

# MONTANA ADMINISTRATIVE REGISTER

2022 ISSUE NO. 4  
FEBRUARY 25, 2022  
PAGES 267-310



# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 4

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 PUBLIC EMPLOYEES' RETIREMENT BOARD  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.43.3502 pertaining to the	)	AMENDMENT
Defined Contribution Retirement Plan	)	
Investment Policy Statement and the	)	NO PUBLIC HEARING
Montana Fixed Fund Investment	)	CONTEMPLATED
Policy Statement and ARM 2.43.5102	)	
pertaining to the 457(b) Deferred	)	
Compensation Plan Investment	)	
Policy Statement and the Montana	)	
Fixed Fund Investment Policy	)	
Statement	)	

TO: All Concerned Persons

1. On April 30, 2022, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Montana Public Employee Retirement Administration no later than 5:00 p.m. on March 18, 2021, to advise us of the nature of the accommodation that you need. Please contact Kris Vlado, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail [kvlado@mt.gov](mailto:kvlado@mt.gov).

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

2.43.3502 ADOPTION OF INVESTMENT POLICY STATEMENT AND FIXED FUND INVESTMENT POLICY STATEMENT (1) The board adopts and incorporates by reference the State of Montana 401(a) Defined Contribution Plan Investment Policy Statement approved by the board on February 11, ~~2024~~ 10, 2022. The Investment Policy Statement provides investment guidelines for the defined contribution plan, a long-term retirement-savings vehicle that permits participants to invest employer and participant contributions on a tax-deferred basis. The investment guidelines help the board to meet its fiduciary responsibilities to evaluate and positively influence the direction of the plan and its investments for the benefit of the plan participants and beneficiaries.

(2) The board adopts and incorporates by reference the Montana Fixed Fund Investment Policy Statement approved by the board on February 11, ~~2024~~ 10, 2022. These guidelines apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are

pooled together in the plans' stable value group trust. The investment policy statement was developed through mutual agreement amongst the board, the investment manager, and the insurance wrap providers and provides guidance to the investment manager when investing participants' funds contained within the stable value group trust.

(3) remains the same.

AUTH: 19-3-2104, MCA

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

2.43.5102 ADOPTION OF INVESTMENT POLICY STATEMENT AND FIXED FUND INVESTMENT POLICY STATEMENT (1) The board adopts and incorporates by reference the State of Montana 457 Plan (deferred compensation) Investment Policy Statement approved by the board on February 11, ~~2024~~ 10, 2022. The Investment Policy Statement provides investment guidelines for the 457(b) deferred compensation plan, a supplemental retirement-savings vehicle that permits participants to invest on either a pre-tax or a tax-deferred basis. The investment guidelines help the board to meet its fiduciary responsibilities to evaluate and positively influence the direction of the plan and its investments for the benefit of the plan participants and beneficiaries.

(2) The board adopts and incorporates by reference the Montana Fixed Fund Investment Policy Statement approved by the board on February 11, ~~2024~~ 10, 2022. These guidelines apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are pooled together in the plans' stable value group trust. The investment policy statement was developed through mutual agreement amongst the board, the investment manager, and the insurance wrap providers and provides guidance to the investment manager advisor when investing participants' funds contained within the stable value group trust.

(3) remains the same.

AUTH: 19-50-102, MCA

IMP: 19-50-102, MCA

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

In addition, the board adopted the most recent version of the Montana Fixed Fund Investment Policy Statement on February 10, 2022, to apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are pooled together in the plans' stable value group trust. This investment policy statement is currently reviewed on a yearly basis and amended to reflect best practices in defined contribution plan investments.

Pursuant to the recommendation of the board's investment consultant, RVK, and the board's advisory committee, the Employee Investment Advisory Council, the board amended each of the above-referenced investment policy statements on February 10, 2022.

Because the board determined to adopt the original DCRP Investment Policy Statement, 457 Plan Investment Policy Statement, and Montana Fixed Fund Investment Policy Statement by reference, 2-4-307(4), MCA, requires that changes to each document also be adopted by reference. Therefore, it is necessary to amend the rules that adopt each investment policy statement to indicate the version being adopted by reference.

The investment policy statements are available on the board's web page at [mpera.mt.gov](http://mpera.mt.gov).

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail [mpera@mt.gov](mailto:mpera@mt.gov), and must be received no later than 5:00 p.m., March 25, 2022.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Kris Vladic at the above address no later than 5:00 p.m., March 25, 2022.

6. If the Public Employees' Retirement Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed amendment; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1,553 persons based on approximately 5,354 participants in the Defined Contribution Retirement Plan and 9,899 participants in the 457(b) Deferred Compensation Plan as of June 30, 2021, for a total of 15,523 participants.

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

the Montana Public Employee Retirement Administration.

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

9. With regard to the requirements of 2-4-111, MCA, the Public Employees' Retirement Board has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Nicholas Domitrovich  
Nicholas Domitrovich  
Chief Legal Counsel  
and Rule Reviewer

/s/ Sheena Wilson  
Sheena Wilson  
President  
Public Employees' Retirement Board

Certified to the Secretary of State February 15, 2022.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 12.5.706 and the repeal of ARM ) PROPOSED AMENDMENT AND  
12.5.707 pertaining to the removal of ) REPEAL  
Tiber Reservoir from the list of )  
Identified Bodies of Water Confirmed )  
or Suspected for Aquatic Invasive )  
Mussels )

TO: All Concerned Persons

1. On March 21, 2022, at 1:30 p.m., the Department of Fish, Wildlife and Parks (department) will hold a telephonic public hearing via the ZOOM meeting platform 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 in the following way:

(a) Dial by telephone: 12133388477  
Meeting ID: 849 6840 8715  
Passcode: 401343

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 March 11, 2022, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

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

12.5.706 IDENTIFIED AREAS THREATENED WITH AQUATIC INVASIVE SPECIES AND APPLICABLE QUARANTINE MEASURES WITHIN INVASIVE SPECIES MANAGEMENT AREA (1) ~~Because of the known existence of aquatic invasive mussels in the areas defined in ARM 12.5.707, the~~ department has identified all ~~other~~ areas of the State of Montana as an invasive species management area because of the threat of infestation of aquatic invasive ~~mussels~~ species.

(2) through (7) remain the same.

AUTH: 80-7-1007, 80-7-1008, 80-7-1011, 80-7-1012, 87-1-201, MCA  
IMP: 80-7-1007, 80-7-1008, 80-7-1010, 80-7-1011, 80-7-1015, MCA

4. The department proposes to repeal the following rule:



12.5.707 IDENTIFIED BODIES OF WATER CONFIRMED OR SUSPECTED FOR  
AQUATIC INVASIVE MUSSELS

AUTH: 80-7-1007, 80-7-1008, 80-7-1010, 87-1-201, MCA

IMP: 80-7-1008, 80-7-1010, 80-7-1011, MCA

REASON: In 2017, the detection of invasive mussel larvae resulted in adopting quarantine requirements for invasive mussels for Canyon Ferry and Tiber Reservoirs in ARM 12.5.707. Following regional guidelines for invasive mussel detection, intensive early detection monitoring was conducted over the past five years. In 2020, following three years of no invasive mussel detection, regional guidelines allowed for the removal of the mandatory exit inspection requirements for Canyon Ferry Reservoir. Testing of Tiber Reservoir has resulted in no invasive mussel detections for five years, and the department is proposing the mandatory exit inspection requirements for Tiber Reservoir be removed. Since there are currently no bodies of water confirmed or suspected for aquatic invasive mussels, the department is proposing ARM 12.5.707 be repealed.

The statewide quarantine measures to prevent the spread of invasive species outlined in ARM 12.5.706 will remain in place. However, ARM 12.5.706 will need to be amended to strike the language, "known existence of aquatic invasive mussels," due to the delisting of Canyon Ferry and Tiber Reservoirs.

5. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to: Tom Woolf, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail Thomas.Woolf@mt.gov, and must be received no later than March 25, 2022.

6. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

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 a 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 emailed to jesssnyder@mt.gov.

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

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

/s/ Kevin Rechkoff  
Kevin Rechkoff  
Rule Reviewer

/s/ Dustin Temple  
Dustin Temple  
Deputy Director  
Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 15, 2022.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the adoption of New     )  
Rule I pertaining to marijuana and     )  
marijuana products packaging and     )  
labeling application and approval     )  
process     )

NOTICE OF PUBLIC HEARING ON  
PROPOSED ADOPTION

TO: All Concerned Persons

1. On March 22, 2022, at 10:00 a.m., the Department of Revenue (department) will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption of the above-stated rule. The auditorium is most readily accessed by entering through the north (basement) doors of the building.

2. The Department of Revenue 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, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on March 4, 2022. 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](mailto:todd.olson@mt.gov).

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

NEW RULE I PACKAGING AND LABELING APPLICATION AND  
APPROVAL PROCESS; INITIAL REQUIREMENTS APPLICABLE TO ALL

LICENSEES (1) For purposes of this rule, "marijuana product categories" mean any of the marijuana and marijuana products described in ARM 42.39.315 through 42.39.318 that are subject to the packaging and labeling requirements of 16-12-208, MCA.

(2) For purposes of this rule, a "unique marijuana product package" means:

(a) a prototype package for each of the marijuana product categories in (1);  
and

(b) within each of the marijuana product categories, a package that contains variations in graphic or design elements.

(3) A unique marijuana product package does not mean a package that depicts flavor variation without an accompanying change in graphic or design, or a different package size, or package color.

(4) All applicants, whether as an initial license applicant or existing licensee, must submit an application to the department, on a form provided by the department, for approval of the labeling of each marijuana product category intended for sale to customers.

(a) An applicant must submit a separate application for each label.

(b) An applicant must submit only one template label for each marijuana product type. Except as provided in (c), a new label application is not required when the marijuana facts panel information changes for disclosures such as levels of total potential psychoactive THC, THC, THCa, CBD, or CBDa, date of harvest, strain name, or ingredients.

(c) An applicant that sells marijuana products to registered cardholders with THC levels in excess of the limits set in 16-12-224, MCA, must submit a separate application and label template for those products.

(5) An applicant must apply to the department, on a form provided by the department, for approval for the packaging of each unique marijuana product package.

(a) An applicant must submit a separate application for each unique marijuana product package.

(b) An applicant must provide a picture or accurate, detailed rendering and a description of the product to be placed in each unique marijuana product package.

(6) An applicant must submit a separate application for each exit package type it will use. If the applicant intends to use the same exit package type in multiple sizes, it may submit each size under the same application. Exit packaging must comply with ARM 42.39.319(2).

(7) All applications and required attachments, such as photographs, product descriptions, renderings of proposed labels, and proposed packaging shall be submitted electronically to the department via its online portal.

(8) An applicant must submit the following fees to the department:

(a) \$25 per label application;

(b) \$10 per package application; and

(c) \$10 per exit package application.

(9) The department shall review each application and shall notify an applicant, in writing, whether the label or package has been approved or rejected.

(10) Whenever the department returns an application for correction to the label or package, it shall notify an applicant, in writing, of the deficiencies or issues with the application or submitted label or package.

(11) An applicant may resubmit a label or package once under the original application within ten days after the date of the department's first return for correction without paying another application fee. If the applicant fails to respond within ten days, the application shall be denied.

(12) If the department returns a label or package application a second time, it shall notify an applicant, in writing, of the deficiencies or issues with the proposed package or label and that the application shall be denied.

(13) An applicant whose application is denied under (11) or (12) must reapply and pay a new application fee.

(14) In order to fully implement the packaging and labeling requirements of the Act, all licensees must submit their packaging and label applications to the department by July 1, 2022. Licensees may continue to use packaging and labeling that is compliant with the former Montana Medical Marijuana Act (Title 50, chapter 46, MCA) during the pendency of the department's approval(s), provided the licensee's applications were submitted by July 1, 2022.

(15) A licensee that fails to submit applications for approval of packaging and labeling by July 1, 2022 shall be subject to disciplinary proceedings.

(16) All marijuana and marijuana products must be in approved packaging and affixed with approved labeling no later than January 1, 2023. Licensees shall repackage and/or relabel all marijuana and marijuana products on or before January 1, 2023, as necessary, to comply with this provision.

(17) A licensee must maintain approval letters for all product labels and packages at the licensed premises and shall make those letters available to department inspectors upon request.

AUTH: 16-12-112, MCA

IMP: 16-12-112, 16-12-208, 16-12-215, 16-12-224, MCA

REASONABLE NECESSITY: The department proposes to adopt New Rule I which is necessary for the department to implement the provisions of 16-12-208(8), MCA, by providing an application and approval process for the packaging and labeling of the marijuana or marijuana products described in ARM 42.39.314 through 42.39.319.

Section 16-12-208(8), MCA, requires a licensee or license applicant to submit both a package and a label application, using forms prescribed by the department, for department review and approval. New Rule I implements this directive and outlines the process for the submission of package and label approvals.

The inclusion of (1) is necessary - for the limited purpose of this rule - to cross-reference the marijuana product categories in ARM 42.39.315 through 42.39.318 that require a separate label application and lessen potential confusion from the marijuana product categories (and subcategories) defined in statute and ARM 42.39.102.

Sections (2) and (3) define what is, and what is not, a "unique marijuana product package" as guidance for when a product package requires an application and department approval.

Section (4) provides application requirements for a licensee or license applicant for the approval of a label. Section (4) also clarifies that only one template label is required for each of the marijuana product categories in (1) unless the label will be used for marijuana or a marijuana product that exceeds the THC potency levels in 16-12-224, MCA. Because there are additional label requirements for medical marijuana products (see ARM 42.39.315(8)), applicants must also submit a separate label template for the medical marijuana products so that the department can ensure the label satisfies all of the marijuana laws.

Section (5) sets forth what is required of a licensee, an applicant, or license applicant when it submits an application for the approval of a unique marijuana product package as defined in (2) and (3).

Section (6) provides the process for the approval of exit packaging. Each exit packaging configuration requires a separate application, unless an applicant intends to use the same exit package configuration in multiple sizes, in which case it can submit the differing sizes under one package approval application.

Section (7) sets forth how applicants may submit their applications. Pursuant to the authority in 16-12-208(8)(b), MCA, the department will require electronic

applications and will only request a physical prototype, when necessary, to ensure that the label or package satisfies the marijuana laws.

Section (8) is proposed to establish application fee requirements. The department is required by 16-12-208(8)(d)(i), MCA, to establish these fees, and guided by 16-12-112(1)(q), MCA, in establishing the amount. The department contends the fees are reasonable given the amount of review and processing of label and packaging applications and the related submissions.

Sections (9) through (13) further explain the application submission process and also provides that an applicant may proceed under the initial application returned for correction and the conditions which require resubmittal of an application and payment of additional fees.

Section (14) provides a deadline by which all package and label applications must be submitted by for existing or known products. As new products are developed and new packaging is employed, applicants may submit approval for those products after this date.

Section (15) makes clear that licensees that fail to submit the mandatory package and label applications risk disciplinary proceedings.

Section (16) proposes to require a deadline for all licensees to submit their packaging and labeling applications for approval for all existing products in order to implement 16-12-208, MCA. The department is mindful of the challenges of converting labels and products for compliance under the marijuana laws. However, the Marijuana Regulation and Taxation Act became law in May 2021, and the department initiated its packaging and labeling rules (ARM 42.39.315 through 42.39.318) on October 22, 2021. The rules have been in effect since January 1, 2022, and licensees have been aware of program requirements.

Section (17) requires licensees to maintain approval letters on site at their licensed premises to show to inspectors, if requested. This will assist inspectors in determining whether packaging and labeling is compliant and will help shorten the length of time needed for an inspection by not requiring this determination be made on site.

**FISCAL IMPACT:** In accordance with 2-4-302(1)(c), MCA, the department is required to estimate the fiscal impact of New Rule I through the payment and collection of packaging and labeling application fees authorized under the Act and described in New Rule I(8), if known, and the number of persons affected.

The fiscal impact of the application fees cannot be accurately measured for this rulemaking because the number of marijuana product packages, labels, and exit packages which require an application is not only dependent on the number of dispensary licensees but also on the variety of inventory sold by each licensee. As of February 15, 2022, there are 457 dispensaries who may be affected by proposed application fees in New Rule I.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: 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](mailto:todd.olson@mt.gov) and must be received no later than 5:00 p.m., April 4, 2022.

5. Todd Olson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

6. The Department of Revenue 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 that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available on the department's web site at [www.mtrevenue.gov](http://www.mtrevenue.gov), or through the Secretary of State's web site at [sosmt.gov/ARM/register](http://sosmt.gov/ARM/register).

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule may significantly and directly impact small businesses, but any such significant or direct small business impact is attributable to the department only through the implementation of the statutory requirements of HB 701 and the Act.

/s/ Todd Olson  
Todd Olson  
Rule Reviewer

/s/ Brendan Beatty  
Brendan Beatty  
Director of Revenue

Certified to the Secretary of State February 15, 2022.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 8.111.602 definitions and	)	
8.111.603 housing credit allocation	)	
procedure	)	

TO: All Concerned Persons

1. On January 14, 2022, the Department of Commerce published MAR Notice No. 8-111-192 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1 of the 2022 Montana Administrative Register, Issue Number 1.
2. No comments or testimony were received.
3. The department has amended the above-stated rules as proposed.

MONTANA BOARD OF HOUSING  
Patrick E. Melby, Chair

/s/ Amy Barnes  
Amy Barnes  
Rule Reviewer

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

Certified to the Secretary of State February 15, 2022.



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

In the matter of the adoption of NEW	)	NOTICE OF ADOPTION,
RULE I through IV, the amendment	)	AMENDMENT, AND REPEAL
of ARM 12.3.105, 12.3.110, 12.3.112,	)	
12.3.113, 12.3.115, 12.3.116,	)	
12.3.123, 12.3.131 through 12.3.135,	)	
12.3.140, 12.3.160, 12.3.165,	)	
12.3.185 through 12.3.187, 12.3.205,	)	
12.3.209, 12.3.210, 12.3.220,	)	
12.3.225, 12.3.230, 12.3.235,	)	
12.3.402 through 12.3.404, 12.3.410,	)	
and 12.3.411, and the repeal of ARM	)	
12.3.106, 12.3.109, 12.3.111,	)	
12.3.120, 12.3.121, 12.3.125,	)	
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12.3.201, 12.3.201A, 12.3.215,	)	
12.3.405, and 12.3.406 pertaining to	)	
licensing	)	

TO: All Concerned Persons

1. On November 19, 2021, the Fish and Wildlife Commission (commission) and the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-551 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 1579 of the 2021 Montana Administrative Register, Issue Number 22.

2. The commission has adopted NEW RULE I (12.3.604) as proposed. The department has adopted NEW RULE II (12.3.628), NEW RULE III (12.3.512), and NEW RULE IV (12.3.502) as proposed.

3. The commission and the department have amended ARM 12.3.105, 12.3.110, 12.3.112, 12.3.113, 12.3.115, 12.3.116, 12.3.123, 12.3.131 through 12.3.135, 12.3.140, 12.3.160, 12.3.165, 12.3.185 through 12.3.187, 12.3.205, 12.3.209, 12.3.210, 12.3.220, 12.3.225, 12.3.230, 12.3.235, 12.3.402, 12.3.403, 12.3.410, and 12.3.411 as proposed.

4. The department has amended ARM 12.3.404 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.3.404 ANIMALS UNFIT FOR HUMAN CONSUMPTION (1) through (8) remain as proposed.

AUTH: ~~87-1-301~~ 87-2-104, MCA  
IMP: ~~87-1-301~~ 87-2-104, MCA

5. The commission and the department have repealed ARM 12.3.106, 12.3.109, 12.3.111, 12.3.120, 12.3.121, 12.3.125, 12.3.150, 12.3.155, 12.3.170, 12.3.175, 12.3.179, 12.3.180, 12.3.201, 12.3.201A, 12.3.215, 12.3.405, and 12.3.406 as proposed.

6. The commission and the department have thoroughly considered the comments and testimony received. A summary of the comments received and the responses are as follows:

COMMENT 1: The commission received three comments expressing opposition and concerns regarding the proposed rule language addressing outfitter preference points in NEW RULE I (ARM 12.3.604).

RESPONSE 1: NEW RULE I (ARM 12.3.604) was necessary to address the statutory changes made in HB 637 (2021). HB 637 (2021) added language stating "a nonresident hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3" "may purchase two preference points per license year." NEW RULE I (ARM 12.3.604) outlines how the statutorily required preference points will be implemented.

One of the commenters thought that it was the outfitter that received the preference points. This is incorrect. The nonresident hunter may purchase two preference point per license year, not the outfitter.

COMMENT 2: The commission received one comment expressing concerns regarding the eliminated language in ARM 12.3.113 limiting the landowner preference licenses.

RESPONSE 2: The commission removed the language referencing the 15% limitation of landowner preference for elk permits in ARM 12.3.113 because the limitation is established in 87-2-705, MCA, and was unnecessarily repeated in administrative rule. Landowner preference elk permits are still limited to 15% and will remain so until changed by the legislature.

COMMENT 3: The commission received one comment stating resident applicants should receive 95% of the total hunting licenses for any species in any district instead of the 90% established in ARM 12.3.105.

RESPONSE 3: The commission did not consider or propose any amendments to the long-standing practice of "resident applicants shall receive at least 90% of the total licenses" established in ARM 12.3.105. The amendments to ARM 12.3.105 were made to correct and clarify the commission's role is to set the quota for the number of hunting licenses to be issued.

COMMENT 4: The commission receive one comment stating the 15% set aside for the landowner drawing of a district quota for antelope licenses established in ARM 12.3.112 should be reduced to 5%.

RESPONSE 4: The commission did not consider or propose any amendments to the long-standing practice of setting aside 15% of a district quota for the landowner drawing for antelope in ARM 12.3.112. The amendments to ARM 12.3.112 were made to consolidate the language regarding applications into ARM 12.3.140 and 12.3.160 and to remove the requirement that landowner applications must be verified by local game wardens.

COMMENT 5: The commission received one comment stating organizations that submit proposals for licenses to be sold by auction or lottery should submit their proposal to the public to be voted on by a statewide ballot.

RESPONSE 5: Montana statute authorizes the commission to issue one male mountain sheep license (87-2-722, MCA), one male Shiras moose license (87-2-724, MCA), and one male mountain goat license (87-2-725, MCA) to be sold by auction or lottery. Any change to that authority would require a statutory change by the legislature. The public may provide comment on the proposals submitted when the commission considers which organizations to issue the permits which typically occurs during their August meeting.

COMMENT 6: The commission received one comment stating no applicant regardless of active or veteran military status, should retain accumulated bonus points if they are successful in drawing a permit.

RESPONSE 6: Section 87-2-817, MCA, provides for a member of the armed forces to forfeit a license or permit issued through a drawing as a result of deployment outside the continental United States in support of a contingency operation as provided in 10 U.S.C. 101(a)(13), or deployed in response to a state or national emergency. ARM 12.3.135 is amended to guarantee that the member of the armed forces will not lose their accumulated bonus points used to obtain the license or permit if they are unable to use it because of the deployment.

COMMENT 7: The commission received one comment stating the over-the-counter, multi-district archery whitetail doe tags for Region 2 should be five per resident and the season should remain open until January 15.

RESPONSE 7: This comment is outside the scope of this rulemaking process.

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

/s/ Lesley Robinson  
Lesley Robinson  
Chair  
Fish and Wildlife Commission

/s/ Hank Worsech  
Hank Worsech  
Director  
Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 15, 2022.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 24.11.2407 and 24.35.203 and ) ADOPTION  
the adoption of New Rule I pertaining )  
to independent contractors )

TO: All Concerned Persons

1. On September 10, 2021, the Department of Labor and Industry (department) published MAR Notice No. 24-35-376 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 1109 of the 2021 Montana Administrative Register, Issue Number 17.

2. The department held a public hearing in Helena on October 8, 2021, over the Zoom videoconference and telephonic platform at which members of the public commented. Written comments were received during the public comment period.

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

COMMENT 1: Multiple commenters stated that implementation of Senate Bill 367, section 2, was properly effectuated by this rulemaking.

RESPONSE 1: The department acknowledges the comments.

COMMENT 2: One commenter questioned whether New Rule I would effectuate, in the normal course, independent contractor status based entirely on documentation other than an independent contractor exemption certificate.

RESPONSE 2: The comment is acknowledged, and the ambiguity is noted. The intention of New Rule I(1)(c) is to provide protection for those employers who sought to verify independent contractor status who were, through no fault of their own, misled into believing the worker to be an independent contractor. However, the conclusive presumption of the independent contractor exemption certificate (ICEC) of 39-71-417, MCA, and the requirement to have an ICEC before working as an independent contractor pursuant to 39-71-419, MCA, are unchanged by recent legislative amendments. To clarify this ambiguity, the department adopts the amendments set forth below.

COMMENT 3: A commenter argued that these rule amendments contradict section 1 of Senate Bill 367 based on an interpretation of the bill that the department is prohibited from finding employer status due to lack of an independent contractor exemption certificate.

RESPONSE 3: The comment is acknowledged; however, the department disagrees with the interpretation. First, the department notes that the amendment to 39-51-203(4), MCA, prohibits a determination of employee status "based solely on not having an independent contractor exemption certificate" (emphasis added). Solely means only. By considering factors beyond the lack of independent contractor exemption certificate, to include those issues contained within New Rule I, the department implements the plain language of the amendment to consider more than solely the lack of ICEC. This interpretation further carries forward the intention of the legislature in establishing the ICEC program to ensure consistency and uniformity in determinations of independent contractor status. Applying different tests for worker status to unemployment insurance than to workers' compensation could lead the same worker to be an independent contractor for purposes of unemployment insurance, but an employee for purposes of workers' compensation. This was not a stated intention of the 2021 Legislature, nor is it necessitated by Senate Bill 367.

Second, section 1 of Senate Bill 367 amended 39-51-203(4), MCA, to include a provision barring a finding of employee status "based solely on not having an independent contractor exemption certificate." Section 39-51-201(15) defines an independent contractor as an "individual working under an independent contractor exemption certificate provided for in 39-71-417." This section was not amended by the legislature. In *McCone Cnty. v. ICCU*, 2021 MTWCC 19, ¶ 24, the Montana Workers' Compensation Court expressly interpreted 39-51-201(15), MCA, to require that, for a worker to be an independent contractor, they must be working under an ICEC—the common law AB Test was expressly held to be insufficient to confer independent contractor status. The legislature's decision to amend 39-51-203(4), MCA, but not to amend 39-51-201(15), MCA, must be given effect.

In addition, the department must attempt to read all of these statutes in harmony. See 1-2-101, MCA ("Where there are several provisions or particulars [in a statute], such a construction is, if possible, to be adopted as will give effect to all."). Adopting the commenter's interpretation of 39-51-203(4), MCA, would render superfluous 39-51-201(15), MCA. This the department is without discretion or authority to do. To effectuate all plain language of the law, the department recognizes through the adoption of New Rule I that there are instances in which equity and fairness to hiring agents must outweigh the strictest interpretations of law. It is these instances which the rule seeks to contour. In short, where a hiring agent is surprised due to misrepresentations by the worker, bad information being obtained, timing of ICEC application, or the expiration of an ICEC, the department will apply the common law AB Test to determine whether the working relationship is that of employee-employer or independent contractor-hiring agent.

COMMENT 4: One commenter expressed that Senate Bill 367, section 2 places the burden on the worker to prove status, while the rules appear to place the burden on hiring agents.

RESPONSE 4: The department acknowledges this interpretation inherent within the rule. However, no change is necessary for two primary reasons. First, the language

of Senate Bill 367 is clear as to the burden of proof within 39-71-419(1)(e), MCA: "The burden of proof that an independent contractor is certified rests with the independent contractor and not the hiring entity." Plainly, where there is a question about whether a worker has an ICEC, the burden to prove the existence of the ICEC rests with the worker. Because the language is clear, there is no need for administrative rulemaking on the subject. See 2-4-305(2), MCA ("Rules may not unnecessarily repeat statutory language.").

Second, this rulemaking, as noted above, seeks to effectuate the intention of Senate Bill 367 to limit surprise by a hiring agent in becoming an "accidental" employer. As a result, the rule seeks to bar workers from using the burden shifting framework as a weapon against employers. A simple example: A worker falsely claims to have an ICEC. The hiring agent, relying on the claim, puts the worker to work. The worker is injured on the job. A savvy worker may simply concede they could not meet their burden of proof, having never held an ICEC. This concession would arguably entitle the worker to benefits. By contrast, the rule recognizes that it may not be in the worker's interest to prove themselves to be holding an independent contractor exemption certificate. As a result, the hiring agent may also take steps to protect themselves from liability.

COMMENT 5: One commenter argued that the provisions of ARM 24.11.2407 stricken by this rulemaking should be retained because they operate as a "bright line for employers."

RESPONSE 5: The department disagrees that retention of the language is necessary to provide employers with a bright line. As amended, ARM 24.11.2407 is substantially shortened, while continuing to apply the appropriate tests for determining worker status. New (1) refers readers to ARM Title 24, chapter 35. This chapter contains the independent contractor rules for the department. As a result, the amendment serves several functions. First, it shortens the administrative rules, making them easier to read and work with. Second, it prevents potential conflict between rules, by limiting the necessity to amend multiple rules whenever independent contractor questions arise. Third, the amendment is in keeping with Executive Order No. 1-2021, "Executive Order creating the red tape relief advisory council to implement regulatory reform."

4. The department has amended ARM 24.11.2407 and 24.35.203 as proposed.

5. The department has adopted NEW RULE I (ARM 24.35.204) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I (24.35.204) MISREPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS (1) through (1)(b) remain as proposed.

(c) the hiring agent took affirmative steps to verify the worker's independent contractor status, verified the worker to be an independent contractor by holding an

independent contractor exemption certificate, and has documentation of the same;  
or

(d) remains as proposed.

AUTH: 39-51-301, 39-51-302, 39-71-203, 39-71-417, MCA

IMP: 39-51-201, 39-51-203, 39-71-419, MCA

/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 February 15, 2022.



BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 42.12.503 pertaining to )  
competitive bid form requirements )

TO: All Concerned Persons

1. On January 14, 2022, the Department of Revenue published MAR Notice No. 42-1044 pertaining to the proposed amendment of the above-stated rule at page 38 of the 2022 Montana Administrative Register, Issue Number 1.
2. No requests for a public hearing were received. The department did not receive any written comments in support or opposition to the proposed amendment.
3. The department has amended ARM 42.12.503 as proposed.

/s/ Todd Olson  
Todd Olson  
Rule Reviewer

/s/ Brendan Beatty  
Brendan Beatty  
Director of Revenue

Certified to the Secretary of State February 15, 2022.

## **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.<br>Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued. |
| Statute       | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.                |

## RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2021. This table includes notices in which those rules adopted during the period September 10, 2021, through February 11, 2022, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 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 or 2022 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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## EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in January 2022 appear. Potential vacancies from March 1, 2022 through March 31, 2022, are also listed.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 1, 2022.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

**EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2022**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Chiropractors</b>			
Mr. Richard Forrette Clancy Qualifications (if required): Licensed Chiropractor	Governor	Vincent Maddio	1/1/2022 12/31/2024
Dr. Marcus Nynas Billings Qualifications (if required): Licensed Chiropractor	Governor	Reappointed	1/1/2022 12/31/2024
<b>Committee on Telecommunications Access Program for Persons With Disabilities</b>			
Bob Terwilliger Billings Qualifications (if required): InterLata Carrier Representative	Governor	Jay Preston	1/1/2022 6/30/2025
<b>Grass Conservation Commission</b>			
Mr. Richard Stuker Chinook Qualifications (if required): Active Grazing Preference Rights	Governor	Reappointed	1/1/2022 12/21/2024
<b>Lottery and Sports Wagering Commission</b>			
Mr. Dwaine J. Iverson Shelby Qualifications (if required): Public representative	Governor	John Tarr	1/1/2022 12/31/2025

**EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2022**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Lottery and Sports Wagering Commission Cont.</b>			
Mr. Jon Metropoulos	Governor	Tom Keegan	1/1/2022
Helena			12/31/2025
Qualifications (if required): Attorney			
<b>Montana Alfalfa Seed Committee</b>			
Mr. Dallas Steiger	Governor	reappointed	1/1/2022
Hysham			11/30/2024
Qualifications (if required): Actively engaged in the growing of alfalfa seed			
Mr. Justin Weise	Governor	Reappointed	1/1/2022
Malta			11/30/2024
Qualifications (if required): Actively engaged in growing alfalfa seed in state			
<b>State Rehabilitation Council</b>			
Ms. Celina Cline	Governor	Cheri Reed-Anderson	1/1/2022
Havre			9/30/2024
Qualifications (if required): Vocational Rehabilitation Counselor			
Ms. Lacey Keller	Governor	Monique Casbeer	1/1/2022
McAllister			9/30/2024
Qualifications (if required): Disability Advocate			



**EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2022**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Rehabilitation Council Cont.</b>			
Mr. Carlos Ramalho Billings	Governor	Barbara Davis	1/1/2022 9/30/2024
Qualifications (if required): Statewide Independent Living Council Representative			
Ms. Marcy Roberts Kalispell	Governor	Tina Bundtrock	1/1/2022 9/30/2024
Qualifications (if required): Business and Labor Rep			
<b>Statewide Independent Living Council</b>			
Ms. June Hermanson Helena	Governor	Reappointed	1/1/2022 11/30/2024
Qualifications (if required): Person with a disability			
Ms. Emma Hixon Missoula	Governor	Barbara Davis	1/1/2022 11/30/2024
Qualifications (if required): Person with a disability not employed by the state			
Ms. Jennifer Pfau Lewistown	Governor	Richard Turner	1/1/2022 12/31/2024
Qualifications (if required): Consumer of speech-language pathology or audiology services			

**EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2022**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Statewide Independent Living Council Cont.</b>			
Ms. Jean Schroeder Vaughn	Governor	David Hood	1/1/2022 11/30/2024
Qualifications (if required): Member at Large			
Mr. Tom Thompson Missoula	Governor	Reappointed	1/1/2022 11/30/2024
Qualifications (if required): Person with a disability employed by a State Agency or Center for Independent Living			
Mr. Richard S. Williamson Ronan	Governor	Reappointed	1/1/2022 11/30/2024
Qualifications (if required): Person with a disability employed by a State Agency			
<b>Traumatic Brain Injury Advisory Council</b>			
Ms. Teresa Anderson Park City	Governor	Ian Elliot	1/1/2022 12/31/2024
Qualifications (if required): Advocate for Brain Injured Person			
Mr. Kenneth C. Brewington Missoula	Governor	Braxton Norwood	1/1/2022 12/31/2024
Qualifications (if required): Injury Control or Prevention Programs Representative			

**EXECUTIVE BRANCH VACANCIES – MARCH 1, 2022 THROUGH MARCH 31, 2022**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Barbers and Cosmetologists</b> Mr. Tucker Landerman, Kalispell Qualifications (if required): Licensed barber	Governor	3/1/2022
<b>Potato Commodity Advisory Committee</b> Mr. Jonathan Schutter, Manhattan Qualifications (if required): Potato Producer	Governor	3/1/2022
<b>Public Employees' Retirement System</b> Ms. Sonja Woods, Miles City Qualifications (if required): Active member of the public retirement system	Governor	3/31/2022
<b>State Apprenticeship Advisory Council</b> Mr. Dean Bentley, Butte Qualifications (if required): Chair SWIB Member	Governor	3/1/2022
Mr. Barry Reddick, Helena Qualifications (if required): Non-Union Member	Governor	3/1/2022
Mr. Dale Carpenter, Butte Qualifications (if required): Union Member	Governor	3/1/2022
Mr. Chris Hopkins, Miles City Qualifications (if required): Non-Union Member	Governor	3/1/2022

**EXECUTIVE BRANCH VACANCIES – MARCH 1, 2022 THROUGH MARCH 31, 2022**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Apprenticeship Advisory Council Cont.</b>		
Ms. Margaret McManus, Missoula Qualifications (if required): Non-Union Member	Governor	3/1/2022
Mr. Mykal D. Jorgenson, Billings Qualifications (if required): Union Member	Governor	3/1/2022
Mr. Brock Tessman, Helena Qualifications (if required): Public Member	Governor	3/1/2022
Ms. Vicki Dickenson, Helena Qualifications (if required): Union Member	Governor	3/1/2022
Mr. Chris McGowan, Helena Qualifications (if required): Union Member	Governor	3/1/2022
Mr. Scott Lemert, Bozeman Qualifications (if required): Non-Union Member	Governor	3/1/2022
<b>Youth Justice Council</b>		
Mr. Randy Shipman, Dillon Qualifications (if required): Public agency concerned with delinquency prevention or treatment	Governor	3/1/2022
Ms. Geri Small, Lame Deer Qualifications (if required): Tribal Representative	Governor	3/1/2022

**EXECUTIVE BRANCH VACANCIES – MARCH 1, 2022 THROUGH MARCH 31, 2022**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Youth Justice Council Cont.</b>		
Mr. Derek J. VanLuchene, Helena Qualifications (if required): Board of Crime Control member	Governor	3/1/2022
Ms. Georgia J. Cady, Columbus Qualifications (if required): Representative of victim or witness advocacy groups	Governor	3/1/2022
Mr. Tim Brurud, Havre Qualifications (if required): Non profit	Governor	3/1/2022
Honorable Mary Jane McCalla Knisely, Billings Qualifications (if required): Law enforcement and juvenile justice agencies	Governor	3/1/2022
Ms. Rae Gyn Trombley, Great Falls Qualifications (if required): Under the age of 28	Governor	3/1/2022
Mr. Qasim Walid Abdul-Baki, Helena Qualifications (if required): Law enforcement and juvenile justice agencies	Governor	3/1/2022
Ms. Minnetta Armstrong, Browning Qualifications (if required): Nonprofit	Governor	3/1/2022
Ms. Kimberly Michelle Leighton, Helena Qualifications (if required): Nonprofit	Governor	3/1/2022
Ms. Jazmyn Saunders, Missoula Qualifications (if required): Under the age of 28	Governor	3/1/2022

**EXECUTIVE BRANCH VACANCIES – MARCH 1, 2022 THROUGH MARCH 31, 2022**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Youth Justice Council Cont.</b>		
Mr. Chase Comes At Night, Missoula Qualifications (if required): Under the age of 28	Governor	3/1/2022
Ms. Rhonda Lindquist, Helena Qualifications (if required): Public Agency concerned with delinquency prevention or treatment	Governor	3/1/2022
Mr. Kevin Buerkle, Havre Qualifications (if required): Law enforcement and juvenile justice agencies	Governor	3/1/2022
Mr. Michael Chavers, Billings Qualifications (if required): Representative of programs that are alternatives to incarceration	Governor	3/1/2022
Dr. Tamara Greeling, Billings Qualifications (if required): Parent of a youth involved in the judicial system	Governor	3/1/2022
Mrs. Holly Mook, Helena Qualifications (if required): Experience and competence in addressing problems related to school violence and vandalism	Governor	3/1/2022
Dr. Emily Sallee, Frenchtown Qualifications (if required): Person licensed or certified with expertise and competence	Governor	3/1/2022
Mr. Robert Scheben, Bonner Qualifications (if required): Experience and competence in addressing problems related to school violence and vandalism	Governor	3/1/2022

**EXECUTIVE BRANCH VACANCIES – MARCH 1, 2022 THROUGH MARCH 31, 2022**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Youth Justice Council Cont.</b>		
Ms. Gabrielle Shulman, Missoula Qualifications (if required): Representative of programs that are alternatives to incarceration	Governor	3/1/2022
Mrs. Patricia Steinwand, Helena Qualifications (if required): Volunteer who works with delinquents or potential delinquents	Governor	3/1/2022
Mr. Isaac Nehring, Helena Qualifications (if required): Under the age of 28	Governor	3/1/2022
Comm. George Real Bird II, Hardin Qualifications (if required): Local Government	Governor	3/1/2022
Ms. Ava Parsons, Missoula Qualifications (if required): Under the age of 28	Governor	3/1/2022

MONTANA ADMINISTRATIVE  
REGISTER

2022 ISSUE NO. 4  
FEBRUARY 25, 2022  
PAGES 267-310

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