

MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 16

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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) 438-6122.

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BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 2.59.104 and 2.59.401 pertaining	)	AMENDMENT
to semiannual assessments and)	
supervisory fees for banks and credit	)	NO PUBLIC HEARING
unions	)	CONTEMPLATED

TO: All Concerned Persons

1. On October 9, 2021, the Department of Administration proposes to amend the above-stated rules.

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 September 8, 2021, to advise us of the nature of the accommodation that you need. Please contact Heather Hardman, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2922; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

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

2.59.104 SEMIANNUAL ASSESSMENT (1) through (5) remain the same.
(6) ~~The assessment billed in December 2020 and collected in January 2021 is waived.~~ For the assessment billed in December 2021 and collected in January 2022, calculate the assessment as set forth in (2) and divide by 2. For this period only, the semiannual assessment shall not exceed \$150,000.

AUTH: 32-1-213, 32-1-218, MCA
IMP: 32-1-213, 32-1-218, MCA

GENERAL STATEMENT OF REASONABLE NECESSITY: The Division of Banking and Financial Institutions (division) is funded through assessment, supervisory, licensing, and examination fees and strives to keep revenues consistent with each program's expenditures. Fees collected from banks and credit unions are currently exceeding division expenditures because there has been growth in the assets financial institutions are holding due to pandemic-related programs. Pursuant to 32-1-213 and 32-3-201, MCA, assessments and supervisory fees must be commensurate with program costs. In matching revenues to expenses, the division anticipates that with the 50% reduction in bank assessments and credit union supervisory fees collected in 2022, the division's revenues will be \$2,062,500 for banks and \$291,000 for credit unions. These amounts are sufficient for the division to run the bank and credit union supervision programs.

The division proposes a one-time reduction for assessments and supervisory fees collected in 2022 which will decrease division revenue by \$784,000. There are 38 state-chartered banks and 10 state-chartered credit unions that would be affected by this proposal. In the future, the division anticipates that the revenues and expenses will equalize, and the assessment and supervisory fees currently set forth in ARM 2.59.104(2) and 2.59.401(2) will be sufficient to run the programs.

2.59.401 CREDIT UNIONS - SUPERVISORY FEE (1) through (3) remain the same.

(4) ~~The assessment billed in December 2020 and collected in January 2021 is waived.~~ For the assessment billed in December 2021 and collected in January 2022, calculate the assessment as set forth in (2) and divide by 2.

AUTH: 32-3-201, MCA

IMP: 32-3-201, MCA

4. Concerned persons may present their data, views, or arguments concerning the proposed actions to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov. Comments must be received no later than 5:00 p.m., September 24, 2021.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., September 8, 2021.

6. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be four persons based on the 38 state-chartered banks and 10 state-chartered credit unions.

7. An electronic copy of this proposal notice is available through the department's website at <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 Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to Heather Hardman, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

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

10. The department has determined that under 2-4-111, MCA, the proposed amendment of the above-stated rules will not significantly and directly impact small businesses.

By: /s/ Misty Ann Giles
Misty Ann Giles, Director
Department of Administration

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

Certified to the Secretary of State August 17, 2021.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.59.1738 pertaining to renewal	)	AMENDMENT
fees of mortgage brokers, mortgage)	
lenders, mortgage servicers, and	)	NO PUBLIC HEARING
mortgage loan originators	)	CONTEMPLATED

TO: All Concerned Persons

1. On October 9, 2021, the Department of Administration proposes to amend the above-stated rule.

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 September 8, 2021, to advise us of the nature of the accommodation that you need. Please contact Heather Hardman, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2922; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

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

2.59.1738 RENEWAL FEES (1) Licenses issued under Title 32, chapter 9, part 1, MCA, expire December 31. Licensees shall submit their renewal applications by December 1 of each year to ensure issuance of the license to qualified renewal applicants by January 1 of the following year. The renewal fees for the license period January 1 through December 31, ~~2021~~ 2022, are:

(a) Mortgage Broker Entity, \$125.00, ~~(except as provided in 32-9-117(1)(b), MCA);~~

(b) through (g) remain the same.

(2) The renewal fees for the license period after January 1, 2023, are:

(a) Mortgage Broker Entity, \$375.00;

(b) Mortgage Broker Branch, \$187.50;

(c) Mortgage Lender Entity, \$562.50;

(d) Mortgage Lender Branch, \$187.50;

(e) Mortgage Loan Originator, \$300.00;

(f) Mortgage Servicer Entity, \$562.50;

(g) Mortgage Servicer Branch, \$187.50.

AUTH: 32-9-117, 32-9-130, 32-9-134, MCA

IMP: 32-9-117, 32-9-130, 32-9-134, MCA

STATEMENT OF REASONABLE NECESSITY: The Division of Banking and Financial Institutions (division) is funded through assessments, licensing, and examination fees and strives to keep these fees consistent with each program's expenditures. The mortgage program is currently generating more revenue than its expenditures because there has been growth in the number of mortgage licensees which has exceeded the division's projections. Pursuant to 32-9-117, MCA, renewal fees must be commensurate with program costs.

The housing market has seen a remarkable boom since the pandemic began and has allowed people to work anywhere they please. The number of mortgage loan originators has grown dramatically and increased by 21 percent from 2019 to 2020.

In Montana, there are currently licensed:

- 190 mortgage broker entities;
- 250 mortgage broker branches;
- 210 mortgage lender entities;
- 485 mortgage lender branches;
- 172 mortgage servicer entities;
- 111 mortgage servicer branches; and
- 4,807 mortgage loan originators.

The division expects that not all the current licensees will renew their licenses for 2022. However, based on prior years' renewals, the division predicts approximately 80 percent of its mortgage loan originators, 95 percent of mortgage companies, and 95 percent of mortgage company branch licensees will renew their licenses for 2022. This will result in revenue of \$525,000. The division can adequately fulfill its mission with this reduction in licensing fees being extended for another year into 2022. This will allow the division to reduce the fund balance it currently carries.

In 2023, the division proposes to restore fees to the level previously set in 2019. While this level represents a 25 percent decrease from the years prior to 2019, the division anticipates that with the increase in the number of licensees, the fees will be sufficient to cover program costs. The division anticipates the fee level proposed in (2) will increase fees received from these licensees by \$1,050,000 over the level in 2021-2022 and result in \$1,575,000 in revenues in 2023 and going forward.

The division proposes to remove the exception in (1)(a), since the fee reduction referred to in 32-9-117(1)(b), MCA, applies only to the license application fee, not the renewal fee.

4. Concerned persons may present their data, views, or arguments concerning the proposed action to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov. Comments must be received no later than 5:00 p.m., September 24, 2021.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must

make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., September 8, 2021.

6. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 622 persons based on the 6,225 mortgage brokers, mortgage lenders, mortgage servicers, and mortgage loan originators licensed in Montana.

7. An electronic copy of this proposal notice is available through the department's website at <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 Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to Heather Hardman, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

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

10. The department has determined that under 2-4-111, MCA, the proposed amendment of the above-stated rule will not significantly and directly impact small businesses.

By: /s/ Misty Ann Giles
Misty Ann Giles, Director
Department of Administration

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

Certified to the Secretary of State August 17, 2021.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.11.463 pertaining to	)	PROPOSED AMENDMENT
disqualification for unemployment)	
insurance benefits due to failure or)	
refusal of a drug test, and)	
requalification)	

TO: All Concerned Persons

1. On September 21, 2021, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. 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/81512378050>,
meeting ID: 81512378050;

-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656,
meeting ID: 81512378050.

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 will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on September 14, 2021, to advise us of the nature of the accommodation that you need. Please contact Boris I. Karasch, Department of Labor and Industry, P.O. Box 8020, Helena, Montana, 59604-8020; telephone (406) 444-4676; fax (406) 444-2699; Montana Relay 711; or e-mail bkarasch2@mt.gov.

3. The department proposes the amendment of the following rule, stricken matter interlined, new matter underlined:

24.11.463 LIE DETECTOR TESTS–DRUG AND ALCOHOL TESTING

(1) remains the same.

(2) A claimant ~~will not~~ cannot be disqualified for benefits under this chapter solely for refusal to submit to drug or alcohol testing required by an employer or prospective employer, or on the basis of the results of such a test, unless the testing procedures fully comply with federal drug and alcohol testing statutes and regulations applicable to private sector workers, or the provisions of the Workforce Drug and Alcohol Testing Act found in Title 39, chapter 2, MCA. This rule does not

apply to a drug test for marijuana or marijuana products that was administered to an individual who is a registered cardholder under Title 50, chapter 46, part 3, MCA.

(3) An individual disqualified for benefits in accordance with (2) remains disqualified until the individual has performed services:

(a) for which remuneration is received equal to or in excess of eight times the individual's weekly benefit amount subsequent to the week in which the act causing the disqualification occurred; and

(b) that constitute employment as defined in 39-51-203 and 39-51-204, MCA.

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

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-2302, 39-51-2303, 39-51-2304, MCA

REASON: There is a reasonable necessity to amend this rule to account for changes implemented by Chapter 555, Laws of 2021 (House Bill 655). The amendment clarifies that an individual who is disqualified under the scope of this bill can requalify for benefits by earning an adequate amount of wages in covered employment. This amendment ensures Montana remains compliant with the proscription of a cancellation of wage credits or total reduction of benefit rights under the Federal Unemployment Tax Act (FUTA), 26 U.S. Code § 3304(a)(10), and the rule aligns the requirements to requalify for benefits with the disqualification for misconduct under 39-51-2303(1), MCA.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Boris I. Karasch, Department of Labor and Industry, P.O. Box 8020, Helena, Montana, 59604-8020; fax (406) 444-2699; or e-mail bkarasch2@mt.gov, and must be received no later than 5:00 p.m., September 27, 2021.

5. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices, and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the contact person in paragraph 2 above or may be made by completing a request form at any rules hearing held by the agency.

6. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on August 12, 2021, by e-mail.

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

8. The department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Alternate Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 17, 2021.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.171.401 fees, 24.171.408	)	PROPOSED AMENDMENT
outfitter records, 24.171.410 outfitter's)	
assistants, 24.171.412 safety and first)	
aid provisions, 24.171.501 application)	
for outfitter license, 24.171.502)	
outfitter qualifications, 24.171.505)	
fishing outfitter operations plan,)	
24.171.509 insurance for outfitters,)	
24.171.513 outfitter acting as guide,)	
24.171.520 operations plans and)	
amendments, 24.171.701 NCHU)	
categories, transfers, and records,)	
24.171.2101 renewals, 24.171.2301)	
unprofessional conduct and)	
misconduct, and 24.171.2305 web site)	
posting of license discipline)	

TO: All Concerned Persons

1. On September 22, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rules. 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/85336307995>
Meeting ID: 853 3630 7995, Passcode: 214164
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 853 3630 7995, Passcode: 214164

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 Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Outfitters no later than 5:00 p.m., on September 15, 2021, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsout@mt.gov (board's e-mail).

3. GENERAL REASON: Chapter 281, Laws of 2021 (Senate Bill 275), an act generally revising the board and outfitting laws and enforcement, was signed by the Governor and became effective on April 22, 2021. The bill amended several statutory provisions, including eliminating certain reporting requirements for licensed outfitters. While acknowledging the board's broad discretion to require that outfitters maintain and report information necessary to protect the public health, safety, and welfare, the board understands the legislature's intent to reduce burdensome and unnecessary record-keeping and submission requirements when the benefit of obtaining the information is outweighed by the time expense of collecting and maintaining that information. The board is amending several rules to implement the reporting changes by clarifying information to be reported in an outfitter's operations plan, information to be annually reported to the board, and information outfitters must continue to maintain in their own records.

Senate Bill 275 also removed a previously recognized distinction between hunting outfitters who provide "big game" services and those providing other hunting services. Accordingly, the board determined it is reasonably necessary to amend certain existing rules to implement the bill's provisions. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

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

24.171.401 FEES (1) through (1)(b) remain the same.
(c) Renewal of outfitter license
(i) outfitter annual license 240 150
(ii) outfitter inactive status 400 75
(d) through (f) remain the same.
(g) Initial guide application 450 125
(h) Fee for transfer of NCHU from each outfitter
involved in the transfer 50 25
(i) and (j) remain the same.

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

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

REASON: The board is amending fees to comply with the provisions of 37-1-134, MCA, and ensure the board's fees provide the amount of money usually needed for the board to provide services. In evaluating the board's budget, the department concluded that unless the fees are decreased, the board's cash will exceed 200% of the board's annual appropriation, in violation of 17-2-302 and 17-2-303, MCA. Because the board's current cash balance is approximately 175% of its annual appropriation authority, and based on current trends in applications, renewals, and administrative costs, the board estimates its cash will exceed the statutory amount during the next renewal cycle. As well, due to technology investments and division

reorganization and standardization, the board's administrative costs have decreased in the past three fiscal years and are projected to trend down or remain constant.

The board estimates the fee reductions will affect 732 renewing outfitter licensees, 48 renewing inactive outfitters, 1,968 initial guide applicants, and 48 outfitters transferring NCHU, and reduce annual revenue by approximately \$95,520.

24.171.408 OUTFITTER RECORDS (1) Outfitters shall maintain current, true, complete, and accurate records, ~~submit the records to the board as required by administrative rule, and make the records available at all times at the outfitter's main base camp or business office:~~

(a) through (d) remain the same.

(2) Outfitter records shall ~~be maintained on forms prescribed by the department and~~ shall contain information as required by the board. The information required, in addition to information for operations plans under ARM 24.171.520 and employment records relative to outfitter assistants under ARM 24.171.410, shall include:

(a) through (c) remain the same.

~~(d) big game animals taken by clients, specifying the species and sex of each big game animal and stating for each big game animal whether it was taken on public or private land within the outfitter's operations plan;~~

~~(e) districts hunted and water bodies, including section of a river or stream, fished by clients;~~

(f) and (g) remain the same but are renumbered (d) and (e).

~~(3) Amendments to records shall be made immediately when errors are discovered. Amendments that only supplement records with information that arose after license renewal are always proper. However, cases of amendments to records for any other reason shall be brought to the screening panel for a decision as to whether an investigation should follow.~~

~~(4) (3)~~ In general, outfitter records, including, but not limited to the operations plans, shall be maintained as confidential information and shall not be released to any person or organization without written permission of the outfitter, subpoena or order of a court, or written request of a state or federal agency for law enforcement purposes. A specific outfitter's number of NCHU is confidential information, but whether an outfitter has NCHU of a particular category is public information. ~~Also, while total acreage of private lands where any outfitter is authorized to operate is a matter of public record, where a particular outfitter is authorized to operate is a confidential matter between the landowner and the outfitter. The Department of Fish, Wildlife and Parks or the Private Land/Public Wildlife Council may use board data to create a map depicting all private land where any outfitter is authorized to operate, excluding private lands that allow unrestricted public access and are managed under cooperative agreements with adjacent public lands. All inquiries for outfitter records shall be reviewed and considered in relation to this rule and the competing interests between the public's right to know and the rights of privacy involved in the particular records requested.~~

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

IMP: 37-1-131, 37-47-201, 37-47-301, 37-47-304, MCA

24.171.410 OUTFITTER'S ASSISTANTS (1) remains the same.

~~(2) Before an outfitter's assistant serves a client, the outfitter shall:~~

~~(a) disclose to each client that the outfitter's assistant is not a licensed guide or outfitter;~~

~~(b) explain the emergency causing the need to employ or contract with the outfitter's assistant; and~~

~~(c) disclose whether the outfitter's assistant has received first aid certification.~~

(2)(b)(ii) remain the same but are renumbered (2) through (2)(b)(ii).

(iii) a statement indicating whether the outfitter's assistant has applied for a guide license; and

~~(iv) confirmation that the outfitter properly disclosed to the client information required by this rule; and~~

(v) remains the same but is renumbered (iv).

(c) remains the same.

~~(4) Unless otherwise authorized under ARM 24.171.405, regarding booking agents and advertising, an outfitter's assistant may not:~~

~~(a) make agreements with participants concerning monetary consideration of services provided; or~~

~~(b) advertise outfitting services.~~

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

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

IMP: 37-1-131, 37-47-101, 37-47-201, 37-47-301, 37-47-325, 37-47-404, 37-47-405, MCA

REASON: Following the 2015 adoption of this rule, the board received requests from outfitter licensees to remove the provisions for outfitter disclosure of assistants to clients. The board discussed the requests and agrees there is no reasonable way to ensure licensee compliance with the disclosure requirements. The board further concluded that client disclosure requirements are not supported by any data showing improved public health, safety, or welfare, and is removing the requirements at this time.

The board is striking (4) as the booking and advertising provisions are adequately addressed in ARM 24.171.405.

24.171.412 SAFETY AND FIRST AID PROVISIONS (1) Outfitters and guides are required to hold a current basic first aid ~~and~~ certification at all times actively licensed.

(2) remains the same.

(a) The provider must require written ~~and~~ or practical tests and participants are to receive completion certificates.

(b) and (c) remain the same.

~~(3) For purposes of initial licensure, only basic first aid certification that involves the direct, hands-on application of first aid materials and techniques is~~

~~acceptable. An applicant for an outfitter license who was previously licensed as a guide must hold current certification from a hands-on first aid course.~~

(4) through (8) remain the same but are renumbered (3) through (7).

AUTH: 37-47-201, MCA

IMP: 37-47-201, MCA

REASON: Due to the lack of availability of hands-on courses during the COVID-19 pandemic, the board has allowed online certification for initial licensure, until new licensees are able to attend a hands-on course. The board has not seen an increase in allegations of public safety risk following this change and availability of hands-on certification continues to be limited. Additionally, online certification is readily available and includes technical support that addresses concerns of course effectiveness. The board concluded that allowing widely available and quality online first aid courses will promote public safety, while removing an unnecessary barrier to practice entry that outfitters often work around by employing unlicensed outfitter assistants who may not have first aid certification. The board expects this change to elevate public safety and compliance and decrease administrative costs.

24.171.501 APPLICATION FOR OUTFITTER LICENSE (1) through (3) remain the same.

(a) hunting services ~~(big game);~~

~~(b) hunting services (upland game birds, waterfowl, and non big game);~~

(c) remains the same but is renumbered (b).

~~(d) (c) if applicable to the services provided in (1)(a) through (c) (3)(a) and (b), and qualified for, one or more of the following:~~

(i) through (4) remain the same.

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

IMP: 37-1-131, 37-47-101, 37-47-201, 37-47-301, 37-47-302, 37-47-305, 37-47-307, 37-47-308, MCA

REASON: The board is amending the implementation citations to provide all statutes implemented through the rule.

24.171.502 OUTFITTER QUALIFICATIONS (1) remains the same.

(2) For purposes of this rule, verified experience includes:

~~(a) an affidavit by the outfitter attesting to the guiding experience claimed by the applicant and subject to confirmation by the outfitter client logs;~~

~~(b) client logs submitted by the applicant, signed by the sponsoring outfitter for whom services were provided;~~

~~(c) outfitter log book entries; or~~

~~(d) sources of information with board acceptable guarantees of reliability which may include, but are not limited to, federal land agency records, client affidavits or letters.~~

(a) written affirmation on forms prescribed by the department from a licensed outfitter(s) in this state by whom the applicant was employed or retained, attesting to

guiding experience. The written affirmation must quantify the number of guiding days the applicant earned while employed or retained by that outfitter; or

(b) written affirmation on forms prescribed by the department from outfitter(s) or guides from other states or provinces by whom the applicant was employed, attesting to guiding experience. The written affirmation must quantify the number of guiding days the applicant earned while under employment by that outfitter or guide; or

(c) for applicants whose experience was gained in a state or province that does not license outfitters or guides, sources of information with board-acceptable guarantees of reliability which may include, but are not limited to, federal land agency records, client affidavits or letters or other client data, reports, recaps, or records with dates that confirm the number of guiding days claimed by the applicant.

(3) Three days of experience may be waived by the board for every day of training completed by the applicant at an a department-approved outfitter or guide school approved by the board provided that the training was in the category of licensure being sought (e.g., hunting or fishing). The maximum number of days of experience that may be waived is 30. All experience waivers shall be are contingent upon the applicant completing the board's one-day education program at the time specified by the board. The department shall approve guide schools based on the following minimum criteria:

(a) The school must require written tests and participants must receive completion certificates.

(b) The school must include, at a minimum, instruction specific to adequate exposure to the knowledge needed to become an outfitter including but not limited to:

- (i) advertising;
- (ii) marketing and public relations;
- (iii) maintaining rate and refund schedules;
- (iv) client records and all paperwork for board and agency compliance;
- (v) guiding techniques;
- (vi) setting up of campsites;
- (vii) practical woodsmanship;
- (viii) knowledge of firearms;
- (ix) field preparation of trophies;
- (x) knowledge of equipment, terrain (including water bodies), and hazards to competently provide a safe experience for those persons guided;
- (xi) board and other agency laws and requirements;
- (xii) federal and state fish and game laws and regulations;
- (xiii) knowledge of outfitting area;
- (xiv) proper handling of all fish and game;
- (xv) federal and Montana employment and wage requirements;
- (xvi) preservation of ecosystem and maintaining present quality of wildlife and environment; and
- (xvii) protection of the health, safety, and welfare of clients, other employees, and the public.

(4) The board may waive up to 50 days of experience for an applicant if the applicant is purchasing an existing outfitter operation, is a family member being

groomed for succession of an existing outfitter operation to take over as outfitter of record, or is a licensed outfitter seeking an additional license endorsement by applying to add new services to the operations plan. An applicant is not qualified for a waiver under this provision unless provided that:

(a) the applicant receives preapproval from the board for a training and instruction plan documenting, on forms prescribed by the department, how and in what capacity the applicant will work with the licensed outfitter ~~from whom the business is obtained~~ who is providing the training;

(b) the applicant:

(i) has entered into a sales agreement with the selling outfitter for the purchase of the operation ~~and the sales agreement provides~~;

(ii) is named by the family in a documented succession plan agreement; or

(iii) is seeking operation plan expansion and has entered into a training and supervision agreement with a licensed outfitter;

(c) the applicant has entered into an agreement with the licensed outfitter that stipulates supervision of the applicant by the ~~selling~~ licensed outfitter during the 12-month period following board approval of the application. The licensed outfitter may assign or hire another licensed outfitter to provide training detailed within the training and supervision agreement;

~~(e)~~ (d) the selling licensed outfitter has a current, approved operations plan on file with the board;

(d) and (e) remain the same but are renumbered (e) and (f).

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

IMP: 37-1-131, 37-47-201, 37-47-302, 37-47-304, 37-47-307, 37-47-308, MCA

REASON: The board is amending this rule to align with directives in Senate Bill 275. The changes will reduce unnecessary administrative requirements consistent with the spirit of that legislation and clarify the rule. The amendments remove obstacles to the transfer of an outfitter's business by allowing a larger class of outfitters to supervise an outfitter applicant seeking a waiver following completion of a board-approved plan. Additionally, because the board will no longer require outfitters to submit guide experience logs, the board determined it is reasonably necessary to further clarify how outfitter applicants will demonstrate guiding experience in Montana or another state or province.

24.171.505 FISHING OUTFITTER OPERATIONS PLAN (1) remains the same.

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

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

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

24.171.509 INSURANCE FOR OUTFITTERS (1) An outfitter, other than an outfitter licensed on inactive status, shall have liability insurance, as a named insured, in effect at all times during the license year, ~~and shall submit proof of such insurance with an application for renewal.~~ Liability insurance must cover bodily injury to clients at all times services are being provided, including while the outfitter or employed or retained guides are transporting clients. Minimum amounts of liability insurance shall meet or exceed minimum requirements of state or federal regulator agencies for outfitters operating on state or federal lands, but in no case may minimum amounts be less than \$10,000 for property damage, \$100,000 for personal injury to one person and a total of \$300,000 for personal injury to more than one person.

AUTH: 37-47-201, MCA

IMP: 37-47-201, 37-47-301, 37-47-304, MCA

REASON: The board is amending this rule to no longer require that outfitters submit proof of liability insurance at renewal. The board concluded that public health, safety, and welfare will be adequately ensured by confirming compliance via audit functions allowed within its authority.

24.171.513 OUTFITTER ACTING AS GUIDE (1) remains the same.

(a) possesses the qualifications of a guide under these rules; and

~~(b) works for only one outfitter at any given time;~~

~~(c) (b) acts as a guide only within the services and area of operation of this particular outfitter; and~~

~~(d) is reported as a guide in the client logs of the outfitter whose clients are being served.~~

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

IMP: 37-1-131, 37-47-301, 37-47-302, 37-47-303, MCA

REASON: Following requests by licensees, the board is amending the rule to allow outfitters to act as guides for more than one outfitter at a time. After discussion, the board found no public health or safety benefit in this limitation. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.171.520 OPERATIONS PLANS AND AMENDMENTS (1) through (1)(c)(i) remain the same.

~~(ii) all information necessary to fulfill statutory requirements for reporting of private land acreage;~~

~~(iii) total acreage on a per owner basis of the private land where the outfitter is authorized to operate for any duration of time and for any species of game;~~

~~(iv) the legal description of the private acreage where the outfitter is authorized to operate, either by geo-code number assigned by the Montana~~

Department of Revenue, or by aliquot parts. If less than the entire section or parcel is reported, then the boundary shall be described down to the quarter-quarter section or the government lot number; and

~~(v) with respect to (ii) through (iv), outfitters are not required to report private lands that allow unrestricted public access and are managed under cooperative agreements with adjacent public lands;~~

(ii) a description of private land, by name of ranch and county where located, over which access is allowed;

(iii) an affidavit by the outfitter to the board that the outfitter is in possession of any public land permits or licenses properly executed for federal or state public property where the outfitter is authorized to operate; and

~~(d) (iv) the number of NCHU per category; and~~

~~(e) an affidavit by the outfitter to the board that the outfitter possesses public land permits or licenses properly executed for federal or state public property where the outfitter is authorized to operate.~~

(2) through (5)(b) remain the same.

(c) watercraft used for fishing or hunting; or

~~(d) upland game bird;~~

~~(e) waterfowl; or~~

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

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

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

24.171.701 NCHU CATEGORIES, TRANSFERS, AND RECORDS

(1) NCHU categories are as follows:

(a) Category 2, consisting of all clients served in the pursuit of ~~upland game birds and big game~~ or big game and upland game birds under combination licenses ~~or in the pursuit of big game; and~~

(b) Category 3, consisting of all clients served in the pursuit of upland game birds, ~~waterfowl~~ waterfowl, and turkeys.

(2) remains the same.

(3) NCHU owned by a licensee is part of the operations plan and may be transferred only with notice to the board. Transfers between or among licensees are routinely processed by the department ~~unless the department has received a complaint against the licensee who is the transferor in a NCHU transfer request. If the transferor is a respondent to a complaint, the request will not be processed until after the case is resolved. In addition, a~~ A license that has expired may not be part of a NCHU transfer, and any NCHU that is recorded as part of the operations plan of a license that terminates or is revoked ceases to exist upon termination or revocation.

(4) Each outfitter entering into a transfer of NCHU with one or more other outfitters must do so by completing a transfer request form prescribed by the department. ~~Prior to being processed by the department, a NCHU transfer request is not complete or valid for any purpose and may be cancelled by any licensee that is a party to it.~~

(5) remains the same.

(6) NCHU allocated to a deceased outfitter may be transferred only by a successor if an approved successorship has not terminated under ARM 24.171.504. NCHU will expire and shall not be revived if it is not transferred ~~the earlier of the date that before the license or successorship terminates from nonrenewal, or the date that a successorship terminates, or, if no successor has been designated, the date that is one year following the death of the outfitter unless an extension is approved by the board based upon good cause appearing in a written request received by the board within one year.~~ In cases where the outfitter dies and no successor is designated, someone authorized by the estate or the family of the outfitter must submit a NCHU transfer request form to the board within one year following the death of the outfitter. Authorization by the estate is shown by a certified copy of letters of appointment as a personal representative or by any other procedure allowed under Title 72, MCA, for the transfer of intangible personal property.

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

IMP: 37-1-131, 37-47-201, ~~37-47-316~~, MCA

REASON: The board is amending (1) to be consistent with license descriptions in the fish and wildlife statutes of Title 87, MCA. Further amendments are proposed to align with directives in Senate Bill 275, regarding how licensees may transfer their businesses directives.

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

24.171.2101 RENEWALS (1) The provisions of ARM 24.101.408 ~~and 24.101.414~~ apply.

(2) remains the same.

(a) the required renewal fee; and

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

~~(c) a copy of the licensee's current insurance certificate with the licensee as the named insured;~~

~~(d) complete client report logs; and~~

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

(3) remains the same.

~~(4) Outfitters who provide services during the late hunt seasons may submit amended client logs reflecting services from December 1st through December 31st separately as long as they are received by the board no later than January 31st of the following year.~~

~~(5)~~ (4) License renewal applications for guides shall be made on forms provided by the department and shall be accompanied by:

(a) the required renewal fee; and

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

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

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

REASON: The board is amending (1) to strike the reference to a repealed rule.

24.171.2301 UNPROFESSIONAL CONDUCT AND MISCONDUCT

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

(k) maintain current, ~~true, complete,~~ and accurate records;

(l) make all client records available ~~at the outfitter's main base camp or business office~~ in accordance with ARM 24.171.408;

(m) through (3)(h) remain the same.

(i) produce their current license, proof of first aid certification, or employment documentation required by ARM 24.171.410 at the request of law enforcement or a representative of the board (electronic proof of license or certification is permitted);

(j) carry the licensee's current license and certifications at all times when providing services (electronic proof of license or certification is permitted);

(k) through (r) remain the same.

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

IMP: 37-1-312, 37-1-316, 37-1-319, 37-47-201, 37-47-325, 37-47-341,
MCA

24.171.2305 WEB SITE POSTING OF LICENSE DISCIPLINE (1) through

(1)(c) remain the same.

~~(d) incomplete or faulty log book entries;~~

(e) through (i) remain the same but are renumbered (d) through (h).

(2) through (4) remain the same.

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

IMP: 37-1-131, 37-1-311, 37-47-201, MCA

REASON: The board is amending this rule to align with other changes to outfitters' record submission requirements. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsout@mt.gov, and must be received no later than 5:00 p.m., September 24, 2021.

6. An electronic copy of this notice of public hearing is available at www.outfitter.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

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

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on July 26, 2021, by electronic mail and on July 28, 2021, by telephone.

9. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.171.401, 24.171.408, 24.171.410, 24.171.412, 24.171.501, 24.171.502, 24.171.505, 24.171.509, 24.171.513, 24.171.520, 24.171.701, 24.171.2101, 24.171.2301, and 24.171.2305 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; facsimile (406) 841-2305; or to dlibsout@mt.gov.

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

BOARD OF OUTFITTERS
JOHN WAY, CHAIRPERSON

/s/ DARCEE L. MOE

Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU

Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 17, 2021.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.174.301 definitions,	)	PROPOSED AMENDMENT AND
24.174.524 collaborative practice	)	REPEAL
agreement requirements, 24.174.835)	
transfer of prescriptions, 24.174.1111)	
drug distribution and control in an)	
institutional or correctional facility,)	
24.174.1114 use of drug kits in certain)	
institutional facilities, 24.174.1412)	
additions, deletions, and rescheduling)	
of dangerous drugs, 24.174.2106)	
registered pharmacist continuing)	
education—approved programs, and the)	
repeal of 24.174.1115 use of)	
contingency kits in certain institutional)	
facilities)	

TO: All Concerned Persons

1. On September 16, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment and repeal of the above-stated rules. 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/89354285974>
Meeting ID: 893 5428 5974, Passcode: 643276
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 893 5428 5974, Passcode: 643276

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 Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Pharmacy no later than 5:00 p.m., on September 9, 2021, to advise us of the nature of the accommodation that you need. Please contact Marcie Bough, Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2371; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdpha@mt.gov (board's e-mail).

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

24.174.301 DEFINITIONS (1) through (6) remain the same.

~~(7) (11)~~ "Contingency Drug kit" means a secured kit stored outside of a pharmacy containing those drugs which may be required to meet the short-term therapeutic need of patients within an institution not having an in-house pharmacy or 24-hour access to dispensing services, and which would not be available from any other authorized source in sufficient time, and without which would compromise the quality of care of the patient.

(8) through (11) remain the same but are renumbered (7) through (10).

(12) through (14) remain the same.

(15) "Emergency drug cart" or "crash cart" means a secure lockable cart containing or container in an inpatient setting that stores drugs and devices necessary to meet the immediate therapeutic needs of ~~inpatients or outpatients~~ a patient and which cannot be obtained from any other authorized source in sufficient time to prevent risk or harm or death to patients.

~~(16) "Emergency kits" are sealed kits containing those drugs which may be required to meet the immediate therapeutic needs of patients within an institution not having an in-house pharmacy, and which would not be available from any other authorized source in sufficient time to prevent risk or harm or death to patients.~~

(17) through (46) remain the same but are renumbered (16) through (45).

AUTH: ~~37-4-131, 37-7-201, 50-32-314, MCA~~

IMP: ~~37-7-102, 37-7-201, 37-7-301, 37-7-321, 37-7-406, 37-7-603, 37-7-604, 37-7-605, 50-32-314, MCA~~

REASON: The board determined it is reasonably necessary to amend and repeal several rules related to emergency drug kits and contingency drug kits in certain institutional settings to create one drug kit rule that aligns with current practice and removes duplicate and burdensome regulatory language. The amendments are based on requests to address confusion and clarify the rules from pharmacists who provide drug kits to certain practice locations and the board's pharmacy inspectors. The board held subcommittee discussions and received stakeholder input to amend a single rule for drug kits, ARM 24.174.1114, that continues to provide standards and procedures for access to drugs needed to improve patient care when a facility may not have a pharmacist/pharmacy located within the facility. The amendments also outline requirements for the supervising pharmacy providing drug kits and clarifies access, storage, documentation procedures, and inspection requirements.

The board is amending this rule to reflect the drug kit amendments by updating relevant definitions. Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority and remove an erroneous citation.

24.174.524 COLLABORATIVE PRACTICE AGREEMENT REQUIREMENTS

(1) remains the same.

(2) The collaborative practice agreement must include:

(a) the identification and signature of individual practitioner(s) authorized to prescribe drugs and responsible for the delegation of drug therapy management of the practitioner(s) and pharmacist(s) who are parties to the agreement;

(i) remains the same.

(b) the identification and signature of individual pharmacist(s) authorized to dispense drugs and engage in drug therapy management;

(c) (b) the types of drug therapy management decisions that the pharmacist is allowed to make which may include;

(c) a method for the practitioner to monitor compliance with the agreement and clinical outcomes and to intercede where necessary;

(d) a provision that allows the practitioner to override a collaborative practice decision made by the pharmacist whenever the practitioner deems it necessary or appropriate;

(e) a provision that allows either party to cancel the agreement by written notification;

(f) an effective date;

(g) signatures of collaborating pharmacists and practitioners, or a representative from the medical practice or clinic that is authorized to represent its practitioners, who are party to the agreement, as well as dates of signing; and

(h) a procedure for periodic review and renewal within a time frame that is clinically appropriate.

(i) a specific description of the types of diseases and drugs involved, and the type of drug therapy management allowed in each case; and

(ii) a specific description of the procedures and methods, decision criteria and plan the pharmacist is to follow.

(d) a detailed description of the procedures and patient activities the pharmacist is to follow in the course of the protocol, including the method for documenting decisions made and a plan or mechanism for communication, feedback and reporting to the practitioner concerning specific decisions made. Documentation shall be recorded within 24 hours following each intervention and may be recorded on the patient medication record, patient medical chart, or a separate log book. Documentation of drug therapy management must be kept as part of the patient's permanent record and shall be considered confidential information;

(e) a method by which adverse events shall be reported to the practitioner;

(f) a method for the practitioner to monitor clinical outcomes and intercede when necessary;

(g) a provision that allows the practitioner to override protocol agreements when necessary;

(h) a provision that allows either party to cancel the agreement by written notification;

(i) the effective date of the protocol. The duration of each protocol shall not exceed one year;

(j) the annual date by which review, renewal, and revision, if necessary, will be accomplished;

(k) the addresses where records of collaborative practice are maintained;
and

(1) ~~the process for obtaining the patient's written consent to the collaborative practice agreement.~~

(3) ~~Patient records shall be maintained by the pharmacist for a minimum of seven years and may be maintained in an automated system pursuant to ARM 24.174.817. Documentation of allowed pharmacist activities must be kept as part of the patient's permanent record and be readily available to other health care professionals providing care to the patient and who are authorized to receive it. Documentation of allowed activities shall be considered protected health information.~~

(4) Collaborative practice agreements approved by an institutional committee such as the pharmacy and therapeutics committee and that will be used solely for inpatients patients while they are receiving care in the institution are exempt.

AUTH: 37-7-201, MCA

IMP: 37-7-101, 37-7-201, MCA

REASON: The board determined it is reasonably necessary to amend this rule to better reflect current practice and remove burdensome requirements based on requests from pharmacists utilizing collaborative practice agreements with medical practitioners. The amendments allow for more flexibility and adaptation to a variety of pharmacy and medical practice settings, while ensuring adequate public protection.

The revisions clarify what information is needed in a collaborative practice agreement regarding effective date, decisions allowed, documentation, patient records, follow-up and communication between parties, and review of timelines. The board is striking language that is overly specific, not reflective of current practices, and/or may be limiting to the implementation of the statutory definition of collaborative practice agreements (37-7-101, MCA) and the decisions that can be authorized to provide patient care and improve patient safety.

In addition, the amendments clarify that an agreement can be signed by the participating pharmacist(s) and practitioner(s), or a representative for the practitioner(s) from their medical practice or clinic. This amendment was requested by pharmacist stakeholders to reduce administrative burdens of the agreement process.

24.174.835 TRANSFER OF PRESCRIPTIONS (1) through (2)(c)(ii) remain the same.

(iii) the number of refills or quantity remaining; and

(iv) through (3)(c) remain the same.

(d) the original number of refills, number of refills or quantity remaining, and the date of the most recent refill;

(e) through (5) remain the same.

AUTH: 37-7-201, MCA

IMP: 37-7-201, MCA

REASON: The board is amending this rule in response to comments received in a 2019 rules project, MAR Notice No. 24-174-71. While the board agreed with the

commenters that adding the quantity remaining for a prescription transfer better reflects current practice, the substantive change could only be accomplished in a new MAR notice.

24.174.1111 DRUG DISTRIBUTION AND CONTROL IN AN INSTITUTIONAL OR CORRECTIONAL FACILITY (1) through (6)(b) remain the same.

(c) Emergency Drug kits supplied and maintained by a registered pharmacist pharmacy may be utilized if policies and procedures regulating their use are in place. Such emergency drug kits will comply with the requirements of ARM 24.174.1114.

(d) The pharmacist-in-charge is responsible for policies and procedures for procurement, storage, and administration of prescription medications at jails ~~Jails, correctional facilities, and detention facilities without an on-site pharmacy that procures, stores, and administers prescription medications may request technical assistance from the board.~~

AUTH: 37-7-201, MCA

IMP: 37-7-201, 37-7-307, 37-7-308, 37-7-406, MCA

REASON: See REASON for ARM 24.174.301.

24.174.1114 USE OF ~~EMERGENCY~~ DRUG KITS IN CERTAIN INSTITUTIONAL FACILITIES (1) In an institutional facility ~~that does not have an in-house pharmacy~~, drugs may be provided for use by authorized personnel through emergency drug kits prepared by the registered pharmacist providing pharmaceutical services to the facility. Such emergency drug kits must meet all of the following requirements:

(a) a registered pharmacist shall prepare and seal the drug kit for a supplying pharmacy;

(b) the supplying ~~pharmacist pharmacy~~ and the designated practitioner or appropriate committee of the institutional facility shall jointly determine the identity and quantity of drugs to be included in the drug kit. ~~Such drugs shall then be approved in advance of placement in the emergency kit by the board; unless such drugs are included on a general list of drugs previously approved by the board for use in emergency kits;~~

(c) the drug kit must be locked and stored in a secure area to prevent unauthorized access and to ensure a proper storage environment for the drugs contained therein. ~~The kit shall be secured with a seal to be of such a nature that it can be easily identified if it has been broken;~~

(d) all drugs in the drug kit must be properly labeled, including lot number and expiration date, and shall possess any additional information that may be required to prevent risk of harm to the patient;

(e) the exterior of the drug kit must be clearly labeled to indicate:

(i) ~~its use and expiration date of its contents~~ the drug kit. The expiration date of a drug kit must be the earliest date of expiration of any drug supplied in the drug kit. On or before the expiration date, the supplying pharmacy shall replace the expired drug;

(ii) the name, address, and telephone number of the supplying pharmacist pharmacy; and

(iii) a statement indicating that the drug kit is to be used in emergency situations only pursuant to a valid drug order;

(f) if a drug kit is being utilized for an emergency drug cart or crash cart in an inpatient setting, as defined in ARM 24.174.301(15):

(i) the pharmacist-in-charge must maintain policies and procedures for access to the cart; and

(ii) a pharmacist must review access to the cart within 72 hours of drug removal.

(2) Drugs shall be removed from emergency kits only by the supplying pharmacist or by authorized personnel pursuant to a valid drug order. Except as provided for in (1)(f), drugs shall be removed from drug kits in compliance with the following:

(a) by authorized licensed personnel pursuant to policies and procedures referenced in (4); and

(b) a pharmacist must:

(i) review the drug order prior to removal of a controlled substance; or

(ii) review the drug order within 72 hours of removal of a non-controlled substance.

(3) Upon notice of any entry into the kit, the supplying pharmacist or another pharmacist designated by the supplying pharmacist shall restock and refill the kit, reseal the kit, and update the drug listing on the exterior of the kit within 72 hours. Removal of any drug from a drug kit by authorized personnel must be recorded in an electronic record or on a suitable form showing the following information:

(a) patient name;

(b) name, strength, and quantity of drug removed;

(c) date and time the drug was removed;

(d) signature of the authorized personnel removing the drug; and

(e) documentation of pharmacy review.

(4) The expiration date of a kit must be the earliest date of expiration of any drug supplied in the kit. On or before the expiration date, the supplying pharmacist shall replace the expired drug.

(5) (4) The supplying pharmacist pharmacy shall, in conjunction with the appropriate institutional committee, be responsible for development and annual review of policies and procedures for safe and appropriate use, access by authorized licensed personnel, restocking, and maintenance of emergency drug kits.

(5) Documentation for all drugs that have been removed from the drug kit shall be kept at the institutional facility and at the supplying pharmacy for two years and be available upon inspection.

(6) The drug kit, policies and procedures, and related records shall be available upon inspection.

(7) The supplying pharmacy and appropriate designated practitioner of a licensed facility will provide adequate controls to prevent drug diversion.

(8) The supplying pharmacy shall submit to the board and have available for inspection:

(a) an application for a drug kit endorsement;

- (b) a list of drug kit locations; and
- (c) any change to drug kit locations at the time of such change.

AUTH: 37-7-201, MCA

IMP: 37-7-201, MCA

REASON: See REASON for ARM 24.174.301.

24.174.1412 ADDITIONS, DELETIONS, AND RESCHEDULING OF DANGEROUS DRUGS (1) In addition to those dangerous drugs scheduled in 50-32-222, 50-32-224, 50-32-226, 50-32-229, and 50-32-232, MCA, the board adds the following to dangerous drug schedules after considering federal regulations and/or the criteria enumerated in Title 50, chapter 32, part 2, MCA:

- (a) remains the same.
- (b) Schedule II:
 - ~~(i) none at this time;~~
 - (i) norfentanyl;
- (c) Schedule III:
 - ~~(i) methasterone;~~
 - ~~(ii) perampanel; and~~
 - ~~(iii) prostanazol;~~
 - (i) none at this time;
- (d) Schedule IV:
 - ~~(i) tramadol;~~
 - ~~(ii) alfaxalone;~~
 - ~~(iii) suvorexant; and~~
 - ~~(iv) lorcaserin;~~
 - (i) brexanolone, allopregnanolone;
 - (ii) soriampfetol;
 - (iii) lemborexant;
- (e) Schedule V:
 - ~~(i) ezogabine.~~
 - (i) lasmiditan;
 - (ii) cenobamate.

(2) The board deletes the following dangerous drugs from the schedules in 50-32-222, 50-32-224, 50-32-226, 50-32-229, and 50-32-232, MCA, after considering federal regulations and/or the criteria enumerated in Title 50, chapter 32, part 2, MCA:

- (a) remains the same.
- (b) Schedule II:
 - ~~(i) naloxegol;~~
 - (i) 6 β -naltrexol;
- (c) Schedule III:
 - ~~(i) 50-32-226(4)(c) and (d), MCA (hydrocodone combination products);~~
 - (i) none at this time;
- (d) remains the same.
- (e) Schedule V:

~~(i) none at this time.~~

(i) approved cannabidiol drugs. A drug product in finished dosage formulation that has been approved by the United States Food and Drug Administration that contains cannabidiol, also known as (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol), derived from cannabis and no more than 0.1% (w/w) residual tetrahydrocannabinols, and as authorized by the Agriculture Improvement Act of 2018 (P.L. 115-334).

(3) After considering federal regulations and/or the criteria enumerated in Title 50, chapter 32, part 2, MCA, the board reschedules the following dangerous drugs from those scheduled in 50-32-222, 50-32-224, 50-32-226, 50-32-229, and 50-32-232, MCA:

(a) through (c) remain the same.

(d) Schedule IV:

~~(i) modafinil;~~

(i) none at this time;

(e) remains the same.

AUTH: 50-32-103, 50-32-203, MCA

IMP: 50-32-103, 50-32-202, 50-32-203, 50-32-209, 50-32-222, 50-32-223, 50-32-224, 50-32-225, 50-32-226, 50-32-228, 50-32-229, 50-32-231, 50-32-232, MCA

REASON: The board determined it is reasonably necessary to amend this rule to update and clarify Montana's scheduling of dangerous drugs (controlled substances Schedules I through V). The amendments are based on recent scheduling actions of the U.S. Drug Enforcement Administration (DEA), including removal of U.S. Food and Drug Administration (FDA) approved products containing cannabidiol, and to remove duplicate drug listings implemented as updates to the Montana schedule through 2019 Montana Legislature amendments enacted in Chapter 134, Laws of 2019 (Senate Bill 274).

Currently, dangerous drugs are scheduled by the DEA in the Code of Federal Regulations (CFR), by the Montana Legislature in statute (Title 50, chapter 32, MCA), and also by the board in administrative rule (ARM Title 24, chapter 174). Furthermore, 50-32-203, MCA, requires the board to "similarly control" a drug that is scheduled, rescheduled, or deleted from schedule under federal law through rulemaking. While the board may also hold a public hearing to consider alternatives to federal law, the board is amending this rule to "similarly control" the dangerous drugs which the DEA has recently added, deleted, or rescheduled between 2019 and 2020, and to remove drugs that are duplicate to their listing in statute.

To that end, under (1), the DEA added norfentanyl (Schedule II), brexanolone/allopregnanolone (Schedule IV), soriamfetol (Schedule IV), lemborexant (Schedule IV), lasmiditan (Schedule V), and cenobamate (Schedule V).

Under (2), the DEA deleted 6 β -naltrexol (Schedule II) and, as authorized by the Agriculture Improvement Act of 2018 (Public Law 115-334), the DEA deleted FDA-approved cannabidiol drugs (Schedule V) in finished dosage formulation, derived from cannabis, and no more than 0.1% (w/w) residual tetrahydrocannabinols.

24.174.2106 REGISTERED PHARMACIST CONTINUING EDUCATION—APPROVED PROGRAMS (1) Continuing education programs sponsored by providers that are approved by the following organizations will automatically qualify for continuing education credit:

(a) and (b) remain the same.

~~(c) the American Board of Medical Specialties.~~

(c) programs that have been approved for CME by an accredited CME provider.

(2) Pharmacists may receive CEU for programs other than those on the ACPE list of providers ~~by applying for prior approval by the board or its designee on board-approved forms.~~ Acceptable non-ACPE programs must focus on protecting the health, safety, and welfare of the public and contribute to the pharmacist's professional knowledge and competence, and must:

(a) directly relate to the scope of practice of pharmacy as defined in board statutes and rules;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

(d) update knowledge on the practice and advances in pharmacy; and/or

(e) reinforce professional conduct or ethical obligations of the pharmacist.

(3) A maximum of 1.0 CEU (10 hours) of the hours required in ARM 24.174.2104 may be obtained through completion of non-ACPE programs. The programs must comply with (2), and:

(a) be a minimum of 30 minutes in duration;

(b) be provided by an individual(s) competent in the subject matter;

(c) provide a statement and evaluation mechanism of educational objectives;
and

(d) provide program materials and/or an agenda, and a certificate of completion that includes the program date, hours of CEU, name of non-ACPE program provider, and name of program presenter.

~~(3) Pharmacists participating in programs that have not received prior approval risk disallowance of credit.~~

(4) In the event a pharmacist is selected for audit, the pharmacist must demonstrate the continuing education meets the above standards and submit non-ACPE information with a form provided by the board, including:

(a) program materials and/or an agenda; and

(b) a certificate of completion.

AUTH: 37-1-319, MCA

IMP: 37-1-306, MCA

REASON: The board is amending this rule to align with the department's standardized renewal and audit procedures regarding continuing education (CE) for pharmacists and to remove administrative burden to the division, board, licensees, and providers of CE programs. Following amendment, the board will no longer preapprove non-ACPE approved programs or courses and instead pharmacist

licensees will be responsible to select CE that meets the professional education objectives and requirements listed in the board's rules.

The amendments set forth clear requirements and standards for non-ACPE approved programs to be accepted as CE credit for pharmacists in compliance with auditing procedures. Non-ACPE program providers will no longer submit preapproval requests to the board but comply with the requirements of this rule.

Past CE programs that have been preapproved by the board have consistently provided the additional information in the amendment and have generally been approved and have been provided by professionals competent in the subject matter. The board expects that providers of non-ACPE programs will maintain and continue similar standards and quality instruction without board preapproval.

To address licensees' questions, the board is amending (1) to remove a reference to a single continuing medical education (CME) provider and provide a more general reference to any accredited CME provider program as being acceptable for pharmacists' CE.

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

24.174.1115 USE OF CONTINGENCY KITS IN CERTAIN INSTITUTIONAL FACILITIES

AUTH: 37-7-201, MCA

IMP: 37-7-201, MCA

REASON: The board is repealing ARM 24.174.1115 as the pertinent provisions are being incorporated into ARM 24.174.1114.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdp@mt.gov, and must be received no later than 5:00 p.m., September 24, 2021.

6. An electronic copy of this notice of public hearing is available at www.pharmacy.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

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

proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdpba@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

9. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.174.301, 24.174.524, 24.174.835, 24.174.1111, 24.174.1114, 24.174.1412, and 24.174.2106 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.174.1115 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2371; facsimile (406) 841-2305; or to dlibsdpba@mt.gov.

10. Marcie Bough, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PHARMACY
TONY KING, PharmD
PRESIDENT

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

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 17, 2021.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 38.3.201, 38.3.603, 38.3.702,) PROPOSED AMENDMENT AND
38.3.703, 38.3.705, 38.3.706,) REPEAL
38.3.707, 38.3.805, 38.3.1502,)
38.3.1503, 38.3.1504, 38.3.2001,)
38.3.2402, 38.3.2403, 38.3.2404, and)
38.3.3306 and the repeal of ARM)
38.3.1101, 38.3.1505, 38.3.2011, and)
38.3.3305 pertaining to Montana's)
Motor Carrier Act)

TO: All Concerned Persons

1. On September 21, 2021, at 1:30 p.m., the Department of Public Service Regulation, Public Service Commission (department) will hold a virtual public hearing to consider the proposed amendment and repeal of the above-stated rules. The hearing will be livestreamed at <http://psc.mt.gov/livestream>. Parties seeking to participate in the hearing must contact the department at 1-800-646-6150, by 5 p.m., September 17, 2021, to receive the necessary call-in information for the hearing.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 17, 2021. Please contact Loryn Johnson, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; TDD/Montana Relay Service (406) 444-4212; or e-mail Loryn.Johnson2@mt.gov.

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

38.3.201 VEHICLE REGISTRATION FEE (1) Class A, ~~B~~, C, and D motor carriers must pay an annual per vehicle registration fee for which a registration receipt will be issued, a copy of which shall be carried in each vehicle at all times.

AUTH: 69-12-201, MCA

IMP: 69-12-106, 69-12-108, 69-12-201, 69-12-325, 69-12-326, 69-12-401, 69-12-407, 69-12-421, 69-12-423, 69-12-501, 69-12-503, 69-12-504, 69-12-611, 69-12-612, MCA

38.3.603 INTERRUPTION AND DISCONTINUANCE OF OPERATIONS

(1) All temporary discontinuances or interruptions of regular scheduled passenger service shall be reported promptly in writing to the commission with a full statement of the cause thereof and their probable duration and, as soon as known to

the carrier, shall be reported forthwith to all ticket agents of the carrier along the route affected who shall notify the public by posting same forthwith on their bulletin boards together with their probable duration.

(2) Discontinuance of Class A ~~or Class B~~ service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all right secured under and by virtue of any order or permission to operate; provided, however, that the commission may permit the resumption of operation after such five days' discontinuance on proper showing that the carrier was not responsible for the failure to give service.

(3) No Class A ~~or Class B~~ motor carrier shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of its intention to discontinue such service, and having secured from the commission permission to do so.

AUTH: 69-12-201, MCA

IMP: 69-12-403, MCA

38.3.702 BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE (1) Every class A, B, C, and D intrastate carrier must file with this commission evidence of complying with the minimum insurance requirements of this commission as applicable to bodily injury and property damage liability insurance.

(2) For the purposes of this subchapter, "bodily injury" shall include death.

(3) Every class E carrier must file with the commission evidence of compliance with the insurance requirements of 69-12-343, MCA.

AUTH: 69-12-201, MCA

IMP: 69-12-402, MCA

38.3.703 CARGO INSURANCE (1) Each class A ~~or class B~~ household goods intrastate carrier must file with this commission evidence of complying with the minimum insurance requirements of this commission as applicable to cargo insurance.

AUTH: 69-12-201, MCA

IMP: 69-12-402, MCA

38.3.705 FORMS FOR CERTIFICATE OF INSURANCE (1) The following forms shall be utilized by the department and may be obtained from the commission:

(a) Form K. Uniform notice of cancellation of motor carrier insurance policies, stock form K.

(b) Form H. Uniform motor carrier cargo certificate of insurance.

(c) Form E. Uniform motor carrier bodily injury and property damage liability certificate of insurance for use by class A, B, C, and D motor carriers.

(d) Form T. Uniform bodily injury and property damage liability certificate of insurance for use by class E transportation network carriers.

AUTH: 69-12-201, MCA
IMP: 69-12-402, MCA

38.3.706 ENDORSEMENTS (1) All insurance policies issued by the insurance company to the carrier must include, at time of issuance, the terms, conditions, and requirements set forth in this rule and repeated on endorsement forms approved by the commission and identified as "Endorsement MV4," "Endorsement MV2," and "Endorsement MV-TNC" available from the commission.

(2) The following terms, conditions, and requirements are deemed a substantive part of all policies issued, and are incorporated therein:

~~(a) Cargo insurance for household goods carriers (Endorsement MV2) shall be issued in an amount no less than \$10,000.~~

~~(b)~~ (a) Casualty (liability) insurance for class A, B, C, and D carriers (Endorsement MV4) shall be issued in an amount no less than:

(i) \$100,000 for 7 passengers or less;

(ii) \$500,000 for 8 to 15 passengers;

(iii) \$750,000 for 16 to 26 passengers;

(iv) except any class A ~~or B~~ motor carrier, other than as provided in ~~(b)~~(i) (ai), operating under a certificate of public convenience and necessity or certificate of compliance authorizing passenger operations only within a particular city or 10-mile radius is required to carry a minimum of \$500,000 insurance regardless of size of vehicle used;

(v) \$100,000 for transportation of nonhazardous freight in a vehicle designed, equipped, and primarily intended for transportation of seven passengers or less or a vehicle of manufacturer's GVW rating of 10,000 pounds or less designed, equipped, and primarily intended for transportation of cargo;

(vi) \$500,000 for transportation of nonhazardous freight for all other vehicles.

~~(e)~~ (b) Liability insurance for class E carriers (Endorsement MV-TNC) shall be issued as specified in 69-12-343, MCA.

(3) These endorsements must be executed, countersigned, and attached to the original policy when issued.

AUTH: 69-12-201, MCA
IMP: 69-12-402, MCA

38.3.707 MINIMUM LIMITS OF INSURANCE COVERAGE - BONDS UNACCEPTABLE (1) Minimum limits of insurance coverage for class A, B, C, and D carriers as required by this commission are outlined in Endorsement MV-4 and Endorsement MV-2.

(2) Minimum limits of insurance coverage for class E carriers are specified in 69-12-343, MCA and outlined in Endorsement MV-TNC.

(3) Bonds in lieu of insurance coverage are not acceptable for carriers.

AUTH: 69-12-201, MCA
IMP: 69-12-402, MCA

38.3.805 ANNUAL REPORTS (1) As required in 69-12-407, MCA, class A, B, C, and D motor carriers operating within the state of Montana are required to submit annual reports to the commission. Annual report forms are available on the commission's web site.

(2) The annual report form represents the uniform system of accounts the commission is required to prescribe by 69-12-407, MCA.

AUTH: 69-12-201, MCA

IMP: 69-12-407, MCA

38.3.1502 OBLIGATION TO CARRY (1) No driver or operator of any class A ~~or class B~~ motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of said motor vehicle, or between the terminals thereof, if allowed to carry passengers to such point under the certificate for such route, unless at the time of such offer the seats of said motor vehicle are fully occupied; provided, however, that the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner.

AUTH: 69-12-201, MCA

IMP: 69-12-201 et seq., MCA

38.3.1503 SEATING CAPACITY (1) Pursuant to the terms of 69-11-203, MCA, concerning the number of vehicles to be provided and a seat to be provided every passenger, all class A ~~and B~~ common carriers authorized to transport passengers must provide a sufficient number of vehicles for that particular time schedule in order to provide every passenger tendering legal fare with a seat.

(2) Drivers and operators of any such vehicle must provide a seating accommodation to each paying passenger. No passenger may be transported by being required to stand in the aisle.

AUTH: 69-12-201, MCA

IMP: 69-11-203, MCA

38.3.1504 DISABLED PASSENGER VEHICLE - TRANSPORTATION OF PASSENGERS (1) In case a motor vehicle carrying passengers pursuant to a class A ~~or B~~ certificate becomes disabled while en route and is unable to proceed, any passenger or passengers on such disabled vehicle shall have the privilege of proceeding upon any other passenger-carrying vehicle operating under a class A ~~or class B~~ certificate from the commission on the same route or portion of route.

(2) It shall be the duty of the driver of any such passenger-carrying vehicle to stop on signal and receive such passengers to the extent of the unoccupied seating capacity of such vehicle and carry the same to destination or as near such destination as the route of the passing vehicle will permit.

(3) The transportation company whose passengers are thus relieved shall pay the second company a share of the transportation fee proportionate to the distance such passengers are transported by the relieving carrier.

AUTH: 69-12-201, MCA

IMP: 69-12-101, et seq., MCA

38.3.2001 LEASING OF POWER EQUIPMENT - GENERAL (1) The requirements for the leasing of power equipment by class A, ~~B~~, C, and D carriers operating within the state are as contained in 69-12-611, MCA.

(2) The purpose of these leasing regulations is to insure that the primary responsibility for the conduct of regulated motor carrier operations remain with the certificated motor carrier, and that members of the public using motor carrier services are clearly advised of the identity of the responsible carrier, and that the leasing of equipment by an authorized motor carrier from the owner thereof, is not a subterfuge for leasing the carrier's certificate or permit to the owner-lessor.

(3) The leasing of power equipment by a certificated carrier to a noncertificated carrier is prohibited.

AUTH: 69-12-201, 69-12-204, MCA

IMP: 69-12-611, MCA

38.3.2402 WHO MUST FILE, INTRASTATE AND INTERSTATE

(1) Pursuant to the provisions of 69-12-501, MCA, all class A ~~and B~~ carriers must file tariffs of freight rates and charges with this commission.

(2) Carriers authorized to conduct interstate services in Montana are required to file with the commission one copy each of all tariffs applicable to such transportation for the information of the commission and general public.

AUTH: 69-12-201, MCA

IMP: 69-12-501, MCA

38.3.2403 PUBLIC INSPECTION (1) Copy of tariffs naming rates and fares to be charged, together with rules and regulations and time schedules shall be kept open for public inspection by every class A ~~or class B~~ motor carrier at its principal office, and at the terminus of each route, and at the principal station thereon.

AUTH: 69-12-201, MCA

IMP: 69-12-501, 69-12-502, 69-12-503, 69-12-504, 69-12-505, 69-12-511, MCA

38.3.2404 ASSISTANCE IN PREPARING TARIFFS AND TIME SCHEDULES (1) Information regarding construction of freight, express, and passenger tariffs, including classifications required of class A ~~and class B~~ carriers, will be furnished by the commission on application.

(2) Changes in such publications, or in any rule or regulation governing the same, must be made in accordance with the commission's "rules of practice."

(3) Samples of tariffs and time schedules, for use as guidelines in accomplishing tariffs, time schedules and revisions thereof, may be obtained, upon request from this commission. Assistance in preparing tariffs, time schedules, and revisions thereof shall be available.

AUTH: 69-12-201, MCA

IMP: 69-12-501, 69-12-502, 69-12-503, 69-12-504, 69-12-505, 69-12-511, MCA

38.3.3306 AGGREGATE AND INTERMEDIATE RATES VS. THROUGH RATES (1) No Class A or B motor carrier shall charge or receive any greater compensation in the aggregate for the transportation of persons, or of like kind of property, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, nor charge any greater compensation as a through rate than the aggregate of the intermediate rates without commission approval. Upon a showing to the commission, after notice and hearing, a carrier may seek approval of such rate, and if supported by sufficient evidence, the commission may grant such greater rate for a shorter distance.

AUTH: 69-12-201, MCA

IMP: 69-12-501, 69-12-502, 69-12-503, 69-12-504, 69-12-505, 69-12-511, MCA

REASON: The commission proposes to amend the above-stated rules that refer to Class B motor carriers, which are no longer classified as motor carriers under Montana's Motor Carrier Act.

4. The department proposes to repeal the following rules:

38.3.1101 TRANSPORTATION OF HOUSEHOLD GOODS

AUTH: 69-12-201, MCA

IMP: 69-12-101, et seq., MCA

38.3.1505 MOTOR CARRIER AUTHORITY RECOGNITION

AUTH: 69-12-201, MCA

IMP: 69-12-201, MCA

38.3.2011 INTERCHANGE OF POWER EQUIPMENT

AUTH: 69-12-201, 69-12-204, MCA

IMP: 69-12-201, 69-12-204, MCA

38.3.3305 DISPLAY OF RATES - TAXIS

AUTH: 69-12-201, MCA

IMP: Title 69 chapter 12, part 5, MCA

REASON: The commission proposes to repeal rules that deal exclusively with Class B motor carriers, which are no longer classified as motor carriers under Montana's Motor Carrier Act. Additionally, the commission proposes to repeal ARM 38.3.2011, because the underlying statute approving interchange of power equipment (69-12-612, MCA) was repealed in 2013.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Loryn Johnson, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; or e-mail loryn.johnson2@mt.gov, and must be received no later than 5:00 p.m., September 24, 2021.

6. The Montana Consumer Counsel, 111 North Last Chance Gulch, Suite 1B, Helena, MT 59620-1703, telephone (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.

7. The commission, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The bill sponsor for HB 365 was contacted by email on July 15, 2021. The sponsor does not object to these proposed regulations.

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

/s/ LUKE CASEY

Luke Casey
Rule Reviewer

/s/ JAMES BROWN

James Brown
Chair
Public Service Commission

Certified to the Secretary of State on August 17, 2021.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 42.19.402 pertaining to the	)	AMENDMENT
Property Tax Assistance Program)	
(PTAP) and for Montana Disabled	)	NO PUBLIC HEARING
Veteran (MDV) Property Tax	)	CONTEMPLATED
Assistance Program)	

TO: All Concerned Persons

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

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on September 3, 2021. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or todd.olson@mt.gov.

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

42.19.402 INFLATION ADJUSTMENT FOR PROPERTY TAX ASSISTANCE PROGRAM (PTAP) AND FOR MONTANA DISABLED VETERAN (MDV) PROPERTY TAX ASSISTANCE PROGRAM (1) Sections 15-6-301, 15-6-305, and 15-6-311, MCA, provide property tax relief to ~~low~~ fixed or limited income homeowners, qualified disabled veterans, and qualified veterans' spouses. Sections ~~15-6-301, 15-6-302, 15-6-305, and 15-6-311, MCA,~~ also require the department to annually adjust the income ~~schedules~~ levels used to determine the eligibility and the amount of relief to account for the effects of inflation.

(2) The calculation of the inflation ~~adjustment~~ factor shall be made on a yearly basis as follows:

(a) Sections 15-6-301, 15-6-305, and 15-6-311, MCA, specify that the implicit price deflator (price index) for personal consumption expenditures (PCE), published ~~quarterly in the Survey of Current Business in the national income and product accounts~~ by the Bureau of Economic Analysis of the U.S. Department of Commerce, is to be used in the calculation of the inflation factor.

(b) The formula for the calculation of the inflation factor is as follows:

$$\text{PCE}_{(t-1)} \\ \text{IF}_t = \frac{\text{PCE}_t}{\text{PCE}_{(t-1)}}$$

PCE_{t_0}

where:

IF_t equals the inflation factor for property tax year t ,

$PCE_{(t-1)}$ is the ~~implicit price deflator~~ price index value for personal consumption expenditures for April ~~the first quarter~~ of the year prior to the tax year in question,

PCE_{t_0} is the ~~implicit price deflator~~ price index value for personal consumption expenditures for April ~~the first quarter of~~ 2015.

(c) The inflation factor, calculated per the previous section, is used to annually adjust the base year income schedules for the effects of inflation.

Each income figure in the base year income schedule is multiplied by the inflation factor calculated for the tax year in question in order to update the schedule. The product is then rounded to the nearest whole dollar amount. If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year.

(3) The base year income ~~schedule levels~~ for PTAP ~~and MDV as are~~ provided in 15-6-305 ~~and 15-6-311, MCA, respectively.~~ is as follows:

———— PTAP Base Year Income Schedule ————

Single Person	Head of Household or Married Couple	Percentage Multiplier
\$0 — \$8,413	\$0 — \$11,217	20%
\$8,414 — \$12,900	\$11,218 — \$19,630	50%
\$12,901 — \$21,032	\$19,631 — \$28,043	70%

(4) ~~The base year income schedule for MDV as provided in 15-6-311, MCA,~~
is as follows:

———— MDV Base Year Income Schedule ————

Single Person	Head of Household or Married Couple	Surviving Spouse	Percentage Multiplier
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\$0-	\$0-	\$0-	0%
\$37,404	\$44,885	\$31,170	
\$37,405-	\$44,886-	\$31,171-	20%
\$41,145	\$48,626	\$34,911	
\$41,146-	\$48,627-	\$34,912-	30%
\$44,885	\$52,366	\$38,651	
\$44,886-	\$52,367-	\$38,652-	50%
\$48,626	\$56,107	\$42,392	

AUTH: 15-1-201, MCA

IMP: 15-6-191, 15-6-301, 15-6-302, 15-6-305, 15-6-311, 15-6-312, MCA

REASONABLE NECESSITY. The department proposes to amend the above-stated rule which is necessary to implement changes made to the Property Tax Assistance Program (PTAP) and for Montana Disabled Veteran (MDV) Property Tax Assistance Program under House Bill 357 (2021) (HB 357). HB 357 adjusts income thresholds for PTAP and MDV programs and changes how the annual adjustment to the income brackets is calculated. Based on this change, the department must amend this rule for consistency with the amended statutory adjustment.

Further, the department proposes rule verbiage amendments to improve consistency with statutory terminology and also proposes to remove the income schedules in (3) and (4) because of redundancy to the schedules provided in 15-6-305 and 15-6-311, MCA.

Finally, the department proposes to amend statutory references in the rule to correct statutory authority for the rule and for compliance with 2-4-305, MCA.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action, in writing, to Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m., September 27, 2021.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person named in #4 no later than 5:00 p.m., September 27, 2021.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. The number of hearing requests necessary for the department to conduct a public hearing is 25, which is less than 10 percent of the approximately 1,425 tax-year 2021 taxpayers impacted by HB 357 and these rule changes.

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

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

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor for HB 357, Representative Jim Hamilton was contacted by email on August 5, 2021 and August 10, 2021.

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

11. In accordance with the retroactive applicability of HB 357, the amendments proposed in this rulemaking will be also applied retroactively to property tax years beginning after December 31, 2020. The retroactive applicability of these rules does not adversely impact any affected person.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Brendan Beatty
Brendan Beatty
Director of Revenue

Certified to the Secretary of State August 17, 2021.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through XII pertaining to)
Certified Noxious Weed Free)
Materials)

TO: All Concerned Persons

1. On July 9, 2021, the Department of Agriculture published MAR Notice No. 4-21-273 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 804 of the 2021 Montana Administrative Register, Issue Number 13.

2. The department has adopted the above-stated rules as proposed: New Rule I (4.5.401), New Rule II (4.5.402), New Rule III (4.5.403), New Rule IV (4.5.404), New Rule V (4.5.405), New Rule VI (4.5.406), New Rule VII (4.5.407), New Rule VIII (4.5.408), New Rule IX (4.5.409), New Rule X (4.5.410), New Rule XI (4.5.411), and New Rule XII (4.5.412).

3. No comments or testimony were received.

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

/s/ Christy Clark
Christy Clark
Acting Director
Agriculture

Certified to the Secretary of State August 17, 2021.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to the administration)
of the Community Development Block)
Grant Cares Act (CDBG-CV) program)

TO: All Concerned Persons

1. On July 9, 2021, the Department of Commerce published MAR Notice No. 8-94-189 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 813 of the 2021 Montana Administrative Register, Issue Number 13.

2. The department has adopted NEW RULE I (8.94.3733) 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: Thank you for providing notice of the proposed changes to the application and guidelines for both the 2021 CDBG Housing and Community and Public Facilities grant programs. In reviewing the notice, it appears that the application deadlines for both programs occur before the proposed amendments will be adopted by the department.

To ensure that the Department of Commerce has time to review and consider comments received on the proposed changes, that the guidelines are finalized before the applications are due, and that our members have time to finalize their applications in accordance with the adopted guidelines, we respectfully request that the department immediately issue a notice that the application deadline for the 2021 CDBG Housing and Facilities grant programs are extended to October 15, 2021.

Thank you very much for considering this request. Please let me know if you have any questions or wish to discuss further.

RESPONSE NO. 1: To adopt a new administrative rule to administer CDBG-CARES or "CDBG-CV" funds, the Montana Department of Commerce (Commerce) announced a public hearing and comment period on July 26, 2021. A hearing was held on July 29, 2021, and comments were accepted verbally at the hearing and in writing through August 6, 2021. Commerce's process for adopting the new administrative rule concerning CDBG-CV will officially close on August 27, 2021, which precedes Commerce's proposed CDBG-CV application deadline of September 15, 2021.

Commerce is considering extending the CDBG-CV application deadline to October 7, 2021, to allow applicants more time to conduct required public outreach and finalize and submit applications. If granted, an extension will be announced upon the conclusion of the administrative rule process.

COMMENT NO. 2: I am writing to request that the Department of Commerce consider extending the deadline for CDBG-CV applications. Creating and conducting a request for proposals process for community agencies likely to partner with Missoula County on implementation of CDBG-CV grants within the allotted timeframe will pose a significant challenge. Additionally, proposals will need to be reviewed and ranked, and applications for CDBG-CV funding prepared and submitted for the highest priority projects. This will be very difficult to accomplish by September 15. Thank you for your consideration of this request.

RESPONSE NO. 2: As indicated above, Commerce is considering extending the CDBG-CV application deadline to October 7, 2021. This extension will provide applicants more time to complete their processes for considering appropriate projects and applying for grant funding. If granted, an extension will be announced upon the conclusion of Commerce's administrative rule process (August 27, 2021).

COMMENT NO. 3: The North Central Montana Economic Development District (NCMEDD) is comprised of Glacier, Cascade, Pondera, Teton, and Toole Counties, as well as the Blackfeet Nation and the Little Shell Tribe. As a certified regional development corporation, our mission and objectives are to assist the citizens in the area to achieve their economic goals, while preserving their distinct cultures and way of life.

Approximately \$10 million has been allocated to Montana through the program, but to date, none of the funds have been designated for economic development. The current proposed use of the CDBG-CV is focused solely on affordable housing (LMI), public infrastructure, and reducing homelessness. The Housing and Urban Development quick guide indicates that CDBG-CV funds can be used for activities that prevent, prepare for, and respond to coronavirus. It also specifically indicates economic development activities are allowed and encouraged, to provide direct assistance to for-profit businesses.

It is curious at this time, with the Governor's Come Back Plan, and the need that has emerged from the pandemic, why economic development is not a focus? The previous plan from 2019-2020 allocated only the basic amount of funding for economic development. This seems to reinforce the increased need for the CDBG-CV funds to be allocated for business needs throughout the state.

We would respectfully request that one-third of the total allocation be designated toward economic development activities. This would ensure that in our rural areas, low- and moderate-income jobs and workers benefit. With the reallocation of funds, we would ask that the CDBG-CV application be updated.

Updating the application would allow inclusion of economic development projects and let eligible applicants to apply. This would also include removing any professional technical documents from the CDBG-CV application. Due to the emergent nature of the pandemic, this would lessen the burden on the applicants, allowing a quicker review of applications by Commerce staff. We would also like to ask that in the future, public hearings be scheduled at a separate date and time from any community development training.

Thank you so very much for the opportunity to comment on the proposal. I look forward to the department's response and revisions. Thanks again.

RESPONSE NO. 3: Commerce amended Montana's 2019-2020 Annual Action Plan (AAP) in June 2021 to direct CDBG-CV funds to public facility, public service, housing, and homelessness activities that prevent, prepare for, and respond to COVID-19 based on informal outreach to grantees and stakeholders. The public comment period and public hearing for the 2019-2020 AAP amendment were announced and advertised on June 7, 2021, with comments accepted June 8, 2021, through July 8, 2021, and a public hearing occurring June 22, 2021. Prior to adopting amendments to the 2019-2020 AAP, Commerce received numerous comments indicating strong support for housing and homelessness activities, no objections to public facility and public service activities, and no requests to consider economic development activities.

Although CDBG-CV resources are not allocated to economic development, other resources are available for these activities. For example, a portion of the state's regular CDBG allocation is used for economic development that revitalizes communities and benefits persons of low to moderate income (<https://comdev.mt.gov/Programs-and-Boards/Community-Development-Block-Grant-Program/Economic-Development>). Funding levels for CDBG economic development or "CDBG-ED" are based on historic and projected need and can be prioritized further if applications demonstrate unmet needs and public participation reveals general support.

In addition to CDBG-ED, the state of Montana administered several business-focused grant programs in 2020 using CARES Act Coronavirus Relief Funds (CRF), including business stabilization grants (\$253M funds paid), business innovation grants (\$2.8M), and business adaption grants (\$22M). Details of business awards are available on Commerce's transparency website: <https://commerce.mt.gov/Coronavirus-Relief/Awarded-Grants>.

Furthermore, the Montana Legislature House Bill 632 (HB632), which allocates American Rescue Plan Act (ARPA) of 2021 funds to state agencies, includes \$150,000,000 of ARPA state fiscal recovery funds to economic transformation, stabilization, and workforce development programs. An advisory commission established under HB632 is holding regular meetings, which are open to the public, to provide recommendations on use of funds. Details about past and upcoming

meetings are available at <https://commerce.mt.gov/News/Public-Meetings> and <https://arpa.mt.gov/Economic>.

For more information about existing resources available for economic development, interested parties should contact Commerce's Community Development Division.

The CDBG-CV application has been designed to remove unnecessary barriers to application. Basic information and only those items required by federal regulation or by Commerce's ranking process are requested. If applicants have concerns about specific application requirements, they are encouraged to contact Commerce's Community Development Division for technical assistance.

Commerce is committed to making its programs and processes accessible to all members of the public and will increase coordination between programs to reduce scheduling conflicts between hearings and trainings.

/s/ Jessica Blumberg
Jessica Blumberg
Rule Reviewer

/s/ Adam Schafer
Adam Schafer
Deputy Director
Department of Commerce

Certified to the Secretary of State August 17, 2021.

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

In the matter of the adoption of a	)	NOTICE OF ADOPTION OF A
temporary emergency rule closing	)	TEMPORARY EMERGENCY RULE
Holter Lake from the point of Log)	
Gulch Campground to Holter Dam in)	
Lewis and Clark County)	

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule closing Holter Lake from the point of Log Gulch Campground to Holter Dam in Lewis and Clark County:

(a) The Harris Mountain wildfire is burning near Cascade, Montana.

(b) Fire suppression efforts include super scooper planes obtaining water from Holter Lake from Log Gulch Campground to Holter Dam, commonly referred to as Lower Holter Lake.

(c) The closure is necessary so airplane crews can safely operate and maneuver without potential collisions with recreationists on the lake.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties and published as a temporary emergency rule in Issue No. 16 of the 2021 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 15, 2021, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective August 4, 2021, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I HOLTER LAKE TEMPORARY EMERGENCY CLOSURE (1) Holter Lake is located in Lewis and Clark County.

(2) Holter Lake is closed from Log Gulch Campground to the Holter Dam to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating.

(3) This rule is effective as long as the lake is needed as a source of water for fire suppression efforts. This will depend on the extent and duration of the fire in the area. Posted signs regarding the emergency closure will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jessica Snyder, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov. Any comments must be received no later than September 27, 2021.

7. 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.

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

/s/ Mike Volesky

Mike Volesky

Chief of Operations

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State August 4, 2021.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through VI pertaining to)
tracking sexual assault evidence kits)
through a statewide Sexual Assault)
Kit Tracking System)

TO: All Concerned Persons

1. On June 25, 2021, the Department of Justice published MAR Notice No. 23-12-261 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 727 of the 2021 Montana Administrative Register, Issue Number 12.

2. The department has adopted the above-stated rules as proposed: New Rule I (23.12.901), New Rule II (23.12.902), New Rule III (23.12.903), New Rule IV (23.12.904), New Rule V (23.12.905), and New Rule VI (23.12.906).

3. No comments or testimony were received.

/s/ Hannah E. Tokerud
Hannah E. Tokerud
Rule Reviewer

/s/ Kris Hansen
Kris Hansen
Administrator
Department of Justice

Certified to the Secretary of State August 17, 2021.

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.156.1410 audit and CE	)	REPEAL
reporting requirements and the repeal)	
of 24.156.1414 continuing education)	
audit)	

TO: All Concerned Persons

1. On April 30, 2021, the Board of Medical Examiners (board) published MAR Notice No. 24-156-91 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 456 of the 2021 Montana Administrative Register, Issue No. 8.

2. On May 25, 2021, a public hearing was held on the proposed amendment and repeal of the above-stated rules via the videoconference and telephonic platform. No comments were received by the May 28, 2021 deadline.

3. The board has amended ARM 24.156.1410 exactly as proposed.

4. The board has repealed ARM 24.156.1414 exactly as proposed.

BOARD OF MEDICAL EXAMINERS
TAMMY SCOTT, PA-C
PRESIDENT

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

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 17, 2021.

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.189.401 fee schedule,	)	REPEAL
24.189.607 required supervised)	
experience, 24.189.913 and)	
24.189.2101 continuing education)	
requirements, 24.189.916 and)	
24.189.2107 continuing education)	
implementation, and 24.189.2301)	
representation of self and services, and)	
the repeal of 24.189.601 psychologist)	
application procedures and 24.189.630)	
licensure as a psychologist by)	
experience (senior))	

TO: All Concerned Persons

1. On June 25, 2021, the Board of Psychologists (board) published MAR Notice No. 24-189-42 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 740 of the 2021 Montana Administrative Register, Issue No. 12.
2. On July 20, 2021, a public hearing was held on the proposed amendment and repeal of the above-stated rules via the videoconference and telephonic platform. No comments were received by the July 23, 2021 deadline.
3. The board has amended ARM 24.189.401, 24.189.607, 24.189.913, 24.189.916, 24.189.2101, 24.189.2107, and 24.189.2301 exactly as proposed.
4. The board has repealed ARM 24.189.601 and 24.189.630 exactly as proposed.

BOARD OF PSYCHOLOGISTS
LORETTA BOLYARD, Ph.D.
CHAIRPERSON

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

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 17, 2021.

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

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to marijuana testing)
laboratory licensure)

TO: All Concerned Persons

1. On July 9, 2021, the Department of Public Health and Human Services published MAR Notice No. 37-950 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 859 of the 2021 Montana Administrative Register, Issue Number 13.

2. The department has adopted the above-stated rule as proposed: New Rule I (37.107.303).

3. No comments or testimony were received.

4. This new rule is effective upon publication.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State August 17, 2021.

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 37.70.305, 37.70.401,)
37.70.402, 37.70.406, 37.70.408,)
37.70.601, and 37.70.607, pertaining)
to low income energy assistance)
program (LIEAP))

TO: All Concerned Persons

1. On July 9, 2021, the Department of Public Health and Human Services published MAR Notice No. 37-951 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 862 of the 2021 Montana Administrative Register, Issue Number 13.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.
4. These rule amendments are effective October 1, 2021.

/s/ Ann Hefenieder
Ann Hefenieder
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State August 17, 2021.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.13.701 pertaining to)
Production Increments Used in the)
Calculation of Taxes on Beer)

TO: All Concerned Persons

1. On July 9, 2021, the Department of Revenue published MAR Notice No. 42-1034 pertaining to the proposed amendment of the above-stated rule at page 869 of the 2021 Montana Administrative Register, Issue Number 13.

2. No requests for a public hearing were received. The department did not receive any written comments in opposition to the proposed amendments. The department did receive two written comments of support for the proposed amendments from Matt Leow, Executive Director, Montana Brewers Association, and Kristi Blazer, Executive Director, Montana Beer and Wine Distributors Association. Both commenters agree that the department's amendments to ARM 42.13.701 bring the rule into conformity with its authorizing statute, 16-1-406, MCA, and encouraged the department to expedite updating the subject matter references on its website. The department thanks Mr. Leow and Ms. Blazer for their comments and support.

3. The department has amended ARM 42.13.701 as proposed.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Brendan Beatty
Brendan Beatty
Director of Revenue

Certified to the Secretary of State August 17, 2021.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

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

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

Use of the Administrative Rules of Montana (ARM):

Known
Subject

1. Consult ARM Topical Index.
Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2021. This table includes notices in which those rules adopted during the period March 2, 2021, through August 6, 2021, 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 June 30, 2021, 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 2021 Montana Administrative Registers.

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

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| 2-59-613 | Examination Fees - Revocation and Suspension of Mortgage Licenses - Consumer Complaints - Confidentiality Agreements - Sharing Arrangements - Reinstatement of Expired or Suspended Licenses - Mortgage Loan Origination Disclosure Form - Bona Fide Not-For-Profit Certification - Applications for Initial Licenses Near Year End, p. 381, 715 |

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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 July 2021 appear. Potential vacancies from September 1, 2021 through November 31, 2021, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of August 1, 2021.

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 JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Architects and Landscape Architects			
Mr. Matt Faure Bozeman	Governor	Nelson	7/21/2021 3/31/2024
Qualifications (if required): Licensed architect			
Board of Barbers and Cosmetologists			
Mr. Tucker Landerman Kalispell	Governor	Wieckowski	7/14/2021 3/1/2022
Qualifications (if required): Licensed barber			
Board of Behavioral Health			
Ms. Joelle Johnson East Helena	Governor	Sagan	7/21/2021 12/31/2024
Qualifications (if required): Licensed clinical social worker			
Ms. Shari Rigg Missoula	Governor	Bear Medicine	7/21/2021 12/31/2024
Qualifications (if required): Licensed addiction counselor			
Board of Dentistry			
Mr. Robert Beitman Bozeman	Governor	Koney	7/21/2021 3/31/2026
Qualifications (if required): Public member			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Dentistry Cont.			
Mr. Kyle Wassmer	Governor	Mitko	7/21/2021
Billings			3/31/2026
Qualifications (if required): Licensed dentist			
Board of Nursing			
Mr. Charles Motschenbacher	Governor	Fee	7/21/2021
Great Falls			6/30/2025
Qualifications (if required): Registered nurse			
Board of Pharmacy			
Mr. Harley Brotherton	Governor	King	7/22/2021
Kalispell			6/30/2026
Qualifications (if required): Licensed pharmacist			
Board of Public Accountants			
Mr. Michael Johns	Governor	Harris	7/21/2021
Deer Lodge			6/30/2025
Qualifications (if required): Certified public accountant			
Mr. Daniel Vuckovich	Governor	reappointed	7/21/2021
Great Falls			6/30/2025
Qualifications (if required): Certified public accountant			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Real Estate Appraisers			
Ms. Patti Dundas	Governor	Schoenen	7/21/2021
Billings			4/30/2024
Qualifications (if required): Public member			
Mr. Steven Hall	Governor	McGinnis	7/21/2021
Missoula			4/30/2024
Qualifications (if required): Certified real estate appraiser			
Board of Realty Regulation			
Ms. Sharon Virgin	Governor	Smith	7/21/2021
Great Falls			4/30/2025
Qualifications (if required): Licensed realtor			
Board of Water Well Contractors			
Mr. Doug Askin	Governor	Haggerty	7/21/2021
Miles City			6/30/2024
Qualifications (if required): Certified water well contractor			
Mr. Dan O'Keefe	Governor	New	7/21/2021
Butte			6/30/2024
Qualifications (if required):			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Commission on Community Service			
Ms. Kelly Ackerman Helena	Governor	Lloyd	7/1/2021 5/31/2024
Qualifications (if required): Agency representative			
Ms. Morgan Hubbard Forsyth	Governor	reappointed	7/1/2021 5/31/2024
Qualifications (if required): Youth representative			
Mr. Thomas Risberg Great Falls	Governor	Sylvester	7/1/2021 5/31/2024
Qualifications (if required): Community based organization representative			
Mr. Jim Swan Box Elder	Governor	Hawk	7/1/2021 5/31/2024
Qualifications (if required): Tribal government representative			
Developmental Disabilities Council			
Mr. Jason Billehus Missoula	Governor	Juvan	7/21/2021 1/5/2025
Qualifications (if required): Self advocate			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Developmental Disabilities Council Cont.			
Mr. Martin Blair Missoula Qualifications (if required): Sister program representative	Governor	reappointed	7/21/2021 1/5/2025
Mr. Devin Howard Booth Kalispell Qualifications (if required): Self advocate	Governor	reappointed	7/21/2021 1/5/2025
Ms. Ann Buss Helena Qualifications (if required): DPHHS Title V representative	Governor	reappointed	7/21/2021 1/5/2025
Ms. Melissa Clark Great Falls Qualifications (if required): Self advocate	Governor	reappointed	7/21/2021 1/5/2025
Mrs. Dianna Crawford Valier Qualifications (if required): Parent/family advocate	Governor	reappointed	7/21/2021 1/5/2025
Mr. Jonathan Davis Helena Qualifications (if required): Self advocate	Governor	New	7/21/2021 1/5/2025

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Developmental Disabilities Council Cont.			
Ms. Rebekah DeCamara Helena	Governor	reappointed	7/21/2021 1/5/2025
Qualifications (if required): DPHHS Title XIX representative			
Mr. Bob Des Jardin Dillon	Governor	reappointed	7/21/2021 1/5/2025
Qualifications (if required): None stated			
Ms. Tiffany Granholm Glasgow	Governor	Devereaux	7/21/2021 1/5/2025
Qualifications (if required): Self advocate			
Ms. Chanda Hermanson Helena	Governor	reappointed	7/21/2021 1/5/2025
Qualifications (if required): DPHHS vocational rehabilitation representative			
Ms. Kerrie Reidelback Helena	Governor	reappointed	7/21/2021 1/5/2025
Qualifications (if required): DPHHS Older Americans Act representative			
Ms. Christiane Rudmann Helena	Governor	New	7/21/2021 1/5/2025
Qualifications (if required): Sister program representative			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Developmental Disabilities Council Cont.			
Ms. Jan Wenaas Great Falls	Governor	reappointed	7/21/2021 1/5/2025
Qualifications (if required): Parent/family advocate			
Flathead Basin Commission			
Ms. Sandy Beder-Miller Troy	Governor	Koopal	7/21/2021 6/30/2025
Qualifications (if required): Industrial, environmental, and other interests			
Mr. Don Brummel Kalispell	Governor	Frye	7/21/2021 6/30/2025
Qualifications (if required): Industrial, environmental, and other interests			
Mr. Mike Freeman Helena	Governor	Holmes	7/21/2021 6/30/2025
Qualifications (if required): Governor's Office			
Mr. Brian Hughes Lakeside	Governor	Lieser	7/21/2021 6/30/2025
Qualifications (if required): Industrial, environmental, and other interests			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Forest Land Taxation Advisory Committee			
Mr. Greg Chilcott Stevensville Qualifications (if required): County Commissioner	Governor	Hunthausen	7/1/2021 6/30/2027
Mr. Randy Mannix Helmville Qualifications (if required): Non-industrial forest landowner	Governor	reappointed	7/1/2021 6/30/2027
Mr. Paul McKenzie Columbia Falls Qualifications (if required): Industrial forest landowner	Governor	New	7/1/2021 6/30/2027
Ms. Nancy Mehaffie Thompson Falls Qualifications (if required): Non-industrial forest landowner	Governor	New	7/1/2021 6/30/2027
Mr. Gordy Sanders Seeley Lake Qualifications (if required): Industrial forest landowner representative	Governor	reappointed	7/1/2021 6/30/2027

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Judicial Standards Commission			
Mr. Roger Webb	Governor	Murphy	7/1/2021
Park City			6/30/2023
Qualifications (if required): Citizen who is not an attorney or judge of any court, active or retired			
Livestock Loss Board			
Mr. David McEwen	Governor	Johnson	7/7/2021
Galata			1/1/2023
Qualifications (if required): Member in the livestock industry with experience in wildlife			
Medical Licensure Compact Commission			
Dr. James N. Burkholder	Governor	reappointed	7/21/2021
Helena			6/30/2024
Qualifications (if required): Physician member of the Board of Medical Examiners			
Mr. Samuel Hunthausen	Governor	Abramson	7/21/2021
Helena			6/30/2024
Qualifications (if required): Executive officer of the Board of Medical Examiners			
Montana Historical Society Board of Trustees			
Ms. Carol Donaldson	Governor	Brown	7/1/2021
Kalispell			6/30/2026
Qualifications (if required): Public member			

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Historical Society Board of Trustees Cont.			
Ms. Lorna Kuney Helena Qualifications (if required): Public member	Governor	Shores	7/1/2021 6/30/2026
Mr. Jay Russell Great Falls Qualifications (if required): Public member	Governor	Nygard	7/1/2021 6/30/2026
Petroleum Tank Release Compensation Board			
Mr. Grant Jackson Helena Qualifications (if required): Member of the general public	Governor	Rupp	7/21/2021 6/30/2024
Ms. Kristi Kline Kremlin Qualifications (if required): Member with an environmental background	Governor	Thamke	7/21/2021 6/30/2023
Mr. John Monahan Missoula Qualifications (if required): Representative of independent petroleum marketers and chain retailers	Governor	Rorabaugh	7/21/2021 6/30/2024

EXECUTIVE BRANCH APPOINTEES FOR JULY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Banking Board			
Mr. Loren Brown Helena	Governor	Clevidence	7/1/2021 6/30/2024
Qualifications (if required): Active state bank member			
Ms. Sarah Converse Great Falls	Governor	Madison	7/1/2021 6/30/2024
Qualifications (if required): Public member			
Mr. Lee Oldenburger Manhattan	Governor	Essman	7/21/2021 6/30/2023
Qualifications (if required): Public member			
State Electrical Board			
Ms. Staci Knuths Glendive	Governor	Achten	7/1/2021 6/30/2025
Qualifications (if required): Public member			

EXECUTIVE BRANCH VACANCIES – SEPTEMBER 1, 2021 THROUGH NOVEMBER 30, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
9-1-1 Advisory Council		
Mr. Pat Roos, Miles City Qualifications (if required): Representative of the Montana Sheriffs and Peace Officers Assoc.	Governor	9/1/2021
Ms. Jennie Stapp, Helena Qualifications (if required): State Librarian	Governor	9/1/2021
Mr. Clinton Loss, Helena Qualifications (if required): Representative of the Montana Emergency Medical Services Assoc.	Governor	9/1/2021
Mrs. Adriane Beck, Missoula Qualifications (if required): Public Safety Answering Point Manager	Governor	9/1/2021
Mrs. Kimberly Burdick, Fort Benton Qualifications (if required): Representative of the MT Assoc. of Public Safety Communications Officials	Governor	9/1/2021
Mr. Alex Andrew Duman, Missoula Qualifications (if required): Representative of Montana Telecommunications Providers	Governor	9/1/2021
Ms. Peggy J. Glass, Livingston Qualifications (if required): Public Safety Answering Point Manager	Governor	9/1/2021
Mr. George Charles Winn, Bozeman Qualifications (if required): Representative of the Montana League of Cities and Towns	Governor	9/1/2021
Chief Richard E. Cowger, Columbus Qualifications (if required): Representative of the Montana Fire Chief 's Assoc.	Governor	9/1/2021

EXECUTIVE BRANCH VACANCIES – SEPTEMBER 1, 2021 THROUGH NOVEMBER 30, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
9-1-1 Advisory Council Cont.		
Mr. Jeff Newton, Great Falls	Governor	9/1/2021
Qualifications (if required): Representative from the League of Cities and Towns		
Alternative Health Care Board		
Ms. Jazmin R. Price, Bozeman	Governor	9/1/2021
Qualifications (if required): Midwife		
Board of Athletic Trainers		
Ms. Janet Trethewey, Havre	Governor	10/1/2021
Qualifications (if required): Member of public not engaged in or directly connected with practice of athletic training		
Ms. Kylie McKinney, Billings	Governor	10/1/2021
Qualifications (if required): Athletic trainer employed in or retired from a secondary school in Montana		
Board of Barbers and Cosmetologists		
Mrs. Paula Evans, Missoula	Governor	10/1/2021
Qualifications (if required): Cosmetologist		
Ms. Lynn Startin, Missoula	Governor	10/1/2021
Qualifications (if required): Cosmetologist		
Board of Medical Examiners		
Mrs. Ana Diaz, Billings	Governor	9/1/2021
Qualifications (if required): Member of the general public who is not a medical practitioner		

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Medical Examiners Cont.		
Mr. C.E. Abramson, Missoula Qualifications (if required): Member of the general public who is not a medical practitioner	Governor	9/1/2021
Ms. Christine Emerson, Helena Qualifications (if required): Licensed Nutritionist	Governor	9/1/2021
Dr. James Wesley Guyer, Billings Qualifications (if required): Doctor of Medicine (MD)	Governor	9/1/2021
Ms. Tammy Louise Scott, Missoula Qualifications (if required): Licensed Physician Assistant	Governor	9/1/2021
Mr. Brian J. Reed, Rollins Qualifications (if required): None Stated	Governor	9/1/2021
Board of Outfitters		
Mr. Robert Arnaud, Bozeman Qualifications (if required): Outfitter licensed to provide fishing and hunting services	Governor	10/1/2021
Mr. Matthew Greenmore, Twin Bridges Qualifications (if required): Outfitter licensed to provide fishing services	Governor	10/1/2021
Burial Preservation Board		
Ms. Skye Gilham, Cut Bank Qualifications (if required): Physical Anthropologist	Governor	9/1/2021

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Burial Preservation Board Cont.		
Ms. Jessica Bush, Helena Qualifications (if required): Representative of the Montana State Historical Preservation Officer	Governor	9/1/2021
Mr. Kenneth Weatherwax, Browning Qualifications (if required): Representative of the Blackfeet Nation	Governor	9/1/2021
Mr. John Murray, Browning Qualifications (if required): Representative of the Blackfeet Nation	Governor	9/1/2021
Mr. Kevin Askan, Pablo Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes	Governor	9/1/2021
Ms. Maurika Moore, Missoula Qualifications (if required): Representative of the public	Governor	9/1/2021
Certification Committee for Developmental Disabilities Professionals		
Ms. Rebecca deCamara, Helena Qualifications (if required): Developmental Disabilities Program Representative	Governor	9/1/2021
Ms. Linsey Carter, Helena Qualifications (if required): Developmental Disabilities Program Representative	Governor	9/1/2021
Ms. Catherine Murphy, Helena Qualifications (if required): Governor's Appointee	Governor	9/1/2021

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Certification Committee for Developmental Disabilities Professionals Cont.		
Ms. Meghan Peel, Helena Qualifications (if required): None Stated	Governor	9/1/2021
Ms. Heather Zufelt, Boulder Qualifications (if required): None Stated	Governor	9/1/2021
Child Abuse and Neglect Review Commission		
Ms. Georgia J. Cady, Columbus Qualifications (if required): Representative of an organization that works with homeless children and youth	Governor	9/30/2021
Ms. Abigail Catherine Eyre, Polson Qualifications (if required): Medical provider with experience in treating co-occurring disorders	Governor	9/30/2021
Ms. Nichole Griffith, Great Falls Qualifications (if required): Rep. of private organizations involved in matters related to child abuse and neglect	Governor	9/30/2021
Ms. Mary Patricia Hansen, Missoula Qualifications (if required): Medical provider who is involved in matters related to child abuse and neglect	Governor	9/30/2021
Ms. Laura Weiss Smith, Helena Qualifications (if required): Rep. of the Child and Family Services Div. of DPHHS	Governor	9/30/2021
Ms. Arlene Templer, Ronan Qualifications (if required): Representative of the Montana Indian Tribes	Governor	9/30/2021

EXECUTIVE BRANCH VACANCIES – SEPTEMBER 1, 2021 THROUGH NOVEMBER 30, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Child Abuse and Neglect Review Commission Cont.		
Ms. Jennifer Wihlborg, Missoula Qualifications (if required): Licensed provider who serves children with disabilities	Governor	9/30/2021
Historical Records Advisory Council		
Ms. Heather C. Hultman, Bozeman Qualifications (if required): Research Institution	Governor	10/1/2021
Ms. Anne L. Foster, Gardiner Qualifications (if required): Public Archives	Governor	10/1/2021
Ms. Aubrey Japp, Butte Qualifications (if required): Public Archives	Governor	10/1/2021
Ms. Eileen A. Wright, Billings Qualifications (if required): Research Institution	Governor	10/1/2021
Ms. Jodie Foley, Helena Qualifications (if required): State Archivist	Governor	10/1/2021
Ms. Kathryn Marie Kramer, Great Falls Qualifications (if required): Private Archives	Governor	10/1/2021
Ms. Kathleen D. Mumme, Sheridan Qualifications (if required): Private Archives	Governor	10/1/2021

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Achieving a Better Life Experience (ABLE) Program Oversight Committee		
Mr. Jonathan William Bennion, Clancy	Governor	9/1/2021
Qualifications (if required): Experience working on behalf of disabled individuals		
State Historical Preservation Review Board		
Ms. Carol Bronson, Great Falls	Governor	10/1/2021
Qualifications (if required): Member of the public who represents a broad spectrum of Montana society		
State Rehabilitation Council		
Ms. Monique Estelle Casbeer, Missoula	Governor	10/1/2021
Qualifications (if required): Representative of individuals with disabilities		
Ms. Katherine Mary Meier, Great Falls	Governor	10/1/2021
Qualifications (if required): Representative of individuals with disabilities		
Mr. Thomas F. Sullivan, Missoula	Governor	10/1/2021
Qualifications (if required): Representative of individuals with disabilities		
Upper Clark Fork River Basin Remediation and Restoration Advisory Council		
Mr. James J. Kambich, Butte	Governor	9/1/2021
Qualifications (if required): Citizen voting member		
Mr. William Rossbach, Missoula	Governor	9/1/2021
Qualifications (if required): Citizen Voting Member		

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council Cont.		
Mr. Elton Ringsak, Butte Qualifications (if required): Citizen Voting Member	Governor	9/1/2021
Ms. Maureen Connor, Philipsburg Qualifications (if required): Citizen Voting Member	Governor	9/1/2021
Ms. Susan Peterson, Drummond Qualifications (if required): Citizen Voting Member	Governor	9/1/2021
Mr. James H. Davison, Anaconda Qualifications (if required): Citizen Voting Member	Governor	9/1/2021
Ms. Maggie Schmidt, Deer Lodge Qualifications (if required): Citizen Voting Member	Governor	9/1/2021
Water and Wastewater Operators' Advisory Council		
Ms. Lorianne Burhop, Missoula Qualifications (if required): Wastewater Treatment Plant Operator	Governor	10/1/2021

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SECRETARY OF STATE

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