

# MONTANA ADMINISTRATIVE REGISTER

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PAGES 608-680



# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 6

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-9000.

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BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

|                                         |   |                          |
|-----------------------------------------|---|--------------------------|
| In the matter of the adoption of New    | ) | AMENDED NOTICE OF PUBLIC |
| Rule I and the amendment of ARM         | ) | HEARING ON PROPOSED      |
| 2.13.310 and 2.13.320 pertaining to     | ) | ADOPTION AND AMENDMENT   |
| Public Safety Answering Point allowable | ) |                          |
| uses of funds, decertification and      | ) |                          |
| funding reduction and reporting,        | ) |                          |
| monitoring, and recordkeeping           | ) |                          |

TO: All Concerned Persons

1. On February 23, 2018, the Department of Administration published MAR Notice No. 2-13-574 pertaining to the public hearing on the proposed adoption of New Rule I at page 351 of the 2018 Montana Administrative Register, Issue Number 4. Because the department is adding two rules proposed for amendment (stated above), the hearing is being rescheduled to April 19, 2018, at 2:00 p.m., in Room 7 of the Mitchell Building, 125 N. Roberts Street, Helena, Montana.

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 April 12, 2018, to advise us of the nature of the accommodation that you need. Please contact Rhonda Sullivan, Department of Administration, 1400 8th Ave., P.O. Box 200113, Helena, Montana 59620; telephone (406) 444-2420; fax (406) 444-2701; Montana Relay Service 711; or e-mail rsullivan@mt.gov.

3. NEW RULE I ALLOWABLE USES OF FUNDS remains as proposed.

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

2.13.310 DECERTIFICATION AND FUNDING REDUCTION (1) and (1)(a) remain the same.

(b) uses or distributes funds for any purpose other than those identified in [NEW RULE ~~VI~~ I];

(c) through (8)(c) remain the same.

AUTH: 10-4-108, MCA

IMP: 10-4-107, 10-4-108, 10-4-109, 10-4-305, MCA

2.13.320 REPORTING, MONITORING, AND RECORDKEEPING

(1) remains the same.

(2) The department shall monitor transactions to ensure payments received from the 9-1-1 systems account are used as provided in [NEW RULE ~~VI~~ I]. The

department may determine a certified PSAP is not in compliance with PSAP certification requirements if funds are not used as provided in [NEW RULE VII ]. (3) through (5) remain the same.

AUTH: 10-4-108, MCA

IMP: 10-4-107, 10-4-109, 10-4-305, MCA

STATEMENT OF REASONABLE NECESSITY: In MAR Notice No. 2-13-566, published at page 2363 of the 2017 Montana Administrative Register, Issue Number 24, New Rules V (2.13.310) and VIII (2.13.320) referred to New Rule VII; however, the department did not adopt New Rule VII, making it necessary to amend the rules to the correct rule number.

New Rule VII was re-noticed in the original version of MAR Notice No. 2-13-574 as New Rule I. The department is including proposed amendments in this amended notice to correct the references from New Rule VII to New Rule I. By revising the reference to New Rule I, the correct permanent rule number will be included in both ARM 2.13.310 and 2.13.320.

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 Rhonda Sullivan, Department of Administration, 1400 8th Ave., P.O. Box 200113, Helena, Montana 59620; telephone (406) 444-2420; fax (406) 444-2701; or e-mail [rsullivan@mt.gov](mailto:rsullivan@mt.gov), and must be received no later than 5:00 p.m., April 27, 2018.

6. The department has determined that under 2-4-111, MCA, the proposed adoption and amendments will not significantly and directly affect small businesses.

By: John Lewis  
John Lewis, Director  
Department of Administration

By: Michael P. Manion  
Michael P. Manion, Rule Reviewer  
Department of Administration

Certified to the Secretary of State March 20, 2018.

BEFORE THE BOARD OF COUNTY PRINTING  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM     ) AMENDED NOTICE OF PUBLIC  
2.67.303 pertaining to rates for county     ) HEARING ON PROPOSED  
legal advertising                             ) AMENDMENT

TO: All Concerned Persons

1. On February 9, 2018, the Board of County Printing published MAR Notice No. 2-67-569 regarding a public hearing on the proposed amendment of the above-stated rule at page 230 of the 2018 Montana Administrative Register, Issue Number 3. Due to unforeseen circumstances, the scheduled hearing was not held. The public hearing is rescheduled for April 19, 2018, at 10:00 a.m., in Room 105 of the Old Livestock Building at 1310 E. Lockey, Helena, Montana.

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 April 12, 2018, to advise us of the nature of the accommodation that you need. Please contact Angie Gifford, Department of Administration, 1310 E. Lockey Avenue, P.O. Box 200110, Helena, Montana 59620-1101; telephone (406) 444-0115; fax (406) 444-3039; Montana Relay Service 711; or e-mail [agifford@mt.gov](mailto:agifford@mt.gov).

3. ARM 2.67.303 remains as proposed.

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 Angie Gifford, Department of Administration, 1310 E. Lockey Avenue, P.O. Box 200110, Helena, Montana 59620-1101; telephone (406) 444-0115; or e-mail [agifford@mt.gov](mailto:agifford@mt.gov); and must be received no later than 5:00 p.m., April 27, 2018.

5. An electronic copy of this proposal notice is available through the Board of County Printing web site at <http://countyprinting.mt.gov/>. 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 web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

By: /s/ Roger Wagner  
Roger Wagner, Chair  
Board of County Printing

By: /s/ Michael P. Manion  
Michael P. Manion, Rule Reviewer  
Department of Administration

Certified to the Secretary of State March 20, 2018.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 10.64.301 pertaining to school ) PROPOSED AMENDMENT  
bus requirements )

TO: All Concerned Persons

1. On April 23, 2018, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Superintendent's conference room at 1227 11th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board of Public Education 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 Board of Public Education no later than 5:00 p.m. on April 18, 2018, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail [pdonovan@mt.gov](mailto:pdonovan@mt.gov).

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

10.64.301 SCHOOL BUS REQUIREMENTS (1) The Board of Public Education adopts and incorporates the Standards for School Buses in Montana – 2017 ~~(as amended)~~ 2018. A copy of this document is available from the Office of Public Instruction, Pupil Transportation Division, P.O. Box 202501, Helena, Montana 59620-2501 and is available at the following web address: <http://opi.mt.gov/Leadership/Management-Operations/Legal-Division/Administrative-Rules-Notices-Standards> [www.bpe.mt.gov](http://www.bpe.mt.gov).

(2) The Board of Public Education adopts standards for school buses in Montana in part from the National School Transportation Specifications and Procedures, as adopted in 2015 by the Sixteenth National Congress on School Transportation (NCST). The NCST occasionally issues an interpretation on its adopted specifications and procedures. Any interpretation adopted by the NCST shall be the official interpretation of the corresponding Montana standard unless that interpretation is specifically redefined or preempted by a corresponding Montana standard, law, or regulation. The National School Transportation Specifications and Procedures and additional information regarding the NCST are available at [www.NCSTOnline.org](http://www.NCSTOnline.org).

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, 20-2-121, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, 20-10-111, MCA

4. REASON: The Board of Public Education feels it is reasonable and



necessary to amend the bus standards and this rule because HB 355 enacted during the 2017 Legislative Session revised the definition of school buses. The definition now includes vehicles designed to carry 10 or fewer passengers to and from school. SB 355 also removed the CDL requirement for drivers of this bus type.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

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: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., April 30, 2018.

6. Peter Donovan has been designated to preside over and conduct this hearing.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the 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 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 board.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply. Representative Ray L. Shaw was contacted by email on August 1, 2017 and advised that the bus standards committee would begin working on the amendments to the bus standards.

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

/s/ Peter Donovan

Peter Donovan  
Rule Reviewer

/s/ Sharon Carroll

Sharon Carroll  
Board Chair  
Board of Public Education

Certified to the Secretary of State March 20, 2018.

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 24.29.1433, 24.29.1534, and     | ) | PROPOSED AMENDMENT          |
| 24.29.1538 pertaining to workers'   | ) |                             |
| compensation facility service rules | ) |                             |
| and rates and conversion factors    | ) |                             |

TO: All Concerned Persons

1. On April 20, 2018, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing in conference rooms A and B of the Beck Building, 1805 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

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 April 13, 2018, to advise us of the nature of the accommodation that you need. Please contact Maralyn Lytle, Employment Relations Division, P.O. Box 8011, Helena, Montana 59604-8011; telephone (406) 444-6604; facsimile (406) 444-4140; Montana TTD (406) 444-5549; or e-mail mlytle@mt.gov.

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

24.29.1433 FACILITY SERVICE RULES AND RATES FOR SERVICES PROVIDED ON OR AFTER JULY 1, 2013 (1) The department adopts the fee schedules provided by this rule to determine the reimbursement for medical services provided by a facility when a person is discharged on or after July 1, 2013. An insurer is obligated to pay the fee provided by the fee schedules for a service, even if the billed charge is less, unless the facility and insurer have a managed care organization (MCO) or preferred provider organization (PPO) arrangement that provides for a different payment amount. The fee schedules are available online at the Employment Relations Division web site and are updated as soon as is reasonably feasible relative to the effective dates of the medical codes as described below. The fee schedules are comprised of the elements listed in 39-71-704, MCA, and the following:

(a) and (b) remain the same.

(c) The base rates and conversion formulas established by the department:

(i) through (iii) remain the same.

(iv) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2016," for services provided from July 1, 2016, through June 30, 2017; ~~and~~

(v) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2017," for services provided from July 1, 2017, through June 30, 2018; and

(vi) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2018."

(2) through (10) remain the same.

(11) The following applies to inpatient services provided at an acute care hospital:

(a) The department may establish the base rate annually.

(i) through (iv) remain the same.

(v) Effective July 1, 2017, through June 30, 2018, the base rate is \$8,201.

(vi) Effective July 1, 2018, the base rate is \$8,373.

(b) Payments for inpatient acute care hospital services must be calculated using the base rate multiplied by the Montana MS-DRG weight. For example, if the MS-DRG weight is 0.5, the amount payable is ~~\$4,100.50~~ \$4,186.50, which is the base rate of ~~\$8,201~~ \$8,373 multiplied by 0.5.

(c) through (g) remain the same.

(12) The following applies to outpatient services provided at an acute care hospital or an ASC:

(a) The annual department-set base rate for outpatient service at acute care hospitals is:

(i) through (iii) remain the same.

(iv) \$111, from July 1, 2016, through June 30, 2017; ~~and~~

(v) \$114, ~~on or after from~~ from July 1, 2017, through June 30, 2018; and

(vi) \$116, on or after July 1, 2018.

(b) The annual department-set base rate for ASCs, which is 75 percent of the hospital outpatient base rate, is:

(i) through (iii) remain the same.

(iv) \$83, from July 1, 2016, through June 30, 2017; ~~and~~

(v) \$86, ~~on or after from~~ from July 1, 2017, through June 30, 2018; and

(vi) \$87, on or after July 1, 2018.

(c) through (g) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

**REASON:** Because the department is required by 39-71-704(2), MCA, to annually establish a schedule of fees for medical services provided to injured workers, subject to various statutory requirements, there is reasonable necessity to amend ARM 24.29.1433. In addition, there is reasonable necessity to update the instruction set as part of the annual update.

**24.29.1534 PROFESSIONAL FEE SCHEDULE FOR SERVICES PROVIDED ON OR AFTER JULY 1, 2013** (1) The department adopts the professional fee schedule provided by this rule to determine the reimbursement amounts for medical services provided by a professional provider at a nonfacility or facility furnished on or after July 1, 2013. An insurer must pay the fee schedule or

the billed charge, whichever is less, for a service provided within the state of Montana. The fee schedules are available online at the Employment Relations Division web site and are updated as soon as is reasonably feasible relative to the effective dates of the medical codes as described below. The fee schedules are comprised of the elements listed in 39-71-704, MCA, and the following:

(a) the instruction set for the fee schedule as adopted in this subsection. All the definitions, guidelines, RVUs, procedure codes, modifiers, and other explanations provided in the instruction set affecting the determination of individual fees apply. A copy of the instruction set may also be obtained at no charge from the Montana Department of Labor and Industry, P.O. Box 8011, Helena, Montana 59604-8011;

(i) through (iii) remain the same.

(iv) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2016" applies to services provided from July 1, 2016, through June 30, 2017; and

(v) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2017" applies to services provided ~~on or after~~ from July 1, 2017, through June 30, 2018; and

(vi) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2018" applies to services provided on or after July 1, 2018.

(b) through (10) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

REASON: Because the department is required by 39-71-704(2), MCA, to annually establish a schedule of fees for medical services provided to injured workers, subject to various statutory requirements, there is reasonable necessity to amend ARM 24.29.1534. In addition, there is reasonable necessity to update the instruction set as part of the annual update in order to adopt a revised Professional Fee Schedule each year for the purpose of incorporating all annual changes to CPT codes, RBRVS, CCI edits, including medically unnecessary edits (MUE), conversion factors, modifiers, and Montana unique codes.

24.29.1538 CONVERSION FACTORS FOR SERVICES PROVIDED ON OR AFTER JANUARY 1, 2008 (1) remains the same.

(2) The conversion factors established by the department for goods and services, other than anesthesia services are:

(a) through (e) remain the same.

(f) \$62.91 from July 1, 2016, through June 30, 2017; and

(g) \$62.92 ~~on or after~~ from July 1, 2017, through June 30, 2018; and

(h) \$63.50 on or after July 1, 2018.

(3) The conversion factors established by the department for anesthesia services are:

(a) through (f) remain the same.

(g) \$63.86 from July 1, 2016, through June 30, 2017; and

- (h) ~~\$65.98 on or after~~ from July 1, 2017, through June 30, 2018; and
  - (i) \$66.97 on or after July 1, 2018.
- (4) and (5) remain the same.

AUTH: 39-71-203, MCA  
IMP: 39-71-704, MCA

REASON: Because the department is required by 39-71-704(2), MCA, to annually establish a schedule of fees for medical services provided to injured workers, subject to various statutory requirements, there is reasonable necessity to amend ARM 24.29.1538.

4. Copies of the proposed 2018 publications identified as the proposed "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2018" and "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2018" are available and can be accessed at <http://erd.dli.mt.gov/work-comp-claims/medical-regulations>.

5. A printed version of the proposed 2018 publications is also available by contacting Maralyn Lytle at the address, e-mail, or telephone numbers listed in paragraph 2 of this notice.

6. 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 Maralyn Lytle, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6604; fax (406) 444-4140; Montana TTD (406) 444-5549; or e-mail [mlytle@mt.gov](mailto:mlytle@mt.gov), and must be received no later than 5:00 p.m., on April 27, 2018.

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, 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 Department of Labor and Industry, attention: Mark Cadwallader, 1315 E. Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, or e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov), or may be made by completing a request form at any rules hearing held by the agency.

8. An electronic copy of this notice of public hearing is available through the department's web site at <http://dli.mt.gov/events/calendar.asp>, under the Calendar of Events, Administrative Rules Hearings Section. The department strives to make its electronic copy of this notice of public hearing conform to the official version of the notice, as published in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy, only the official text will be considered. In addition, although the department strives to keep its web site

accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that a person's difficulties in sending an e-mail do not excuse late submission of comments.

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

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

11. The department's Office of Administrative Hearings has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.

BEFORE THE BOARD OF MASSAGE THERAPY  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

|                                      |   |                             |
|--------------------------------------|---|-----------------------------|
| In the matter of the amendment of    | ) | NOTICE OF PUBLIC HEARING ON |
| ARM 24.155.604 licensure by          | ) | PROPOSED AMENDMENT AND      |
| examination, 24.155.608 licensure of | ) | ADOPTION                    |
| out-of-state applicants, 24.155.801  | ) |                             |
| continuing education requirements,   | ) |                             |
| 24.155.901 unprofessional conduct,   | ) |                             |
| and the adoption of NEW RULE I       | ) |                             |
| school instructors and assistants    | ) |                             |
| requiring a license in massage       | ) |                             |
| therapy and exemption                | ) |                             |

TO: All Concerned Persons

1. On April 23, 2018, at 10:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

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 Massage Therapy no later than 5:00 p.m., on April 16, 2018, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, Board of Massage Therapy, 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 dlibsdlmt@mt.gov (board's e-mail).

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

24.155.604 LICENSURE BY EXAMINATION (1) All applicants for licensure by examination shall:

(a) submit a completed application on a form prescribed by the department with:

- (i) the appropriate fee;
- (ii) a copy of an official transcript or certificate of completion evidencing to the board's satisfaction that the applicant has a high school diploma or its equivalent;
- (iii) proof that the applicant is 18 years of age or older;
- ~~(iv) two letters attesting to the good moral character of the applicant, submitted directly to the board office by individuals who are not the applicant's family members;~~

~~(v)~~ (iv) proof of successful completion of a massage therapy educational program of a minimum of 500 hours of study that meets or exceeds the curriculum

guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor; ~~and~~

(A) if the massage therapy transcript is not available from the custodian of record, the board may consider accepting a transcript that has been issued by the school and signed by the owner or person responsible for issuing the transcript; and  
(vi) remains the same but is renumbered (v).

AUTH: 37-1-131, 37-33-405, MCA

IMP: 37-1-131, 37-33-502, MCA

REASON: Following a suggestion from the department, the board determined it is reasonably necessary to strike (1)(a)(iv) and no longer require two letters attesting to an applicant's good moral character. The board concluded that good moral character is adequately demonstrated through other application materials and acknowledges that these letters do not always accurately represent an applicant's character.

After receiving several applications where the applicant was unable to provide transcripts directly from an educational program, the board is amending this rule to allow applicants alternative methods of demonstrating educational qualifications. The board determined there are other reliable methods to ensure the adequacy of an applicant's required education.

24.155.608 LICENSURE OF OUT-OF-STATE APPLICANTS (1) through (2)(b) remain the same.

(c) proof that the applicant is eighteen years of age or older; and

~~(d) two letters attesting to the good moral character of the applicant, submitted directly to the board office by individuals who are not the applicant's family members; and~~

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

AUTH: 37-1-131, 37-33-405, MCA

IMP: 37-1-131, 37-1-304, 37-33-502, MCA

REASON: See REASON for ARM 24.155.604.

24.155.801 CONTINUING EDUCATION REQUIREMENTS (1) and (2) remain the same.

(3) In general, one continuing education credit will be granted for each hour of participation in the continuing education activity. Credit will not be awarded for activities lasting less than one hour.

(4) and (4)(a) remain the same.

~~(b) All licensed massage therapists must submit an attestation to the board on each even year's license renewal that they have obtained the required continuing education.~~ Active licensees will be required to affirm their understanding of the basic requirement upon annual renewal.

~~(c) The board will randomly audit between two percent and five percent of the licensees attesting to continuing education.~~ Certificates of completion or program



documentation for continuing education credits reported must be submitted upon request of the board.

(5) Acceptable continuing education courses include but are not limited to the following:

(a) remains the same.

(b) teaching a course, with one continuing education credit allowed for each hour of preparation time for each credit hour offered, and one credit of continuing education allowed for each hour of presentation time for each credit hour offered, all credit being subject to proper documentation, ~~and none of which may be reused for any future continuing education reporting period;~~ Documentation for this activity includes:

(i) course name;

(ii) teaching format (in person, webinar, correspondence, online, etc.);

(iii) number of hours in the course;

(iv) a statement that demonstrates the activity is substantially related to your role as a massage therapist;

(v) number of hours preparing the course not to exceed the number of course hours;

(vi) the date and location of the course taught; and

(vii) the course outline;

(c) published articles or books applicable to the practice of massage authored by the licensee with the hours awarded as determined at the discretion of the board;. Documentation for this activity includes:

(i) a copy of the publication;

(ii) the source of publication;

(iii) the date of publication; and

(iv) number of credit hours requested;

(d) ~~books, or audio, tapes documented by notes summarizing the course content; and or other media with the hours to be awarded as determined at the discretion of the board. Trade magazines and journals do not qualify for credit.~~

Documentation for this activity includes:

(i) the title of the presentation;

(ii) the author of the presentation;

(iii) the number of pages in the book or number of hours' duration of the media;

(iv) a summary of what was learned from the presentation;

(v) notes regarding how this material applies to your massage therapy practice;

(vi) dates when the activity occurred; and

(vii) number of credit hours requested;

(e) cardiopulmonary resuscitation (CPR) with certificate;

(f) two hours per renewal cycle will be allowed for voluntarily attending the Montana Board of Massage Therapy meetings. Each licensee will be required to identify themselves at the board meeting and must be physically present or in person for at least two hours.

(6) and (7) remain the same.

AUTH: 37-1-131, 37-1-319, 37-33-405, MCA  
IMP: 37-1-306, 37-33-405, MCA

REASON: The board determined it is reasonably necessary to amend (3) to address questions from the department audit unit and provide guidance to licensees on appropriate length of CE activities. The board decided this clarification will help licensees select adequate CE courses and facilitate the audit processes.

Following a recommendation by department legal staff, the board is amending (4)(b) to align the affirmation of continuing education (CE) required at renewal with the provisions of 37-1-306, MCA. The change will conform with a standardized department procedure by having licensees with mandatory CE affirm an understanding of the requirement and the potential of being audited for compliance.

In response to a staff request, the board is striking from (4)(c) the specific percentage range for CE audits to allow greater flexibility in conducting the audits. The current rule limits the random audit to between two and five percent of all renewed licensees each reporting period. This amendment will allow the board to respond to staffing and budget issues by adjusting the number of audited licensees, while remaining consistent with the statutory maximum of 50 percent in 37-1-306, MCA.

After reviewing CE audit submissions and following suggestions by the rules committee, the board determined it is reasonably necessary to amend (5) and clearly set forth the supporting documentation required in a CE audit response. While the current rule requires certificates of completion or program documentation, the board concluded more detail is needed to address licensee questions and guide the audit process. The board is also amending (5)(d) to allow forms of media in addition to books and audio tapes, if documented by appropriate information.

Following a request from licensees, the board is amending (5)(f) to expand CE opportunities by allowing licensees to receive CE credit by attending a board meeting. While limiting licensees to two hours per cycle, the board determined that board meetings provide some intellectual or practical information that is relevant to the practice of massage therapy.

24.155.901 UNPROFESSIONAL CONDUCT (1) through (1)(c) remain the same.

(d) advertising massage therapy services or instruction in a manner that is inaccurate, deceptive, sexually suggestive, or explicitly sexual;

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

(f) (g) failing to cooperate with an investigation that is the result of a complaint; or

(g) (h) violation of any of the provisions of statute or rule applicable to the practice of massage therapy; or

(i) failing to display licensee's license conspicuously in licensee's principal place of business while performing any activities related to massage therapy.

Licensees with a mobile practice will show the license upon request by the client.

(2) remains the same.

AUTH: 37-1-131, 37-1-136, 37-1-319, ~~37-33-405~~, MCA

IMP: 37-1-136, 37-1-316, 37-1-319, MCA

REASON: The board determined it is reasonably necessary to amend this rule by adding to the actions considered by the board as unprofessional conduct. The board discussed that, upon enacting similar requirements, other states reported decreases in human trafficking and other illegal activities under the guise of the massage therapy profession. The board concluded these additions will better protect public health, safety, and welfare by ensuring the board is able to address complaints of this nature in the future.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

4. The proposed new rule is as follows:

NEW RULE I SCHOOL INSTRUCTORS AND ASSISTANTS REQUIRING A LICENSE IN MASSAGE THERAPY AND EXEMPTION (1) School instructors and assistants requiring a massage therapy license include anyone demonstrating massage therapy techniques or techniques considered to be within the scope of massage therapy.

(2) School instructors and assistants demonstrating palpatory anatomy that includes touching a person must either hold a license in massage therapy or hold a professional license that falls under the exemption provided for in 37-33-404(1), MCA.

(3) School instructors and assistants demonstrating a technique that requires a person meet the requirements for an exemption as provided for in 37-33-404(5), MCA, must either be licensed in massage therapy or meet the requirements of the exemptions provided for in 37-33-404(5), MCA.

AUTH: 37-1-131, 37-33-405, MCA

IMP: 37-1-131, 37-33-404, 37-33-501, MCA

REASON: Following a recommendation from board legal counsel, the board is adopting this new rule to clarify licensure requirements for instructors when teaching the practice of massage therapy. Noting that this is a long-standing board opinion, the board determined it is reasonable and necessary to utilize the rulemaking process to establish the standards in administrative 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 Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdlt@mt.gov](mailto:dlibsdlt@mt.gov), and must be received no later than 5:00 p.m., April 27, 2018.

6. An electronic copy of this notice of public hearing is available at [www.massagetherapists.mt.gov](http://www.massagetherapists.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 Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdlmt@mt.gov](mailto:dlibsdlmt@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 24.155.604, 24.155.608, 24.155.801, and 24.155.901 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULE I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; facsimile (406) 841-2305; or to [dlibsdlmt@mt.gov](mailto:dlibsdlmt@mt.gov).

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

BOARD OF MASSAGE THERAPY  
ANNE GERGEN, CHAIRPERSON

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.

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

|                                        |   |                          |
|----------------------------------------|---|--------------------------|
| In the matter of the amendment of      | ) | NOTICE OF PROPOSED       |
| ARM 24.159.501 definitions, the        | ) | AMENDMENT, ADOPTION, AND |
| adoption of New Rule I enhanced        | ) | REPEAL                   |
| nurse licensure compact rules, and the | ) |                          |
| repeal of ARM 24.159.504 issuance of   | ) | NO PUBLIC HEARING        |
| a license by a compact state,          | ) | CONTEMPLATED             |
| 24.159.507 limitations on multistate   | ) |                          |
| licensure privilege - discipline, and  | ) |                          |
| 24.159.510 information system          | ) |                          |

TO: All Concerned Persons

1. On April 30, 2018, the Board of Nursing (board) proposes to amend, adopt, and repeal the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., on April 13, 2018, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or nurse@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2017 Montana Legislature enacted Chapter 445, Laws of 2017 (Senate Bill 166), an act adopting the enhanced Nurse Licensure Compact (eNLC). Codified at 37-8-501, MCA, the eNLC became effective upon the twenty-sixth party state enacting the eNLC, thereby authorizing the Interstate Commission of Nurse Licensure Compact Administrators (commission) to adopt rules to implement the eNLC. The eNLC became effective on July 20, 2017, and provided that final rules adopted by the commission would become effective and binding on party states six months after the eNLC was enacted. The compact rules thus became effective January 19, 2018. Further, the eNLC implementation effectively repealed the prior nurse licensure compact (prior compact), codified at 37-8-451 and 37-8-452, MCA.

The board determined it is reasonably necessary to amend ARM 24.159.501 and repeal several rules enacted under the prior compact to reduce confusion and recognize that the commission's final eNLC rules are binding on Montana as a party state. The board is also adopting one new rule to clearly provide the web site address where the commission's final eNLC rules are maintained.

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

24.159.501 DEFINITIONS (1) For the purpose of the enhanced Nurse Licensure Compact:

~~(a) "Board" means the Montana Board of Nursing.~~

~~(b) "Information system" means the coordinated licensure information system.~~

~~(c) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.~~

~~(d) "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.~~

(a) "Commission" means the Interstate Commission of Nurse Licensure Compact Administrators.

(b) "Compact" means the nurse licensure compact that became effective on July 20, 2017, and implemented on January 19, 2018.

(c) "Convert" means to change the status of a multistate license or privilege to practice.

(d) "Deactivate" means to change the status of a multistate license or privilege to practice.

(e) "Disqualifying event" means an incident which results in a person becoming disqualified or ineligible to retain or renew a multistate license. This includes but is not limited to the following:

(i) any adverse action resulting in an encumbrance;

(ii) current participation in an alternative program;

(iii) a misdemeanor offense related to the practice of nursing (which includes, but is not limited to, an agreed disposition); or

(iv) a felony offense (which includes, but is not limited to, an agreed disposition).

(f) "Independent credentials review agency" means a nongovernmental evaluation agency that verifies and certifies that foreign nurse graduates have graduated from nursing programs that are academically equivalent to nursing programs in the United States.

(g) "Licensure" includes the authority to practice nursing granted through the process of examination, endorsement, renewal, and/or reinstatement.

(h) "Prior compact" means the nurse licensure compact that was in effect until January 19, 2018.

(i) "Unencumbered license" means a license in good standing with no current discipline, conditions, or restrictions.

AUTH: 37-8-202, ~~37-8-451~~, MCA

IMP: ~~37-8-451~~, ~~37-8-452~~, 37-8-501, MCA

5. The proposed new rule is as follows:

#### NEW RULE I ENHANCED NURSE LICENSURE COMPACT RULES

(1) As a party state to the compact, the board is bound by the compact rules, adopted by the commission.

(2) The compact rules can be found at <https://www.ncsbn.org/enlcrules.htm>.

AUTH: 37-8-202, MCA

IMP: 37-8-501, MCA

6. The rules proposed to be repealed are as follows:

24.159.504 ISSUANCE OF A LICENSE BY A COMPACT STATE

AUTH: 37-8-451, MCA

IMP: 37-8-451, 37-8-452, MCA

24.159.507 LIMITATIONS ON MULTISTATE LICENSURE PRIVILEGE -  
DISCIPLINE

AUTH: 37-8-451, MCA

IMP: 37-8-451, 37-8-452, MCA

24.159.510 INFORMATION SYSTEM

AUTH: 37-8-451, MCA

IMP: 37-8-451, 37-8-452, MCA

7. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [nurse@mt.gov](mailto:nurse@mt.gov), to be received no later than 5:00 p.m., April 27, 2018.

8. 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 Sharon Peterson at the above address no later than 5:00 p.m., April 27, 2018.

9. If the board receives requests for a public hearing on the proposed actions from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; 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 persons directly affected has been determined to be 2,077 persons based on 20,765 active licensees.

10. An electronic copy of this notice of public hearing is available at nurse.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.

11. 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 Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to nurse@mt.gov, or made by completing a request form at any rules hearing held by the agency.

12. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on February 23, 2018, by electronic mail.

13. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.159.501 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULE I 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 24.159.504, 24.159.507, and 24.159.510 will not significantly and directly impact small businesses.

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

BOARD OF NURSING  
N. GREGORY KOHN, PRESIDENT

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.



BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the adoption of New        ) NOTICE OF ADOPTION  
Rule I pertaining to the regulation of        )  
privately insured credit unions            )

TO: All Concerned Persons

1. On January 26, 2018, the Department of Administration published MAR Notice No. 2-59-570 pertaining to the proposed adoption of the above-stated rule at page 124 of the 2018 Montana Administrative Register, Issue Number 2.

2. The department received one comment and a summary of the comment and the department's response are as follows:

COMMENT #1: The department received a comment in support of the proposal.

RESPONSE #1: The department appreciates the comment.

3. The department has adopted New Rule I (ARM 2.59.435) exactly as proposed.

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

By: /s/ Michael P. Manion  
Michael P. Manion, Rule Reviewer  
Department of Administration

Certified to the Secretary of State March 20, 2018.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF ADOPTION AND  
RULE I and repeal of ARM ) REPEAL  
4.13.1001A pertaining to the Montana )  
State Grain Laboratory fee schedule )

TO: All Concerned Persons

1. On January 26, 2018, the Department of Agriculture published MAR Notice No. 4-18-245 pertaining to the public hearing on the proposed adoption and repeal of the above-stated rules at page 127 of the 2018 Montana Administrative Register, Issue Number 2.

2. The department has adopted the above-stated rule as proposed: New Rule I (4.13.1001B).

3. The department has repealed the above-stated rule as proposed.

4. No comments or testimony were received.

/s/ Cort Jensen  
Cort Jensen  
Rule Reviewer

/s/ Ben Thomas  
Ben Thomas  
Director  
Agriculture

Certified to the Secretary of State March 20, 2018.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of        ) NOTICE OF AMENDMENT  
ARM 4.12.607, 4.12.608, and                )  
4.12.609 pertaining to Fertilizer           )  
Regulations                                    )

TO: All Concerned Persons

1. On January 26, 2018, the Department of Agriculture published MAR Notice No. 4-18-246 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 134 of the 2018 Montana Administrative Register, Issue Number 2.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ Cort Jensen  
Cort Jensen  
Rule Reviewer

/s/ Ben Thomas  
Ben Thomas  
Director  
Agriculture

Certified to the Secretary of State March 20, 2018.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of        ) NOTICE OF AMENDMENT  
ARM 4.12.218, 4.12.219, 4.12.402,        )  
and 4.12.406 pertaining to feed and        )  
pet food regulations                        )

TO: All Concerned Persons

1. On January 26, 2018, the Department of Agriculture published MAR Notice No. 4-18-247 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 138 of the 2018 Montana Administrative Register, Issue Number 2.

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

3. No comments or testimony were received.

/s/ Cort Jensen  
Cort Jensen  
Rule Reviewer

/s/ Ben Thomas  
Ben Thomas  
Director  
Agriculture

Certified to the Secretary of State March 20, 2018.

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

In the matter of the adoption of New ) NOTICE OF ADOPTION  
Rules I, II, III, IV, V, and VI pertaining )  
to Wildlife Habitat Noxious Weed )  
Grant Program )

TO: All Concerned Persons

1. On January 12, 2018, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-479 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 17 of the 2018 Montana Administrative Register, Issue Number 1.

2. The department has adopted the following rules as proposed: New Rule I (12.9.1601), II (12.9.1602), and III (12.9.1603).

3. The department has adopted the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE IV (12.9.1604) GRANT APPLICATIONS (1) Grant applications must address how projects would restore, rehabilitate, improve, or manage land as wildlife habitat through noxious weed management, and must contain the following criteria:

(a) through (d) remain as proposed.

(e) a description of public hunting accessibility of participating lands within the project area;

(e) through (l) remain as proposed but are renumbered (f) through (m).

(2) and (3) remain as proposed.

(4) The layout of the monitoring plan must include the following:

(a) documentation of pre- and post-treatment conditions using repeatable quantitative and photographic methods:

(i) for herbicide and cultural treatments, measurements of targeted noxious weeds and ~~native~~ all accompanying plant life, to be annually conducted at representative treatment locations during the treatment year and three consecutive years post-treatment; and

(ii) and (5) remain as proposed.

AUTH: 87-5-808, MCA

IMP: 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

NEW RULE V (12.9.1605) GRANT APPLICATION SCORING AND RANKING (1) and (2) remain as proposed.

(3) Scoring criteria is the primary guide for ranking applications and for determination of grant viability. Additional factors outside of the scoring criteria may

be considered. Applications that meet minimum qualifications will receive a score based on the following criteria:

- (a) through (f) remain as proposed.
- (g) Project area provides access for public hunting. (0 to 15 pts)
- (h) Monitoring plan meets or exceeds requirements as described in ARM 12.9.1604. (0 to 10 pts)
- (i) The grant application, including proposal information, funding plan, and monitoring plan, is clear, well organized, and reflects a high likelihood of success for all aspects of the proposed project (up to 5 pts). Grant application characteristics or circumstances that may be valuable but are not captured in other scoring criteria (up to 5 pts). (0 to 10 pts)
- (4) remains as proposed.

AUTH: 87-5-808, MCA

IMP: 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

NEW RULE VI (12.9.1606) GRANTS (1) Successful applicants for grants funded by federal Pittman-Robertson Wildlife Restoration funding are federal grant sub-recipients subject to administrative requirements of the Pittman-Robertson Wildlife Restoration Act, including Title 54 50 CFR 80.20-160.

(2) through (7) remain as proposed.

AUTH: 87-5-808, MCA

IMP: 87-5-803, 87-5-804, 87-5-805, 87-5-806, 87-5-807, MCA

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

COMMENT #1: These proposed administrative rules are designed to allocate money intended to restore habitats for wildlife species by removing noxious weeds. New Rule II (Eligible expenditures) falls short of this goal in a few areas: a) First, this rule does not require that seeds purchased for the project be native species. If we are trying to restore habitat for native wildlife, we should only be using native species in our restoration efforts. In particular, non-native perennial grass species (i.e., smooth brome, quackgrass, Kentucky bluegrass) should be prohibited from use under these rules, as they can effectively outcompete native grasses and forb species, and are more difficult to remove than many species that are listed as noxious weeds. b) Second, this rule does not allow expenditures to be used for purposes of monitoring, creating an unfunded mandate for these projects. Monitoring outcomes is a vital component of successful projects, and can represent 5 to 25% of total project costs. If funds are not allowed to be spent on monitoring, monitoring efforts will likely be insufficient to determine whether projects are successful or not. c) Installing new fences, and using funding for grazing seems to be counter-productive to the goal of restoring wildlife habitat.

RESPONSE #1: Regarding item a): It is correct that the rules do not specifically require native seed for restoration work. The department agrees the use of native seeds within native habitats would be the most appropriate choice. The law allows a "preference" to those projects that "maintain native plants after project completion." 87-5-804(4)(d), MCA. Because of the preference allowed, the department cannot, by rule, prohibit all nonnative seeds. The department would be rendering the preference in law meaningless through rulemaking. The department is, therefore, prohibited from adopting the rule you suggest.

Regarding item b): The department's authority to spend program funds is limited to conditions of the Wildlife Habitat Improvement Act. Allowable expenditures are limited to weed control, establishing seedings, and establishing grazing management (87-5-806(4), MCA); there is no provision to pay for vegetation monitoring. Vegetation monitoring is a program requirement set in statute (87-5-804(1)(d), MCA), but program funds will not be used for this.

Regarding item c): As earlier described, the program statute provides the option to fund livestock grazing infrastructure for improving livestock management as part of an integrated noxious weed plan. Adjustments in livestock grazing strategies can directly improve resilience and productivity of perennial vegetation. Managing for a vigorous intact native plant community will help reduce a habitat's susceptibility to future weed infestations.

COMMENT #2: Under (1)(a) and (1)(b) of New Rule II, "prescribed grazing management" is listed as a good, and "installation of prescribed grazing infrastructure" is a service, which is erroneous.

RESPONSE #2: The goods described in New Rule II(1)(a) are tangible items that can be purchased using WHIP funding. These would include items such as fence materials, pipelines, watering facilities or the like, used to establish a prescribed grazing system. Subsection (1)(b) describes how installation of such infrastructure improvements is a service that can be paid for using WHIP funding.

COMMENT #3: Wildlife habitat is not necessarily recovered if the target non-native species is removed from the system. Secondary invasion by other non-native species, and damage to native plant populations from herbicide use are common side effects of invasive plant management.

RESPONSE #3: In response to this comment, the department has amended the proposed language to require noxious weeds and all accompanying plant life be measured as part of the monitoring plan.

COMMENT #4: The department received a comment stating that there are no guidelines in these proposed rules for what monitoring efforts should measure. Ideally, the State should develop basic monitoring protocols that detail methods, data forms, and guidelines for number of plots based on project area.

RESPONSE #4: New Rule VI(7) provides for the option for the department to develop standardized monitoring techniques. The department chose not to include these details in ARM because of the likely need for adapting and refining techniques over time.

COMMENT #5: The department received a comment recommending that continuation of grant funding be dependent upon satisfactory annual reports. The administrative rules should establish in ARM guidelines for what is satisfactory.

RESPONSE #5: Reporting requirements will be identified in the subrecipient grant agreement between the department and the project sponsor. These are not included in ARM because of the likely need for refining over time.

COMMENT #6: A comment was received that stated that there should be some recognition that managing noxious weeds in the Priority 1A, 1B, and 2A categories should receive priority for funding, especially when herbicide use is planned. Management efforts that use herbicide to treat more widely established (Priority 2B noxious weeds) are less likely to be successful at reaching restoration goals. Grantees should be encouraged to treat weeds in the 2B category using biological controls, or grazing in the grant ranking procedure, or show that a 2B species has a limited distribution in the project area.

RESPONSE #6: The department recognizes the value of considering weed categories as well as other circumstances that may not be specifically identified in the ranking criteria as proposed. In response to this comment, the department has amended the last scoring criterion New Rule V(3)(i) to provide up to 5 points for other circumstances that may be important but not specifically recognized in the other ranking criteria.

COMMENT #7: A comment was received suggesting that the department should consider allowing grants to fund treatment of noxious weeds that have been listed as noxious weeds by Montana counties, or adjacent states, but not by the state of Montana.

RESPONSE #7: The Montana Wildlife Habitat Improvement Act specifically references 7-22-2101, MCA when defining noxious weeds. That definition includes both statewide noxious weeds as well as weeds that are designated as noxious by a district weed board.

COMMENT #8: The department received a comment requesting that the Russian Olive Tree be listed as a noxious weed in Montana.

RESPONSE #8: This comment is outside the scope of this rulemaking.

COMMENT #9: Noxious weeds have been adapting to resist chemical herbicides and are becoming more and more difficult to manage with chemical applications alone. While the cost of these herbicides continues to rise their relative



effectiveness has remained the same. I would like to see ALL of the allocated funding be directed to mechanical methods for removing and managing noxious weed populations. I believe that mechanical methods will produce a higher quality result while at the same time being the most cost-effective approach, especially since the program is focused on Landscape scale partnership projects. Beyond mechanical removal, over-seeding with suitable native grasses is going to be essential.

RESPONSE #9: Consistent with the Montana Wildlife Habitat Improvement Act and the Montana Noxious Weed Management Plan, the department will encourage an ecologically sound integrated approach to weed management that supports cost-effective treatment techniques that minimize negative impacts on native vegetation. The best technique will vary by circumstance.

COMMENT #10: The option for over-seeding with suitable native grasses is going to be essential.

RESPONSE #10: The rules as proposed provide the option for purchasing seed and contracting seeding operations.

COMMENT #11: A comment was received in support of the use grant funds to enhance wildlife habitat by using herbicides to control noxious weeds on FWP owned and leased property.

RESPONSE #11: Neither statute nor rules, as proposed, prohibit the use of WHIP funding on department lands. That said, it is the department's intent to consider the use of WHIP funding when part of a larger, multi-ownership grant application.

COMMENT #12: A comment was received recommending adding the words "hunting" and "trapping" in New Rule V(3)(g).

RESPONSE #12: The department's intent is to be consistent with the statutory requirement for ranking proposals (87-5-804, MCA). The proposed scoring criteria mistakenly left the word "hunting" out of the public access criterion. In response to this and other comments and consistent with the department's original intent, the term "hunting" was added to the public access criterion. Grant applications with a detailed description of substantial public hunting accessibility, to include trapping opportunities, would receive a higher score based on this criterion.

COMMENT #13: A comment was received suggesting that the department should add to New Rule IV Grant Applications a requirement for detailing public hunting access opportunities within the project area, corresponding to the scoring component of public hunting access in New Rule V.

RESPONSE #13: In response to this comment, the department has amended the proposed administrative rules by adding an additional criterion within New Rule IV

Grant Applications for describing public hunting accessibility of participating lands within the project area.

COMMENT #14: The title number listed under New Rule VI Grants is incorrect. It should be Title 50 (not 51) of the federal rules.

RESPONSE #14: In response to this comment, the department has amended the rule by correcting this mistake, changing Title 51 to Title 50.

/s/ Rebecca Dockter  
Rebecca Dockter  
Rule Reviewer

/s/ Martha Williams  
Martha Williams  
Director  
Department of Fish, Wildlife and Parks

Certified to the Secretary of State March 20, 2018.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.11.204, 24.11.445, )  
24.11.451, 24.11.452A, 24.11.454A, )  
24.11.457, 24.11.459, 24.11.485, )  
24.11.487, 24.11.490, 24.11.2205, )  
24.11.2501, and 24.11.2715 )  
pertaining to unemployment insurance )

TO: All Concerned Persons

1. On January 26, 2018, the Department of Labor and Industry (department) published MAR Notice No. 24-11-329 regarding the public hearing on the proposed amendment of the above-stated rules, at page 153 of the 2018 Montana Administrative Register, Issue No. 2.

2. On February 15, 2018, a public hearing was held on the proposed amendment of the above-stated rules in Helena. No comments were received by the February 23, 2018 deadline.

3. The department has amended ARM 24.11.204, 24.11.445, 24.11.451, 24.11.452A, 24.11.454A, 24.11.457, 24.11.459, 24.11.485, 24.11.487, 24.11.490, 24.11.2205, 24.11.2501, and 24.11.2715 exactly as proposed.

4. The amendments are effective April 1, 2018.

/s/ Mark Cadwallader  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ Galen Hollenbaugh  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.

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

In the matter of the adoption of New     ) NOTICE OF ADOPTION  
Rule I pertaining to employer     )  
apprenticeship tax credit     )

TO: All Concerned Persons

1. On January 26, 2018, the Department of Labor and Industry (department) published MAR Notice No. 24-21-332 regarding the public hearing on the proposed adoption of the above-stated rule, at page 163 of the 2018 Montana Administrative Register, Issue No. 2.

2. On February 16, 2018, a public hearing was held on the proposed adoption of the above-stated rule in Helena. No members of the public commented on the proposed adoption at the public hearing, and no members of the public commented during the rule comment period.

3. The department has adopted New Rule I (ARM 24.21.701) exactly as proposed.

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.

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

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULE I, pertaining to the value of )  
housing furnished by an employer for )  
workers' compensation purposes )

TO: All Concerned Persons

1. On December 22, 2017, the Department of Labor and Industry (department) published MAR Notice No. 24-29-330 regarding the public hearing on the proposed adoption of the above-stated rule, at page 2391 of the 2017 Montana Administrative Register, Issue Number 24.

2. On January 12, 2018, a public hearing was held in Helena on the proposed new rule. Several persons commented on the proposed new rule during the public comment period.

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

Comment 1: A commenter stated that 39-71-105, MCA, establishes as Montana's public policy that wage loss benefits should bear a reasonable relationship to the actual wages lost. The commenter stated that the proposed rule ignores any determination of actual rent values and therefore ignores actual wages.

Response 1: The department agrees 39-71-105, MCA, requires that wage loss benefits bear a reasonable relationship to actual wages lost as a result of a covered injury. However, the department disagrees that the proposed rule ignores any determination of rent value and wages lost related to that value. Previous to the enactment of Chapter 329, Laws of 2017, 39-71-123, MCA, required that remuneration in the form of lodging be based on the "actual value" of the lodging. However, the testimony on the bill and legislative intent indicates the legislature determined the actual values being used in practice were in fact arbitrary and inconsistent. So, despite the language requiring "actual value," what ended up being the "actual value" for premium charges and claims was so varied and subjective that it was not a fair basis for either purpose. Therefore, the language in the statute for purposes of lodging was not resulting in a system in which wage loss benefits always bore a reasonable relationship to actual wages. To address this problem, the legislature determined that it would be less arbitrary for purposes of lodging for the department to determine the value of housing by administrative rule.

The department believes that the proposed rule is a rational approach to implement the provisions of Chapter 329, Laws of 2017 (HB 449). The department concludes that the proposed rule balances the legislative goal of administrative ease of application of the rule with the legislative goal of accuracy of valuation of housing

costs. HB 449 directs the department to establish a rule by which to assign housing value for the purposes of determining insurance premiums and compensation benefits. The department concludes that the proposed rule makes a reasonable effort to establish rental values of various size dwellings in each of the counties of Montana based on published federal survey data. The department recognizes that county-by-county valuations are not likely to exactly match the actual market rental value of any specific dwelling, but concludes that it provides a reasonable approximation of the value. The department further presumes that the legislature was aware of the provisions of 39-71-105, MCA, when enacting HB 449. The department concludes that the intent of the legislature was to make more certain, through a department administrative rule, the way that wages are calculated both for benefit purposes as well as insurance premium purposes. The department concludes that has been accomplished by using published federal survey data, identified as a statistically valid methodology for the valuation of housing, geographically down to the county level. The rule does not ignore actual value because it is based on average values as determined by the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. Therefore, the rule does provide for a reasonable relationship between benefits paid and actual wages lost.

Comment 2: Several commenters questioned the 50% reduction in the lodging value for housing provided in agriculture, and stated that the discount appears arbitrary.

Response 2: The department disagrees that the reduction is arbitrary. The original issue that gave rise to the legislation involved agricultural housing. The legislative intent indicates the legislature's belief that inaccurate and arbitrarily high values were being assigned for purposes of agricultural housing in particular. In those situations, normal real estate valuation processes use the closest comparable housing to determine a value. In agriculture, this can result in using a "comparable property" 50 miles away in the closest town. That in turn results in using a comparable real estate value that is not valid. In addition, the actual value of lodging included in employment remuneration in agriculture is not comparable to the rental value of rural property, because agricultural lodgings used for employees are usually not for rent. The department recognizes that in Montana, housing related to agricultural operations, where that housing is provided by an employer as part of the employee's compensation package, will more likely be located in a generally more remote setting, as opposed to in more urbanized areas. The department recognizes that rental housing in a remote agricultural setting is not as common as rental housing located in more urbanized areas, and that the market value of such housing is more difficult to value. The valuation problem stems from the fact that provided housing in an agricultural setting is not generally part of the normal rental housing inventory for which a market value can be more readily established. The department notes that agricultural property is taxed by the state of Montana at a significantly lower rate than property not used in agriculture. The department concludes that it is reasonable to assume that remote rural agricultural housing has a lower market value than rental housing in a more urbanized area, but is greater than a zero value

(based on not being on the rental market). In the absence of any statistically valid, definitive study or survey of the value of housing that is not part of the normal rental market, the department concludes that a 50% discount of the value of a similar dwelling located "in town" constitutes a reasonable approximation of value of provided agricultural housing.

Comment 3: A commenter expressed concern that the 50% reduction in the lodging value for housing provided in agriculture unfairly targets a specific class of injured workers and raises the question of equal protection.

Response 3: Please see Response 2, above.

Comment 4: A commenter provided two examples of advertisements for rental residential property located in a rural setting that had a higher rental value than the rate provided by the rule, and argued that the commenter's evidence demonstrated that the proposed 50% value reduction for agricultural housing was inappropriate because rentals with acreage had high values.

Response 4: The department concludes that the examples provided are highly unlikely to be representative of housing provided by an agricultural employer to an employee. For example, in a rural rental with acreage, the renter can use the acreage as they see fit; in an agricultural employment situation, the employee does not have discretion to use the acreage as they wish. The department acknowledges that the proposed rule does not, cannot, perfectly value each individual rental housing unit furnished by an employer to an employee. See also Response 2, above.

Comment 5: A commenter stated that the proposed rule was further evidence of the department's bias against the interests of injured workers.

Response 5: The department acknowledges the comment and recognizes the perspective of the commenter's sentiments. The department respectfully disagrees with the commenter's premise that the department is biased against injured workers. The department is implementing the legislature's intent to provide certainty for employees, employers, and insurers, thereby reducing the previous confusion that occurred from the statute. The department further recognizes that some other states exempt agriculture from workers' compensation coverage requirements. By establishing reasonable and predictable housing valuation, the rule supports coverage for agricultural workers.

Comment 6: A commenter suggested that the value of housing should be either agreed to by the employer and employee; represented to the employee by the employer; or be the actual cash value of comparable housing in the same locale, if available. If no value is determined, it would then revert to the value set by administrative rule.

Response 6: The department disagrees that the commenter's approach will result in actual value or a better value than what occurred under the previous statute. Rather, the suggestion will continue to result in arbitrary values, the problem HB 449 is intended to address. HB 449 specifically changed the definition of "wages" in 39-71-123 (1)(g), MCA. The definition now includes lodging, rent, or housing, if it constitutes a part of the employee's remuneration and is based on a value as set by administrative rule. HB 449 does not allow the employer and employee to determine lodging value by agreement, allow for the value to be determined by the employer to be represented to the employee, or allow for the value to be based on a comparison to housing available in the same locale, as suggested by the commenter. The department believes that the language of HB 449 requires the department to set by administrative rule the value of lodging, rent, or housing if it constitutes part of the employee's remuneration.

Comment 7: A commenter suggested that because employers are able to set the value of housing they use to entice workers, employers should be required to inform prospective employees "up front" of the value used when considering employment, and the rule should be amended accordingly.

Response 7: Please see Response 6, above.

Comment 8: One commenter suggested providing a carveout in the rule for the Montana University System (MUS), to allow MUS the flexibility to set the value at usual and customary rates charged by MUS to non-employee renters.

Response 8: While the department recognizes that dormitory and other university housing might be priced at easily determined rates, the department concludes that allowing only one Montana employer to unilaterally establish the value of employer-provided housing would not be efficient administration of the workers' compensation act. The department concludes that establishing "usual and customary" as the value of a dwelling is not consistent with the legislative goal of valuation of housing costs by rule. Please also see Response 6, above.

Comment 9: A commenter stated that whenever the employer uses barter to compensate the employee, the stage is set for an argument unless the parties agree on value prior to an injury. The commenter expressed support for the proposed rule because it is rational and it solves what the commenter described as a "never ending" problem for workers and employers.

Response 9: The department acknowledges the comment. The department notes the certainty and predictability of this rule will further the public policy in 39-71-105, MCA, to minimize reliance on lawyers and the courts for administration of the workers' compensation act.

Comment 10: The one commenter at the public hearing testified in support of the rule.



Response 10: The department acknowledges the comment.

4. The department has adopted NEW RULE I (ARM 24.29.721) as proposed.
5. The effective date of the new rule is April 1, 2018.

/s/ Mark Cadwallader  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ Galen Hollenbaugh  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.

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

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| In the matter of the amendment of   | ) | NOTICE OF AMENDMENT |
| ARM 24.126.401 fees, 24.126.402 fee | ) |                     |
| abatement, 24.126.501 applications, | ) |                     |
| 24.126.502 military training or     | ) |                     |
| experience, 24.126.504 license by   | ) |                     |
| examination, 24.126.507 temporary   | ) |                     |
| permit, 24.126.510 license by       | ) |                     |
| endorsement, 24.126.511 display of  | ) |                     |
| license, 24.126.701 inactive status | ) |                     |
| and conversion to active status,    | ) |                     |
| 24.126.704 intern and preceptor     | ) |                     |
| registration, 24.126.910 impairment | ) |                     |
| evaluator standards, 24.126.2103    | ) |                     |
| continuing education requirements,  | ) |                     |
| and 24.126.2105 approved continuing | ) |                     |
| education                           | ) |                     |

TO: All Concerned Persons

1. On January 12, 2018, the Board of Chiropractors (board) published MAR Notice No. 24-126-36 regarding the public hearing on the proposed amendment of the above-stated rules, at page 45 of the 2018 Montana Administrative Register, Issue No. 1.

2. On February 2, 2018, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the February 9, 2018, deadline.

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

COMMENT 1: One commenter opposed ARM 24.126.504(1)(b), stating the board should not force new chiropractors to take and pay for physiotherapy for Montana licensure. The commenter asserted that physiotherapy is not synonymous with the practice of chiropractic and paying for the physiotherapy portion of the national exam will put a great financial burden on students. The commenter suggested the board amend this rule to require only those who will use physiotherapy in their chiropractic practice to take the physiotherapy portion of the exam.

RESPONSE 1: The board notes that the physiotherapy portion of the NBCE examination is not a new requirement, and currently exists in the rule. The board determined that because the statutory scope of practice of a Montana-licensed

chiropractor includes physiotherapy, it is necessary to require that portion of the licensure exam.

COMMENT 2: One commenter suggested that ARM 24.126.504(1)(a)(i) and 24.126.510(1)(a)(i), requiring a minimum of a bachelor's degree from an accredited institution, may cause confusion among licensure staff. This is because 37-12-302(3), MCA, provides two exemptions from the bachelor's degree requirement. The commenter suggested the board amend the two rules to reference the exemptions.

RESPONSE 2: The board agrees with the comment and is amending the rules accordingly.

COMMENT 3: One commenter questioned whether it is reasonable in ARM 24.126.510(2)(a) to require long-term graduates to request official transcripts from their colleges when they already prove current licensure in other states. The commenter believed this is another financial barrier to licensure and should be dropped.

RESPONSE 3: Chiropractic licensure requires a minimum of a bachelor's degree from an accredited college or university, and graduation from a college of chiropractic approved by the board. The board determined that the simplest and most efficient method of proving the education is through certified, official transcripts.

COMMENT 4: A commenter opposed ARM 24.126.510(2)(b) for the same reasons as provided in COMMENT 1.

RESPONSE 4: See RESPONSE 1.

4. The board has amended ARM 24.126.401, 24.126.402, 24.126.501, 24.126.502, 24.126.507, 24.126.511, 24.126.701, 24.126.704, 24.126.910, 24.126.2103, and 24.126.2105 exactly as proposed.

5. The board has amended ARM 24.126.504 and 24.126.510 with the following changes, stricken matter interlined, new matter underlined:

24.126.504 LICENSE BY EXAMINATION (1) and (1)(a) remain as proposed.  
(i) a minimum of a bachelor's degree from an accredited college or university,  
except as provided in 37-12-302(3), MCA; and  
(ii) through (2) remain as proposed.

24.126.510 LICENSE BY ENDORSEMENT (1) through (2)(a) remain as proposed.  
(i) a minimum of a bachelor's degree from an accredited college or university,  
except as provided in 37-12-302(3), MCA; and  
(ii) through (5) remain as proposed.

BOARD OF CHIROPRACTORS  
AMY PEZO, DC, PRESIDENT

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

|                                      |   |                        |
|--------------------------------------|---|------------------------|
| In the matter of the adoption of NEW | ) | NOTICE OF ADOPTION AND |
| RULE I deeded land grazing permits   | ) | AMENDMENT              |
| and amendment of ARM 32.2.404        | ) |                        |
| department of livestock brands       | ) |                        |
| enforcement division fees, 32.18.109 | ) |                        |
| freeze branding, and 32.18.202       | ) |                        |
| county line grazing permits          | ) |                        |

TO: All Concerned Persons

1. On February 9, 2018, the Department of Livestock published MAR Notice No. 32-17-286 pertaining to the proposed adoption and amendment of the above-stated rules at page 252 of the 2018 Montana Administrative Register, Issue Number 3.

2. The department has adopted the above-stated rule as proposed: New Rule I (32.18.208).

3. The department has amended ARM 32.2.404, 32.18.109, and 32.18.202 as proposed.

4. No comments or testimony were received.

/s/ Cinda Young-Eichenfels  
Cinda Young-Eichenfels  
Rule Reviewer  
Department of Livestock

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

Certified to the Secretary of State March 20, 2018.

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 37.12.401 pertaining to the        )  
increase of laboratory fees                )

TO: All Concerned Persons

1. On February 9, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-832 pertaining to the proposed amendment of the above-stated rule at page 265 of the 2018 Montana Administrative Register, Issue Number 3.
2. The department has amended the above-stated rule as proposed.
3. No comments or testimony were received.
4. This rule amendment is effective April 1, 2018.

/s/ Shannon McDonald  
Shannon McDonald, Attorney  
Rule Reviewer

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

Certified to the Secretary of State March 20, 2018.

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

|                                      |   |                         |
|--------------------------------------|---|-------------------------|
| In the matter of the amendment of    | ) | NOTICE OF AMENDMENT AND |
| ARM 37.86.5102 and 37.86.5112 and    | ) | REPEAL                  |
| the repeal of ARM 37.86.5201,        | ) |                         |
| 37.86.5202, 37.86.5204, 37.86.5205,  | ) |                         |
| and 37.86.5206 pertaining to         | ) |                         |
| passport to health program updates   | ) |                         |
| and the repeal of health improvement | ) |                         |
| program rules                        | ) |                         |

TO: All Concerned Persons

1. On February 9, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-833 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 268 of the 2018 Montana Administrative Register, Issue Number 3.

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

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

COMMENT #1: A commenter expressed support for the department's proposal to add children in foster care to the Passport program.

RESPONSE #1: The department thanks the commenter for their support.

COMMENT #2: A commenter requested that the department include children and provide flexibility for providers to add adults who would benefit from care coordination based on need, condition, and services to be accessed.

RESPONSE #2: The proposed amendments to the Primary Care Case Management (PCCM) reimbursement does not restrict Passport eligible members from receiving care coordination and referrals or change any of the requirements of the program. The department feels the proposed amendments will encourage care coordination for the Medicaid populations who could benefit the most while providing access to a health home for healthier populations.

COMMENT #3: A comment was received opposing the per member per month rate reduction for members who are not categorically eligible for aged, blind, disabled and medically frail Medicaid as it would de-incentivize providers from seeing Medicaid members.

RESPONSE #3: The department must implement cuts to remain with the budget appropriated in the 2017 Special Legislative Session. The department acknowledges that some providers may choose to no longer be Passport providers; however, this rate change does not affect the reimbursement that providers receive for providing covered services to Medicaid members. The Passport to Health per-member per-month reimbursement is in addition to the fee-for-service reimbursement that providers receive and the department is continuing to reimburse providers for providing Medicaid members access to a health home.

4. These rule amendments and repeals are effective April 1, 2018.

/s/ Brenda Elias  
Brenda Elias, Attorney  
Rule Reviewer

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

Certified to the Secretary of State March 20, 2018.



BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 42.2.613, 42.2.614, 42.2.615, )  
42.2.616, and 42.2.617 pertaining to )  
the office of dispute resolution (ODR) )

TO: All Concerned Persons

1. On February 9, 2018, the Department of Revenue published MAR Notice No. 42-2-988 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 294 of the 2018 Montana Administrative Register, Issue Number 3. No members of the public appeared for the hearing and no written comments were received.

2. The department amends ARM 42.2.614, 42.2.615, 42.2.616, and 42.2.617 as proposed.

3. The department amends ARM 42.2.613 as proposed, but with the following change from the original proposal as requested by the Office of Dispute Resolution at the hearing to correct a language placement error in (11), new matter underlined, deleted matter interlined:

42.2.613 DEFINITIONS The following definitions apply to rules found in this subchapter.

(1) through (10) remain as proposed.

(11) "Liquor matters" means disputes arising from the department's administration of the Montana Alcoholic Beverage Code (Title 16, chapters 1 through 4, and 6, MCA). Liquor matters are contested cases conducted pursuant to the Montana Administrative Procedure Act set out in Title 2, chapter 4, part 6, MCA. Liquor matters are not subject to the dispute resolution procedures established by 15-1-211, ~~part 6~~, MCA.

(12) through (18) remain as proposed.

/s/ Laurie Logan  
Laurie Logan  
Rule Reviewer

/s/ Mike Kadas  
Mike Kadas  
Director of Revenue

Certified to the Secretary of State March 20, 2018.

## **NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE**

### **Interim Committees and the Environmental Quality Council**

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

#### **Economic Affairs Interim Committee:**

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

#### **Education and Local Government Interim Committee:**

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

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

- Department of Public Health and Human Services.

#### **Law and Justice Interim Committee:**

- Department of Corrections; and
- Department of Justice.

#### **Energy and Telecommunications Interim Committee:**

- Department of Public Service Regulation.

**Revenue and Transportation Interim Committee:**

- Department of Revenue; and
- Department of Transportation.

**State Administration and Veterans' Affairs Interim Committee:**

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

**Environmental Quality Council:**

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

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

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

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

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

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

### Definitions:

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

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

### Use of the Administrative Rules of Montana (ARM):

- |                  |                                                                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Known<br>Subject | 1. Consult ARM Topical Index.<br>Update the rule by checking the accumulative table 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, 2017. This table includes notices in which those rules adopted during the period September 30, 2017, through December 31, 2017, 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, 2017, 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 2017 and 2018 Montana Administrative Registers.

To aid the user, the Accumulative 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 February 2018 appear. Potential vacancies from April 1, 2018 through June 30, 2018, are also listed.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of March 1, 2018.

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 FEBRUARY 2018**

| <u>Appointee</u> | <u>Appointed By</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|------------------|---------------------|-----------------|-----------------------------|
|------------------|---------------------|-----------------|-----------------------------|

THERE WERE NO APPOINTEES IN FEBRUARY.

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                                 | <u>Appointed By</u> | <u>Term End</u> |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Board of Architects and Landscape Architects</b><br>Mr. Dale S. Nelson, Ronan<br>Qualifications (if required): Licensed Architect | Governor            | 4/1/2018        |
| <b>Board of Dentistry</b><br>Dr. Dale R. Chamberlain, Lewistown<br>Qualifications (if required): Dentist                             | Governor            | 4/1/2018        |
| Ms. Diane Klemann, Billings<br>Qualifications (if required): Dental Hygienist                                                        | Governor            | 4/1/2018        |
| <b>Board of Hail Insurance</b><br>Mrs. Judy P. Tureck, Coffee Creek<br>Qualifications (if required): Public Member                   | Governor            | 5/1/2018        |
| <b>Board of Nursing Home Administrators</b><br>Mr. Thomas Klotz, Glasgow<br>Qualifications (if required): Nursing Home Administrator | Governor            | 5/28/2018       |
| <b>Board of Pardons and Parole</b><br>Commissioner Michael McGinley, Dillon<br>Qualifications (if required): Public Representative   | Governor            | 4/1/2018        |
| Mrs. Sheena Wilson, Helena<br>Qualifications (if required): Retired Public Employee                                                  | Governor            | 4/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                                                     | <u>Appointed By</u> | <u>Term End</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Board of Plumbers</b>                                                                                                                                 |                     |                 |
| Mr. Timothy E. Regan, Miles City<br>Qualifications (if required): Master Plumber                                                                         | Governor            | 5/1/2018        |
| Mr. Sean Smith, Anaconda<br>Qualifications (if required): Journeyman Plumber                                                                             | Governor            | 5/1/2018        |
| <b>Board of Real Estate Appraisers</b>                                                                                                                   |                     |                 |
| Mr. Timothy Peter McGinnis, Polson<br>Qualifications (if required): Licensed or Certified Real Estate Appraiser                                          | Governor            | 5/1/2018        |
| Mr. Frank Schoenen Jr., Great Falls<br>Qualifications (if required): Representative of the public not engaged in the occupation of real estate appraisal | Governor            | 5/1/2018        |
| <b>Board of Regents of Higher Education</b>                                                                                                              |                     |                 |
| Mr. Chase Greenfield, Missoula<br>Qualifications (if required): Student Regent                                                                           | Governor            | 6/30/2018       |
| <b>Commission on Practice of the Supreme Court</b>                                                                                                       |                     |                 |
| Ms. Tracy Axelberg, Kalispell<br>Qualifications (if required): None Stated                                                                               | Elected             | 4/1/2018        |
| Mr. Daniel McLean, Helena<br>Qualifications (if required): None Stated                                                                                   | Elected             | 4/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                   | <u>Appointed By</u> | <u>Term End</u> |
|------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Family Support Services Advisory Council</b>                                                                        |                     |                 |
| Mr. David Munson, Helena<br>Qualifications (if required): Provider of Part C Services                                  | Governor            | 4/1/2018        |
| Ms. Danielle McCarthy, Helena<br>Qualifications (if required): Agency Representative OPI Part B                        | Governor            | 4/1/2018        |
| Representative Jean Price, Great Falls<br>Qualifications (if required): State Legislator                               | Governor            | 4/1/2018        |
| Ms. Lucy Hart-Paulson, Missoula<br>Qualifications (if required): Speech Language Therapists Association Representative | Governor            | 4/1/2018        |
| Mr. Jesse Slaughter, Great Falls<br>Qualifications (if required): Parent Representative At-Large                       | Governor            | 4/1/2018        |
| Ms. Ryane Holzwarth, Laurel<br>Qualifications (if required): Agency Representative                                     | Governor            | 4/1/2018        |
| Ms. Jody Jones, Ronan<br>Qualifications (if required): Head Start Representative                                       | Governor            | 4/1/2018        |
| Dr. Christine Lux, Bozeman<br>Qualifications (if required): Personnel Preparation Representative                       | Governor            | 4/1/2018        |
| Ms. Chelsie Guilford, Billings<br>Qualifications (if required): Provider of Part C Services                            | Governor            | 4/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                                 | <u>Appointed By</u> | <u>Term End</u> |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Family Support Services Advisory Council Cont.</b>                                                                                |                     |                 |
| Ms. Meaghan Kolar, Helena<br>Qualifications (if required): Agency Representative                                                     | Governor            | 4/1/2018        |
| Ms. Rebecca Bogden-Richards, Great Falls<br>Qualifications (if required): Public Awareness and Education Organization Representative | Governor            | 4/1/2018        |
| Ms. Catherine Murphy, Helena<br>Qualifications (if required): Agency Representative DPHHS Developmental Disabilities Program         | Governor            | 4/1/2018        |
| Ms. Latosha Vavak, Columbus<br>Qualifications (if required): Parent Representative Region 3                                          | Governor            | 4/1/2018        |
| Ms. Amber Bell, Helena<br>Qualifications (if required): Agency Representative                                                        | Governor            | 4/1/2018        |
| Ms. Hollin Marie Buck, Missoula<br>Qualifications (if required): Provider of Part C Services                                         | Governor            | 4/1/2018        |
| Ms. Melanie Ruth Bush, Great Falls<br>Qualifications (if required): Provider of Part C Services                                      | Governor            | 4/1/2018        |
| Ms. Patty Butler, Helena<br>Qualifications (if required): Agency Representative                                                      | Governor            | 4/1/2018        |
| Ms. Dianna Frick, Helena<br>Qualifications (if required): Agency Representative                                                      | Governor            | 4/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                | <u>Appointed By</u> | <u>Term End</u> |
|---------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Family Support Services Advisory Council Cont.</b>                                                               |                     |                 |
| Ms. Sarah Odette Goldsmith, Great Falls<br>Qualifications (if required): Parent Representative Region 2             | Governor            | 4/1/2018        |
| Ms. Kari Ann Hoover, Shelby<br>Qualifications (if required): Provider of Part C Services                            | Governor            | 4/1/2018        |
| Ms. Kari Ann Hoscheid, Anaconda<br>Qualifications (if required): Special Education                                  | Governor            | 4/1/2018        |
| Ms. Cathy Jury, Arlee<br>Qualifications (if required): Representative for the Montana School for the Deaf and Blind | Governor            | 4/1/2018        |
| Ms. Tari Nyland, Helena<br>Qualifications (if required): Agency Representative                                      | Governor            | 4/1/2018        |
| <b>Governor's Council on Healthcare Innovation</b>                                                                  |                     |                 |
| Ms. Cindy Stergar, Butte<br>Qualifications (if required): Healthcare providers                                      | Governor            | 4/1/2018        |
| Ms. Mary Dalton, Helena<br>Qualifications (if required): Government Official                                        | Governor            | 4/1/2018        |
| Mr. Todd Lovshin, Helena<br>Qualifications (if required): Public and private payers                                 | Governor            | 4/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                    | <u>Appointed By</u> | <u>Term End</u> |
|---------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Governor's Council on Healthcare Innovation Cont.</b>                                                |                     |                 |
| Mr. L. Jace Killsback, Lame Deer<br>Qualifications (if required): American Indian health representative | Governor            | 4/1/2018        |
| Ms. Maria Clemons, Libby<br>Qualifications (if required): Healthcare providers                          | Governor            | 4/1/2018        |
| Mr. Jonathan Weisul, Missoula<br>Qualifications (if required): Public and private payers                | Governor            | 4/1/2018        |
| Dr. Bill Gallea, Helena<br>Qualifications (if required): Healthcare providers                           | Governor            | 4/1/2018        |
| Dr. Janice Gomersall, Missoula<br>Qualifications (if required): Healthcare providers                    | Governor            | 4/1/2018        |
| Mr. Matt Kuntz, Helena<br>Qualifications (if required): Consumer                                        | Governor            | 4/1/2018        |
| Mr. Eric Arzubi, Billings<br>Qualifications (if required): Healthcare providers                         | Governor            | 4/1/2018        |
| Mr. John Felton, Billings<br>Qualifications (if required): Healthcare providers                         | Governor            | 4/1/2018        |
| Ms. Lenette Kosovich, Billings<br>Qualifications (if required): Healthcare providers                    | Governor            | 4/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                     | <u>Appointed By</u> | <u>Term End</u> |
|----------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Governor's Council on Healthcare Innovation Cont.</b>                                                 |                     |                 |
| Mr. Michael Vlases, Bozeman<br>Qualifications (if required): Healthcare providers                        | Governor            | 4/1/2018        |
| Mr. Aaron Wernham, Bozeman<br>Qualifications (if required): Healthcare providers                         | Governor            | 4/1/2018        |
| Dr. Monica Berner, Helena<br>Qualifications (if required): Public and private payers                     | Governor            | 4/1/2018        |
| Ms. LeeAnn Bruised Head, Missoula<br>Qualifications (if required): American Indian health representative | Governor            | 4/1/2018        |
| Ms. Marilyn Bartlett, Helena<br>Qualifications (if required): Government Official                        | Governor            | 4/1/2018        |
| Ms. Sydney Blair, Great Falls<br>Qualifications (if required): Healthcare providers                      | Governor            | 4/1/2018        |
| Ms. Annie Browne, Great Falls<br>Qualifications (if required): Healthcare providers                      | Governor            | 4/1/2018        |
| Ms. Dorothy Dupree, Billings<br>Qualifications (if required): American Indian health representative      | Governor            | 4/1/2018        |
| Mr. John McNeece, Anaconda<br>Qualifications (if required): Healthcare providers                         | Governor            | 4/1/2018        |



**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                                               | <u>Appointed By</u> | <u>Term End</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Governor's Council on Healthcare Innovation Cont.</b>                                                                                           |                     |                 |
| Mr. Larry Robert Turney, Helena<br>Qualifications (if required): Public and private payers                                                         | Governor            | 4/1/2018        |
| Ms. Susan Witte, Helena<br>Qualifications (if required): Government Official                                                                       | Governor            | 4/1/2018        |
| <b>Invasive Species Council</b>                                                                                                                    |                     |                 |
| Ms. Dona Lynn Rutherford, Browning<br>Qualifications (if required): Representative of the Blackfeet Nation                                         | Governor            | 5/9/2018        |
| Ms. Gail Whiteman, Crow Agency<br>Qualifications (if required): Representative of Crow Nation                                                      | Governor            | 5/9/2018        |
| <b>Mental Disabilities Board of Visitors</b>                                                                                                       |                     |                 |
| Mr. Dan Laughlin, Anaconda<br>Qualifications (if required): Possessing knowledge relative to treatment and welfare of adults with mental illnesses | Governor            | 6/30/2018       |
| Ms. Amy Tipton, Wolf Point<br>Qualifications (if required): Possessing knowledge relative to treatment and welfare of adults with mental illnesses | Governor            | 6/30/2018       |
| Mrs. Melissa Ancell, Poplar<br>Qualifications (if required): Consumer of Developmental disabilities                                                | Governor            | 6/30/2018       |
| Mr. Jeffrey Folsom, Helena<br>Qualifications (if required): Skills, knowledge, and experience in treatment and welfare of adults with DD           | Governor            | 6/30/2018       |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                                          | <u>Appointed By</u> | <u>Term End</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Montana Heritage Preservation and Development Commission</b>                                                                               |                     |                 |
| Mr. F. W. "Bill" Howell, West Yellowstone<br>Qualifications (if required): Experience managing facilities that cater to the needs of tourists | Governor            | 5/1/2018        |
| Ms. Barbie Durham, Cameron<br>Qualifications (if required): Broad experience in Business                                                      | Governor            | 5/1/2018        |
| <b>Montana Pulse Crop Committee</b>                                                                                                           |                     |                 |
| Ms. Kim Murray, Froid<br>Qualifications (if required): At-Large Member from either district                                                   | Governor            | 6/30/2018       |
| Mr. Ryan Bogar, Vida<br>Qualifications (if required): Member from an eastern district                                                         | Governor            | 6/30/2018       |
| Mr. Roger Sammons, Cut Bank<br>Qualifications (if required): At-Large Member from either district                                             | Governor            | 6/30/2018       |
| <b>Replacement of Word "Squaw," "Half Breed," or "Breed" Advisory Council</b>                                                                 |                     |                 |
| Mr. Nicholas Peterson Vrooman, Helena<br>Qualifications (if required): Public Representative                                                  | Governor            | 6/1/2018        |
| Representative Norma Bixby, Lame Deer<br>Qualifications (if required): Public Representative                                                  | Governor            | 6/1/2018        |
| Mr. Jason Smith, Helena<br>Qualifications (if required): Director of Indian Affairs                                                           | Governor            | 6/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                    | <u>Appointed By</u> | <u>Term End</u> |
|---------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>Replacement of Word "Squaw," "Half Breed," or "Breed" Advisory Council Cont.</b>                     |                     |                 |
| Ms. April Christofferson, Bozeman<br>Qualifications (if required): Public Representative                | Governor            | 6/1/2018        |
| Mr. Gerald Daumiller, Helena<br>Qualifications (if required): State Agency Representative               | Governor            | 6/1/2018        |
| Mr. Donald Lee Davis, Helena<br>Qualifications (if required): Member of the Little Shell Chippewa Tribe | Governor            | 6/1/2018        |
| Ms. Jennifer Stadum, Helena<br>Qualifications (if required): State Agency Representative                | Governor            | 6/1/2018        |
| <b>State Library Commission</b>                                                                         |                     |                 |
| Commissioner Connie Eissinger, Brockway<br>Qualifications (if required): Public Representative          | Governor            | 6/1/2018        |
| Mr. Ken Wall, Missoula<br>Qualifications (if required): Public Representative                           | Governor            | 6/1/2018        |
| <b>State Trails Advisory Committee</b>                                                                  |                     |                 |
| Mr. Frank LaLiberty, Cascade<br>Qualifications (if required): None Stated                               | Governor            | 6/1/2018        |
| Mr. Mark Reinsel, Missoula<br>Qualifications (if required): None Stated                                 | Governor            | 6/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                     | <u>Appointed By</u> | <u>Term End</u> |
|--------------------------------------------------------------------------|---------------------|-----------------|
| <b>State Trails Advisory Committee Cont.</b>                             |                     |                 |
| Mr. Dan Thompson, Victor<br>Qualifications (if required): None Stated    | Governor            | 6/1/2018        |
| Mr. Tom Reilly, Helena<br>Qualifications (if required): None Stated      | Governor            | 6/1/2018        |
| Ms. Beth R. Shumate, Helena<br>Qualifications (if required): None Stated | Governor            | 6/1/2018        |
| Mr. Alan Woodmansey, Helena<br>Qualifications (if required): None Stated | Governor            | 6/1/2018        |
| Mr. Kent Wellner, Missoula<br>Qualifications (if required): None Stated  | Governor            | 6/1/2018        |
| Mr. Bruce Butler, Laurel<br>Qualifications (if required): None Stated    | Governor            | 6/1/2018        |
| Mr. Garry Edson, Bozeman<br>Qualifications (if required): None Stated    | Governor            | 6/1/2018        |
| Ms. Michelle Erb, Helena<br>Qualifications (if required): None Stated    | Governor            | 6/1/2018        |
| Mr. Robert Long, Polson<br>Qualifications (if required): None Stated     | Governor            | 6/1/2018        |

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2018 THROUGH JUNE 30, 2018**

| <u>Board/Current Position Holder</u>                                                                                     | <u>Appointed By</u> | <u>Term End</u> |
|--------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <b>State Trails Advisory Committee Cont.</b>                                                                             |                     |                 |
| Ms. Lyndsey Owens, Big Sky<br>Qualifications (if required): None Stated                                                  | Governor            | 6/1/2018        |
| Mr. William Parker, Whitefish<br>Qualifications (if required): None Stated                                               | Governor            | 6/1/2018        |
| Ms. Alice Santos, Helena<br>Qualifications (if required): None Stated                                                    | Governor            | 6/1/2018        |
| Mr. Brian Smith, Billings<br>Qualifications (if required): None Stated                                                   | Governor            | 6/1/2018        |
| Mr. Mark Smolen, Bigfork<br>Qualifications (if required): None Stated                                                    | Governor            | 6/1/2018        |
| Mr. Ryan Weiss, Helena<br>Qualifications (if required): None Stated                                                      | Governor            | 6/1/2018        |
| <b>State-Tribal Economic Development Commission</b>                                                                      |                     |                 |
| Ms. Delina Cuts The Rope, Harlem<br>Qualifications (if required): Fort Belknap Indian Community Alternate Representative | Governor            | 6/30/2018       |
| Mr. Alvin Jim Kennedy, Harlem<br>Qualifications (if required): Fort Belknap Indian Community Representative              | Governor            | 6/30/2018       |

MONTANA ADMINISTRATIVE  
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**COREY STAPLETON**  
SECRETARY OF STATE

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