ARM 17.74.402 with NEW RULE II is necessary to adopt a new schedule of asbestos accreditation and accreditation renewal fees with time to phase in data base support for that new fee structure. See reason statement for NEW RULE II.

17.74.403 COURSE APPROVAL FEES

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: The department is proposing to repeal ARM 17.74.403 effective June 30, 2020, and to adopt NEW RULE III effective July 1, 2020. The repeal of ARM 17.74.403 and subsequent replacement of ARM 17.74.403 with NEW RULE III is necessary to adopt a new schedule of asbestos course approval and course renewal fees with time to phase in data base support for that new fee structure. See reason statement for NEW RULE III.

17.74.404 COURSE AUDIT FEES

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: The department is proposing to repeal this rule because audits conducted by the department are expensive, time consuming, and may result in dual assessment of training providers. The department described the reason for increasing course approval fees and adding the ability to assess renewal fees in the reason statements associated with ARM 17.74.364 and NEW RULE III.

The department believes that conducting a thorough review for initial course approval and implementing the additional recordkeeping requirements proposed in the amendments to ARM 17.74.364 will ensure training providers meet the regulatory requirements for training course content, materials, and exams, obviating the need for a course audit.

Additionally, the department's proposed two-year course approval period in ARM 17.74.364(5) will ensure that necessary and current information is provided in training courses.

5. Proposed new rules, effective July 1, 2020, provide as follows:

NEW RULE I PERMIT AND OTHER PROJECT FEES (1) The applicable fee, provided in (2) Table 1 and (3) Table 2, shall be submitted to the department with submittal of an asbestos project permit application, an annual asbestos project permit application, or a demolition notice.

(2) Table 1 - Permit Fees:

Permit Fee	Amount of Permit Fee
Asbestos project permit	Fees are calculated by AUMs using Table 2
Annual asbestos project permit, authorizes the removal or disturbance of up to 25,000 AUMs during the annual project permit period	\$4,000
Annual asbestos project permit revision authorizes cumulative removal or disturbance that exceeds 25,000 AUMs	\$700 plus AUM fees in Table 2 for regulated asbestos-containing material that exceeds 25,000 AUMs
Demolition notice	\$100
Demolition revisions	\$100
Project permit revision	\$100 plus the additional AUM fees (If there is a change in the AUM range, a person would pay the difference between the two ranges in Table 2)
Emergency renovation notification (ARM 17.74.352)	\$300 plus AUM fees in Table 2
Submission of alternate work practice request (ARM 17.74.353)	\$100
Voluntary registration for a non-regulated asbestos abatement project (as in (4))	\$100 plus AUM fees in Table 2 if the project becomes regulated and exceeds 100 AUMs
Ordered demolition	\$300
Transportation and disposal permit	\$100

(3) Table 2 - AUM Fees:

AUM Range	AUM Fee Amount
up to 100	\$100
101 to 300	\$150
301 to 500	\$200

501 to 750	\$300
751 to 1,500	\$600
1,501 to 3,000	\$1,000
3,001 to 5,000	\$2,000
5,001 to 10,000	\$3,000
10,001 to 25,000	\$4,000
25,001 to 50,000	\$6,000
50,001 to 100,000	\$8,000
100,001 or more	\$16,000

(4) Abatement contractors may voluntarily register a non-regulated asbestos project on a department-approved form upon payment of the \$100 voluntary registration fee in Table 1 at (2). If non-regulated materials are rendered regulated because of a voluntarily registered project, the abatement contractor shall notify the department and submit the appropriate fee for any disturbed regulated asbestos-containing material in accordance with Table 2 in (3).

(5) The total fee may not exceed \$16,000 per asbestos project permit or annual asbestos project permit.

(6) For fee assessment, layered homogenous materials may be treated as one layer if a department-accredited asbestos inspector determines and documents the layered homogenous character of the material during an inspection conducted in accordance with ARM 17.74.354.

AUTH: 75-2-503, MCA

IMP: 75-2-503, 75-2-504, MCA

REASON: The department is proposing to adopt NEW RULE I to specify the amount of permit and other project fees that must be paid to the department. Applicants for permits and notices will submit a department-approved form with the fee for consistency and to aid the department in efficient permit processing. The department is proposing Table 1 Permit Fees in NEW RULE I(2) and Table 2 AUM Fees in NEW RULE I(3) to set forth the basis for applicable fees. Proposed NEW RULE I(2) Table 1 and NEW RULE I(3) Table 2 are necessary to support fee amounts assessed for project permits, permit revisions and amendments, and other required notices and services provided by the department.

By adoption of NEW RULE I, the department proposes to increase asbestos project permit fees, annual asbestos project permit fees, and to add new fee categories to reflect the time and costs to the department associated with administering the Asbestos Control Act and the Federal Asbestos NESHAP. Under NEW RULE I, the department is proposing to set a flat fee for an asbestos project permit at \$100 for up to 100 square, 100 linear, or 100 cubic feet or any combination thereof. Demolition notices do not include AUMs because such notices are for non-regulated asbestos-containing material. If the non-regulated asbestos-containing material were to become regulated during a demolition, the permittee would have to apply for an asbestos project permit or revise an existing annual project permit, and pay a fee based on the disturbed or removed AUMs.

The department is proposing NEW RULE I(3) Table 2 to provide a flat fee structure for disturbed amounts. The department based this approach upon stakeholder feedback that large projects should not have to pay an asbestos project cost more than 10-12 percent of the total project cost.

Under NEW RULE I, the department is proposing to increase the annual asbestos project permit fee to \$4,000 and annual asbestos project permit revision fee to \$700 plus the permittee will pay for additional AUMs that exceed the allotted 25,000 AUMs under the proposed fee structure in NEW RULE I(3) Table 2. NEW RULE I is necessary to even the playing field between annual asbestos project permit holders and regular project permit holders. The department is proposing to set a cap for project fees at \$16,000 to avoid assessing excessive amounts for asbestos projects.

The department is proposing to delete "contract volume" in NEW RULE I(2) and replace it with "asbestos unit measurement" to set a specific amount of asbestos-containing material a permit holder will pay for during a project.

The term "annual base amount" is being proposed to establish the amount of asbestos-containing material an annual asbestos project permit holder may remove or disturb during the year the permit is in effect, without a permit revision and associated fees. Adding this definition will allow facility owners and operators to remove or disturb up to 25,000 square, linear, or cubic feet of permitted asbestos-containing material under the \$4,000 annual permit fee. If the total amount of asbestos-containing material exceeds the 25,000 square, linear, or cubic-foot measurement, an annual asbestos permit holder must pay for the additional AUMs in accordance with NEW RULE I(3) Table 2. Additionally, and consistent with the notification requirements in the Federal Asbestos NESHAP, a revised annual asbestos permit is required when the amount of asbestos-containing material removed or disturbed exceeds 20 percent of the total amount originally noticed, or, in this case, proposed in the annual permit application.

The current fee structure was adopted in 2008. The department has determined it is necessary to amend the fee rules to establish sufficient accreditation, training course provider, and regulated asbestos project fees to enable the department to effectively operate and implement its federal and state regulatory obligations. This fee proposal is intended to simplify the existing fee structure, apply the fees equitably across the regulated community, provide predictability, be commensurate with costs as required by 75-2-503(1)(k), MCA, and generate sufficient revenue to meet department mandates.

In addition, the department is addressing stakeholder concerns that fees should not exceed 10-12 percent of the contract value for an asbestos project. The department is proposing the current fee structure in order not to penalize bigger projects, but provide enough revenue for the department to administer its program. Stakeholders suggested that the department fund the program through increased penalties for violations of the Asbestos Control Act. However, administrative and civil penalties are set forth in the Montana Asbestos Control Act, 75-2-501, MCA, and are deposited to the state general fund, where the funds are not available to fund the Asbestos Control Program. This may only be changed through statutory amendment.

Average revenue per year for 2016 through 2018 for asbestos project permits

and annual project permits was \$129,436. Under the proposed fee structure, the projected amount for asbestos projects and annual project permits is \$286,550. Adoption of these rules will raise asbestos project permit and annual project fees in the approximate aggregate amount of \$157,114 (\$286,550 minus \$129,436) annually.

The department has not increased fees in eleven years. Federal grant money has decreased over the years and the department is working to be a self-sufficient program. Increased fees are necessary to support the department goals to increase compliance assistance, educational and training programs, and to fill the current full-time vacancy in the program. For more information, contact the department at (406) 444-5300 for the Small Business Impact Analysis.

Additionally, without these new fee categories, the department does not meet the provisions of 75-2-503, MCA, and is not assessing fees commensurate with the administrative costs associated with review and approval of training courses; approval of applications for and approval of renewal applications for accreditation of persons seeking to pursue asbestos-related occupations; and issuance and administration of asbestos project permits including annual asbestos project permits.

The new fee categories being proposed in Table 1 represent specific administrative services that department staff have provided for the regulated community since the existing fee structure was adopted in 2008, such as demolition notices, revisions to permits, requests for emergency permits, and requests for alternative work practices. Requests for these activities had been processed by the department without fee. For example, the department processed 146 demolition notifications in 2018. The proposed new fee categories will allow the department to collect fees to fulfill its obligations, to provide compliance assistance to the regulated community, and to ensure asbestos-containing materials are handled in a manner that is protective of human health and the environment.

Pursuant to HB 434 and AAG Recommendation #8, the department is proposing (4). AAG Recommendation #8 states, "DEQ should adopt a voluntary low-cost registration process for abatement contractors when they perform non-permitted asbestos projects, allowing them to proceed without delay if a non-regulated project becomes regulated." This recommendation provides an "insurance policy" so work is not delayed if asbestos is discovered or non-friable asbestos becomes friable. Currently, when regulated asbestos-containing material is discovered and an asbestos project permit is necessary, the contractor must wait the NESHAP-mandated ten working days before resuming work.

The department is proposing (5) to set maximum project fees for two reasons. First, the amount represents the maximum permit fees for projects permitted by the department over the last three fiscal years based on records submitted by permit holders. That revenue has allowed the department to assign staff to meet the statutory and administrative functions of the Asbestos Control Act and as a result comply with the "commensurate with costs" provisions of 75-2-503, MCA. Second, a maximum fee avoids the possibility that the department would receive a financial windfall from an unusually large asbestos project. Under the current fee structure, an asbestos contractor would pay ten percent of the total contract price, minus unassociated costs for activities that do not disturb asbestos-containing material. A large renovation project could result in an assessed fee more than the proposed

maximum fees. Compliance assistance services would not cost more than the maximum fee being proposed in (5).

The department is proposing (6) in accordance with stakeholder input that multiple adjacent layers within the same structure should be assessed as one layer and not as multiple layers. The department is proposing this change to encourage reporting of multiple layers and holistic treatment of these materials. This proposed amendment will reduce fees paid to the department for layered homogenous materials, but result in better management of these materials to protect human health and the environment.

Example fee calculation: A person wants to remove 1,000 AUMs. The person would pay \$600 for a project permit in accordance with Table 2. Later, the person determines that an additional 600 AUMs needs to be removed. The person would pay a project revision fee of \$100 plus the difference between the total AUM fees for the project (\$1,000) less the AUM fees already paid (\$600). Thus, the total revision fee would be \$100 (permit revision fee) plus \$400 (additional AUM fees) for a total project revision fee of \$500.

NEW RULE II ACCREDITATION AND ACCREDITATION RENEWAL FEES

(1) A person seeking accreditation or renewal of accreditation in an asbestos-related occupation shall pay a fee to the department. The fees for accreditation or renewal of accreditation are:

- (a) asbestos project worker.....\$200
- (b) asbestos project contractor/supervisor.....\$200
- (c) asbestos inspector.....\$200
- (d) asbestos management planner.....\$200
- (e) asbestos project designer.....\$200
- (f) out-of-state reciprocity.....\$250

(2) For accreditation based on completion of an initial training course that has been approved by another state having accreditation requirements at least as stringent as Montana's, a person shall pay the out-of-state reciprocity accreditation fee in (1)(f).

(3) A person seeking accreditation or renewal of accreditation in more than one asbestos-related occupation, on the same renewal application, shall pay a fee of \$385. This discount is not available for accreditation based on out-of-state reciprocity.

AUTH 75-2-503, MCA
IMP: 75-2-503, MCA

REASON: The department is proposing to increase the accreditation and accreditation renewal fees for asbestos-related occupations. The proposed increase is necessary to cover the increase to the department in the cost of reviewing and issuing accreditations and maintaining the related online services.

Pursuant to HB 434 and AAG Recommendation #7, the department is proposing to keep the discount for multiple accreditations or accreditation renewals when requested in a single application. AAG members expressed that

the discount promotes professional development for those involved in asbestos-related occupations.

The department is proposing that the discount for multiple accreditations not apply when the accreditation is based on out-of-state reciprocity. This encourages persons seeking accreditation to use in-state training. It also reflects increased costs to the department in monitoring compliance with state laws by persons that have been accredited in other states with different and potentially less stringent requirements.

NEW RULE III COURSE APPROVAL AND RENEWAL FEES (1) After July 1, 2020, a person shall pay to the department \$2,000 per course for approval of an initial training course for accreditation in an asbestos-related occupation, pursuant to ARM 17.74.362, or for approval of a refresher course for renewal of accreditation in an asbestos-related occupation, pursuant to ARM 17.74.363.

(2) A person shall pay a renewal fee of \$300 per course to the department when the person has received department approval of an initial training course for accreditation in an asbestos-related occupation on or before July 1, 2020 that the person intends to continue to provide after July 1, 2020. The initial course renewal fee is due two years from the training course approval date.

(3) A person shall pay a refresher course renewal fee of \$200 per course to the department when the person has received department approval of a refresher course for accreditation in an asbestos-related occupation on or before July 1, 2020 that the person intends to continue to provide after July 1, 2020. The refresher course renewal fee is due two years from the refresher course approval date.

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: The proposed new rule is necessary to increase the course approval fees from \$1,100 to \$2,000 for each course approved after July 1, 2020, the effective date of these rules. The proposed new rule is also necessary to allow a training course renewal fee from a person who received approval of a training course prior to July 1, 2020, the effective date of these rules, and plans to continue providing the course after July 1, 2020. Payment of the renewal fees set forth in the new rule at (2) and (3) allows the training provider to continue to offer a department-approved course.

Fees for course approval have not been changed since 2007. The department has determined that it is necessary to increase course approval and renewal fees to enable the department to set fees that are commensurate with costs as required by 75-2-503(1)(k), MCA, and generate sufficient revenue to meet department mandates.

The department is proposing a smaller fee for course renewals, compared to the \$2,000 course approval fee, because it takes the department less work and time to renew courses that the department has already approved. The proposed new rule is necessary to require course renewal every two years. The department believes that a two-year approval period is reasonable to ensure courses are up to date, meet the accreditation requirements in 75-2-511, MCA, and protect human

health and the environment. The proposed renewal fees are commensurate with costs for the department to review and renew a course.

NEW RULE IV REFUNDS (1) The department shall not refund any fee except as provided in this rule. The department shall review all applicable information in evaluating refund requests.

(2) The department may refund fees unnecessarily paid by an applicant receiving an incorrect permit or accreditation due to an error by the department.

(3) The director, or the director's designee, may authorize a refund of fees due to extenuating circumstances causing the permit or accreditation holder to be unable to use the accreditation or permit because of:

(a) declaration of war or police action; or

(b) catastrophic or major natural disaster or man-made event that requires assistance from a state or federal emergency management agency.

(4) The department may request documentation from a permit or accreditation holder seeking a refund under this rule.

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: NEW RULE IV is necessary to establish criteria justifying the refund of fees submitted to the department under the Montana Asbestos Control Act and these rules. The department is proposing to issue a refund only in the event the department makes an error or extenuating circumstances exist that are outside the control of the permittee or accreditation holder and make use of the permit or accreditation impossible. A refund policy is necessary to save the department time and costs incurred in processing refunds. On average, the department processes 25 refunds a year. Currently, the program must pay Montana Interactive (the financial software used by the program to charge fees) twice when processing refunds. The department has based this proposed refund policy on Montana Fish, Wildlife and Parks Department ARM 12.3.402 refund policy for hunting, fishing, and trapping licenses.

6. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Sandy Scherer, Legal Secretary, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to sscherer@mt.gov, no later than 5:00 p.m., March 27, 2020. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

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 that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid

waste; junk vehicles; infectious waste; public water supply; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wind energy, wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. 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 Sandy Scherer, Legal Secretary, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to Sandy Scherer at sscherer@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

8. Kirsten Bowers, attorney for the department, has been designated to preside over and conduct the hearings.

9. The bill sponsor contact requirements of 2-4-302, MCA, do apply. The sponsor was notified by mail on February 12, 2019.

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

These proposed rules are applicable to asbestos project workers, including contractors and consultants, who are employed by small businesses. These individuals are required to obtain department accreditation in each asbestos-related profession. Asbestos contractors include workers, inspectors, contractor/supervisors, and project designers in the asbestos industry. Asbestos consultants include management planners who develop plans for schools obligated to identify and manage asbestos-containing materials in their buildings in accordance with the Asbestos Hazard Emergency Response Act (AHERA). Approximately 300 Montana individuals, employed by 30 Montana small businesses, are required to obtain asbestos accreditation and thus would be affected by these rules. Among these small businesses are ten asbestos course providers. The rules are also applicable to asbestos contractors who must obtain asbestos permits on behalf of their clients. Approximately 250 annual and project permits are issued annually.

Overall, the department estimates that the total increase in revenue with the proposed fee structure would be \$207,085 per year compared to the average project permit, annual permit, and accreditation revenue generated for the program in 2016 through 2018. For more information, contact the department at (406) 444-5300 and request the Small Business Impact Analysis. The department has not increased fees in eleven years. Federal grant money has decreased over the years and the department is working to be a self-sufficient program. The department would also like to increase compliance assistance, enforcement, educational training programs, and fill the current full-time vacancy in the program.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ Edward Hayes

EDWARD HAYES

Rule Reviewer

BY: /s/ Shaun McGrath

SHAUN McGRATH

Director

Certified to the Secretary of State February 18, 2020.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 37.85.106, 37.87.702,	)	PROPOSED AMENDMENT AND
37.87.703, 37.87.802, 37.87.805,	)	REPEAL
37.87.807, 37.87.809, 37.87.823,)	
37.87.903, 37.87.1011, 37.87.1202,)	
37.87.1217, 37.87.1223, 37.87.1226,)	
37.87.1351, 37.87.1402, 37.87.1405,)	
37.106.1902, 37.106.1906, and)	
37.106.1935 and the repeal of ARM)	
37.87.1313, 37.87.1314, and)	
37.87.1315 pertaining to updates for)	
targeted case management,)	
outpatient therapy, and reference)	
revisions)	

TO: All Concerned Persons

1. On March 19, 2020, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on March 13, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.85.106 MEDICAID BEHAVIORAL HEALTH TARGETED CASE
MANAGEMENT FEE SCHEDULE (1) remains the same.

(2) The Department of Public Health and Human Services (department) adopts and incorporates by reference the Medicaid Behavioral Health Targeted Case Management Fee Schedule effective July 1, 2019 March 1, 2020, for the following programs within the Developmental Services Division (DSD) and the Addictive and Mental Disorders Division (AMDD):

(a) through (3) remain the same.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-113, MCA

37.87.702 MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) "Community-based psychiatric rehabilitation and support (CBPRS)" means rehabilitation services provided in home, school, and community settings for youth with serious emotional disturbance (SED) who are at risk of out of home or residential placement, or risk removal from current setting for youth under six years of age. CBPRS services are provided for a short period of time, generally 90 days or less, to improve or restore the youth's functioning in one or more of the impaired areas identified in the SED definition in ARM ~~37.87.303~~ 37.87.102. Services are provided by trained mental health personnel under the supervision of a licensed mental health professional and according to rehabilitation goals.

(2) "Comprehensive school and community treatment" is defined in ARM ~~37.86.2224~~ the manual adopted and incorporated by reference in ARM 37.87.903.

(3) through (6) remain the same.

(7) "Outpatient therapy service" is defined in ARM ~~37.87.102~~ the manual adopted and incorporated by reference in ARM 37.87.903.

(8) "Serious emotional disturbance (SED)" criteria are defined in ARM ~~37.87.303~~ the manual adopted and incorporated by reference in ARM 37.87.903.

(9) through (11) remain the same.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.703 MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), COVERED SERVICES (1) Mental health center services for youth with SED include:

(a) Community-Based Psychiatric Rehabilitation and Support (CBPRS) services as ~~provided for~~ defined in ARM 37.87.704 37.87.702.

(b) through (h) remain the same.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.802 TARGETED CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, DEFINITIONS As used in this chapter, the following terms apply:

(1) ~~"Case management services" means case management as defined in ARM 37.86.3301.~~

(2) (1) "Department" means the Department of Public Health and Human Services.

(2) "Natural supports" means relationships and supports that occur within the community in everyday life including but not limited to relationships with family members, friends, neighbors, and community acquaintances.

~~(3) "Serious emotional disturbance (SED)" is defined in ARM 37.87.303.~~

(3) "Targeted case management services (TCM)" means case management as defined in the manual adopted and incorporated by reference in ARM 37.87.903.

~~(4) "Youth" is defined in ARM 37.87.102.~~

(5) (4) The definitions in ARM 37.86.3301 also apply when not inconsistent with this subchapter.

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

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, MCA

37.87.805 TARGETED CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, ELIGIBILITY (1) If otherwise eligible for Medicaid services, youth with SED may receive medically necessary targeted case management services in the community setting or when transitioning to a community setting as provided in this subchapter.

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

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, MCA

37.87.807 TARGETED CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, COVERED SERVICES

~~(1) Case~~ Targeted case management services include:

~~(a) comprehensive assessment and periodic reassessment of an eligible individual youth and the youth's family or caregivers to determine service needs, including activities that focus on needs identification; and~~

~~(b) determination of the need for any medical, educational, social, or other services;~~

~~(c) these~~ The assessment activities include the following:

~~(i) taking youth and the youth's family or caregivers history;~~

~~(ii) identifying the needs of the individual youth and the youth's family or caregivers, and completing related documentation; and~~

~~(iii) gathering necessary information from other sources, such as family members, medical providers, social workers, and educators to make a complete assessment of the eligible individual youth.~~

~~(d) (b)~~ development and periodic revision of a specific care plan based on the information collected through the assessment that includes the following:

~~(i) specific goals and actions to address the service needs of the youth and the youth's family or caregivers, including but not limited to medical, social, and educational needs, and other services needed by the eligible individual;~~

~~(ii) activities such as ensuring the active participation of the eligible individual youth and the youth's family or caregivers in developing the goals and actions of the care plan and working with the individual, or the individual's authorized health care decision maker and others to develop those goals; and~~

(iii) a course of action designed to respond to the assessed needs of the eligible individual youth and the youth's family or caregivers.

(e) (c) referral and related activities, such as making referrals and scheduling appointments for the individual youth, helping the eligible individuals youth and the youth's family or caregivers obtain needed services, helping to link the individual youth and the youth's family or caregivers with medical, social, and educational providers, or other programs and services that ~~are capable of providing~~ provide needed services to address identified needs and achieve goals specified in the care plan; and

(f) (d) monitoring and follow-up activities, including activities and contacts necessary to ensure that the care plan is effectively implemented and adequately addresses the needs of the eligible individual youth and the youth's family or caregivers. ~~This~~ The monitoring and follow-up activities may be with the individual youth, family members or caregivers, service providers, or other entities or individuals and may be conducted as frequently as necessary, including at least one annual monitoring review to help determine whether the following conditions are met:

(i) services are being furnished in accordance with the individual's youth's care plan;

(ii) services in the care plan are adequate to meet the needs of the individual youth and youth's family or caregivers; and

(iii) changes in the needs or status of the eligible individual youth have been accommodated. Monitoring and follow-up activities include making necessary adjustments in the care plan and service arrangements with providers.

(2) ~~Case~~ Targeted case management may include contacts with noneligible individuals ~~that who~~ are directly related to the identification of the eligible individual's youth's needs and care for the purpose of helping the individual youth access services, identifying needs and supports to assist the eligible individual youth in obtaining services, providing case managers with useful feedback, and alerting case managers to changes in the eligible individual's youth's needs.

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

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, MCA

37.87.809 TARGETED CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, REIMBURSEMENT (1) Targeted case management (TCM) services for youth with SED will be reimbursed on a fee per unit of service basis. For purposes of this rule, a unit of service is based on a 15-minute unit increment. ~~A unit of service is a period of 15 minutes as follows:~~

(a) through (h) remain the same.

(2) Targeted case management services rendered to youth residing in a Montana county with a per capita population of fewer than 7 people per square mile are eligible to receive a frontier community differential of 115% of the current fee schedule, as provided in ARM 37.85.106.

~~(2)~~ (3) The department will pay providers of targeted case management services for youth with SED the lesser of:

(a) remains the same.

(b) the rate established in the department's Medicaid fee schedule, as adopted in ARM ~~37.85.105~~ 37.85.106.

(3) and (4) remain the same but are renumbered (4) and (5).

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

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, MCA

37.87.823 TARGETED CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, PROVIDER REQUIREMENTS

(1) remains the same.

(2) Targeted case management services for youth with SED must be provided by a licensed mental health center as defined in ARM 37.87.102. A mental health center must:

(a) have a current license endorsement permitting the mental health center to provide targeted case management services; and

(b) be enrolled in the Montana Medicaid program as a targeted case management services provider; and

~~(c) contract with the department to provide targeted case management services for youth with SED.~~

(3) and (4) remain the same.

(5) ~~In addition, c~~Case management plans for youth with SED must be completed within the first 21 days of admission to targeted case management services and updated at least every 90 days or whenever there is a significant change to the youth's condition. and The case management plan must include:

~~(a) an objective to serve each youth in the least restrictive environment;~~

(a) use the standardized assessment tool approved by the department to determine the appropriate level of service intensity needed by the youth and the youth's family or caregivers;

(b) incorporate standardized assessment tool findings into the plan;

(c) support continued benefits from TCM reflected in youth service planning;

(d) reflect the least restrictive and appropriate level of care;

~~(b) (e) identification~~ identify of the strengths of the youth and the youth's family or caregivers;

~~(e) (f)~~ include a crisis response plan;

~~(d) (g)~~ include a plan for each youth age 16 1/2 and older to transition to adult mental health services; and

~~(e) (h)~~ include a discharge and transition plan from targeted case management services.

(6) Upon admission to TCM services and prior to all treatment team meetings of TCM services, the targeted case manager shall meet with the youth's family or caregivers to complete a family treatment team meeting preparation checklist and questionnaire. The checklist and questionnaire must contain and document the following components:

(a) explanation of the purpose of the treatment meeting and documentation of the youth's family or caregivers understanding;

(b) identification of natural supports in the youth's life;

(c) a notice to the family that the youth's treatment plan shall be delivered at

times and in locations that are flexible, accessible, and convenient to the youth and the youth's family or caregivers, including evenings and weekends;

(d) evaluation with the youth and the youth's family or caregivers to identify and address risks and safety concerns at home and in the school and in the community; and

(e) evaluation with the youth and the youth's family or caregivers to identify strengths that can be used as the basis of the treatment plan in the areas of school, vocational, family, social, and community functioning as well as towards meeting developmental skills and abilities.

(7) Individual treatment plans and those participating in treatment team meetings must:

(a) use language that is understandable to the youth and the youth's family or caregivers and, where necessary, translate clinical terminology including but not limited to diagnoses and acronyms into language that is understandable; and

(b) actively seek to understand and demonstrate respect for the unique and diverse backgrounds of the youth and the youth's family or caregivers including but not limited to roles, values, beliefs, races, ethnicities, sexual orientations, gender expressions, gender identities, languages, traditions, communities, and cultures.

(8) In addition to the requirements outlined in (7), individual treatment plans must include:

(a) natural supports; and

(b) a crisis plan that identifies safety concerns, potential crises, triggers, de-escalation and coping strategies, actionable stabilization steps, prevention measures, and identified supports of the youth and the youth's family or caregivers.

(9) Targeted case management providers shall share with the youth and the youth's family or caregivers baseline and updated outcome measurements including measurements of the youth's emotional and behavioral functioning, living situation, school outcomes, risk of harm to self or others, substance use, and progress toward individualized goals. Targeted case management providers shall meet with the youth and the youth's family or caregivers at least every 90 days for the purpose of sharing this information.

(10) In addition to the discharge requirements outlined in ARM 37.106.1917, a youth must be discharged from targeted case management services when treatment plan goals have been met, when the youth no longer desires targeted case management, or when the youth no longer meets the criteria for entry into targeted case management services.

(11) Mental health centers with a youth targeted case management endorsement must have policies and procedures in place to provide timely access to services for youth by:

(a) ensuring mental health centers have adequate resources to provide timely access to the standard assessment tool for intake of youth; and

(b) detailing a communication plan to the youth's family or caregivers if the youth is placed on a waitlist, including a process for referral to other services providers.

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

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, MCA

37.87.903 MEDICAID MENTAL HEALTH SERVICES FOR YOUTH, AUTHORIZATION REQUIREMENTS (1) remains the same.

(2) Medicaid mental health services for youth requiring approval prior to treatment, prior authorization, or continued stay authorization is reimbursed only if the youth has been determined to have a serious emotional disturbance defined in the Manual adopted and incorporated by reference in ~~(8)~~ below, which has been verified by the department or its utilization review contractor.

(3) Youth are not required to have a serious emotional disturbance to receive the following outpatient therapy services:

(a) the first ~~40~~ 24 sessions of individual, family, or both outpatient therapies per state fiscal year. Group outpatient therapy is not included in the ~~40~~24-session limit; and

(b) through (6) remain the same.

(7) In addition to the requirements contained in rule, the department has developed and published a provider manual entitled Children's Mental Health Bureau, Medicaid Services Provider Manual (Manual), dated ~~July 1, 2018~~ March 1, 2020, for the purpose of implementing requirements for utilization management. The department adopts and incorporates by reference the Children's Mental Health Bureau, Medicaid Services Provider Manual, dated ~~July 1, 2018~~ March 1, 2020. A copy of the manual may be obtained from the department by a request in writing to the Department of Public Health and Human Services, Developmental Services Division, Children's Mental Health Bureau, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 or at <http://dphhs.mt.gov/dsd/CMB/Manuals.aspx>.

(8) and (9) remain the same.

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

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.1011 THERAPEUTIC GROUP HOME (TGH), PROVIDER REQUIREMENTS (1) remains the same.

(2) Therapeutic group home (TGH) services may be provided only by a facility which is licensed as a TGH by the department in accordance with the provisions of Title 52, chapter 2, part 6, MCA, and found in ARM 37.87.1011, ~~37.87.1013, 37.87.1015, and 37.87.1017~~, and the manual adopted and incorporated by reference in ARM 37.87.903.

(3) through (5) remain the same.

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

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.1202 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY SERVICES, DEFINITIONS As used in this subchapter, the following definitions apply:

(1) through (5) remain the same.

(6) "Psychiatric residential treatment facility (PRTF)" is defined in the Children's Mental Health Bureau ~~Medical~~ Medicaid Services Provider Manual, adopted and incorporated by reference in ARM 37.87.903.

(7) "Therapeutic Home Visit (THV)" is defined in the Children's Mental Health Bureau Medicaid Services Provider Manual, adopted and incorporated by reference in ARM 37.87.903.

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

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.1217 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF) SERVICES, TREATMENT REQUIREMENTS (1) through (3) remain the same.

(4) The treatment plan and discharge plan for the youth must be reviewed at least every 30 days at the multidisciplinary treatment team meeting, and more frequently if there is a significant change in the condition of the youth. The multidisciplinary treatment team must be consistent with 42 CFR 441.156. The parent or legal representative of the youth must be invited to participate in these meetings, and given adequate notice to participate. Adequate notice means generally a week unless the condition of the youth dictates otherwise.

(5) and (6) remain the same.

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

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.1223 IN-STATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF) SERVICES, REIMBURSEMENT (1) through (5)(b) remain the same.

(c) adult mental health center evaluations for transition age youth 17 to 18, to determine whether or not they qualify for adult mental health services and have a severe and disabling mental illness; and

(d) up to 60 consecutive days of targeted case management services for the purpose of planning the youth's transition to the community. A youth should retain the case manager the youth had prior to entry into PRTF services, if applicable. If the youth is assigned a case manager who is different from the one previous to PRTF services, the case manager must document the rationale for the change.

(6) remains the same.

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

IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.87.1226 OUT-OF-STATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY SERVICES, REIMBURSEMENT (1) and (2) remain the same.

(3) The Montana Medicaid Program will reimburse enrolled providers directly for the following services which are not included in the out-of-state per diem rate:

(a) up to 80 units of targeted case management services, as defined in ARM 37.86.3301, per PRTF stay up to 60 consecutive days of targeted case management services for the purpose of planning the youth's transition to the community. A youth

should retain the case manager the youth had prior to entry into PRTF services, if applicable. If the youth is assigned a case manager who is different from the one previous to PRTF services, the case manager must document the rationale for the change; and

(b) and (4) remain the same.

AUTH: 53-6-101, MCA

IMP: 53-6-113, MCA

37.87.1351 INTEGRATED CO-OCCURRING TREATMENT (ICT), ELIGIBILITY (1) remains the same.

(2) The youth must have a co-occurring substance use disorder (SUD) as defined by the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) and a serious emotional disturbance (SED) as defined in the ~~Children's Mental Health Bureau's Medicaid Services Provider~~ manual, adopted and incorporated by reference in ARM 37.87.903(8).

(3) remains the same.

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

IMP: 53-6-101, MCA

37.87.1402 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), DEFINITIONS (1) and (2) remain the same.

(3) "Clinical lead" means a person who is an employee of the provider agency who is responsible for the supervision and overall provision of treatment services to youth in HSS and TFC. Effective January 31, 2014, the clinical lead must be a licensed mental health professional as defined in ARM 37.87.702 37.87.102 or an in-training practitioner as defined in ARM 37.88.901 individual providing in-training mental health services as defined in ARM 37.87.702.

(4) through (6) remain the same.

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

IMP: 53-2-201, 53-6-101, MCA

37.87.1405 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), ASSESSMENTS (1) A clinical assessment consistent with ARM 37.106.1915 must be completed for each youth documenting the youth has a ~~severe~~ serious emotional disturbance as defined in ARM ~~37.87.303~~ 37.87.102.

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

IMP: 53-2-201, 53-6-101, MCA

37.106.1902 MENTAL HEALTH CENTER: DEFINITIONS In addition to the definitions in 50-5-101, MCA, the following definitions apply to this subchapter:

(1) through (15) remain the same.

~~(16) "Intensive case management" means the activities of a single person or team that assists individuals with mental illness to make informed choices for~~

~~community services which seek to maximize their personal abilities and enable growth in some or all aspects of the individual's vocational, educational, social, and health related environments.~~

(17) through (29) remain the same but are renumbered (16) through (28).

(29) "Targeted case management " means the activities of a single person or team that assists individuals with mental illness to make informed choices for community services which seek to maximize their personal abilities and enable growth in some or all aspects of the individual's vocational, educational, social, and health related environments.

(30) through (32) remain the same.

AUTH: 50-5-103, MCA

IMP: 50-5-103, 50-5-204, MCA

37.106.1906 MENTAL HEALTH CENTER: SERVICES AND LICENSURE

(1) through (3) remain the same.

(4) A licensed mental health center, with the appropriate license endorsement, may provide one or more of the following services:

- (a) youth ~~intensive~~ targeted case management;
- (b) adult ~~intensive~~ targeted case management;
- (c) through (8) remain the same.

AUTH: 50-5-103, MCA

IMP: 50-5-103, 50-5-204, MCA

37.106.1935 MENTAL HEALTH CENTER: ~~CHILD~~ YOUTH AND ADOLESCENT AND ADULT INTENSIVE TARGETED CASE MANAGEMENT

(1) In addition to the requirements established in this subchapter, each mental health center providing ~~child youth~~ and adolescent and adult ~~intensive~~ targeted case management services shall comply with the requirements established in this rule.

(2) Each mental health center providing ~~intensive~~ targeted case management program services shall:

(a) ~~employ or contract with a program supervisor, experienced in providing services to individuals with a mental illness. The program supervisor shall meet with each intensive case manager, either individually or in a group meeting, at least every 30 days. Individual supervision of case managers must be offered by the mental health center as needed and may be initiated by either the case manager or the supervisor~~ ensure each targeted case manager is meeting with a supervisor at least once per month, as necessary based on the case manager's documented skills and skill sets such as developing treatment plans, facilitating family or caregivers treatment team meetings, and educating the youth and the youth's family or caregivers about the mental health system. In addition, targeted case managers must have access to clinical consultation through the treatment team meeting;

(b) employ or contract with case managers who have the knowledge and skills needed to effectively perform targeted case management duties. Minimum qualifications for a case manager are a bachelor's degree in a human services field

with at least one year of full-time experience serving people with mental illnesses. Individuals with other educational backgrounds who, as providers, consumers, or advocates of mental health services have developed the necessary skills, may also be employed as intensive targeted case managers. The mental health center's targeted case management position description must contain equivalency provisions;

(c) train the ~~program~~ supervisor and program staff in the therapeutic de-escalation of crisis situations to ensure the protection and safety of the clients and staff. The training must include the use of physical and non-physical methods of managing clients and must be updated, at least annually, to ensure the maintenance of necessary skills;

(d) develop a written protocol for case managers and supervisors that includes a minimum of 20 hours of initial training, and 20 hours of annual continuing education. Areas of focus should include:

(i) competencies in key skill sets such as developing treatment plans, facilitating treatment team meetings, and educating the youth and the youth's family or caregivers about the mental health system; and

(ii) training on suicide prevention, including crisis and safety planning.

(d) remains the same but is renumbered (e).

(f) ensure caseload sizes are sufficiently small to permit case managers to respond flexibly to differing service needs of youth and families, including frequency of contact;

~~(e)~~ (g) develop written policies and procedures addressing the independence of the intensive targeted case manager and intensive targeted case management program. At a minimum, the policies and procedures must address:

(i) the intensive targeted case manager acting as a client's advocate in involuntary commitment proceedings;

(ii) the intensive targeted case manager's role in conflicts between the client and the mental health center or other agencies;

(iii) the ability of the intensive targeted case manager to freely advocate for services from or outside of the mental health center on behalf of the client;

(iv) and (v) remain the same.

(vi) the ability of the intensive targeted case manager to contact an advocacy organization if the case manager believes the mental health center is unresponsive to the needs of the client.

(3) The availability of intensive targeted case management services may not be made contingent upon a client's willingness to receive other services. A client suspended or excluded from other programs or services provided by the mental health center may not be restricted or suspended from intensive targeted case management services solely due to the action involving the other program or services.

(4) Intensive Targeted case management services are largely provided throughout the community rather than in an office or a facility. All contacts with clients must occur in a place that is convenient for the client. More than 50% of a case manager's in person contacts with clients must be outside of the mental health center's facility. Restrictions may not be placed on a case manager's ability to meet with a client in any reasonable location.

AUTH: 50-5-103, MCA
IMP: 50-5-103, 50-5-204, MCA

4. The department proposes to repeal the following rules:

37.87.1313 1915(i) HOME AND COMMUNITY-BASED SERVICES (HCBS)
STATE PLAN PROGRAM FOR YOUTH WITH SERIOUS EMOTIONAL
DISTURBANCE: FEDERAL AUTHORIZATION AND AUTHORITY OF STATE TO
ADMINISTER PROGRAM

AUTH: 53-6-113, MCA
IMP: 53-6-101, MCA

37.87.1314 1915(i) HOME AND COMMUNITY-BASED SERVICES (HCBS)
STATE PLAN PROGRAM FOR YOUTH WITH SERIOUS EMOTIONAL
DISTURBANCE: REIMBURSEMENT

AUTH: 53-6-113, MCA
IMP: 53-6-101, MCA

37.87.1315 1915(i) HOME AND COMMUNITY-BASED SERVICES (HCBS)
STATE PLAN PROGRAM FOR YOUTH WITH SERIOUS EMOTIONAL
DISTURBANCE: NOTICE AND FAIR HEARING

AUTH: 53-6-113, MCA
IMP: 53-6-101, MCA

5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.85.106, 37.87.702, 37.87.703, 37.87.802, 37.87.805, 37.87.807, 37.87.809, 37.87.823, 37.87.903, 37.87.1011, 37.87.1202, 37.87.1217, 37.87.1223, 37.87.1226, 37.87.1351, 37.87.1402, 37.87.1405, 37.106.1902, 37.106.1906, and 37.106.1935.

The department is proposing to repeal ARM 37.87.1313, 37.87.1314, and 37.87.1315.

The following summaries explain programmatic changes and the reasonable necessity for the proposed rule amendments.

Targeted Case Management for Youth with Serious Emotional Disturbances

The department's Children's Mental Health Bureau (CMHB) worked in collaboration with the Behavioral Health Alliance of Montana (BHAM) to review the targeted case management (TCM) for youth with serious emotional disturbance program and make

program changes to enhance the quality of services provided to youth and families while ensuring a fiscally sound program. The redesigned program has the following components:

- a. Medical necessity criteria. A youth is eligible for TCM services based on the complexity of the youth and family service needs or interventions, the severity of the youth's behavioral health symptoms, and the strengths, preferences, and needs within the family's capacity. This provision is found in the Children's Mental Health Bureau, Medicaid Services Provider Manual, dated March 1, 2020, which is adopted and incorporated by reference through the administrative rules.
- b. Standardized assessment tool. The department will designate a standardized assessment tool to assess the needs of the youth and family.
- c. Family engagement standards and requirements will be implemented to ensure youth and family understand treatment and participate in the TCM process.
- d. Outcome and program measurements. The department will increase the use of new and existing measurements to inform decision-making, aid in external reporting of CMHB services, and as a tool for continuous program evaluation and improvement.
- e. Increased reimbursement rates for providers of TCM services. The department proposes to adopt and incorporate by reference a revised fee schedule, dated March 1, 2020, which reflects a reimbursement rate of \$15.90 per 15-minute unit of time for TCM services. In order to promote increased statewide access to the TCM service and address the additional costs a provider incurs when serving remote communities, the revised fee schedule includes a frontier differential payment of 115% of the proposed rate, resulting in a rate of \$18.28 per unit. Providers rendering TCM services to a youth residing in a Montana county with a per capita population of fewer than 7 people per square mile will be eligible to receive the frontier differential. Forty-six of Montana's 56 counties will qualify for the frontier differential.
- f. Training and supervision of case managers. The department will require 20 hours of initial and continued training focusing on key competencies for targeted case managers. Additionally, the department proposes to define TCM caseload as being sufficiently small to permit targeted case managers to respond flexibly to varying service needs of youth and their families.

The reasonable necessity for proposing the following rule changes is to enact the redesigned TCM program, which will provide eligible youth and families greater access to enhanced services: ARM 37.85.106, 37.87.802, 37.87.805, 37.87.807, 37.87.809, 37.87.823, 37.87.1223, 37.87.1226, and 37.106.1935.

Outpatient Therapy Limit - Youth without a Serious Emotional Disturbance

The department proposes to increase, from 10 to 24, the maximum number of visits per year of outpatient therapy for a youth who does not have an SED diagnosis. The reasonable necessity for proposing this rule amendment is to increase the

number of treatment visits after receiving provider feedback that the current 10-session limit does not allow enough sessions to appropriately meet a youth's mental health needs.

The following rule amendment enacts this change: ARM 37.87.903.

Home Support Services - Removal of 365-day Lifetime Limit

The department proposes to eliminate the 365-day lifetime limit for Home Support Services (HSS) and to eliminate the prior authorization requirement for HSS. The lifetime limit and prior authorization requirement are no longer relevant due to previous changes the department made to the billing structure of HSS. These changes are found in the Children's Mental Health Bureau, Medicaid Services Provider Manual, dated March 1, 2020, which is adopted and incorporated by reference in ARM 37.87.903.

Updates to Serious Emotional Disturbances List

The department proposes changes to clarify the SED section of the Children's Mental Health Bureau Medicaid Manual (manual) by updating language, revising the diagnosis list, and removing references to specific ICD-10 diagnosis codes. The updated manual is dated March 1, 2020, and is adopted and incorporated by reference in ARM 37.87.903.

Rule Clean Up

The department proposes to eliminate references to repealed rules, update references to definitions, correct scrivener's error, and use clarifying language that accurately reflects current practices. The following rule amendments enact these changes: ARM 37.87.702, 37.87.703, 37.87.802, 37.87.807, 37.87.809, 37.87.823, 37.87.903, 37.87.1011, 37.87.1202, 37.87.1217, 37.87.1223, 37.87.1226, 37.87.1351, 37.87.1402, 37.87.1405, 37.106.1902, 37.106.1906, and 37.106.1935.

The department proposes to repeal the following administrative rules related to a waiver program that ended on September 30, 2017, and therefore the rules are no longer relevant: ARM 37.87.1313, 37.87.1314, and 37.87.1315.

Fiscal Impact

This proposed rule amendment has a cost of \$657,943 in state fiscal year (SFY)2020 and \$4,837,606 in SFY2021 for the changes related to the targeted case management program redesign, non-SED outpatient limit and removal of HSS limit. A detailed fiscal impact by program is outlined below.

TCM Change	SFY2020	SFY2021	SFY2022
	\$332,124	\$3,069,307	\$5,431,295

Outpatient Therapy Increase Non-SED	SFY2020	SFY2021	SFY2022
	\$295,000	\$1,607,750	\$1,652,000

HSS Removal of 365 Day Limit	SFY2020	SFY2021	SFY2022
	\$30,818	\$160,550	\$182,963

Total	SFY2020	SFY2021	SFY2022
	\$657,943	\$4,837,606	\$7,266,258

The department proposes that the following rule amendments are to be retroactively effective to March 1, 2020: the proposed fee schedule, ARM 37.85.106; proposed changes to the manual adopted pursuant to ARM 37.87.903 relating to home support services and to the diagnosis codes and list of SED; and increasing the limit for outpatient therapy from 10 to 24 for youth who do not have an SED, ARM 37.87.903. All remaining rule amendments and rule repeals are to be effective September 1, 2020.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., March 27, 2020.

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

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

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

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

/s/ Brenda K. Elias

Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan

Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State February 18, 2020.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 42.19.1235 pertaining to tax	)	AMENDMENT
incentive for new or expanding)	
industry	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. The Department of Revenue proposes to amend the above-stated rule.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on March 6, 2020, to advise us of the nature of the accommodation you need. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov.

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

42.19.1235 TAX INCENTIVE FOR NEW OR EXPANDING INDUSTRY

(1) ~~The industrial plant owner~~ An applicant must make application to the governing body of the affected taxing jurisdiction on a form provided by the department. The form shall include, among other information, a specific description of the improvement or modernized process for which specialized tax treatment is requested, the date when construction or installation is to commence or has commenced and the date when it is to be completed. ~~In addition, the plant owner must provide a disclosure of other property tax benefits the property receives or for which application has been made.~~ The governing body of the affected taxing jurisdiction must approve the application and pass an approving resolution before tax benefits under 15-24-1402, MCA, can be received.

(2) In order to be considered for the current tax year, an application must be filed on the form available from the department on or before ~~January~~ March 1 of the tax year.

(3) ~~The plant owner~~ applicant must notify the department by sending a copy of the approved application described in (1) within 30 days after receiving approval from the affected taxing jurisdiction.

(4) remains the same.

(5) The department shall appraise the ~~industrial plant~~ applicant's property after expansion or modernization.

(6) remains the same.

(7) ~~An industrial plant which~~ applicant's property that qualifies for classification as new industrial property under 15-6-135, MCA, cannot qualify for a

tax incentive pursuant to 15-24-1402, MCA, as new or expanding industry property defined in 15-24-1401, MCA.

(8) Additional expansion or modernization of ~~an industrial plant~~ property constructed in tax years subsequent to an expansion approved for tax incentives under 15-24-1402, MCA, does not qualify for an additional tax incentive unless an additional application is filed and an approving resolution passed.

(9) remains the same.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-24-1401, 15-24-1402, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.19.1235(2) which is necessary to implement the application filing deadline date change amendments made to 15-24-1402, MCA, under Senate Bill 318, passed by the 2019 Montana Legislature. The department also proposes to amend (1) by removing a sentence pertaining to an industrial plant owner requirement to provide additional property tax benefit information to the department. This amendment is necessary because the sentence refers to an obsolete department business practice of confirming a property's tax benefits treatment in support of (7), and the sentence removal clarifies taxpayer requirements under the rule.

The department also proposes to make internal reference changes in (1), (3), (5), (7), and (8) by replacing the term "industrial plant owner," "industrial plant," or "plant owner" with "applicant," "applicant's property," and "property." The amendments are necessary because the tax incentive authorized under 15-24-1401, MCA, includes more than just industrial taxpayers, as the incentive could be applied to commercial, industrial, or centrally assessed taxpayers' new or expanding industries and providing updated references reflects the evolution of the incentive.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m., March 30, 2020.

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 the person named in 4 no later than 5:00 p.m., March 30, 2020.

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 ten

persons based on the number of taxpayers who were granted and paid taxes on property that was classified as "new and expanding," per 15-24-1401, MCA.

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 different mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this notice is available through the Secretary of State's web site at sosmt.gov/arm/register.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on October 7, 2019 and February 18, 2020.

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

/s/ Todd Olson

Todd Olson
Rule Reviewer

/s/ Gene Walborn

Gene Walborn
Director of Revenue

Certified to the Secretary of State February 18, 2020.

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 2.43.1302, 2.43.2110,	)	REPEAL
2.43.2114, 2.43.2120, 2.43.2309,)	
2.43.2315, 2.43.2610, 2.43.2902,)	
2.43.3008, 2.43.4020, and 2.43.4620,)	
all pertaining to the operation of the)	
retirement systems and plans)	
administered by the Montana Public)	
Employees' Retirement Board and)	
repeal of ARM 2.43.3601 pertaining)	
to allocation of additional employer)	
contributions on behalf of Montana)	
university system employees in the)	
optional retirement program)	

TO: All Concerned Persons

1. On December 27, 2019, the Montana Public Employees' Retirement Board published MAR Notice No. 2-43-591 pertaining to the proposed amendment and repeal of the above-stated rules at page 2274 of the 2019 Montana Administrative Register, Issue Number 24.

2. The Public Employees' Retirement Board has amended the following rules as proposed: ARM 2.43.1302, 2.43.2110, 2.43.2114, 2.43.2120, 2.43.2315, 2.43.2902, and 2.43.3008. The board has repealed ARM 2.43.3601.

3. The Public Employees' Retirement Board has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

2.43.2309 SERVICE PURCHASES BY INACTIVE VESTED MEMBERS
(1) through (3) remain as proposed.

AUTH: 19-2-403, MCA

IMP: 19-2-603, 19-2-908, 19-3-401, 19-3-505, 19-5-301, 19-6-301, 19-7-301, 19-8-301, 19-9-301, 19-13-301, MCA

2.43.2610 DESIGNATION OF BENEFICIARY BY RETIREES, ALTERNATE PAYEES, AND CONTINGENT ANNUITANTS (1) and (2) remain as proposed.

(3) If a retirement system member who has applied for retirement dies prior to receipt of their initial retirement benefit, the member's beneficiary must revert to the beneficiary or beneficiaries designated on their retirement system membership card form.

AUTH: 19-2-403, MCA

IMP: 19-2-801, 19-2-907, 19-3-1501, 19-5-701, 19-7-1001, 19-8-1105, MCA

2.43.4020 EMPLOYMENT AFTER THE DROP PERIOD - PAYMENTS

(1) through (4) remain as proposed.

AUTH: 19-2-403, 19-6-1003, MCA

IMP: 19-6-505, 19-6-1003, 19-6-1007, MCA

2.43.4620 EMPLOYMENT AFTER THE DROP PERIOD - PAYMENTS

(1) through (4) remain as proposed.

AUTH: 19-2-403, 19-9-1203, MCA

IMP: 19-9-804, 19-9-1207, MCA

4. The Public Employees' Retirement Board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: A representative of the Legislative Services Division commented that because 19-3-505, MCA is being added to the text of ARM 2.43.2309 that it should also be included in the implementation statutes. In addition, the changes to ARM 2.43.4020 and 2.43.4620 implicate beneficiary statutes applicable to each system referenced in each rule. Therefore it is suggested to add 19-6-505, MCA to ARM 2.43.4020 and 19-9-804, MCA to ARM 2.43.4620 to the implementation statutes of each rule.

RESPONSE 1: The board agrees with the comment and has added the implementation statutes to their corresponding rules.

COMMENT 2: A representative of the Legislative Services Division commented that the reason statement for ARM 2.43.2610 refers to membership "form" but the rule change refers to membership "card." Section 19-2-801, MCA which is an implementation statute, refers to membership forms only. Therefore it is suggested that the rule change include the term membership "form" and not membership "card."

RESPONSE 2: The board agrees with the comment and has changed "card" to "form" in ARM 2.43.2610.

/s/ William Holahan
William Holahan
Chief Legal Counsel
and Rule Reviewer

/s/ Pepper Valdez
Pepper Valdez
Vice-President
Public Employees' Retirement Board

Certified to the Secretary of State February 18, 2020.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through IX pertaining to the)
Montana Economic Development)
Industry Advancement Act (MEDIA))

TO: All Concerned Persons

1. On November 8, 2019, the Department of Commerce published MAR Notice No. 8-119-174 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1929 of the 2019 Montana Administrative Register, Issue Number 21.

2. The department has adopted the following rules as proposed: NEW RULES I (8.119.301), II (8.119.302), III (8.119.303), IV (8.119.304), V (8.119.305), VI (8.119.306), VII (8.119.307), VIII (8.119.308), and IX (8.119.309).

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

COMMENT NO. 1: Activities that qualify as a postproduction expenditure should be clarified.

RESPONSE NO. 1: NEW RULE I(14) defines "qualified postproduction activity" as an activity performed in this state on a qualified production employing traditional, emerging, and new workflow techniques used in postproduction for picture, sound, and music editing, rerecording and mixing, visual effects, graphic design, original scoring, animation, musical composition, and other activities performed after initial production and including activities performed on previously produced and edited content.

COMMENT NO. 2: In defining "qualified production activity," only the coverage of news should be excluded from the definition.

RESPONSE NO. 2: The definition of "qualified production activity" is defined by 15-31-1003(16)(c), MCA, and cannot be amended through the administrative rulemaking process.

COMMENT NO. 3: The tax consequence for taxpayers utilizing a "loan-out company" could be clarified.

RESPONSE NO. 3: Clarification may be found in 15-31-1003, MCA.

COMMENT NO. 4: What is the definition of a "production company"?

RESPONSE NO. 4: "Production company" means a company primarily engaged in qualified production activities that have been approved by the Department of Commerce. The term does not include any form of business owned, affiliated, or controlled, in whole or in part, by a company or person that is in default on a tax obligation of the state, a loan made by the state, or a loan guaranteed by the state

COMMENT NO. 5: There is a cap of \$10,000,000 in total claims for the tax credits per calendar year. Can unclaimed tax credits be carried forward to the next calendar year?

RESPONSE NO. 5: No. Pursuant to 15-31-1010, MCA, total claims for the tax credits for media production and postproduction wages may not exceed \$10 million per calendar year.

COMMENT NO. 6: Applicants should be required to submit financial information in the form of a top sheet budget and that type of information, if submitted, should be confidential but not secret.

RESPONSE NO. 6: Applicants are required to submit budget information as part of the application process. Financial information submitted to the department is subject to the public records and privacy laws of the state.

COMMENT NO. 7: Who approves an application for a state certification of production and state certification of postproduction company? The criteria for approving or denying an application should be identified.

RESPONSE NO. 7: The Montana Film Office approves or denies applications after review of a complete application.

/s/ Garrett Norcott
Garrett Norcott
Rule Reviewer

/s/ Tara Rice
Tara Rice
Director
Department of Commerce

Certified to the Secretary of State February 18, 2020.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.23.211, 42.23.607,)
42.23.702, 42.23.801, 42.23.802, and)
42.26.311 pertaining to net operating)
loss carryback and water's edge rules)
revisions)

TO: All Concerned Persons

1. On December 27, 2019, the Department of Revenue published MAR Notice No. 42-1015 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2328 of the 2019 Montana Administrative Register, Issue Number 24.

2. The department has amended ARM 42.23.211, 42.23.607, 42.23.702, 42.23.801, 42.23.802, and 42.26.311 as proposed.

3. No comments or testimony were received.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Gene Walborn
Gene Walborn
Director of Revenue

Certified to the Secretary of State February 18, 2020.

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 September 30, 2019. This table includes notices in which those rules adopted during the period September 6, 2019, through February 14, 2020, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2019, 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 2019 and 2020 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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| 2-13-593 | Applicant Priority and Criteria for Awarding 9-1-1 Grants, p. 2075, 179 |
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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 January 2020 appear. Potential vacancies from March 1, 2020 through May 31, 2020, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 1, 2020.

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 JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Horse Racing			
Mr. Barry Stang	Governor	Reappointed	1/1/2020
Helena			1/1/2023
Qualifications (if required): District 4			
Mr. Ralph Gary Young	Governor	Reappointed	1/1/2020
Columbus			1/1/2023
Qualifications (if required): Horse racing Industry			
Board of Personnel Appeals			
Ms. Anne L. MacIntyre	Governor	Reappointed	1/17/2020
East Helena			1/1/2024
Qualifications (if required): Presiding Officer with general labor-management experience			
Certification Committee for Developmental Disabilities Professionals			
Ms. Linsey Carter	Governor	None Stated	1/7/2020
Helena			9/1/2021
Qualifications (if required): Developmental Disabilities Program Representative			
Ms. Rebecca de Camara	Governor	None Stated	1/7/2020
Helena			9/1/2021
Qualifications (if required): Developmental Disabilities Program Representative			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Certification Committee for Developmental Disabilities Professionals Cont.			
Ms. Catherine Murphy	Governor	None Stated	1/7/2020
Helena			9/1/2021
Qualifications (if required):	Governor's Appointee		
Ms. Meghan Peel	Governor	None Stated	1/7/2020
Helena			9/1/2021
Qualifications (if required):	None Stated		
Ms. Heather Zufelt	Governor	None Stated	1/7/2020
Boulder			9/1/2021
Qualifications (if required):	None Stated		
Commissioner of the Montana Department of Labor and Industry			
Commissioner Thomas K. Lopach	Governor	Hollenbaugh	1/1/2020
Helena			1/1/2021
Qualifications (if required):	None Stated		
Judicial Nominations Commission			
Ms. Janice K. Bishop	Governor	Reappointed	1/1/2020
Missoula			1/1/2024
Qualifications (if required):	Lay member		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Labor-Management Advisory Council			
Mr. Doug Buman Seattle, WA	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employees		
Lt. Governor Mike Cooney Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Chair		
Ms. Vicky Evans Great Falls	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Employers representing self-insurers		
Mr. Adam Haight Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employees		
Ms. Annette Hoffman Billings	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employers		
Mr. Don Judge Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employees		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Labor-Management Advisory Council Cont.			
Mr. Jim Larson Billings	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employees		
Mr. Bridger Mahlum Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Employers representing Montana Chamber of Commerce		
Mr. Mike Marsh Billings	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employers		
Mr. Al Smith Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Employees chosen by the Montana Trial Lawyers Association		
Mr. Eric Strauss Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Ex-officio Member		
Mr. Lance Zanto Helena	Governor	None Stated	1/1/2020 12/31/2020
Qualifications (if required):	Representing Employers		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Grass Conservation Commission			
Mr. Gregory Martin Oxarart	Governor	Reappointed	1/1/2020
Malta			1/1/2023
Qualifications (if required): Officer of or member who serves on the board of directors of a state district			
Mr. Jeff Allen Willmore	Governor	Reappointed	1/1/2020
Roy			1/1/2023
Qualifications (if required): Member who holds active grazing preference rights within a state district			
State Employee Group Benefits Advisory Council			
Ms. Samantha Chase	Governor	None Stated	1/1/2020
Helena			12/31/2021
Qualifications (if required): Executive Branch Representative			
Ms. Penny Fassett	Governor	None Stated	1/1/2020
Helena			12/31/2021
Qualifications (if required): Executive Branch Representative			
Ms. Diane Fladmo	Governor	None Stated	1/1/2020
Helena			12/31/2021
Qualifications (if required): State Employees and labor organizations			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Employee Group Benefits Advisory Council Cont.			
Ms. Susan Fox Helena Qualifications (if required): Legislative Branch	Governor	None Stated	1/1/2020 12/31/2021
Ms. Cheryl Grey Helena Qualifications (if required): Executive Branch Representative	Governor	None Stated	1/1/2020 12/31/2021
Director Sheila Hogan Helena Qualifications (if required): Executive Branch Representative	Governor	None Stated	1/1/2020 12/31/2021
Representative Jim Keane Butte Qualifications (if required): Legislature Representative	Governor	None Stated	1/1/2020 12/31/2021
Mr. Jim Lewis Helena Qualifications (if required): Retired State Employees' Representative	Governor	None Stated	1/1/2020 12/31/2021
Ms. Peggy MacEwen Helena Qualifications (if required): Executive Branch Representative	Governor	None Stated	1/1/2020 12/31/2021

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Employee Group Benefits Advisory Council Cont.			
Mr. George Mathieus Helena	Governor	None Stated	1/1/2020 12/31/2021
Qualifications (if required): Executive Branch Representative			
Mr. Quint Nyman Helena	Governor	None Stated	1/1/2020 12/31/2021
Qualifications (if required): State Employees and Labor Organizations			
Mr. Duane Preshinger Helena	Governor	None Stated	1/1/2020 12/31/2021
Qualifications (if required): Ex-Officio member representing the Dept. of Administration			
Ms. Amy Sassano Helena	Governor	None Stated	1/1/2020 12/31/2021
Qualifications (if required): Executive Branch Representative			
Mr. Derek Shepherd Helena	Governor	None Stated	1/1/2020 12/31/2021
Qualifications (if required): Judicial Branch			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Innovation Board			
Ms. Jennifer J. Kobza	Governor	Reappointed	1/17/2020
Billings			7/1/2021
Qualifications (if required): Business Representative			
Tourism Advisory Council			
Ms. Sabre Addington Moore	Governor	None Stated	1/17/2020
Ekalaka			7/1/2022
Qualifications (if required): Southeast Montana Region Representative			
Ms. Lindzy Brunson	Governor	Reappointed	1/17/2020
Kalispell			7/1/2022
Qualifications (if required): Glacier Country Region Representative			
Ms. Rachel Gregg	Governor	Reappointed	1/17/2020
Missoula			7/1/2022
Qualifications (if required): Glacier Country Region Representative			
Ms. Katherine Marie Grice	Governor	Reappointed	1/17/2020
Big Sky			7/1/2022
Qualifications (if required): Yellowstone Country Region Representative			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Tourism Advisory Council Cont.			
Mrs. Alicia Jayne Harvey Bozeman	Governor	None Stated	1/17/2020 7/1/2022
Qualifications (if required): Yellowstone Country Representative			
Dr. Patricia A. McGlynn Kalispell	Governor	Reappointed	1/17/2020 7/1/2022
Qualifications (if required): Glacier Country Region Representative			
Mr. Bill Mitchell McGladdery Butte	Governor	Reappointed	1/17/2020 7/1/2022
Qualifications (if required): Southwest Montana Region Representative			
Ms. Rhonda Price Fitzgerald Whitefish	Governor	Reappointed	1/17/2020 7/1/2022
Qualifications (if required): Glacier Country Region Representative			
Traumatic Brain Injury Advisory Council			
Ms. Angela K. Grant Arlee	Governor	Reappointed	1/1/2020 1/1/2023
Qualifications (if required): Representative of injury control or prevention programs			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Traumatic Brain Injury Advisory Council Cont.			
Ms. Ann Hansen Geiger	Governor	Reappointed	1/1/2020
Anaconda			1/1/2023
Qualifications (if required): Advocate for Brain-injured persons			

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Architects and Landscape Architects Mr. Bayliss Ward, Bozeman Qualifications (if required): Licensed Architect	Governor	4/1/2020
Board of Clinical Laboratory Science Practitioners Mr. Troy Krieger, Billings Qualifications (if required): Clinical Laboratory Science Practitioner who holds an active license	Governor	4/1/2020
Board of Hail Insurance Mr. Gary D. Gollehon, Brady Qualifications (if required): Public member and will serve as Presiding Officer	Governor	5/1/2020
Board of Optometry Mr. Randall Hoch, Lewistown Qualifications (if required): Registered Optometrist	Governor	4/1/2020
Board of Plumbers Mr. Jeffrey Gruizenga, Billings Qualifications (if required): Registered professional engineer qualified in mechanical engineering	Governor	5/1/2020
Board of Real Estate Appraisers Mr. Thomas G. Stevens, Missoula Qualifications (if required): Licensed or certified real estate appraiser	Governor	5/1/2020
Mr. Gregory Anthony Thornquist, Helena Qualifications (if required): Licensed or certified real estate appraiser	Governor	5/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Realty Regulation		
Ms. Julie Lingle Gardner, Missoula Qualifications (if required): Licensed Real Estate Broker, salesperson, or property manager	Governor	5/1/2020
Equal Pay for Equal Work Task Force		
Director Sheila Hogan, Helena Qualifications (if required): State Agency Director	Governor	4/1/2020
Representative Diane Sands, Missoula Qualifications (if required): Elected Official	Governor	4/1/2020
Ms. Carole Lankford, Pablo Qualifications (if required): Tribal	Governor	4/1/2020
Director Pam Haxby-Cote, Helena Qualifications (if required): Co-Chair	Governor	4/1/2020
Mr. Paddy Fleming, Bozeman Qualifications (if required): Business	Governor	4/1/2020
Representative Laura Bishop, Livingston Qualifications (if required): Elected Official	Governor	4/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Equal Pay for Equal Work Task Force Cont.		
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Co-Chair	Governor	4/1/2020
Ms. Jacquie Helt, Helena Qualifications (if required): Labor/workers	Governor	4/1/2020
President Seth Bodner, Missoula Qualifications (if required): Higher Education	Governor	4/1/2020
Renelle Braaten, Havre Qualifications (if required): Business	Governor	4/1/2020
Ms. Jennifer Euell, Florence Qualifications (if required): Non-profit	Governor	4/1/2020
Ms. Aimee Grmoljez, Helena Qualifications (if required): Business	Governor	4/1/2020
Ms. Carol Kruger, Great Falls Qualifications (if required): Business	Governor	4/1/2020
Ms. Tracy McIntyre, Eureka Qualifications (if required): Economic Development	Governor	4/1/2020
Mr. Joseph Purcell, Hardin Qualifications (if required): Business	Governor	4/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Equal Pay for Equal Work Task Force Cont.		
Ms. Melanie Schwarz, Billings Qualifications (if required): Economic Development	Governor	4/1/2020
Mr. Erik Wood, Big Timber Qualifications (if required): Business	Governor	4/1/2020
Director Tara Rice, Helena Qualifications (if required): Co-Chair	Governor	4/1/2020
Dr. Susan Wolff, Great Falls Qualifications (if required): Higher Education	Governor	4/1/2020
Family Support Services Advisory Council		
Ms. Danielle McCarthy, Helena Qualifications (if required): Agency Representative OPI Part B	Governor	4/1/2020
Ms. Laura McKlaureee, Billings Qualifications (if required): Parent Representative	Governor	4/1/2020
Ms. Rebecca Bogden-Richards, Great Falls Qualifications (if required): Public Awareness and Education Organization Representative	Governor	4/1/2020
Ms. Hollin Marie Buck, Missoula Qualifications (if required): Provider of Part C Services	Governor	4/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Family Support Services Advisory Council Cont.		
Ms. Sarah Odette Goldsmith, Great Falls Qualifications (if required): Parent Representative Region 2	Governor	4/1/2020
Ms. Jean L. Price, Great Falls Qualifications (if required): State Legislator	Governor	4/1/2020
Ms. Melanie Bush, Great Falls Qualifications (if required): Provider of Part C Services	Governor	4/1/2020
Ms. Patricia Butler, Helena Qualifications (if required): Agency Representative	Governor	4/1/2020
Ms. Laura Christiaens, Valier Qualifications (if required): Provider of Part C Services	Governor	4/1/2020
Ms. RaLea Harbrige, Belgrade Qualifications (if required): Parent Representative Region 4	Governor	4/1/2020
Mrs. Cathy Jury, St. Ignatius Qualifications (if required): Montana School for the Deaf and Blind	Governor	4/1/2020
Ms. Jeannie Keller, Helena Qualifications (if required): Agency Representative	Governor	4/1/2020
Ms. Erin Kintop, Helena Qualifications (if required): Agency Representative	Governor	4/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Family Support Services Advisory Council Cont.		
Dr. Christine Lux, Bozeman Qualifications (if required): Personnel Preparation Representative	Governor	4/1/2020
Ms. Alexis Marthaller, Butte Qualifications (if required): Agency Representative	Governor	4/1/2020
Mr. David Munson, Billings Qualifications (if required): Provider of Part C Services	Governor	4/1/2020
Ms. Catherine Murphy, Helena Qualifications (if required): Agency Representative	Governor	4/1/2020
Mrs. Caitlyn Ashley Patera, Helena Qualifications (if required): Agency Representative	Governor	4/1/2020
Ms. Girlie Daylinda Quiroz Radley, Helena Qualifications (if required): Speech Language Therapists Assoc.	Governor	4/1/2020
Ms. Kathleen Rich, Helena Qualifications (if required): Head Start Representative	Governor	4/1/2020
Ms. Karen Shevlin, Helena Qualifications (if required): Agency Representative	Governor	4/1/2020
Ms. Karen Thornton, Great Falls Qualifications (if required): Provider of Part C Services	Governor	4/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Family Support Services Advisory Council Cont.		
Ms. Bonnie Lesley Ramage, Billings Qualifications (if required): Parent Representative	Governor	4/1/2020
Ms. Mauricetta Williams, Great Falls Qualifications (if required): Agency Representative	Governor	4/1/2020
Mrs. Abigail Harris, Forsyth Qualifications (if required): Parent Representative, Region 1	Governor	4/1/2020
Representative Kathy Kelker, Billings Qualifications (if required): State Legislator	Governor	4/1/2020
Information Technology Managers Council		
Mr. Jason Emery, Missoula Qualifications (if required): Local Government Representative	Governor	4/1/2020
Montana Heritage Preservation and Development Commission		
Dr. Timothy Lehman, Billings Qualifications (if required): Montana Historian	Governor	5/1/2020
Mr. Jeffery Ewelt, Billings Qualifications (if required): Member of tourism advisory council	Governor	5/1/2020
Mr. Andrew J. Poole, Helena Qualifications (if required): Public at large	Governor	5/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Potato Commodity Advisory Committee		
Mr. Dave Cottom, Dillon Qualifications (if required): Potato Producer	Governor	3/1/2020
Mr. William Buyan Jr., Sheridan Qualifications (if required): Potato Producer	Governor	3/1/2020
Mr. Tim Vanhuizen, Manhattan Qualifications (if required): None Stated	Governor	3/1/2020
Mr. Glenn McFarlane, Billings Qualifications (if required): Potato Producer	Governor	3/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Apprenticeship Advisory Council		
Mr. Dean Bentley, Butte Qualifications (if required): Chair SWIB Member	Governor	3/1/2020
Mr. Barry Reddick, Helena Qualifications (if required): Non-Union Member	Governor	3/1/2020
Mr. Clint Reading, Missoula Qualifications (if required): Public Member	Governor	3/1/2020
Mr. Dale Carpenter, Butte Qualifications (if required): Union Member	Governor	3/1/2020
Mr. Tim Newman, Midvale, UT Qualifications (if required): Union Member	Governor	3/1/2020
Mr. Quinton Queer, Butte Qualifications (if required): Union Member	Governor	3/1/2020
Mr. Jeff Stark, Billings Qualifications (if required): Union Member	Governor	3/1/2020
Mr. Mike Waldenberg, Great Falls Qualifications (if required): Non-Union Member	Governor	3/1/2020
Ms. Bekhi Spika, Lewistown Qualifications (if required): Non-Union Member	Governor	3/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Apprenticeship Advisory Council Cont.		
Mr. Chris Hopkins, Miles City Qualifications (if required): Non-Union Member	Governor	3/1/2020
Ms. Nikki Dixon-Foley, Bozeman Qualifications (if required): Non-Union Member	Governor	3/1/2020
Ms. Margaret McManus, Missoula Qualifications (if required): Non-Union Member	Governor	3/1/2020
Mr. Brock Tessman, Helena Qualifications (if required): Public Member	Governor	3/1/2020
Youth Justice Council		
Sheriff Craig Anderson, Glendive Qualifications (if required): Experience & competence addressing problems related to school violence, vandalism	Governor	3/1/2020
Commissioner Laura Obert, Townsend Qualifications (if required): Local Government and Board of Crime Control Member	Governor	3/1/2020
Mr. Randy Shipman, Dillon Qualifications (if required): Public Agency concerned with delinquency prevention or treatment	Governor	3/1/2020
Mr. Dave Bailon, Kalispell Qualifications (if required): Volunteer who works with delinquents or potential delinquents	Governor	3/1/2020

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Youth Justice Council Cont.		
Ms. Geri Small, Lame Deer	Governor	3/1/2020
Qualifications (if required): Experience and competence in addressing problems related to disabilities		
Mr. Tim Brurud, Havre	Governor	3/1/2020
Qualifications (if required): Chair Non-profit		
Ms. Rachel Marie Gemar, Bozeman	Governor	3/1/2020
Qualifications (if required): Under the age of 24		
Honorable Mary Jane McCalla Knisely, Billings	Governor	3/1/2020
Qualifications (if required): Law enforcement and juvenile justice agencies		
Mr. Peter Brooks McIntosh, Helena	Governor	3/1/2020
Qualifications (if required): Under the age of 24		
Ms. Rae Gyn Trombley, Great Falls	Governor	3/1/2020
Qualifications (if required): Under the age of 24		
Mr. Qasim Walid Abdul-Baki, Missoula	Governor	3/1/2020
Qualifications (if required): Experience and competence in addressing problems related to school violence		
Ms. Minnetta Armstrong, Browning	Governor	3/1/2020
Qualifications (if required): Public agency concerned with delinquency prevention		
Mrs. Laurie Nelson Barron, Whitefish	Governor	3/1/2020
Qualifications (if required): Person with competence in problems with school violence		

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2020 THROUGH MAY 31, 2020

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Youth Justice Council Cont.		
Ms. Heather Cahoon, Missoula Qualifications (if required): Non-profit with special focus on preserving, strengthening families	Governor	3/1/2020
Ms. Kimberly Michelle Leighton, Helena Qualifications (if required): Non-profit with special focus on preserving families	Governor	3/1/2020
Ms. Jazmyn Saunders, Missoula Qualifications (if required): Under the age of 24	Governor	3/1/2020
Mr. Chase Comes At Night, Billings Qualifications (if required): Under the age of 24	Governor	3/1/2020
Ms. Rhonda Schaffer, Helena Qualifications (if required): Public Agency concerned with Delinquency Prevention	Governor	3/1/2020

MONTANA ADMINISTRATIVE
REGISTER

2020 ISSUE NO. 4
FEBRUARY 28, 2020
PAGES 347-432

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SECRETARY OF STATE

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