

# MONTANA ADMINISTRATIVE REGISTER

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# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 18

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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) 444-9009.

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BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to next generation 9-1-1 technology standards and baseline principles )  
)  
)  
)  
) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION

TO: All Concerned Persons

1. On October 20, 2020, at 1:00 p.m., the Department of Administration will hold a public hearing via remote conferencing to consider the proposed adoption of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting, <https://mt-gov.zoom.us/j/8480317817?pwd=T2d0cEE2RW5NWktVOEQ3Tk51WCttUT09>

Meeting ID: 848 031 7817  
Password: 613969

OR

(b) Dial by telephone, +1 406 444 9999 or +1 646 558 8656  
Meeting ID: 848 031 7817  
Password: 613969

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Administration 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 Administration no later than 5:00 p.m. on October 5, 2020, to advise us of the nature of the accommodation that you need. Please contact Rhonda Sullivan, Department of Administration, P.O. Box 200113, Helena, Montana 59620; telephone (406) 444-2420; fax (406) 444-2701; Montana Relay Service 711; or e-mail [rsullivan@mt.gov](mailto:rsullivan@mt.gov).

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

NEW RULE I NEXT GENERATION 9-1-1 TECHNOLOGY STANDARDS AND BASELINE PRINCIPLES (1) The department adopts the Montana Statewide 9-1-1 Plan Project – NG9-1-1 Uniform Standards Document dated March 13, 2020,

to establish standards to be used in the design and transition to next generation 9-1-1.

(2) The department adopts the Baseline Next Generation 9-1-1 Principles dated March 13, 2020, as principles to guide development and implementation of a next generation core services system (NGCS) and a statewide emergency services Internet protocol (IP) network (ESInet) that is compliant with the National Emergency Numbers Association's (NENA) Detailed Functional and Interface Standards for the NENA i3 Solution.

(3) The documents referenced in (1) and (2) may be viewed at <https://sitsd.mt.gov/Governance/Boards-Councils/9-1-1>. Copies may be obtained from the Department of Administration, State Information Technology Services Division offices located at 125 North Roberts Street, Helena, Montana 59620.

AUTH: 10-4-108, MCA

IMP: 10-4-107, MCA

STATEMENT OF REASONABLE NECESSITY: The department is proposing to adopt NEW RULE I to comply with the rulemaking requirements imposed by 10-4-108(2), MCA, which was enacted by 2017 House Bill 61. The technology standards are necessary to provide guidance to local and tribal governments, providers, and others involved in operating and maintaining 9-1-1 systems to ensure the reliability, functionality, compatibility, interoperability, and cybersecurity of 9-1-1 systems, hardware, and software. The standards were developed by the 9-1-1 Advisory Council with the assistance of a consultant and were adopted by the council and the department in March 2020.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Rhonda Sullivan, Department of Administration, P.O. Box 200113, Helena, Montana 59620; telephone (406) 444-2420; fax (406) 444-2701; or e-mail [rsullivan@mt.gov](mailto:rsullivan@mt.gov), and must be received no later than 5:00 p.m., October 23, 2020.

5. Don Harris, Department of Administration, has been designated to preside over and conduct this hearing.

6. The division 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 mailing list shall make a written request which includes the name and mailing address or e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding Public Safety Communications Bureau rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's website at [doa.mt.gov/administrativerules](http://doa.mt.gov/administrativerules). The department strives to

make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor, Representative Frank Garner, was contacted on September 3, 2020, by electronic mail.

9. The department has determined that under 2-4-111, MCA, the proposed adoption of NEW RULE I will not significantly and directly affect small businesses.

By: /s/ John Lewis  
John Lewis, Director  
Department of Administration

By: /s/ Don E. Harris  
Don E. Harris, Rule Reviewer  
Department of Administration

Certified to the Secretary of State September 15, 2020.

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 12.11.501 and the adoption of	)	PROPOSED AMENDMENT AND
NEW RULES I through XVI pertaining	)	ADOPTION
to recreational use on the Madison	)	
River	)	

TO: All Concerned Persons

1. On October 20, 2020, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a telephonic public hearing via ZOOM meeting platform to consider the proposed amendment and adoption of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone, 1-646-558-8656  
Meeting ID: 966 3461 5176  
Password: 373576

The hearing will begin with a brief introduction by staff to explain the use of the telephonic platform. All participants will be muted except when it is their time to speak.

2. The commission 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 October 9, 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](mailto:jesssnyder@mt.gov).

3. OVERALL REASON: The popularity of the Madison River is documented through estimates on angling pressure and other tools, which indicate that the Madison River is one of the most heavily fished rivers in Montana. Multiple surveys conducted by the department have indicated the need to address crowding on the river. The commission foresees popularity and a need to address crowding continuing to be an issue on the Madison River.

On August 13, 2020, the commission approved initiating rulemaking on two petitions for rulemaking to address recreation management on the Madison River. The language proposed in NEW RULES I through IV and NEW RULE XVI is based on a petition received from the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association. The language

proposed in NEW RULES VI through XVI is based on a petition submitted from the Fishing Outfitters Association of Montana (FOAM).

The proposed rule language differs and may conflict with each other to address the same issue. Members of the public can comment on the various management alternatives of the proposed management of the Madison River. Based on the details provided by the public comment, the commission will make a reasoned and informed decision whether to adopt all, portions of, or none of the proposed language. The commission may also opt to change the proposed rule language prior to final adoption based on the public comment it receives. Public comment will be taken on all management alternatives contained in this rule proposal notice along with the corresponding environmental assessment. The commission will evaluate all comments received and will make a decision which rule language to adopt, if any.

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

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

(1) through (82) remain the same.

(83) Madison River [NEW RULES I through XVI]

(83) through (120) remain the same but are renumbered (84) through (121).

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

IMP: 87-1-303, MCA

REASON: The commission maintains ARM 12.11.501 as a cross-reference to assist with locating rules pertaining to specific water bodies. If the commission adopts the new rules proposed within this proposal, they will need to be listed in ARM 12.11.501.

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

NEW RULE I MADISON RIVER COMMERCIAL USE CAP (1) The number of commercial use trips are limited to 13,909 per year.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The commission initiated rulemaking on a petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association. The proposed rule language caps the total number of outfitter trips at 2019 levels (13,909 per year),

The proposed rule language contained in NEW RULE I varies from the proposed language in NEW RULE VI below. NEW RULE VI is based on the petition submitted

by FOAM which would cap the number of commercial use trips to the highest number of trips each outfitter reported in the 2019 or 2020 seasons.

NEW RULE II REST/ROTATION OF MADISON RIVER COMMERCIAL USE

(1) Commercial use is prohibited from June 15 to September 30 as follows:

(a) from Lyons Bridge Fishing Access Site to Palisades Day Use Area on Sundays; and

(b) from Varney Bridge Fishing Access Site to Ennis Fishing Access Site on Saturdays.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE II is based on the petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association. The proposed rule language establishes two days per week between June 15 to September 30 for no commercial activity in two sections of the river. The petition states the goal of the proposed rule language is to manage recreational use of the Madison River in a manner that ensures long-term health and sustainability of the fisheries, diversifies angling opportunity while reducing conflicts, and sustains the ecological and economic benefits of the river.

NEW RULE III WALK/WADE SECTIONS OF MADISON RIVER (1) On

Fridays, Saturdays, and Sundays from June 15 to September 30 no watercraft or flotation device can be used to access fishing:

(a) from the outlet of Quake Lake to Lyons Bridge Fishing Access Site; and

(b) from Ennis Fishing Access Site to Ennis Reservoir.

(2) On Mondays, Tuesdays, Wednesdays, and Thursdays from June 15 to September 30 watercraft or flotation device may be used to access fishing but no fishing can occur from watercraft or flotation devices:

(a) from the outlet of Quake Lake to Lyons Bridge Fishing Access Site; and

(b) from Ennis Fishing Access Site to Ennis Reservoir.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE III is based on the petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association. The petition states that revising current fishing access and floating regulations in the walk/wade sections of the Madison River will increase dispersal of recreational use, which reduces crowding across all sections of the Madison River. If this proposed rule language is adopted, the adopted language will replace the language in the current fishing regulations.

The proposed rule language contained in NEW RULE III varies from the proposed language in NEW RULE V below. NEW RULE V is based on the petition submitted by FOAM which proposes the walk/wade sections be from Ennis Bridge to Ennis Lake and on Sundays, Mondays, Tuesdays, and Wednesdays from Raynolds' Pass Fishing Access Site to Lyons Bridge Fishing Access Site.

NEW RULE IV LIMIT DEVELOPMENT ON MADISON RIVER (1) New access acquisitions below Greycliff Fishing Access Site will have limited development to maintain the primitive nature by limiting vessel or float tube access to carry-in only.

AUTH: 87-1-303, MCA  
IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE IV is based on the petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association. The petition states the goal of the proposed rule language is to manage recreation use of the Madison River in a manner that ensures long-term health and sustainability of the fisheries, diversifies angling opportunity while reducing conflicts, and sustains the ecological and economic benefits of the river.

NEW RULE V MADISON RIVER WALK/WADE SECTIONS (1) Fishing from boats and vessels is prohibited:  
(a) on Thursday, Friday, and Saturday from Raynolds' Pass Fishing Access Site to Lyons Bridge Fishing Access Site; and  
(b) from Ennis Bridge to Ennis Lake.

AUTH: 87-1-303, MCA  
IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE V is based on the petition submitted by FOAM. The proposed rule language changes the walk/wade sections currently in the annual fishing regulations.

Current fishing regulations prohibit fishing from a boat or vessel from Quake Lake to Lyons Bridge Fishing Access Site. The proposed language in NEW RULE V will allow fishing from a boat or vessel within this reach except for three days of the week from Raynolds' Pass Fishing Access Site to Lyons Bridge Fishing Access Site. Fishing from boats or vessels is prohibited from Ennis Bridge to Ennis Lake. If this proposed rule language is adopted, the fishing regulations will need to be changed to reflect the adopted language.

The proposed rule language contained in NEW RULE V varies from the proposed language in NEW RULE III above which proposes a seasonal timeframe for the walk/wade sections and different sections and days.

NEW RULE VI MANAGEMENT OF LIMITED COMMERCIAL USERS (1) A Madison River Special Recreational Use Permit holder will be allocated a number of guided trips that they may operate in a season equal to their highest number of historic use of trips in the 2019 or 2020 season, provided they held a valid Madison River Special Recreational Use Permit prior to June 15, 2020.

(2) A Madison River Special Recreational Use Permit holder with extenuating circumstances that resulted in a temporary reduction in their normal use of guided trips in the 2019 or 2020 season may petition to use their previous historic use to establish their guided trip allocation (examples: military service, injury, illness, etc.).

(3) Madison River Special Recreational Use Permit holders may access up to ten additional flex trips annually two out of every three years.

(4) If use is zero, a Madison River Special Recreational Use Permit holder will not receive historic use allocation nor the flex trip ability to operate.

(5) Guided trips from the Madison River Special Recreational Use Permit trip distribution pool will be distributed to qualified Madison River Special Recreational Use Permit applicants.

(6) If total trips (guided trips plus flex trips) exceed the permitted use allowance, the Madison River Special Recreational Use Permit holder will be subject to disciplinary action or loss of permit. If exceeding trip allowance is habitual, the Madison River Special Recreational Use Permit holder risks losing their permit.

(7) This Commercial Use Management Plan will not incorporate or endorse any form of rest-and-rotation schedules until such time following the third-year evaluation plan that a quantitative analysis of overall recreational use on the river is evaluated and those management options are suggested.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE VI is based on the petition submitted by FOAM. FOAM's petition states managing commercial use is a first step to managing overall crowding on the Madison River. The proposed rule language manages the total number of outfitted trips based on recent historical use during the 2019 or 2020 season. Madison River Special Recreational Use Permit holders with a valid Special Recreational Use Permit prior to June 15, 2020 will be allocated outfitted trips equal to their historic use of trips in the 2019 or 2020 season.

The proposed language in NEW RULE VI varies from the proposed language in NEW RULE I. NEW RULE I caps the number of commercial use trips to 13,909 per year based upon the 2019 historic use of the Madison River by outfitters. The petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association did not propose rule language for flex trips as proposed in NEW RULE VI and VIII.

NEW RULE VII TRANSFERRED PERMITS (1) Madison River Special Recreational Use Permit holders may hold a maximum of two permits. Permits shall remain individual permits to allow transferability of each permit separately; however,

permit holders may request the Commercial Work Group, as provided in [NEW RULE XIV], to combine permits into one on an individual basis.

(2) New permits issued will receive a ten flex trip day permit that allows the operator to operate up to ten days annually while building their historic use unless being transferred from a current Special Recreational Permit which will receive whatever historic use that current Special Recreational Permit holds.

(3) No outfitter can operate more than 10% of total allocated use for all commercial users.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The commission approved a petition for initiating rulemaking to gather public comment on commercial use regulations that allow for new permit holders to get into the business of outfitting on the Madison River even if they have not historically outfitted on the Madison River.

The transfer of individual river use days by outfitters/guides for pay is currently not allowed by law unless a business is transferred in its entirety pursuant to 47-37-310(4), MCA. Transfer of individual river use days by outfitters or guides without pay could be allowed because a "property right would not attach to transferred river-use days." The commission passed this petition to get public comment on this proposal and concept understanding that the petition language did not specify whether outfitters/guides would transfer for pay. The statute would have to be amended to allow outfitters/guides to transfer for monetary gain and that could not happen until the 2021 legislative session if it becomes a bill considered by the legislature.

NEW RULE VIII FLEX TRIPS (1) Madison River Special Recreational Use Permit holders will receive ten flex trips to use annually provided in [NEW RULE VI].

(2) Flex trips are temporary in nature, may be adjusted over time, and are non-transferable.

(3) Outfitters report the use of flex trips just as they would standard trips at year end.

(4) Flex trips can only be used by an outfitter two out of any three consecutive years.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE VIII is based on a petition submitted by FOAM. The petition states that outfitters occasionally need to use the Madison fishery when other fisheries they historically use are closed or not performing due to circumstances not of their control. The proposed language, based on FOAM's petition, provides for flex trips for use by outfitters whose historic trip use has fluctuated greatly from year to year.

NEW RULE IX TRANSFER OF GUIDED TRIPS (1) Madison River Special Recreation Permits specify the number of outfitter historical use allowed by each outfitter each year. Permit holders may only transfer or receive guided trips.

(2) Guided trips may be transferred at the discretion of the outfitter as long as notice is provided to the department and may only be transferred to an already qualified Madison River Special Recreational Use Permit holder.

(3) Flex trips are not transferrable as provided in [NEW RULE VIII].

(4) Each outfitter entering into a transfer of guided trips with one or more other qualified outfitters must do so by completing a transfer request form prescribed by the department. A trip transfer request is not complete or valid and may be cancelled by any licensee that is a party to it prior to being filed with the department.

(5) The records of the department comprise the official records of trips, and each purported transfer of trips is invalid and void that is not reflected in department records.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: Transfer of individual river use days by outfitters/guides for pay is currently not allowed by law unless a business is transferred in its entirety pursuant to 47-37-310(4), MCA. Transfer of individual river use days by outfitters or guides without pay could be allowed because a "property right would not attach to transferred river-use days." The commission passed this petition to get public comment on this proposal and concept understanding that the petition language did not specify whether outfitters/guides would transfer for pay. The statute would have to be amended to allow outfitters/guides to transfer for monetary gain and that could not happen until the 2021 legislative session if it becomes a bill considered by the legislature.

NEW RULE X MANDATORY GUIDED TRIP REDUCTIONS (1) Tier 1 Madison River Special Recreational Use Permit holders with 25 or fewer guided trips are exempt from the following mandatory guided trip reductions.

(2) Tier 2 Madison River Special Recreational Use Permit holders with 26-50 guided trips will drop to 25 guided trips if they have 3 consecutive seasons of use fewer than 26 total trips.

(3) Tier 3 Madison River Special Recreational Use Permit holders with 51-100 guided trips will drop to 50 guided trips if they have 3 consecutive seasons of use fewer than 51 total trips.

(4) Tier 4 Madison River Special Recreational Use Permit holders with over 100 guided trips will receive 80% of their guided trip allocation if they operate less than 80% of their guided trip allocation for 3 consecutive seasons.

(5) Any Madison River Special Recreational Use Permit holder that increases their guided trip allocation by more than 150 guided trips through a transfer will be granted 5 seasons to increase their use before a loss of guided trips is required due to lack of use.

(6) If any Madison River Special Recreational Use Permit holder documents zero use for three consecutive years the permit will be forfeit.

AUTH: 87-1-303, MCA  
IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE X is based on a petition submitted by FOAM. The petition recommended a system whereby outfitters who fail to use the total of their historic use allocation will receive a reduced guided trip allocation in subsequent years in order to ensure that the number of users on the river could be available to others. FOAM's petition provides the following information about the percentage of total trips conducted by outfitter: The percentage of total trips conducted by outfitters from 2011 through 2018 revealed consistent and distinct groupings of number of trips outfitters conducted from year to year. During 2018, 100 outfitters (56%) working on the Madison River conducted 25 trips or fewer, 24 outfitters (13%) conducted 26-50 trips; 19 outfitters (11%) conducted 51-100 trips. Twenty-eight (16%) outfitters conducted 100 trips or more. Applying management options to tiers of outfitters, whether guided trips or flex trips, can more effectively manage a distinct group of outfitters without affecting management across all outfitters.

Permit holders' use of guided trips often changes over time. Outfitters that decline over time in their use of guided trips will receive a reduction in their allocation of guided trips. Guided trips which are forfeited will be made available to other qualified permit holders through a trip distribution pool established in NEW RULE XV.

NEW RULE XI PERMIT APPLICATION AND FEES (1) Madison River Special Recreational Use Permit holders will apply annually to renew their Madison River Special Recreational Use Permit.

(2) Application fees will be \$110 per Madison River Special Recreational Use Permit.

AUTH: 87-1-303, MCA  
IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE XI is based on a petition submitted by FOAM. Currently, the Bureau of Land Management (BLM) establishes the application fee for the Madison River Special Recreational Use Permit issued to commercial users. The proposed rule language does not increase or decrease the current application fee of \$110. This proposal would establish the fee in the Administrative Rules of Montana. The procedures as outlined in the Montana Administrative Procedure Act would be followed if BLM institutes a change in the future.

NEW RULE XII REPORTING AND USE FEES (1) Madison River Special Recreational Use Permit holders will submit an annual report for each permit.

(2) Annual reports will include trip report logs. There is no need to differentiate between guided trips and flex trips on use logs.

(3) Madison River Special Recreational Use Permit holders will pay 3% of gross revenue less the permit application fee.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE XII is based on a petition submitted by FOAM. The proposed rule language establishes an annual report in order for the department to evaluate the effectiveness of the proposed management plan contained in NEW RULE XIII.

NEW RULE XIII PLAN EVALUATION (1) The Madison River Recreation Management Plan will be quantitatively evaluated by section or reach and across time immediately following the first year of implementation.

(2) Following the first-year evaluation, similar quantitative evaluations will be conducted every three years.

(3) Annual reports will be generated by the department that contain quantitative use data by river section and time as well as financial data.

(4) The annual reports will evaluate:

(a) river use from Madison River Special Recreational Use Permit holders;

(b) satisfaction of Madison River Special Recreational Use Permit holders and generate use data annually; and

(c) the effectiveness of allowing fishing from a boat or vessel for four days per week within this reach.

(5) The no-cost, no-limit stamp will be evaluated pursuant to [NEW RULE XVI].

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE XIII is based on a petition submitted by FOAM. The proposed timeline of quantitative evaluations and reports will allow for amendments due to changing conditions and allow for fixing of any flaws or problems in the plan in a timely manner.

NEW RULE XIV COMMERCIAL USE WORKING GROUP (1) The Madison River Commercial Use Working Group is under the authority of the Region 3 River Recreation Manager.

(2) The Commercial Use Working Group will be comprised of the Region 3 Recreation Manager, a member of the Fish and Wildlife Commission, and at least three Madison River outfitters holding a current valid Madison River Special Recreational Use Permit.

(3) The Commercial Use Working Group will establish an appeal process for conflicts and complaints.

(4) The Commercial Use Working Group may award guided trips to eligible outfitters from the Madison River Special Recreational Use Permit trip distribution pool via lottery.

- (5) The Commercial Use Working Group will review total use and:
- (a) adjust guided trip allocations as needed if Madison River Special Recreational Use Permit holder use declines;
  - (b) review guided trip additions to the Madison River Special Recreational Use Permit trip distribution pool; and
  - (c) review the annual number of flex trips eligible for outfitter use. If the total use of guided trips and flex trips exceeds the combined use levels of 2019 and 2020, the annual number of flex trips available to Madison River Special Recreational Use Permit holders may be reduced.
- (6) The Commercial Use Working Group may assign a fixed number of new permits to be issued. New permits will be awarded to qualified licensed Montana outfitters that have applied for a new permit via a lottery.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE XIV is based on a petition submitted by FOAM. The proposed rule language provides for a working group that takes over some of the authority granted the commission by statute. The commission passed the petition for rulemaking to get public comment for the concepts and proposals, including the working group. The commission will consider whether it could grant authority to the working group.

NEW RULE XV MADISON RIVER SPECIAL RECREATIONAL USE PERMIT TRIP DISTRIBUTION POOL (1) If total trips for a Madison River Special Recreational Use Permit holder is zero for three consecutive years, a permit is forfeited and allotted trips will be placed into the Madison River Special Recreational Use Permit trip distribution pool.

(2) Existing Madison River Special Recreational Use Permit holders that have operated at least 95% of their guided trips in the previous season may apply to receive guided trips from the trip distribution pool via lottery.

(3) Additional guided trips will be considered as part of the total guided trips for that Madison River Special Recreational Use Permit holder.

(4) Additional guided trips may be forfeited in the future due to reduced use due to loss of guided trips.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE XV is based on a petition submitted by FOAM. The proposed rule language would give businesses reasonable opportunity to expand without exceeding the established cap of commercial use trips.

NEW RULE XVI MADISON RIVER USE STAMP (1) Each year all users of the Madison River must obtain a Madison River use stamp at no cost. There will be no limit to the number of stamps to be distributed.

(2) All Madison River stamp holders must report their river use each year.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The proposed rule language in NEW RULE XVI is based on the petition submitted by FOAM and the petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association. The petition submitted by the George Grant Chapter of Trout Unlimited, the Skyline Sportsmen Association, and the Anaconda Sportsmen Association provided the following information justifying the need to collecting data on the total number of users on the Madison River: On an annual basis, 89% of fishing on the upper Madison comes from non-commercial anglers. Angler use has increased over the past 20 years and in 2017 was 207,000 angler days. Projected estimated use during 2019 was 249,000 angler days. Information on trends in non-angling use of the river is less clear, but overall use on the river has been increasing and is expected to continue to rise, regardless of any cap on commercial use. Instituting a comprehensive data-gathering tool is recommended to obtain more information on all current use and type of use on the river. Such a system could be implemented by requiring an unlimited no-cost river use stamp. Increasing use levels would probably necessitate a cap or limit on all use in the future to help protect the resource and maintain quality of experience.

6. Jessica Snyder has been designated to preside over and conduct this hearing.

7. Concerned persons may submit their data, views, or arguments either orally at the hearing or in writing to: Department of Fish, Wildlife and Parks, Madison River Rules, P.O. Box 200701, Helena, MT, 59620-0701; or e-mail [madisonrivercom@mt.gov](mailto:madisonrivercom@mt.gov), and must be received no later than October 30, 2020.

8. 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.

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 adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Department of Fish, Wildlife and Parks

/s/ Shane Colton

Shane Colton

Chair

Fish and Wildlife Commission

Certified to the Secretary of State September 15, 2020.

BEFORE THE CLASSIFICATION REVIEW COMMITTEE

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 6.6.8301 pertaining to	)	
establishment, deletion, or revision of	)	
classifications for various industries	)	
for supplementing the NCCI Basic	)	
Manual for Workers' Compensation	)	
and Employers Liability Insurance	)	

TO: All Concerned Persons

1. On June 12, 2020, the Classification Review Committee published MAR Notice No. 6-262 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1014 of the 2020 Montana Administrative Register, Issue Number 11.
2. The committee has amended the above-stated rule as proposed.
3. No comments or testimony were received.
4. The effective date of the amendment regarding Item Filing B-1440 is October 1, 2020, and the remaining filings will be effective July 1, 2021.

/s/ Mary Belcher  
 Mary Belcher  
 Rule Reviewer

/s/ Greg Roadifer  
 Greg Roadifer  
 Committee Chair

Certified to the Secretary of State September 15, 2020.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 8.94.3728 pertaining to the )  
administration of the 2021 Biennium )  
Federal Community Development )  
Block Grant (CDBG) Program – )  
Planning Grants )

TO: All Concerned Persons

1. On August 7, 2020, the Department of Commerce published MAR Notice No. 8-94-184 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1378 of the 2020 Montana Administrative Register, Issue Number 15.

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

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: We encourage the Montana Department of Commerce Community Development Division CDBG program to increase physical accessibility, visit ability, and universal design in rental and homebuyer housing stock in the state and to partner with cities, towns, and prospective CDBG applicants to highlight accessible community planning.

RESPONSE NO. 1: Commerce concurs that all Montanans should be able to live in the least restrictive environment possible. The 2015-2020 Montana Consolidated Plan (ConPlan) objectives support the provision of housing for those who are homeless, chronically homeless, at risk of homelessness, seniors, and the disabled, all populations that experience difficulty in finding affordable and accessible housing. The HOME, CDBG, HTF, and ESG programs specifically support efforts by local governments and partner organizations to assist the disabled. Each construction project proposal for any of these HUD-funded programs is considered in terms of its likelihood to meet appropriate ConPlan objectives. The CDBG program includes requirements and recommendations for both accessibility and visit ability, as well as increased connectivity through transportation and opportunity.

COMMENT NO. 2: We encourage the Montana Department of Commerce Community Development Division CDBG Planning Program to allow local governments to apply for and receive more than one planning grant during a funding cycle in special situations.

RESPONSE NO. 2: In the interest of serving as many communities as possible across the state with limited planning funding, Commerce limits each eligible county, city, and town to receiving, and having one open CDBG planning grant per funding cycle. Commerce encourages communities to work with their local governments to prioritize planning needs in deciding which projects to propose for CDBG planning funding each cycle and to work with the Community Development Division staff to ensure that CDBG planning grant applications are complete and as competitive as possible when they are submitted.

COMMENT NO. 3: We encourage the Montana Department of Commerce Community Development Division CDBG program to note the impact of civil legal aid on the root causes of homelessness and include financial support for civil legal aid as part of the department's planned future actions to increase housing sustainability and reduce homelessness in Montana communities.

RESPONSE NO. 3: The CDBG planning grant program currently allows for the planning of public services.

/s/ Amy Barnes  
Amy Barnes  
Rule Reviewer

/s/ Tara Rice  
Tara Rice  
Director  
Department of Commerce

Certified to the Secretary of State September 15, 2020.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 24.126.2103 continuing ) ADOPTION  
education requirements, 24.126.2105 )  
acceptable continuing education, and )  
the adoption of New Rule I dry )  
needling )

TO: All Concerned Persons

1. On April 17, 2020, the Board of Chiropractors (board) published MAR Notice No. 24-126-37 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 638 of the 2020 Montana Administrative Register, Issue No. 7.

2. On May 11, 2020, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the May 15, 2020 deadline.

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

COMMENT 1: Many commenters expressed support regarding NEW RULE I as drafted and wished to see it adopted as soon as possible.

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

COMMENT 2: Several commenters supported NEW RULE I but believed that to adequately protect the public, licensees should be required to pass an examination prior to their use of the modality.

RESPONSE 2: Prior to the Economic Affairs Interim Committee's (EAIC) September 10, 2020, consideration of MAR Notice No. 24-126-37, the Montana Chiropractic Association (MCA) and the Montana Association of Acupuncture and Oriental Medicine (MAAOM) entered into an agreement in which the MAAOM requested the EAIC not renew its objection to NEW RULE I, thus allowing the rulemaking to proceed. The MCA agreed to refrain from sponsoring or promoting any further dry needling certification classes while working to amend the rule to require more training hours and a practical examination.

Following the EAIC non-renewal of the informal objection to MAR Notice No. 24-126-37, the board is adopting NEW RULE I exactly as proposed. The board may consider further refinements to the rule in future rulemaking.

COMMENT 3: Many commenters opposed NEW RULE I and did not believe that chiropractors are trained appropriately or that the modality is within their scope of practice.

RESPONSE 3: See RESPONSE 2.

4. The board has amended ARM 24.126.2103 and 24.126.2105 exactly as proposed.

5. The board has adopted New Rule I (24.126.515) exactly as proposed.

BOARD OF CHIROPRACTORS  
V.J. MADDIO, DC  
PRESIDENT

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

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 15, 2020.

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

In the matter of the adoption of New ) NOTICE OF DECISION ON  
Rules I through IV and the ) PROPOSED ADOPTION AND  
amendment of ARM 37.5.118, ) AMENDMENT  
37.5.304, 37.5.307, 37.47.602, )  
37.47.610, 37.47.613, 37.47.614, and )  
37.51.216 pertaining to substantiation )  
of abuse and neglect reports and )  
disclosure of information )

TO: All Concerned Persons

1. On August 28, 2020, the Department of Public Health and Human Services (department) published MAR Notice No. 37-913 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1574 of the 2020 Montana Administrative Register, Issue Number 16.

2. A public hearing on the notice of proposed adoption and amendment of the above-stated rules was scheduled to be held on September 17, 2020. That public hearing has been cancelled.

3. The department has been notified that the statement of reasonable necessity in MAR Notice No. 37-913 will likely not meet the requirements in 2-4-305(6), MCA. Accordingly, the department hereby withdraws MAR Notice No. 37-913 from consideration and will rewrite the statement of reasonable necessity.

4. The department remains committed to its mission to protect the health and well-being of Montanans.

/s/ Caroline Warne  
Caroline Warne  
Rule Reviewer

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

Certified to the Secretary of State September 15, 2020.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 37.27.902, 37.85.105, and )  
37.88.101 pertaining to Medicaid )  
rates and services )

TO: All Concerned Persons

1. On August 7, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-925 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1476 of the 2020 Montana Administrative Register, Issue Number 15.

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

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

COMMENT #1: Multiple commenters expressed support of the department decision to add Transcranial Magnetic Stimulation (TMS) services to services available to treat major depressive disorder. The commenters were primarily psychiatrists, although an advocacy organization also weighed in. Several commenters cited various studies in which TMS has been an effective intervention for treatment-resistant depression making it a necessary strategy for suicide prevention. Psychiatrists remarked that TMS is less invasive than other non-traditional treatments, such as electroconvulsive therapy, due to its minimal side effects and long-term results. Various statements were also made by commenters acknowledging the department's dedication to serving members and that the addition of services such as TMS displays good stewardship of public funds.

RESPONSE #1: The department appreciates these comments and is committed to continuing to expand mental health services for Montana Healthcare Programs members.

COMMENT #2: A commenter asked about the rate for TMS.

RESPONSE #2: Pursuant to ARM 37.85.105(2)(e), the rate for TMS is the payment-to-charge ratio of a provider's usual and customary charges. Effective July 1, 2020, the payment-to-charge ratio is 45.2%. This payment methodology is commonly used with new services. The department will update the fee schedule to more clearly reflect this payment methodology.

4. These rule amendments are effective October 1, 2020.

/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 September 15, 2020.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 37.86.2950 pertaining to )  
graduate medical education )  
methodology changes )

TO: All Concerned Persons

1. On August 7, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-926 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1481 of the 2020 Montana Administrative Register, Issue Number 15.

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

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

COMMENT #1: The department received several comments in support of adjusting the payment distribution formula for the graduate medical education supplemental payment.

RESPONSE #1: The department appreciates the comments received.

4. The department intends to apply this rule retroactively to August 1, 2020. A retroactive application of the rule does not result in a negative impact to any affected party.

/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 September 15, 2020.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 42.20.701, 42.20.705, ) REPEAL  
42.20.725, 42.20.740, 42.20.745, and )  
the repeal of ARM 42.20.171, )  
42.20.505, 42.20.710, 42.20.715, )  
42.20.720, 42.20.730, 42.20.735, and )  
42.20.750 pertaining to forest land )  
classification requirements and )  
valuation )

TO: All Concerned Persons

1. On August 7, 2020, the Department of Revenue published MAR Notice No. 42-1021 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 1490 of the 2020 Montana Administrative Register, Issue Number 15.

2. On August 31, 2020, a public hearing was held to consider the proposed amendment and repeal. No persons appeared at the hearing. The department did receive oral comments via telephone from an interested person. Bob Story, executive director of the Montana Taxpayers Association, submitted written comments. No other oral or written comments were received.

3. The department has amended ARM 42.20.705, 42.20.725, 42.20.740, 42.20.745, and repealed ARM 42.20.171, 42.20.505, 42.20.710, 42.20.715, 42.20.720, 42.20.730, 42.20.735, and 42.20.750 as proposed.

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

42.20.701 DEFINITIONS The following definitions apply to this subchapter:  
(1) through (20) remain as proposed.  
(21) "Under one ownership" means when two or more parcels of land are ~~titled~~ deeded under an owner's identical name or when an owner has obtained department recognition of parcels under one ownership through the affidavit process described in ARM 42.20.705.

AUTH: 15-44-105, MCA

IMP: 15-1-101, 15-44-101, 15-44-102, 15-44-103, 15-44-106, MCA

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

COMMENT #1: A commenter provided positive support for the department's efforts to consolidate and clarify the forest land classification rules, but also asked why cottonwood trees are included as an example in the definition of "Hardwood Species" because cottonwoods are a softwood species.

RESPONSE #1: The department appreciates the support and the question. The department's inclusion of cottonwood trees in "Hardwood Species" is consistent and supported by scientific classification of "hardwoods" and "softwoods," although there are a number of outstanding exceptions to each. Basswood, poplar, aspen, and cottonwood, which are all classified as hardwoods, are among the softest of woods. Based on the correct scientific classification of cottonwoods as a hardwood species, the department will maintain the existing examples.

COMMENT #2: Mr. Story commented that there is a discrepancy in the definition of "under one ownership" in proposed ARM 42.20.701(21) (describing that property is "titled") with the proposed definition in ARM 42.20.601(29), pending under MAR Notice No. 42-1023, which references "deeded" property under one ownership. Deeded property more accurately describes real-estate ownership conveyances. Mr. Story suggests the department align the definitions.

RESPONSE #2: The department appreciates the comment and concurs with Mr. Story. Based on the comment, the department has further amended ARM 42.20.701(21) upon adoption.

COMMENT #3: Mr. Story questions how the department classifies stream-side management zones. He notes that these zones have restrictions that limit or prevent harvest of timber. Are they considered nonproductive forest land or given other consideration?

RESPONSE #3: The department does not give a different classification based on stream-side location and classifies land based on the requirements of ARM 42.20.705. If the land does not meet those requirements, including being wider than 120 feet and larger than five acres, it is considered non-forest land and would be classified based on the criteria of other land uses. The department does not have sufficient information to answer Mr. Story's zone restrictions observation other than to direct him to ARM 42.20.705(4), as amended, which includes more detailed circumstances where forest land classification is not available.

/s/ Todd Olson  
Todd Olson  
Rule Reviewer

/s/ Gene Walborn  
Gene Walborn  
Director of Revenue

Certified to the Secretary of State September 15, 2020.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 42.11.104, 42.11.105, )  
42.11.106, 42.11.405, 42.11.406, )  
42.11.409, 42.11.421, and 42.11.424 )  
pertaining to state liquor warehouse )  
inventory practices, amendments to )  
bailment limits, and revisions to )  
product classification )

TO: All Concerned Persons

1. On August 7, 2020, the Department of Revenue published MAR Notice No. 42-1022 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1506 of the 2020 Montana Administrative Register, Issue Number 15.

2. On August 31, 2020, a public hearing was held to consider the proposed amendment. Joe Conti, representing Hayden Mountain Spirits, appeared and testified at the hearing. No other oral or written comments were received.

3. The department amends the above-stated rules as proposed.

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

COMMENT #1: Mr. Conti expressed support for the proposed rulemaking which improves some of the stocking and overstock issues he has observed. At the hearing, Mr. Conti questioned whether the department's proposed changes to a quarterly process would change department notifications to vendors.

RESPONSE #1: The department appreciates the positive feedback from Mr. Conti. Steve Swanson, operations analyst for the department's Alcoholic Beverage Control Division, answered the question during the hearing stating the only change in the department's notification process would be the frequency of the correspondence to the department's vendors; no substantive procedural changes are contemplated.

/s/ Todd Olson  
Todd Olson  
Rule Reviewer

/s/ Gene Walborn  
Gene Walborn  
Director of Revenue

Certified to the Secretary of State September 15, 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<br>Subject | 1. Consult ARM Topical Index.<br>Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued. |
| Statute          | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.                |

## RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2020. This table includes notices in which those rules adopted during the period March 27, 2020, through September 11, 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 March 31, 2020, 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 2020 Montana Administrative Register.

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

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2-59-599	Semiannual Assessments of Banks and Supervisory Fees of Credit Unions Related to the COVID-19 Pandemic, p. 897
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(Public Employees' Retirement Board)

2-43-594	Investment Policy Statements for the Defined Contribution Retirement Plan and the 457(b) Deferred Compensation Plan, p. 347, 1117
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- 2-43-601 Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document and the Public Employee Deferred Compensation (457) Plan Document, p. 1035, 1614

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- 4-20-264 Student Loan Assistance Program, p. 123, 570, 776  
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(Classification Review Committee)

- 6-262 Establishment, Deletion, or Revision of Classifications for Various Industries for Supplementing the NCCI Basic Manual for Workers' Compensation and Employers Liability Insurance, p. 1014

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- 24-11-355 Unemployment Insurance Benefits Related to the COVID-19 Pandemic, p. 584
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- 24-301-348 Underground Facility Protection Program - Assessment and Collection of Civil Penalties - Collection of Annual Fees - Disputes Regarding Penalties and Fines—Mediation - Training and Educational Grants, p. 1463, 1572
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24-114-38 Licensure of Applicants Registered in Another State - Landscape Architect Licensure by Endorsement, p. 167, 790

(Board of Chiropractors)

24-126-37 Continuing Education Requirements - Acceptable Continuing Education - Dry Needling, p. 638

(Board of Dentistry)

24-138-77 Dental Hygienist Committee - Definitions - Functions for Dental Auxiliaries - Initial Licensure of Dentists by Examination - Initial Licensure of Dental Hygienists by Examination - Unprofessional Conduct for Denturists - Denturist Scope of Practice—Dentures Over Implants, p. 1, 588

24-138-78 Approved Clinical Exam Criteria for Dentists and Dental Hygienists - Specialty Advertising - Dental Hygienists—Temporary Practice Permits, p. 1268, 1631

(Board of Funeral Service)

24-147-40 Definitions - Fee Schedule - Name Change, Closure, Transfer, or Change of Ownership—Mortuary, Branch Establishment, Crematory, or Cemetery - Mortician Licenses - Crematory Records - Cremation Authorizations - Integrity of Identification of Human Remains - Cremation Procedures - Crematory Prohibitions - Requirements for Sale of At-Need, Preneed, and Prepaid Funeral Arrangements - Continuing Education Requirements—Morticians - Unprofessional Conduct - Preneed Arrangements—Notification of Closure or Change of Ownership—Mortuary, Branch Establishment, or Crematory, p. 1769, 670

(Board of Massage Therapy)

24-155-8 Licensure of Out-of-State Applicants - Unprofessional Conduct - Records - Standards of Practice, p. 9, 247, 1327

(Board of Medical Examiners)

24-156-86 Application for Licensure - Chart Review - Definitions - ECP Licensure Qualifications - ECP License Application - Continuing Education and Refresher Requirements - ECP Training Courses - Medical Direction - Levels of ECP Licensure Including Endorsements - ECP Scope of Practice - CIHC Endorsement, p. 18, 679

24-156-87 Definitions - Training of Student Physician Assistants - Application for Physician Assistant License - Physician Assistant Fees - Reporting to the Board - Supervision of Physician Assistant - Patient Rights - Unprofessional Conduct - Management of Infectious Wastes - Physician Assistant License Renewal, p. 1561

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24-159-91 Curriculum Goals and General Requirements for Programs, p. 648, 965

(Board of Optometry)

24-168-44 General Practice Requirements - Continuing Education Requirements—Audit - Approved Continuing Education - Unprofessional Conduct - Board Meetings, p. 256, 901

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(Board of Physical Therapy Examiners)

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(Board of Psychologists)

24-189-41 Fee Schedule - Psychologist Application Procedures - Examination - Temporary Permit - Behavior Analyst Experience and Supervision, p. 1272

(Board of Public Accountants)

24-201-53 Accounting and Auditing Experience Requirements - Granting of Examination Credit - Records - Basic Continuing Education Requirement - Credit for Service as Lecturer, Instructor, Technical Reviewer, Speaker, or Report Reviewer, p. 273, 792

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(Board of Veterinary Medicine)

24-225-41 Definitions - Patient Medical Records and Recordkeeping - Unprofessional Conduct - Continuing Education - Certified Euthanasia Technicians—License Requirements - Board-Approved Training Program Criteria - Certified Euthanasia Technician Examinations—Written and Practical - Application for Certified Euthanasia Agencies - Inspections—Initial and Annual - Continuing Education— Certified Euthanasia Technicians - Certified Euthanasia Agency Operation Standards - Change of Attorney-in-Fact - Closure of a Certified Euthanasia Agency or Loss of DEA Permit - Termination of Certified Euthanasia Technician Employment and Retirement of Certificate, p. 440, 1633

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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 August 2020 appear. Potential vacancies from October 1, 2020 through December 31, 2020, are also listed.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of September 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 AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Agriculture Land Valuation Advisory Council</b>			
Dr. Daniel Bigelow Bozeman Qualifications (if required): MSU College of Agriculture	Governor	Bekkerman	8/14/2020 6/30/2024
Mrs. Jane DeBruycker Dutton Qualifications (if required): Knowledgeable in agriculture	Governor	Reappointed	8/14/2020 6/30/2024
Mr. James Johnson Bozeman Qualifications (if required): Knowledgeable in agriculture	Governor	Reappointed	8/14/2020 6/30/2024
Mr. Michael Jopek Whitefish Qualifications (if required): Knowledgeable in agriculture	Governor	Reappointed	8/14/2020 6/30/2024
Mr. Keith Kelly Helena Qualifications (if required): Knowledgeable in agriculture economics	Governor	Reappointed	8/14/2020 6/30/2024
Mr. Dennis McDonald Melville Qualifications (if required): Knowledgeable in agriculture	Governor	Reappointed	8/14/2020 6/30/2024

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Agriculture Land Valuation Advisory Council Cont.</b>			
Mr. Jerry Nielsen Bozeman	Governor	Reappointed	8/14/2020 6/30/2024
Qualifications (if required): Knowledgeable in agriculture economics			
Mr. John Schutter Manhattan	Governor	Reappointed	8/14/2020 6/30/2024
Qualifications (if required): Knowledgeable in agriculture			
Ms. Helen (Jo) Shipman Lewistown	Governor	Reappointed	8/14/2020 6/30/2024
Qualifications (if required): Knowledgeable in agriculture			
<b>Board of County Printing</b>			
Mr. Jonathan McNiven Huntley	Governor	Turner	8/14/2020 4/1/2021
Qualifications (if required): Member of the printing industry			
<b>Board of Nursing</b>			
Mrs. Nicole Guay Missoula	Governor	Brownback	8/14/2020 7/1/2024
Qualifications (if required): Licensed Practical Nurse (LPN)			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Nursing Cont.</b>			
Ms. Sandy Sacry Whitehall	Governor	Reappointed	8/14/2020 7/1/2024
Qualifications (if required): Registered Professional Nurse (RN) with experience in school of nursing			
<b>Board of Pharmacy</b>			
Mr. Jeffrey Robert Nikolaisen Butte	Governor	Bertagnolli	8/14/2020 7/1/2025
Qualifications (if required): Licensed Pharmacist			
<b>Board of Private Security</b>			
Ms. Holly Dershem-Bruce Glendive	Governor	Reappointed	8/1/2020 8/1/2023
Qualifications (if required): Member of the public			
Mr. James Thomas Canyon Creek	Governor	Reappointed	8/1/2020 8/1/2023
Qualifications (if required): Member of the Montana Public Safety Officer Standards and Training (POST) Council			
<b>Commission on Community Service</b>			
Ms. Pamela J. Carbonari Kalispell	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Representative of a nonprofit that works with senior citizens			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Commission on Community Service Cont.</b>			
Ms. Karen Lazetich Moses Billings Qualifications (if required): Public member	Governor	Reappointed	8/14/2020 7/1/2023
Mr. Doug Mitchell Bigfork Qualifications (if required): Public member	Governor	Wetherington	8/14/2020 7/1/2023
Mr. Eric Strauss Helena Qualifications (if required): State Agency	Governor	Reappointed	8/14/2020 7/1/2023
Commissioner Juanita Vero Missoula Qualifications (if required): Local Government	Governor	Surratt	8/14/2020 7/1/2022
<b>Eastern Montana Elder Justice Council</b>			
Ms. Karla Painter Billings Qualifications (if required): Law Enforcement/Investigator	Governor	Barleson	8/28/2020 12/31/2020

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Equal Pay for Equal Work Task Force</b>			
Mr. John Cummings Helena Qualifications (if required): Business	Governor	Wood	8/26/2020 4/1/2022
Representative Laurie Bishop Livingston Qualifications (if required): Elected Official	Governor	Reappointed	8/26/2020 4/1/2022
President Seth Bodner Missoula Qualifications (if required): Higher Education	Governor	Reappointed	8/26/2020 4/1/2022
Ms. Lauren Caldwell Helena Qualifications (if required): Labor/Workers	Governor	Helt	8/26/2020 4/1/2022
Ms. Lilly Corning Thompson Billings Qualifications (if required): Business	Governor	Grmoljez	8/26/2020 4/1/2022

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Equal Pay for Equal Work Task Force Cont.</b>			
Ms. Jennifer Euell Missoula Qualifications (if required): Non-profit	Governor	Reappointed	8/26/2020 4/1/2022
Mr. Paddy Fleming Bozeman Qualifications (if required): Business	Governor	Reappointed	8/26/2020 4/1/2022
Ms. Carole Lankford Pablo Qualifications (if required): Tribal Member	Governor	Reappointed	8/26/2020 4/1/2022
Ms. Tracy McIntyre Great Falls Qualifications (if required): Economic Development	Governor	Reappointed	8/26/2020 4/1/2022
Commissioner Brenda Nordlund Helena Qualifications (if required): Co-Chair	Governor	Reappointed	8/26/2020 4/1/2022
Ms. Jamie Palagi Helena Qualifications (if required): State Agency Director Designee	Governor	Hogan	8/26/2020 4/1/2022

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Equal Pay for Equal Work Task Force Cont.</b>			
Ms. Jen Perry Bozeman Qualifications (if required): Business	Governor	Braaten	8/26/2020 4/1/2022
Director Tara Rice Helena Qualifications (if required): Co-Chair	Governor	Reappointed	8/26/2020 4/1/2022
Representative Diane Sands Missoula Qualifications (if required): Elected Official	Governor	Reappointed	8/26/2020 4/1/2022
<b>Information Technology Managers Advisory Council</b>			
Mr. Timothy Bottenfield Helena Qualifications (if required): Chief Information Officer	Governor	None Stated	8/1/2020 8/1/2022
Mr. Mike Bousliman Helena Qualifications (if required): Information Technology Manager	Governor	None Stated	8/1/2020 8/1/2022

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Information Technology Managers Advisory Council Cont.</b>			
Ms. Christi Breland Helena Qualifications (if required): Information Technology Manager	Governor	None Stated	8/1/2020 8/1/2022
Ms. Kellee English Helena Qualifications (if required): Information Technology Manager	Governor	None Stated	8/1/2020 8/1/2022
Mr. Chris Hunt Whitefish Qualifications (if required): Local Government Representative	Governor	None Stated	8/1/2020 8/1/2022
Mr. Butch Huseby Helena Qualifications (if required): Information Technology Manager	Governor	None Stated	8/1/2020 8/1/2022
Ms. Jessica Plunkett Helena Qualifications (if required): Information Technology Manager	Governor	None Stated	8/1/2020 8/1/2022
Ms. Angela Riley Helena Qualifications (if required): Information Technology Manager	Governor	None Stated	8/1/2020 8/1/2022

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Information Technology Managers Advisory Council Cont.</b>			
Mr. Manuel Soto Helena	Governor	None Stated	8/1/2020 8/1/2022
Qualifications (if required): Information Technology Manager			
<b>Montana Council on Developmental Disabilities</b>			
Rep. Geraldine Custer Forsyth	Governor	Driscoll	8/28/2020 1/1/2021
Qualifications (if required): State Legislator			
Representative Susan Webber Browning	Governor	McClafferty	8/28/2020 1/1/2021
Qualifications (if required): State Legislator			
<b>Montana Historical Society Board of Trustees</b>			
Mr. Robert John Phares Clyde Park	Governor	Reappointed	8/14/2020 7/1/2025
Qualifications (if required): Public Representative			
Mr. Charles Sackett Johnson Helena	Governor	Reappointed	8/14/2020 7/1/2025
Qualifications (if required): Public Representative			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Montana Historical Society Board of Trustees Cont.</b>			
Ms. Jude A. Sheppard Chinook	Governor	Reappointed	8/14/2020 7/11/2025
Qualifications (if required): Public Representative			
<b>Montana Unmanned Aerial Systems Council</b>			
Mr. Joseph Frohlich Helena	Governor	New	8/28/2020 12/31/2020
Qualifications (if required): State Information Technology Services Rep			
<b>State Banking Board</b>			
Mr. William L. Davies Billings	Governor	Langemeier	8/28/2020 7/11/2022
Qualifications (if required): Active officer of a national bank doing business in MT			
Mr. Tony Ennenga Bozeman	Governor	Reappointed	8/28/2020 7/11/2023
Qualifications (if required): Member of the public			
Mr. Thomas R. Swenson Missoula	Governor	Reappointed	8/28/2020 7/11/2023
Qualifications (if required): Active Officer in State Bank of Montana			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Emergency Response Commission</b>			
Major Jeffrey Alan Holycross Helena	Governor	Reappointed	8/28/2020 10/1/2023
Qualifications (if required): National Guard representative			
<b>Tourism Advisory Council</b>			
Mr. Christopher Dantic Glendive	Governor	Luckey	8/14/2020 7/1/2023
Qualifications (if required): Southeast Montana Region representative			
Mr. Jeffrey Ewelt Billings	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Southeast Montana Region representative			
Ms. Nicolle Jean Fugere Fort Benton	Governor	Thares	8/14/2020 7/1/2023
Qualifications (if required): Central Montana Region representative			
Ms. Glenniss Indreland Bozeman	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Yellowstone Country Region representative			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Tourism Advisory Council Cont.</b>			
Mr. Lane Spotted Elk Lame Deer	Governor	Ryan	8/14/2020 7/1/2023
Qualifications (if required): Member from Indian Tribal Government			
Mr. Stephen C. Wahrlich Billings	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Southeast Montana Region Representative			
<b>Underground Facility Protection Advisory Council</b>			
Mr. Aaron John Arthur Miles City	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Member representing a telecommunications provider			
Mr. John Bemis Helena	Governor	Reappointed	8/14/2020 7/1/2022
Qualifications (if required): Member representing a telecommunications provider			
Mr. Douglas Craig Hansen Billings	Governor	Reappointed	8/14/2020 7/1/2022
Qualifications (if required): Member representing a public utility			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Underground Facility Protection Advisory Council Cont.</b>			
Mr. Douglas Hardy Great Falls	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Member representing a rural electric cooperative operating in Montana			
Mr. Keith Wayne Meagor Butte	Governor	Schultz	8/14/2020 7/1/2023
Qualifications (if required): Member representing a public utility			
Mrs. Mandi Nay Circle	Governor	Reappointed	8/14/2020 7/1/2022
Qualifications (if required): Member representing a regional water system			
Mr. Theron C. Pavlik Manhattan	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Member representing excavators			
Mr. Nicholas James Pericich Belgrade	Governor	Reappointed	8/14/2020 7/1/2022
Qualifications (if required): Member representing a municipal sewer or water system			
Ms. Michelle Lea Snyder Laurel	Governor	Reappointed	8/14/2020 7/1/2023
Qualifications (if required): Member who represents owners or operators of an underground facility			

**EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Upper Columbia Conservation Commission</b>			
Councilman Martin Charlo	Governor	Two Teeth	8/28/2020
Pablo			5/29/2021
Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes			
<b>Water and Wastewater Operators' Advisory Council</b>			
Mr. Ronald Brian Edwards	Governor	Sullivan	8/14/2020
Bozeman			10/1/2020
Qualifications (if required): Wastewater Treatment Plant Operator			
Mr. Craig Woolard	Governor	Resurreccion	8/14/2020
Bozeman			10/1/2023
Qualifications (if required): Faculty of a university or college			

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>4th Judicial District</b> Mr. Shane Anthony Vannatta, Missoula Qualifications (if required): None Stated	Governor	12/31/2020
<b>Board of Barbers and Cosmetologists</b> Mrs. Glenna Idelle Lee, Glendive Qualifications (if required): Licensed Electrologist, Esthetician, or Manicurist	Governor	10/1/2020
Ms. Amanda Thompson, Missoula Qualifications (if required): Licensed Electrologist, Esthetician, or Manicurist	Governor	10/1/2020
Mrs. Lauren Hansen, Missoula Qualifications (if required): Licensed Electrologist, Esthetician, or Manicurist	Governor	10/1/2020
<b>Board of Occupational Therapy Practice</b> Ms. Brenda Toner, Missoula Qualifications (if required): Occupational Therapist	Governor	12/31/2020
Ms. Lora Wier, Choteau Qualifications (if required): Member of the general public	Governor	12/31/2020
<b>Board of Outfitters</b> Representative Julie E. French, Scobey Qualifications (if required): Member of the general public	Governor	10/1/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Outfitters Cont.</b>		
Mr. Hugo Tureck, Coffee Creek Qualifications (if required): Sportsperson	Governor	10/1/2020
Mr. John Way, Ennis Qualifications (if required): Outfitter licensed to provide fishing and hunting services	Governor	10/1/2020
Mr. Kerry Fee, Livingston Qualifications (if required): Sportsperson	Governor	10/1/2020
Ms. Marcia Brownlee, Missoula Qualifications (if required): Member of the general public	Governor	10/1/2020
<b>Board of Speech Language Pathologists and Audiologists</b>		
Dr. Gene W. Bukowski, Billings Qualifications (if required): Audiologist	Governor	12/31/2020
Dr. Kelsey Mann, Billings Qualifications (if required): Audiologist	Governor	12/31/2020
<b>Building Codes Council</b>		
Ms. Suzanne Small Trusler, Ashland Qualifications (if required): Representative from the building contractor industry	Governor	10/1/2020
Mr. Jason Fitzgerald, Billings Qualifications (if required): Practicing architect licensed in Montana	Governor	10/1/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Building Codes Council Cont.</b>		
Mr. John Michael Gordon, Butte Qualifications (if required): Licensed electrician	Governor	10/1/2020
Ms. Deb Larson, Bozeman Qualifications (if required): Member of the general public	Governor	10/1/2020
Mr. Matthew Lemert, Livingston Qualifications (if required): Licensed plumber selected by the Board of Plumbers	Governor	10/1/2020
Mr. Ron Bartsch, Montana City Qualifications (if required): Representative of the home building industry	Governor	10/1/2020
Mr. John Edwin Carmody, Butte Qualifications (if required): Practicing professional engineer licensed in Montana	Governor	10/1/2020
Mr. Robert Risk, Bozeman Qualifications (if required): County, city, or town building inspector	Governor	10/1/2020
Mr. Dick Swingley, Helena Qualifications (if required): State Fire Marshall or designee	Governor	10/1/2020
Mr. Joshua K. Wallery, Helena Qualifications (if required): Representative of the Manufactured Housing Industry	Governor	10/1/2020
Mr. Jason Douglas Poston, Kalispell Qualifications (if required): Elevator Mechanic	Governor	10/1/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Department of Environmental Quality Director</b> Director Tom Livers, Helena Qualifications (if required): none specified	Governor	12/31/2020
<b>Department of Labor and Industry Director</b> Commissioner Pam Bucy, Helena Qualifications (if required): none specified	Governor	12/31/2020
<b>Department of Military Affairs Director</b> Major General Matthew T. Quinn, Fort Harrison Qualifications (if required): none specified	Governor	12/31/2020
<b>Department of Natural Resources and Conservation Director</b> Director John Tubbs, Helena Qualifications (if required): None Stated	Governor	12/31/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Department of Public Health and Human Services Director</b> Director Sheila Hogan, Helena Qualifications (if required): None Stated	Governor	12/31/2020
<b>Department of Revenue Director</b> Director Mike Kadas, Helena Qualifications (if required): None Stated	Governor	12/31/2020
<b>Department of Transportation Director</b> Director Mike Tooley, Helena Qualifications (if required): none specified	Governor	12/31/2020
<b>Eastern Montana Elder Justice Council</b> Mr. Wyatt Arthur Glade, Miles City Qualifications (if required): County Attorney	Governor	12/31/2020
Ms. Denise Armstrong, Billings Qualifications (if required): Senior advocacy	Governor	12/31/2020
Mr. Tom Barleson, Helena Qualifications (if required): Law Enforcement/Investigator	Governor	12/31/2020
Ms. Marcy Brookie, Roundup Qualifications (if required): Senior advocacy	Governor	12/31/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Eastern Montana Elder Justice Council Cont.</b>		
Mr. Neil Brunett, Helena Qualifications (if required): Director or Designee of the Commissioner of Securities and Insurance	Governor	12/31/2020
Mr. Todd Buchanan, Billings Qualifications (if required): Licensed Certified Financial Planner	Governor	12/31/2020
Ms. Renee' Buhmann, Miles City Qualifications (if required): Private financial institution	Governor	12/31/2020
Mr. Gary Connelley, Billings Qualifications (if required): Licensed private attorney	Governor	12/31/2020
Sheriff Allen Fulton, Forsyth Qualifications (if required): Law Enforcement	Governor	12/31/2020
Ms. Margaret Gallagher, Billings Qualifications (if required): County Attorney	Governor	12/31/2020
Mr. Michael Hagenlock, Helena Qualifications (if required): Director of the DPHHS Ex-Officio	Governor	12/31/2020
Mr. Tom Kuntz, Red Lodge Qualifications (if required): Community leader	Governor	12/31/2020
Mr. Brett Lapham, Billings Qualifications (if required): Law Enforcement/Investigator	Governor	12/31/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Eastern Montana Elder Justice Council Cont.</b>		
Mr. Mike Larson, Billings Qualifications (if required): Co-Chair and Senior Advocate	Governor	12/31/2020
Mr. Chris McConnell, Helena Qualifications (if required): Director of the Dept. of Justice Ex-Officio	Governor	12/31/2020
Mr. Chuck Munson, Helena Qualifications (if required): Co-Chair & Director of the Dept. of Justice Ex-Officio	Governor	12/31/2020
Ms. Tammy Peltomaa, Helena Qualifications (if required): Director of the Dept. of Administration, Ex-Officio	Governor	12/31/2020
Mr. Al Ward, Helena Qualifications (if required): Senior Advocate	Governor	12/31/2020
Ms. Karla Painter, Billings Qualifications (if required): Law Enforcement/Investigator	Governor	12/31/2020
<b>Labor-Management Advisory Council</b>		
Lt. Governor Mike Cooney, Helena Qualifications (if required): Chair	Governor	12/31/2020
Mr. Don Judge, Helena Qualifications (if required): Representing Employees	Governor	12/31/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Labor-Management Advisory Council Cont.</b>		
Mr. Doug Buman, Seattle, WA Qualifications (if required): Representing Employees	Governor	12/31/2020
Ms. Annette Hoffman, Billings Qualifications (if required): Representing Employers	Governor	12/31/2020
Mr. Eric Strauss, Helena Qualifications (if required): Ex-officio Member	Governor	12/31/2020
Mr. Lance Zanto, Helena Qualifications (if required): Representing Employers	Governor	12/31/2020
Mr. Jim Larson, Billings Qualifications (if required): Representing Employees	Governor	12/31/2020
Mr. Al Smith, Helena Qualifications (if required): Employees chosen by the Montana Trial Lawyers Association	Governor	12/31/2020
Mr. Adam Haight, Helena Qualifications (if required): Representing Employees	Governor	12/31/2020
Mr. Bridger Mahlum, Helena Qualifications (if required): Employers representing Montana Chamber of Commerce	Governor	12/31/2020
Mr. Mike Marsh, Billings Qualifications (if required): Representing Employers	Governor	12/31/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Labor-Management Advisory Council Cont.</b>		
Ms. Vicky Evans, Great Falls Qualifications (if required): Employers representing self-insurers	Governor	12/31/2020
<b>Montana Alfalfa Seed Committee</b>		
Mr. Ernest Johnson, Chinook Qualifications (if required): Actively engaged in the growing of alfalfa seed within the state	Governor	12/1/2020
Mr. John Mehling, Hardin Qualifications (if required): Alfalfa Seed Grower and rears alfalfa leaf-cutting bees	Governor	12/1/2020
Mr. Cavin Steiger, Forsyth Qualifications (if required): Alfalfa seed grower	Governor	12/1/2020
<b>Montana Unmanned Aerial Systems Council</b>		
Mr. J. D. Jacoby, Helena Qualifications (if required): Department of Commerce Designee	Governor	12/30/2020
Director Jason Smith, Helena Qualifications (if required): Office of Indian Affairs	Governor	12/31/2020
Mr. Butch Huseby, Helena Qualifications (if required): Dept. of Justice Designee	Governor	12/31/2020
Mr. Mike Bousliman, Helena Qualifications (if required): Department of Transportation Designee	Governor	12/31/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Unmanned Aerial Systems Council Cont.</b>		
Mr. Gordy Conn, Missoula Qualifications (if required): Department of Revenue Designee	Governor	12/31/2020
Ms. Jennifer Fowler, Missoula Qualifications (if required): Representative of the Montana University System	Governor	12/31/2020
Mr. Kreh Germaine, Helena Qualifications (if required): Dept. of Natural Resources and Conservation Designee	Governor	12/31/2020
Mr. Weston Irr, Livingston Qualifications (if required): Private Industry	Governor	12/31/2020
Mr. Dan Olson, Helena Qualifications (if required): Dept. of Livestock Designee	Governor	12/31/2020
Mr. James Strait, Helena Qualifications (if required): Dept. of Environmental Quality Designee	Governor	12/31/2020
Mr. Paul Szczepaniak, Helena Qualifications (if required): Dept. of Corrections Designee	Governor	12/31/2020
Mr. Dustin Temple, Helena Qualifications (if required): Dept. of Fish, Wildlife and Parks Designee	Governor	12/31/2020
Ms. Patty White, Helena Qualifications (if required): Dept. of Commerce Designee	Governor	12/31/2020

**EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2020 THROUGH DECEMBER 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Unmanned Aerial Systems Council Cont.</b> Mr. R. Stephen White, Bozeman Qualifications (if required): Private Industry	Governor	12/31/2020
Mr. Joseph Frohlich, Helena Qualifications (if required): State Information Technology Services Rep	Governor	12/31/2020
<b>Northwest Power and Conservation Council</b> Ms. Jennifer Anders, Helena Qualifications (if required): none specified	Governor	12/31/2020
<b>State Historic Preservation Review Board</b> Mr. Jeff Shelden, Lewistown Qualifications (if required): Architect	Governor	10/1/2020
Mr. Charles McLeod, Missoula Qualifications (if required): Archaeologist	Governor	10/1/2020
Ms. Marcella Walter, Helena Qualifications (if required): Architectural Historian	Governor	10/1/2020
<b>State Rehabilitation Council</b> Mr. Scott Trent, Missoula Qualifications (if required): State Workforce Innovation Board	Governor	10/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Rehabilitation Council Cont.</b>		
Ms. Coreen Louise Faulkner, Missoula Qualifications (if required): Advocacy Community	Governor	10/1/2020
Ms. Tiffany Costa, Billings Qualifications (if required): Advocacy Community	Governor	10/1/2020
Mr. Wayne Dagele, Billings Qualifications (if required): Advocacy Community	Governor	10/1/2020
Mr. Nicholas Domitrovich, Helena Qualifications (if required): Department of Public Health and Human Services Director	Governor	10/1/2020
Ms. Brook Hodge, Missoula Qualifications (if required): Vocational Rehabilitation Counselor	Governor	10/1/2020
Ms. Denise May, Missoula Qualifications (if required): Advocacy Community	Governor	10/1/2020
Mr. Andrew Clayton Kemp, Bozeman Qualifications (if required): Advocacy Community	Governor	10/1/2020
Ms. Michele Letendre, Bozeman Qualifications (if required): Advocacy Community	Governor	10/1/2020
Ms. Chanda Hermanson-Daley, Helena Qualifications (if required): DPHHS-DETD Division Administrator	Governor	10/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Rehabilitation Council Cont.</b>		
Mr. Marvin Weatherwax Sr., Browning Qualifications (if required): Tribal Vocational Rehabilitation Director Representative	Governor	10/1/2020
Mr. Scott Eychner, Helena Qualifications (if required): State Workforce Innovation Board	Governor	10/1/2020
Ms. Cheri Reed-Anderson, Miles City Qualifications (if required): Vocation Rehabilitation Counselor	Governor	10/1/2020
<b>Statewide Independent Living Council</b>		
Mr. Carlos Alberto Ramalho, Billings Qualifications (if required): Person with a disability not employed by state agency	Governor	12/1/2020
Ms. Deserie Bonnie Kelly, Missoula Qualifications (if required): Person with a disability	Governor	12/1/2020
<b>Trauma Care Committee</b>		
Ms. Lauri Jackson, Great Falls Qualifications (if required): Member from the Central Regional Trauma Care Advisory Committee	Governor	11/1/2020
Mr. Bradley Louis Von Bergen, Billings Qualifications (if required): Member from the Eastern Regional Trauma Care Advisory Committee	Governor	11/1/2020
Dr. John Bradley Pickhardt, Missoula Qualifications (if required): Member from the Western Regional Trauma Care Advisory Committee	Governor	11/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Trauma Care Committee Cont.</b>		
Mr. Robert Michael Dowdy, Lewistown Qualifications (if required): Representative of the Montana Hospital Association	Governor	11/1/2020
Mr. Matthew Waller, Chester Qualifications (if required): Montana Hospital Association Representative	Governor	11/1/2020
Dr. David Joseph Newton, Ennis Qualifications (if required): Representative of the Montana Medical Association	Governor	11/1/2020
Ms. Brenda Koessl, Glasgow Qualifications (if required): Montana Hospital Assoc. (MHA) Representative	Governor	11/1/2020
<b>Water and Wastewater Operators' Advisory Council</b>		
Ms. Starr Sullivan, Florence Qualifications (if required): Treatment plant operator holding the highest class certification	Governor	10/1/2020
Mr. Ronald Brian Edwards, Bozeman Qualifications (if required): Wastewater Treatment Plant Operator	Governor	10/1/2020

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**COREY STAPLETON**  
SECRETARY OF STATE

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