

MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 COMMISSIONER OF SECURITIES AND INSURANCE
OFFICE OF THE MONTANA STATE AUDITOR

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 6.6.3504 regarding annual) AMENDMENT
audited financial reports)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI), proposes to amend the above-stated rule.

2. The CSI 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 CSI no later than 5:00 p.m. on June 6, 2018, to advise us of the nature of the accommodation that you need. Please contact Ramona Bidon, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail rbidon@mt.gov.

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

6.6.3504 CONTENTS OF ANNUAL AUDITED FINANCIAL REPORT

(1) through (2)(f) remain the same.

(i) These notes shall be those required by the appropriate ~~2014~~ 2018 NAIC Annual Statement Instructions and the March ~~2014~~ 2018 NAIC Accounting Practices and Procedures Manual, which are adopted and incorporated by reference, and may be obtained from the NAIC at http://www.naic.org/prod_serv_alpha_listing.htm by writing to the NAIC Executive Headquarters, 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197. The notes shall include reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to 33-2-701, 33-4-313, 33-7-118, 33-30-107, 33-31-211, MCA, with a written description of the nature of these differences.

(3) remains the same.

AUTH: 33-1-313, 33-2-1517, MCA

IMP: 33-2-701, 33-2-1517, 33-4-313, 33-5-413, MCA

4. STATEMENT OF REASONABLE NECESSITY: The CSI proposes these changes to ARM 6.6.3504 to adopt the most current standards of the National Association of Insurance Commissioners (NAIC). The NAIC instructions and manual are used throughout the country, and it is a benefit to the industry and regulators to uniformly request information in insurance companies' annual filings. The CSI is

also updating the information on how to obtain the NAIC instructions and manual online, because it is faster and more accessible than the NAIC's mailing address.

5. Concerned persons may submit their data, views, or arguments in writing to: Michael A. Kakuk, Attorney, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-5223; fax (406) 444-3499; or e-mail mkakuk@mt.gov, and must be received no later than 5:00 p.m. on June 22, 2018.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Michael A. Kakuk at the above address no later than 5:00 p.m. on June 22, 2018.

7. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 130 persons based on the number of insurers with a Montana certificate of authority.

8. The CSI maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list may sign up by clicking on the blue button on the CSI's website at: <http://csimt.gov/laws-rules/> and may specify the subject matter they are interested in. Notices will be sent by e-mail unless a mailing preference is noted in the request. Request may also be sent to the CSI in writing. Such written request may be mailed or delivered to the contact information in 2 above, or may be made by completing a request form at any rules hearing held by the CSI.

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

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will significantly and directly impact small businesses.

/s/ Michael A. Kakuk
Michael A. Kakuk
Rule Reviewer

/s/ Kristin Hansen
Kristin Hansen
Chief Legal Counsel

Certified to the Secretary of State May 15, 2018.

BEFORE THE OFFICE OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of soliciting applications	)	NOTICE OF NEGOTIATED
for membership on a negotiated	)	RULEMAKING
rulemaking committee to amend ARM)
10.56.101 pertaining to the policies)
and procedures for standardized test)
administration using the required)
statewide assessments)

TO: All Concerned Persons

1. The Office of Public Instruction intends to establish an independent negotiated rulemaking committee to amend ARM 10.56.101 pertaining to the policies and procedures for standardized test administration using the required statewide assessments and to consult on the preparation of an economic impact statement. This negotiated rulemaking process is required by 20-7-101, MCA (2017).

2. The independent negotiated rulemaking committee will consider issues for the purpose of reaching a consensus on the proposed rule amendment requiring schools to adopt a policy for implementation of all hazard emergency and response plans.

3. Interests that are likely to be significantly affected by the proposed rulemaking are those related to accredited Montana K-12 schools of all sizes.

4. The individuals proposed to represent state agencies on the negotiated rulemaking committee are: Susie Hedalen, Deputy Superintendent for Education Services, Office of Public Instruction; Linda Vrooman Peterson, Accreditation and Educator Preparation Division Administrator, Office of Public Instruction; the State Assessment Director, Office of Public Instruction; Ashley McGrath, NAEP State Coordinator, Office of Public Instruction; Colet Bartow, Content Standards and Instruction Division Administrator, Office of Public Instruction; Kyle A. Moen, Chief Legal Counsel, Office of Public Instruction; and Peter Donovan, Executive Director, Board of Public Education.

5. The agency is seeking applications from interested parties to serve on the committee. The agency will seek individuals likely to be significantly affected by the proposed rule amendment, including individuals from the following groups: school district trustees, K-12 school administrators, K-12 teachers and counselors, K-12 curriculum directors, K-12 testing coordinators, parents, and taxpayers. Members of the committee will be selected based on the following criteria:

cultural diversity
geography
K-12 large-scale statewide assessment experience

K-12 special education or English language learner experience
district and school size
grade levels served

6. The proposed working schedule for the negotiated rulemaking committee is as follows:

(a) On May 25, 2018, this notice will be published in the Montana Administrative Register (MAR). The notice will also be mailed to persons known to the agency to have an interest in this matter.

(b) Applications for membership on the negotiated rulemaking committee must be received no later than June 30, 2018. After receipt and consideration of the comments and applications, the agency will establish a negotiated rulemaking committee no later than July 13, 2018. The members selected to serve on the committee must be able to adequately represent the interests of the persons that will be significantly affected by the proposed rule amendment. The committee members will be notified in writing of their selection and receive an information packet.

(c) The negotiated rulemaking committee will convene its first meeting on August 6, 2018. Teleconferencing and e-mail correspondence will be utilized as much as possible. The committee will begin with an initial draft of the amendment at this meeting.

(d) The committee will transmit a report to the agency specifying the areas in which the committee has reached consensus and the issues that remain unresolved.

(e) Thereafter the Superintendent of Public Instruction will develop recommendations and present them to the Board of Public Education for formal rulemaking.

7. Any individual or entity interested in applying for or nominating another person for membership on the committee must submit the following information in writing to Ashley McGrath, amcgrath@mt.gov, Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620, no later than June 30, 2018:

(a) the person's name or the nominee's name, address, and contact information including telephone or e-mail address where you can be contacted during the summer months and during the school year;

(b) evidence that the person or nominee represents any of the specific criteria of interest groups listed above;

(c) the name of the school district in which the nominee lives or works, and the relationship of the person or nominee to it;

(d) a commitment that the person or nominee will be able to participate in the negotiated rulemaking process and will actively participate in good faith in the development of the proposed rule amendment under consideration; and

(e) the ability of the person or nominee to cover committee participation costs (such as telephone calls, travel, and per diem expenses).

8. Interested parties may submit their views and comments concerning the proposed negotiated rulemaking process to Ashley McGrath, Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620, faxed to (406) 444-3924, or electronic mail to NRStudentAssessment@mt.gov no later than June 30, 2018.

9. The agency proposes to limit the size of the negotiated rulemaking committee to no more than fifteen persons and two "alternate" members selected in the event a member is unable to participate. However, after receipt of comments and applications, the agency may determine that a smaller or larger number is necessary to adequately represent the interests of the persons significantly affected by the proposed rule amendment. The selected committee members may represent other parties or agencies that have a significant relationship with Montana schools.

10. The agency will make reasonable accommodations for persons with disabilities who wish to participate on the committee. If you require an accommodation, please advise the agency of the nature of the accommodation you need when applying for membership on the committee.

11. Please note the following concerning the process of negotiated rulemaking:

(a) "Interest" for the purpose of this process means multiple parties that have similar points of view or that are likely to be affected in a similar manner in relationship to matters affected by the rule(s) (2-5-103(5), MCA).

(b) Negotiated rulemaking is not a substitute for the public notification and participation requirements of the Montana Administrative Procedure Act, and a consensus agreement by a negotiated rulemaking committee may be modified by an agency as a result of the subsequent rulemaking process (2-5-102, MCA).

12. The specific grant of rulemaking authority authorizing the Board of Public Education to adopt the proposed rules is found in 20-2-121, MCA. The proposed rule amendment will implement 20-2-121, and Title 20, chapter 7, part 1, MCA.

/s/ Kyle A. Moen
Kyle A. Moen
Rule Reviewer

/s/ Elsie Arntzen
Elsie Arntzen, Superintendent
Office of Public Instruction

Certified to the Secretary of State, May 15, 2018.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I and the amendment of ARM 10.55.701 pertaining to suicide prevention in schools) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION AND AMENDMENT)

TO: All Concerned Persons

1. On June 19, 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 adoption and amendment of the above-stated rules.

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 June 12, 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.

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

NEW RULE I SUICIDE PREVENTION AND RESPONSE (1) A local board of trustees shall establish policies, procedures, or plans related to suicide prevention and response that may include the following recommended elements:

- (a) Promotes collaboration with families and with community providers in all aspects of suicide prevention and response;
 - (b) Implements a prevention and response program that is effective in reaching students, staff, and parents using resources required of the Office of Public Instruction under 20-7-1310, MCA;
 - (c) Includes high quality intervention services for students;
 - (d) Promotes interagency cooperation that enables school personnel to identify and access appropriate community resources for use in times of crisis;
 - (e) Includes reintegration of youth into a school following a crisis, hospitalization, or residential treatment;
 - (f) Provides for leadership, planning, and support for students and school personnel to ensure appropriate responses to attempted or completed suicides; and
 - (g) Ensures regular evaluation and revision of the policy and procedures.
- (2) The term "response" includes both immediate response and postvention guidelines.

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

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

10.55.701 BOARD OF TRUSTEES (1) remains the same.
(2) Each school district shall make available to the staff and public:
(a) through (o) remain the same.
(p) a policy, procedure, or plan addressing suicide prevention and response
as outlined in [NEW RULE I];
(p) and (q) remain the same but are renumbered (q) and (r).
(3) through (5) remain the same.

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

IMP: 20-2-121, MCA

5. REASON: The Montana Legislature requires that amendments or new rules to standards of accreditation be recommended by the State Superintendent of Public Instruction to the Board of Public Education, and that the superintendent's recommendation is developed through the negotiated rulemaking processes of the Montana Administrative Procedure Act (MAPA). See 20-7-101(1) and (2), MCA. New Rule I and amended accreditation standard ARM 10.55.701 relate to the enactment of HB 381 from the 2015 legislative session, which added language to 20-7-1310, MCA, indicating that "[t]he trustees of a school district shall establish policies, procedures, or plans related to suicide prevention and response."

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: 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., June 22, 2018.

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

8. 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 6 above or may be made by completing a request form at any rules hearing held by the board.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply. Representative Lenz, Representative Garner, Representative Sheldon-Galloway, and Senator McClafferty as sponsors of HB 381 were notified by a memo dated

September 11, 2017, and emailed September 15, 2017.

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption and amendment of the above-referenced rules 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 May 15, 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 10.57.421 pertaining to teacher) PROPOSED AMENDMENT
licensure)

TO: All Concerned Persons

1. On June 19, 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 June 12, 2018, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

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

10.57.421 CLASS 4 ENDORSEMENTS (1) Recognized occupations eligible for a Class 4 license shall be evaluated on an annual basis by the Superintendent of Public Instruction. Appropriate career and technical education areas acceptable for endorsement on the Class 4 license include but are not limited to the following: agriculture business, agriculture mechanics, auto body, automotive technology, aviation, building maintenance, building trades, business marketing, computer coding, computer information systems, culinary arts, diesel mechanics, drafting, electronics, engineering, graphic arts, health science education, heavy equipment operations, horticulture, industrial mechanics, livestock production, machining, metals, plant and soil sciences, Reserve Officer Training Corps (ROTC) instruction, small engines, stagecraft, teacher education, videography, and welding.

(2) and (3) remain the same.

(4) For health science education, engineering, ~~or~~ computer information systems, computer coding, or teacher education, an alternative to the above requirement of 10,000 hours of work experience may be substituted as approved recognized by the Superintendent Office of Public Instruction and the Board of Public Education as follows:

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

(ii) provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized ~~both nationally and~~ by the Office of Public Instruction and the Board of Public Education; and

(iii) through (b)(i) remain the same.

(ii) provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized ~~both nationally and by the Office of Public Instruction and the Board of Public Education.~~

(c) For computer information systems an individual may provide verification of completion of an approved technical program in a recognized training institution and hold a professional license or ~~recognized~~ industry standard certificate recognized by the Office of Public Instruction and the Board of Public Education.

(d) For computer coding:

(i) hold a Class 1 or 2 license; and

(ii) provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized by the Office of Public Instruction and the Board of Public Education.

(e) For teacher education:

(i) hold a Class 1 or 2 license; and

(ii) provide verification of successful completion of five years of professional experience as a licensed educator.

(5) and (6) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

4. REASON: The Board of Public Education intends to add two new endorsements to Class 4 Educator Licensure in the areas of computer coding and teacher education. The addition of a computer coding endorsement will enable classroom teachers across Montana to teach specific skills and content in computer coding to P-12 students. The computer coding endorsement will expand opportunities, particularly in rural school districts, for students to learn fundamental computer coding skills. The teacher education endorsement will provide a new opportunity for high school students to explore a potential career in teaching. The intent of this new endorsement is to expose high school students to the fundamental skills necessary to become a professional educator in order to facilitate the recruitment of teachers into the education profession in Montana.

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 Director, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov, and must be received no later than 5:00 p.m., June 22, 2018.

6. Peter Donovan, Executive Director, 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 this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-

mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the board.

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment 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 May 15, 2018.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 18.8.1502, 18.8.1503, and)	AMENDMENT
18.8.1505 pertaining to Motor Carrier)	
Services Safety Requirements)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On June 26, 2018, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation 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 Transportation no later than 5:00 p.m. on June 15, 2018, to advise us of the nature of the accommodation that you need. Please contact Dennis Hult, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-9237; fax (406) 444-6136; TTY Service (406) 444-7696 or (800) 335-7592; or e-mail dhult@mt.gov.

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

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through ~~February 17, 2017~~ March 14, 2018. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at www.gpo.gov.

(2) remains the same.

AUTH: 61-10-155, MCA

IMP: 61-10-141, 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published Federal Motor Carrier Safety Regulations, thereby assuring MDT's

administrative rule associated with commercial vehicle safety substantially complies with the federal motor carrier safety regulations as listed in 61-10-154, MCA.

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~February 17, 2017~~ March 14, 2018. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at www.gpo.gov.

AUTH: 61-10-155, MCA
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published version of the federal hazardous materials regulations.

18.8.1505 SAFETY INSPECTION PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA (1) remains the same.

(2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria (April 1, ~~2017~~ 2018), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or at www.cvsa.org.

(3) remains the same.

AUTH: 61-10-155, MCA
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current CVSA (Commercial Vehicle Safety Alliance) North American Uniform "Out-of-Service" criteria. The 2018 changes to the CVSA may be viewed at <http://cvsa.org/wp-content/uploads/OOSC-Changes-Letter.pdf>.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Dennis Hult, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-9237; fax (406) 444-6136; TTY Service (406) 444-7696 or (800) 335-7592; or e-mail dhult@mt.gov, and must be received no later than 5:00 p.m., June 22, 2018.

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

make written request for a hearing and submit this request along with any written comments to Dennis Hult at the above address no later than 5:00 p.m., June 22, 2018.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 828 persons based on the current 8281 active USDOT accounts based in Montana.

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

8. An electronic copy of this proposal notice is available on the Department of Transportation website at www.mdt.mt.gov.

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

10. With regard to the requirements of 2-4-111, MCA, the department has determined the amendment of ARM 18.8.1503 and 18.8.1505 will not significantly and directly impact small businesses. The department has determined the amendment of ARM 18.8.1502 may significantly and directly impact certain small businesses.

11. With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

/s/ Michael T. Tooley
Michael T. Tooley
Director
Department of Transportation

Certified to the Secretary of State May 15, 2018.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PROPOSED
Rules I, II, and III pertaining to the) ADOPTION
imposition of an administrative fee for)
alcohol or drug test refusal) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Justice proposes to adopt the above-stated rules.

2. The Department of Justice 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 Justice Motor Vehicle Division no later than 5:00 p.m. on June 8, 2018, to advise us of the nature of the accommodation that you need. Please contact Michele Snowberger, Department of Justice Motor Vehicle Division, 302 North Roberts, P.O. Box 201430, Helena, Montana, 59620; telephone (406) 444-1776; fax (406) 444-1776; or e-mail msnowberger@mt.gov.

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

NEW RULE I IMPOSITION OF ADMINISTRATIVE FEE FOR ALCOHOL OR DRUG TEST REFUSAL (1) Upon notification of a driver's refusal to submit to one or more alcohol or drug tests, the department shall impose an administrative fee.

(2) The administrative fee for each refusal is in addition to any other fee the department shall impose against a driver.

AUTH: 61-8-402, MCA
IMP: 61-8-402, MCA

NEW RULE II PAYMENT (1) A driver shall be otherwise eligible and pay the administrative fees owed before the department may reinstate a driver's license or privilege to drive.

AUTH: 61-8-402, MCA
IMP: 61-8-402, MCA

NEW RULE III FEES DEPOSITED IN STATE SPECIAL REVENUE FUND
(1) All funds collected for the administrative fee shall be deposited in the blood-draw search warrant processing account in the state special revenue fund and shall be used to provide forensic analysis of a driver's blood to determine the presence of alcohol or drugs.

(2) Funds in the account created in (1) shall be appropriated by the legislature for the purposes provided in 61-8-402, MCA, and shall be distributed in accordance with the Montana Operations Manual accounting policies.

AUTH: 61-8-402, MCA

IMP: 61-8-402, MCA

REASON: The 2015 Montana Legislature adopted House Bill 488, which made numerous changes to Montana's DUI laws. Among those changes was the imposition of an administrative fee of \$300 for lawfully arrested individuals who refuse to submit to a blood or breath test to determine any measured amount or detected presence of alcohol or drugs in the person's body. The fee is to be collected by the Montana Department of Justice (DOJ) and used solely to support the Montana Crime Lab's forensic analysis program to determine the presence of alcohol or drugs from those individuals who submit to such blood or breath tests.

The legislation also mandated that DOJ adopt rules for the collection, distribution, and strict accountability of any funds collected via this administrative fee. New Rules I and II are addressed to the subject of collection of the fee and New Rule III is addressed to the distribution and accountability subjects. New Rule I is necessary because there are other statutorily imposed fees which apply to such drivers. New Rule II is necessary because there are other statutory requirements, apart from the payment of this fee, which such drivers must comply with before their driver's licenses can be reinstated. New Rule III is necessary to provide guidance as to the proper distribution and accountability for the fees collected.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Michele Snowberger, Department of Justice Motor Vehicle Division, 302 North Roberts, P.O. Box 201430, Helena, Montana, 59620; telephone (406) 444-1776; fax (406) 444-1776; or e-mail msnowberger@mt.gov, and must be received no later than 5:00 p.m., June 22, 2018.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Michele Snowberger at the above address no later than 5:00 p.m., June 22, 2018.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. In 2017, there were 2050 individuals who were reported to have refused a drug or alcohol test. Thus, ten percent of those directly affected has been

determined to be 205 persons based on the number of implied consent suspensions in 2017.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 2 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by mail and email on May 3, 2018.

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

10. In 2017, the department collected \$201,850 in fees from drivers who refused an alcohol or drug test.

/s/ Matthew T. Cochenour
Matthew T. Cochenour
Rule Reviewer

/s/ Timothy C. Fox
Timothy C. Fox
Attorney General
Department of Justice

Certified to the Secretary of State May 15, 2018.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.79.304 pertaining to) PROPOSED AMENDMENT
clarifying contents of Healthy)
Montana Kids (HMK) Evidence of)
Coverage)

TO: All Concerned Persons

1. On June 14, 2018, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 1, 2018, to advise us of the nature of the accommodation that you need. Please contact Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-9503; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.79.304 SERVICES COVERED (1) The department adopts and incorporates by reference the HMK Evidence of Coverage dated ~~October 14, 2017~~ November 1, 2017, which is available on the department's web site at www.hmk.mt.gov.

(2) remains the same.

AUTH: 53-4-1009, 53-4-1105, MCA

IMP: 53-4-1005, 53-4-1109, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes to amend ARM 37.79.304, which adopts and incorporates by reference the Healthy Montana Kids (HMK) Evidence of Coverage (EOC) document. The EOC document describes the services covered under the HMK health care benefit plan. The department is proposing the rule amendment in order to adopt a revised EOC document, which describes the following changes to HMK benefits:

- (1) Removing the limits on the HMK extended mental health (EMH) benefit. This change is necessary to comply with the federal Mental Health Parity and Addiction Equity Act.
- (2) Moving the administration of the community based psychiatric rehabilitation and support (CBPRS) benefit from the department's Medicaid fiscal agent to the HMK third party administrator. All other HMK mental health benefits are administered through the third party administrator, and centralizing the CBPRS benefit with the third party administrator will allow mental health benefits to be better coordinated.
- (3) Eliminating prior authorization for dental anesthesia and implants and clarifying the dental anesthesia benefit. This change is intended to streamline dental care by removing the requirement for prior authorization for these services. This change will allow providers to follow best practices standards.
- (4) Removing the exclusion for transgender services, which is required by Section 1557 of the Affordable Care Act.
- (5) Providing contact information for the ambulance benefit administration, which is intended to provide additional information for providers and members.

The revised EOC would be effective retroactively to November 1, 2017.

FISCAL IMPACT

The department estimates that removing the limits on the EMH benefit will cost the department approximately \$164,187 annually. The department calculated that figure by assuming HMK members would use the EMH benefits at the same rate as Medicaid enrolled children whose program has no limits on these benefits.

The department has determined the remaining changes to HMK benefits will not have any impact to the state general fund.

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: Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., July 6, 2018.

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

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless

a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

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

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

11. The department intends to apply this rule amendment retroactively to November 1, 2017. A retroactive application of the proposed rule amendment does not result in a negative impact to any affected party.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

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

Certified to the Secretary of State May 15, 2018.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 37.40.307 and 37.40.361, and	)	PROPOSED AMENDMENT AND
the repeal of ARM 37.40.309	)	REPEAL
pertaining to nursing facility)	
reimbursement rates for state fiscal)	
year 2019)	

TO: All Concerned Persons

1. On June 14, 2018, at 3:00 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 1, 2018, to advise us of the nature of the accommodation that you need. Please contact Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-9503; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.40.307 NURSING FACILITY REIMBURSEMENT (1) remains the same.

(2) Effective July 1, 2001, and in subsequent rate years, nursing facilities will be reimbursed using a price-based reimbursement methodology. The rate for each facility will be determined using the operating component defined in (2)(a) and the direct resident care component defined in (2)(b):

(a) through (c) remain the same.

(d) The total payment rate available for the period ~~July 1, 2017~~ July 1, 2018 through ~~June 30, 2018~~ June 30, 2019 will be the rate as computed in (2), plus any additional amount computed in ARM 37.40.311 and 37.40.361.

(3) Providers who, as of July 1 of the rate year, have not filed with the department a cost report covering a period of at least six months participation in the Medicaid program in a newly constructed facility will have a rate set at the statewide median price as computed on ~~July 1, 2017~~ July 1, 2018. Following a change in provider as defined in ARM 37.40.325, the per diem rate for the new provider will be set at the previous provider's rate, as if no change in provider had occurred.

(4) through (10) remain the same.

(11) Providers must bill for all services and supplies in accordance with the provisions of ARM 37.85.406. The department's fiscal agent will pay a provider ~~on a monthly basis~~ the amount determined under these rules upon receipt of an appropriate billing which reports the number of patient days of nursing facility services provided to authorized Medicaid recipients during the billing period.

(a) and (12) remain the same.

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

IMP: 53-6-101, 53-6-111, 53-6-113, MCA

37.40.361 DIRECT CARE AND ANCILLARY SERVICES WORKERS' WAGE REPORTING/ADDITIONAL PAYMENTS INCLUDING LUMP SUM PAYMENTS FOR DIRECT CARE AND ANCILLARY SERVICES WORKERS' WAGE AND BENEFIT INCREASES (1) Effective for the period ~~July 1, 2017~~ each state fiscal

year and for the six months thereafter, nursing facilities must report to the department actual hourly wage and benefit rates paid for all direct care and ancillary services workers or the lump sum payment amounts for all direct care and ancillary services workers that will receive the benefit of the ~~increased~~ funds. The reported data will be used by the department for the purpose of comparing types and rates of payment for comparable services and tracking distribution of direct care wage funds to designated workers.

(2) The department will pay Medicaid certified nursing ~~care~~ facilities located in Montana that submit an approved request to the department a lump sum payment in addition to the amount paid as provided in ARM 37.40.307 and 37.40.311 to their computed Medicaid payment rate to be used only for wage and benefit increases or lump sum payments for direct care or ancillary services workers in nursing facilities.

(a) The department will determine the lump sum payments, twice a year commencing ~~July 1, 2017~~ July 1 of the state fiscal year, and again in six months from that date as a pro rata share of appropriated funds allocated for increases in direct care and ancillary services workers' wages and benefits or lump sum payments to direct care and ancillary services workers.

(b) To receive the direct care and/or ancillary services workers' lump sum payment, a nursing facility must submit for approval a request form to the department stating how the direct care and ancillary services workers' lump sum payment will be spent in the facility to comply with all statutory requirements. The facility must submit all of the information required on a form to be developed by the department in order to continue to receive subsequent lump sum payment amounts for the entire rate year. The form for wage and benefit increases will request information including, but not limited to:

(i) the number by category of each direct care and ancillary services workers that will receive the benefit of the ~~increased~~ funds, if these funds will be distributed in the form of a wage increase;

(ii) the actual per hour rate of pay before benefits and before the direct care wage increase has been implemented for each worker that will receive the benefit of the ~~increased~~ funds;

(iii) through (v) remain the same.

(c) If these funds will be used for the purpose of providing lump sum

payments (i.e., bonus, stipend, or other payment types) to direct care and ancillary services workers in nursing care facilities the form will request information including, but not limited to:

- (i) the number by category of each direct care and ancillary services worker that will receive the benefit of the increased funds;
- (ii) through (3) remain the same.

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

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

- 4. The department proposes to repeal the following rule:

37.40.309 NURSING FACILITY REIMBURSEMENT is found on page 37-8763 of the Administrative Rules of Montana.

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

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

5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes amending ARM 37.40.307 and ARM 37.40.361 pertaining to revising nursing facility reimbursement rates for the upcoming state fiscal year (SFY) 2019, effective July 1, 2018.

The proposed amendments to the rules are as follows:

ARM 37.40.307

The proposed amendment to (2)(d) updates the SFY 2018 reference (July 1, 2017, through June 30, 2018) to SFY 2019 (July 1, 2018, through June 30, 2019). This amendment is necessary for the department to provide notice of the current period for funding of Medicaid nursing facility provider rates.

The proposed amendment to (3) updates the SFY 2018 reference to SFY 2019. This amendment is necessary for the department to provide notice of the current period Medicaid nursing facility statewide median price.

Rate calculations include HB2 and HB618 funding appropriated by the 65th Legislative Session, annualized SFY 2018 Medicaid-paid days, and individual facility case mix index (resident acuity) to determine nursing facility providers' reimbursement according to the methodology outlined in (2), (2)(a), and (2)(b) of this rule.

The term "monthly basis" in (11) is proposed for removal, and is a necessary amendment, because providers can now bill on a weekly or monthly basis, which

also changes the potential payment frequency from the department's fiscal agent to the provider.

ARM 37.40.361

The Medicaid adjustment for nursing facility direct care wages is calculated annually. Previously, the department changed the state fiscal year referenced in the rule annually. The department proposes replacing the reference to the individual state fiscal year to that of a general fiscal year reference so this amendment will be unnecessary in the future.

The word "increased" is proposed for removal, and is a necessary change, because funding increases for direct care wages do not occur every state fiscal year.

ARM 37.40.309

This rule was promulgated for the nursing facility rate reductions which became effective January 1, 2018. The department finds it necessary to propose repeal of this rule since it applied to rates between January 1 and June 30, 2018, making it obsolete after June 30, 2018.

Fiscal Impact

Nursing facility reimbursement will include an increase of 6.34% in provider rates for SFY 2019. The estimated total funding available for SFY 2019 for nursing facility reimbursement is estimated at \$193,476,426 and is comprised of combined state funds, federal funds, and patient contributions. These amounts do not include at risk provider funds or direct care wage funding.

Medicaid-paid days for SFY 2019 are estimated at 1,002,018, which is based on the estimates of Medicaid-paid days from SFY 2018.

The SFY 2019 appropriated funding for lump-sum payments to providers for direct care and ancillary workers is \$6,970,153 for the nursing facility direct care worker wage program, and \$3,943,053 for CNAs only direct care worker wages program.

Seventy-one nursing facility providers participated in the Medicaid nursing facility payment program and approximately 4,200 recipients received services in nursing facilities under Medicaid.

6. The department intends the proposed rule amendments and rule repeal to be applied effective July 1, 2018.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744;

or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., June 22, 2018.

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

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

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

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will significantly and directly impact small businesses.

12. The department has determined that the proposed changes in this notice are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Geralyn Driscoll
Geraldyn Driscoll
Rule Reviewer

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

Certified to the Secretary of State May 15, 2018.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION AND
Rule I and the amendment of ARM	)	AMENDMENT
2.13.310 and 2.13.320 pertaining to)	
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. On March 30, 2018, the department published an amended MAR Notice No. 2-13-574 rescheduling the public hearing and adding the proposed amendment of ARM 2.13.310 and 2.13.320 at page 608 of the 2018 Montana Administrative Register, Issue Number 6.

2. No comments or testimony were received.

3. The board has adopted New Rule I (ARM 2.13.314) and amended ARM 2.13.310 and 2.13.320 exactly as proposed.

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 May 15, 2018.

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 6.6.1601, 6.6.1605, 6.6.1607,	)	REPEAL
6.6.1608, 6.6.1610, 6.6.1611, and)	
6.6.1613 and the repeal of 6.6.1602,)	
6.6.1603, 6.6.1604, 6.6.1606,)	
6.6.1609, 6.6.1612, 6.6.1614,)	
6.6.1615, and 6.6.1616, relating to)	
licensing of public adjusters)	

TO: All Concerned Persons

1. On January 26, 2018, the Commissioner of Securities and Insurance, Montana State Auditor published MAR Notice No. 6-242 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 142 of the 2018 Montana Administrative Register, Issue Number 2.

2. The department has amended the following rules as proposed: ARM 6.6.1601, 6.6.1605, 6.6.1607, 6.6.1608, 6.6.1610, and 6.6.1613.

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

4. After consideration of the comments received, the department amends the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

6.6.1611 PUBLIC ADJUSTER'S BOND (1) Prior to the issuance of a license as a public adjuster, the applicant shall file with the commissioner a surety bond in favor of the people of Montana in the amount of \$5,000, executed by a surety company authorized to do business in the state. The total aggregate liability on the bond may be limited to the payment of \$5,000. The bond shall be conditioned on the accounting of the adjuster to any insured whose claim the adjuster is handling for moneys or any other settlement in connection with the claim.

(2) remains as proposed.

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

COMMENT No. 1: One commenter stated that removal of the language regarding "aggregate liability" in ARM 6.6.1611(1) would substantively modify the existing rule. The commenter noted that allowing a bond to limit aggregate liability would be different than a bond which had to pay up to \$5,000 on each claim.

RESPONSE No. 1: The CSI agrees with the commenter, and has reinserted the language limiting the bond's aggregate liability.

COMMENT No. 2: One commenter stated that the definition of "public adjuster" in ARM 6.6.1602(1) did not exactly match the statutory definition in 33-17-102(21), MCA.

RESPONSE No. 2: The CSI agrees with the commenter, and has repealed ARM 6.6.1602 so there is no confusion over the definition of "public adjuster."

/s/ Michael A. Kakuk
Michael A. Kakuk
Rule Reviewer

/s/ Kristin Hansen
Kristin Hansen
Chief Counsel

Certified to the Secretary of State May 15, 2018.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On March 30, 2018, the Board of Public Education published MAR Notice No. 10-64-282 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 611 of the 2018 Montana Administrative Register, Issue Number 6.

2. The Board of Public Education has amended the above-stated rule as proposed.

3. The following comments were received:

COMMENT NO. 1: Fred Hofman, Superintendent of the Harrison School District, commented, "In general, I support the proposed rules. However, I do note the following:

Item 17 in the bus standards under General Vehicle Requirements, states 'if newly purchased' rather than 'if purchased new.' The intent of the proposed rule was for this to apply to a new vehicle purchase, as new vehicles will likely have these as standard options. A newly purchased used vehicle might not. I think a minor change in wording as noted above, would make this a little less confusing.

Item 3 under Operational Requirements is good. I think this is important with respect to the clarification that SCHOOL BUS does not necessarily need to be on the same line. It might not be practical on the rear end in particular as many of the would be E-bus vehicles don't have an easy place to put magnets with the word SCHOOL BUS all together on one line on them. I have looked and already inspected many of the more practical vehicles for schools to use an E-Bus and I think this is an important part of the rule.

Item 6 under Operational Requirements: There is not anything necessarily wrong with this recommendation but it really should be clarified as a recommendation for schools that transport pupils who require a car seat. If a school is not transporting students who require a car seat, then it is a wasteful expense for a school to send someone off to training and then keep up on it. If a school transports pupils who require a car seat, then this is a very good recommendation."

RESPONSE: The Board of Public Education thanks Mr. Hofman for his support of the standards. Language will be updated as requested; see page 49 of the updated standards. With regard to his second comment, no request to make a

change. Language does allow multiple lines. With regard to the third comment, this is a recommendation only. The advantage to having staff trained for car seat installs is if a student who requires a car seat does ride a school bus, the staff are already trained and available. Again, this is a recommendation and ultimately at the discretion of the school district.

COMMENT NO. 2: Mr. Steve Meloy, Montana School Boards Association (MTSBA), testified as a proponent of the proposed rule change. Mr. Meloy noted that after requests from the field, particularly the Harrison School District, MTSBA worked with Representative Shaw to pass the legislation in the 2017 session to pass the law creating the Type E school buses that the ARM rule change is based off. Mr. Meloy noted that the Harrison School District will be sending in written public comment on the rule change.

RESPONSE: The Board of Public Education thanks Mr. Meloy for his comment, appreciates MTSBA's support and states the language will be updated; see page 49 of the updated document. (Same as comment above).

COMMENT NO. 3: Mr. Dennis Parman, Executive Director of the Montana Rural Education Association (MREA), testified as a proponent of the proposed rule change. Mr. Parman thanked MTSBA and Representative Shaw for working on the legislation and thanked the OPI staff as well for their work on the rule change. Mr. Parman stated that MREA supports the proposed rule change and asked if wording at the top of page 52 in the standards was also in need of update.

RESPONSE: The Board of Public Education thanks Mr. Parman for his comment, appreciates MREA's support, and states the language referring to a school bus definition which was not updated with the law changes. However, this language does not need to be included in the standards as it is already addressed in statute. The following language will be removed from page 52:

"A school bus does not include (as defined in 20-10-101, MCA):

Privately owned and not operated for compensation

Privately owned and operated for reimbursement under MCA, 20-10-142.

Either district owned or privately owned, designed to carry not more than nine passengers, and used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other emergency situations; or an over-the-road passenger coach used only to transport students to activity events.

"Transportation" means, a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially designated bus stop and the school designated by the trustees for the pupil's attendance."

COMMENT NO. 4: David Shreeve, Superintendent of Rosebud Schools, commented: "I want to write in full support of the proposed approval of schools being able to use a type 'E' vehicle for student transport. In a very small District like Rosebud, it has the advantage of coming closer to filling the vehicle with students rather than a regular bus running with most seats open. Given much of our travel to

pick up students is on gravel roads, which will be far more effective with the type 'E' vehicle especially during snow and mud season; particularly if we have 4 wheel drive. Questions I did have, must the vehicles used have a 5 star safety rating and is there a chance a list of approved vehicles be assembled and provided or is that just too difficult to complete?"

RESPONSE: The Board of Public Education thanks Mr. Shreeve for his support of the standards. In response to your inquiries, yes, this is a requirement in statute, not just the bus standards. Please see 20-10-101, MCA, specifically (4)(a)(ii):

(a) "School bus" means (ii) is district-owned, is designed to carry 10 or fewer passengers, has an overall safety rating of five stars from the national highway traffic safety administration at the time of purchase, and is insured in accordance with minimum coverage requirements set forth in 20-10-109.

This information is available online at the NHTSA website. Please visit <https://www.nhtsa.gov/ratings> for the ratings information. The language does allow for older models to be purchased and used so long as that year and model was rated 5 stars.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Sharon Carroll
Sharon Carroll, Chair
Board of Public Education

Certified to the Secretary of State May 14, 2018.

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

In the matter of the adoption of	)	NOTICE OF ADOPTION OF
emergency rules closing Sha-Ron	)	EMERGENCY RULES
Fishing Access Site, Kelly Island)	
Fishing Access Site, Kona Bridge)	
Fishing Access Site, Harper's Bridge)	
Fishing Access Site, Deep Creek)	
Fishing Access Site, and Council)	
Grove State Park in Missoula County)	

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of emergency rules:

- (a) The Incident Command for the Missoula 2018 Flood requested Montana Department of Fish, Wildlife and Parks close the above-listed sites due to risk to public health and human safety caused by flooding due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.
- (b) Persons recreating in the flooded portions of the sites are at risk of:
 - (i) drowning due to unexpected changes to topography obscured by flood waters; or
 - (ii) drowning due to swift current created by flood water.
- (c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rules. The emergency rules will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closures will be posted at access points. The rules will be sent to interested parties, and published as emergency rules in Issue No. 10 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 8, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rules are effective May 10, 2018, when this rule notice is filed with the Secretary of State.

4. The text of the emergency rules provides as follows:

NEW RULE I SHA-RON FISHING ACCESS SITE EMERGENCY CLOSURE

- (1) The Sha-Ron Fishing Access Site is located in Missoula County.
- (2) Shar-Ron Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.
- (4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE II KELLY ISLAND FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Kelly Island Fishing Access Site is located in Missoula County.

- (2) Kelly Island Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.
- (4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE III KONA BRIDGE FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Kona Bridge Fishing Access Site is located in Missoula County.

- (2) Kona Bridge Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.
- (4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE IV HARPER'S BRIDGE FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Harper's Bridge Fishing Access Site is located in Missoula County.

- (2) Harper's Bridge Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE V DEEP CREEK FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Deep Creek Fishing Access Site is located in Missoula County.

(2) Deep Creek Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE VI COUNCIL GROVE STATE PARK EMERGENCY CLOSURE

(1) Council Grove State Park is located in Missoula County.

(2) Council Grove State Park is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the state park.

(4) This rule will expire as soon as the department or incident command determines the state park is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the state park will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

5. The rationale for the emergency rules is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than June 22, 2018.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and

specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

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

/s/ Martha Williams

Martha Williams

Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State May 10, 2018.

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

In the matter of the adoption of an	)	NOTICE OF ADOPTION OF AN
emergency rule closing a portion of	)	EMERGENCY RULE
the Clark Fork River from the)	
Reserve Street Bridge to the Kona)	
Bridge in Missoula County)	

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

(a) The Incident Command for the Missoula 2018 Flood requested Montana Department of Fish, Wildlife and Parks close a portion of the Clark Fork River due to risk to public health and human safety caused by downed powerlines in the river and high-water levels choked with debris, making it unsafe for water-based recreational use from the Reserve Street Bridge to the Kona Bridge.

(b) Persons recreating on this portion of the river are at risk of:
(i) electrocution and drowning due to downed powerlines; or
(ii) drowning due to swift current choked with debris created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an emergency rule in Issue No. 10 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 8, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective May 14, 2018, when this rule notice is filed with the Secretary of State.

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

NEW RULE I CLARK FORK RIVER EMERGENCY CLOSURE (1) A portion of the Clark Fork River is located in Missoula County.

(2) The Clark Fork River is closed from the Reserve Street Bridge to the Kona Bridge to all water-based recreation, including but not limited to wading, fishing, boating, floating, and swimming.

(3) This rule is effective as long as the downed powerlines and debris caused by flooding create unsafe conditions for water-based recreation.

(4) This rule will expire as soon as the department or incident command determines the river is again safe for recreation. This will depend on the extent and duration of the flooding and debris in the area and the time it takes for the downed powerlines to be removed from the river. Signs closing the river will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA

IMP: 2-4-303, 87-1-202, MCA

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

6. Concerned persons are encouraged to submit their comments to the department. Please submit comments along with names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than June 22, 2018.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

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

/s/ Martha Williams

Martha Williams

Director

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State May 14, 2018.

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

In the matter of the adoption of an) NOTICE OF ADOPTION OF AN
emergency rule closing the Medicine) EMERGENCY RULE
River Fishing Access Site in Cascade)
County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

- (a) The combination of dangerous conditions includes high water levels, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.
- (b) Persons recreating in the flooded portions of the sites are at risk of:
 - (i) drowning due to unexpected changes to topography obscured by flood waters; or
 - (ii) drowning due to swift current created by flood water.
- (c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an emergency rule in Issue No. 10 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 29, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective May 16, 2018, when this rule notice is filed with the Secretary of State.

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

NEW RULE I MEDICINE RIVER FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Medicine River Fishing Access Site is located in Cascade County.

(2) The Medicine River Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA

IMP: 2-4-303, 87-1-202, MCA

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

6. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than July 8, 2018.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

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

/s/ Martha Williams

Martha Williams

Director

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State May 16, 2018.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 18.8.1501 and 18.8.1502)
pertaining to Motor Carrier Services)
Safety Requirements)

TO: All Concerned Persons

1. On April 13, 2018, the Department of Transportation published MAR Notice No. 18-168 pertaining to the proposed amendment of the above-stated rules at page 681 of the 2018 Montana Administrative Register, Issue Number 7.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

/s/ Michael T. Tooley
Michael T. Tooley
Director
Transportation

Certified to the Secretary of State May 15, 2018.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.29.1433, 24.29.1534, and)
24.29.1538 pertaining to workers')
compensation facility service rules)
and rates and conversion factors)

TO: All Concerned Persons

1. On March 30, 2018, the Department of Labor and Industry (department) published MAR Notice No. 24-29-335 regarding the public hearing on the proposed amendment of the above-stated rules, at page 613 of the 2018 Montana Administrative Register, Issue Number 6.

2. On April 20, 2018, a public hearing on the proposed amendment of the above-stated rules was held in Helena. Two comments were received 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 questioned a provision of the Professional Fee Schedule Instruction Set in Section Seven, Medicine, Subsection IV, Passive Therapy, in the second paragraph, regarding the correct usage of ICD-10 codes S13.110A – S13.180A, S23.110A – S23.170A, and S33.110A – S33.2xxA. The commenter questioned the use of the term "subluxation" in those contexts for coding and for treatment.

Response 1: As a result of comment, the department (in consultation with a Montana licensed chiropractor) agrees that the second paragraph is confusing and potentially misleading. The department will replace the second paragraph of that subsection in the publication with the following language:

"Chiropractic care is a passive therapy per the Montana Utilization and Treatment Guidelines. The codes 98940-98943 are adjustment codes which will be given a 15-minute value for ease of calculating the total number of units. If there is a need for additional treatment beyond the manipulation code, the provider must append modifier 59 to 97140 and indicate the number of units. Documentation must be very clear on the additional treatment(s) and the expected outcomes. Code 97140-59 will be reviewed for appropriate usage when used on the same visit and code set 98940-98943."

Comment 2: A commenter questioned whether page 12 of the Facility Fee Schedule Instruction Set contained an error by showing that the base rate was a negative \$8,373.00.

Response 2: The Facility Fee Schedule Instruction Set, on page 12, included a typographical error that showed a hyphen (-) in front of the base rate of \$8,373.00. The hyphen has been removed from the publication. The base rate is \$8,373.00, not a negative amount.

4. The department has amended the above-stated rules as proposed. The 2018 fee schedules and instruction sets apply to services provided on or after July 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 May 15, 2018.

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.155.604 licensure by	)	ADOPTION
examination, 24.155.608 licensure of)	
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 March 30, 2018, the Board of Massage Therapy (board) published MAR Notice No. 24-155-7 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 618 of the 2018 Montana Administrative Register, Issue No. 6.

2. On April 23, 2018, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. One comment was received by the April 27, 2018 deadline.

3. The board has thoroughly considered the comment received. A summary of the comment and the board response is as follows:

COMMENT 1: One commenter asked when the board will begin enforcing the new requirement in ARM 24.155.901 to display the licensee's license at the principal place of business. The commenter suggested the board allow licensees adequate time to come into compliance.

RESPONSE 1: All rules in this notice will be effective on May 26, 2018, the day following the adoption notice's publication date. The board decided not to enforce this rule until September 1, 2018, to allow licensees time to come into compliance and to coincide with the renewal period.

4. The board has amended ARM 155.604, 24.155.608, 24.155.801, and 24.155.901 exactly as proposed.

5. The board has adopted NEW RULE I (24.155.619) exactly as proposed.

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 May 15, 2018.

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

In the matter of the amendment of	)	NOTICE OF DECISION ON
ARM 37.59.102, 37.59.105,	)	PROPOSED AMENDMENT
37.59.109, 37.59.302, and 37.59.303)	
pertaining to the update of the)	
supplemental nutrition program for)	
women, infants, and children (WIC))	

TO: All Concerned Persons

1. On April 27, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-831 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 788 of the 2018 Montana Administrative Register, Issue Number 8.

2. A public hearing on the notice of proposed amendment of the above-stated rules was held on May 18, 2018.

3. At this time, the department is not amending the rules pertaining to the supplemental nutrition program for women, infants, and children (WIC). The action is necessary because the 2019 State Plan will be developed in the fall. A new proposed rulemaking will be filed when that state plan has been adopted.

/s/ Shannon L. McDonald
Shannon L. McDonald
Rule Reviewer

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

Certified to the Secretary of State May 15, 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 37.86.2901, 37.86.2925,)
37.86.2928, 37.86.2931, and)
37.86.2932 pertaining to the)
discontinuance of the supplemental)
disproportionate share hospital)
payment)

TO: All Concerned Persons

1. On March 16, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-836 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 545 of the 2018 Montana Administrative Register, Issue Number 5. On April 27, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-836 pertaining to the notice of extension of comment period of the above-stated rules at page 797 of the 2018 Montana Administrative Register, Issue Number 8.

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

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

COMMENT #1: The department received a comment in support of a two-year suspension of the supplemental disproportionate share hospital (DSH) payment for state fiscal years (SFY) 2018 and 2019. In addition, the commenter requested the department re-evaluate the supplemental DSH policy after SFY 2019 to determine if funding may be restored.

RESPONSE #1: The department will re-evaluate and analyze the impact of reinstating funding for supplemental DSH at a later date.

4. The department intends to apply these rules retroactively to March 6, 2018. A retroactive application of the rules does not result in a negative impact to any affected party.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

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

Certified to the Secretary of State May 15, 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
Subject

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

Statute

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

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through 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, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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EXECUTIVE BRANCH APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in April 2018 appear. Potential vacancies from June 1, 2018 through August 31, 2018, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 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 APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
13th Judicial District Judge			
Ms. Jessica Teresa Fehr	Governor	Gustafson	4/2/2018
Billings			1/1/2019
Qualifications (if required): None Stated			
Board of Architects and Landscape Architects			
Mr. Dale E. Nelson	Governor	Reappointed	4/1/2018
Great Falls			4/1/2021
Qualifications (if required): Licensed Architect			
Mr. Bayliss Ward	Governor	Reappointed	4/1/2018
Bozeman			4/1/2020
Qualifications (if required): Licensed Architect			
Equal Pay for Equal Work Task Force			
Representative Laura Bishop	Governor	Anderson	4/10/2018
Livingston			4/1/2020
Qualifications (if required): Elected Official			
President Seth Bodner	Governor	Cruzado	4/10/2018
Missoula			4/1/2020
Qualifications (if required): Higher Education			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Equal Pay for Equal Work Task Force Cont.			
Renelle Braaten	Governor	Klippenstein	4/10/2018
Havre			4/1/2020
Qualifications (if required):	Business		
Ms. Jennifer Euell	Governor	Reappointed	4/10/2018
Florence			4/1/2020
Qualifications (if required):	Non-profit		
Mr. Paddy Fleming	Governor	Rickard	4/10/2018
Bozeman			4/1/2020
Qualifications (if required):	Business		
Ms. Aimee Grmoljez	Governor	Reappointed	4/10/2018
Helena			4/1/2020
Qualifications (if required):	Business		
Director Pam Haxby-Cote	Governor	Hogan	4/10/2018
Helena			4/1/2020
Qualifications (if required):	Co-Chair		
Ms. Jacquie Helt	Governor	Reappointed	4/10/2018
Helena			4/1/2020
Qualifications (if required):	Labor/workers		

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Equal Pay for Equal Work Task Force Cont.			
Director Sheila Hogan Helena Qualifications (if required): State Agency Director	Governor	Harris	4/10/2018 4/1/2020
Commissioner Galen Hollenbaugh Helena Qualifications (if required): Co-Chair	Governor	Bucy	4/10/2018 4/1/2020
Ms. Carol Kruger Great Falls Qualifications (if required): Business	Governor	None Stated	4/10/2018 4/1/2020
Ms. Carole Lankford Pablo Qualifications (if required): Tribal	Governor	Stiffarm	4/10/2018 4/1/2020
Ms. Tracy McIntyre Eureka Qualifications (if required): Economic Development	Governor	Larson	4/10/2018 4/1/2020
Mr. Joseph Purcell Hardin Qualifications (if required): Business	Governor	Haxby-Cote	4/10/2018 4/1/2020

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Equal Pay for Equal Work Task Force Cont.			
Representative Diane Sands Missoula	Governor	Reappointed	4/10/2018 4/1/2020
Qualifications (if required): Elected Official			
Ms. Melanie Schwarz Billings	Governor	Karas	4/10/2018 4/1/2020
Qualifications (if required): Economic Development			
Mr. Erik Wood Big Timber	Governor	Wilson	4/10/2018 4/1/2020
Qualifications (if required): Business			
Historical Records Advisory Council			
Ms. Jodie Foley Helena	Governor	Reappointed	4/27/2018 10/1/2019
Qualifications (if required): State Archivist			
Ms. Anne L. Foster Gardiner	Governor	Reappointed	4/27/2018 10/1/2019
Qualifications (if required): Public archives			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Historical Records Advisory Council Cont.			
Ms. Heather C. Hultman Bozeman	Governor	Reappointed	4/27/2018 10/1/2019
Qualifications (if required): Research institution			
Ms. Aubrey Japp Butte	Governor	Reappointed	4/27/2018 10/1/2019
Qualifications (if required): Public archives			
Ms. Katheryn Marie Kramer Great Falls	Governor	Reappointed	4/27/2018 10/1/2019
Qualifications (if required): Private archives			
Ms. Kathleen D. Mumme Virginia City	Governor	Scott	4/27/2018 10/1/2019
Qualifications (if required): Private archives			
Ms. Eileen A. Wright Billings	Governor	Ille	4/27/2018 10/1/2019
Qualifications (if required): Research institution			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Children's Trust Fund Board			
Ms. Brooke Bartholomew	Governor	Lindley	4/27/2018
Miles City			1/1/2021
Qualifications (if required): Public Member			
Upper Clark Fork River Basin Remediation and Restoration Advisory Council			
Ms. Maureen Connor	Governor	Reappointed	4/27/2018
Philipsburg			9/1/2019
Qualifications (if required): Citizen voting member			
Mr. James H. Davison	Governor	Reappointed	4/27/2018
Anaconda			9/1/2019
Qualifications (if required): Citizen voting member			
Mr. James J. Kambich	Governor	Reappointed	4/27/2018
Butte			9/1/2019
Qualifications (if required): Citizen voting member			
Mr. Jon Krutar	Governor	Reappointed	4/27/2018
Ovando			9/1/2019
Qualifications (if required): Citizen voting member			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council Cont.			
Director Tom Livers	Governor	Reappointed	4/27/2018
Helena			9/1/2019
Qualifications (if required): State government non-voting member			
Mr. Mick Ringsak	Governor	Reappointed	4/27/2018
Butte			9/1/2019
Qualifications (if required): Citizen voting member			
Mr. William Rossbach	Governor	Reappointed	4/27/2018
Missoula			9/1/2019
Qualifications (if required): Citizen voting member			
Ms. Katherine Stromberg Eccleston	Governor	Reappointed	4/27/2018
Anaconda			9/1/2019
Qualifications (if required): Citizen voting member			
Mr. Mark Sweeney	Governor	Reappointed	4/27/2018
Philipsburg			9/1/2019
Qualifications (if required): Citizen voting member			
Director John Tubbs	Governor	Reappointed	4/27/2018
Helena			9/1/2019
Qualifications (if required): State government non-voting member			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council Cont.			
Director Martha Williams	Governor	Reappointed	4/27/2018
Helena			9/1/2019
Qualifications (if required): State government non-voting member			

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council		
Ms. Lesa Evers, Helena Qualifications (if required): Tribal Relations	Director (DPHHS)	7/1/2018
Mr. Martin Blair, Missoula Qualifications (if required): Autism Spectrum Disorder and Other Developmental Disabilities "Act Early Initiative"	Director (DPHHS)	7/1/2018
Ms. Denise Higgins, Helena Qualifications (if required): Family & Community Health Bureau	Director (DPHHS)	7/1/2018
Ms. Lucinda Burns, Lame Deer Qualifications (if required): Northern Cheyenne Tribe Child Care and Development Fund Program	Director (DPHHS)	7/1/2018
Ms. Barbara Burton, Helena Qualifications (if required): Residential Home for Pregnant and Parenting Teens	Director (DPHHS)	7/1/2018
Ms. Patty Butler, Helena Qualifications (if required): Early Childhood Services Bureau	Director (DPHHS)	7/1/2018
Ms. Dianna Frick, Helena Qualifications (if required): Maternal & Early Childhood Home Visiting Section	Director (DPHHS)	7/1/2018
Ms. Dannelle Hay, Box Elder Qualifications (if required): Chippewa Cree Representative	Governor	7/1/2018
Ms. Margaret Big Leggins, Poplar Qualifications (if required): Fort Peck Representative	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Terri Barclay, Helena Qualifications (if required): Office of Public Instruction, Early Grades	Director (DPHHS)	7/1/2018
Ms. Sheri Boelter, Billings Qualifications (if required): Child Care Center	Director (DPHHS)	7/1/2018
Ms. Collete Box, Kalispell Qualifications (if required): Child Care Center	Director (DPHHS)	7/1/2018
Ms. Cathy Brenneman, Kalispell Qualifications (if required): Child Care Resource and Referral Network	Director (DPHHS)	7/1/2018
Ms. Miranda Briggs, Helena Qualifications (if required): Montana Project LAUNCH Young Child Wellness	Director (DPHHS)	7/1/2018
Ms. Julie Bullard, Missoula Qualifications (if required): Early Childhood Higher Education	Director (DPHHS)	7/1/2018
Ms. Sara Cease, Fort Harrison Qualifications (if required): Military Child Care and Programs	Director (DPHHS)	7/1/2018
Ms. Jeanne Christopher, Ronan Qualifications (if required): Confederated Salish & Kootenai Tribes Community	Director (DPHHS)	7/1/2018
Dr. Kristen Day, Bozeman Qualifications (if required): Pediatrician	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Marion Denk, Billings Qualifications (if required): Montana Child Care Association	Director (DPHHS)	7/1/2018
Ms. Heather Denny, Helena Qualifications (if required): Title 1 Neglected & Delinquent Homeless Children & Youth	Director (DPHHS)	7/1/2018
Ms. Virginia Ervin, Missoula Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Tara Ferriter-Smith, Helena Qualifications (if required): Montana Preschool Development Grant	Director (DPHHS)	7/1/2018
Ms. Becky Fleming-Siebenaler, Helena Qualifications (if required): Quality Assurance Division Licensure Bureau	Director (DPHHS)	7/1/2018
Ms. Siobhan Gilmartin, Bozeman Qualifications (if required): Montana After School Alliance	Director (DPHHS)	7/1/2018
Ms. Sara Groves, Helena Qualifications (if required): Montana State Library	Director (DPHHS)	7/1/2018
Ms. Libby Hancock, Bozeman Qualifications (if required): Montana Early Childhood Project Director	Director (DPHHS)	7/1/2018
Ms. Christy Hill-Larson, Helena Qualifications (if required): Montana Early Childhood Project Special Projects Coordinator	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Charrise Jennings, Lewistown Qualifications (if required): Montana Association for the Education of Young Children	Director (DPHHS)	7/1/2018
Ms. Lonna Johnson, Box Elder Qualifications (if required): Stone Child College	Director (DPHHS)	7/1/2018
Ms. Mandy Johnstone, Wilsall Qualifications (if required): Child Care Family	Director (DPHHS)	7/1/2018
Mr. Tyson Krinke, Bozeman Qualifications (if required): Community Coalitions	Director (DPHHS)	7/1/2018
Ms. Linessa Littrell, Helena Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Beverly Matsko, Great Falls Qualifications (if required): Head Start Association	Director (DPHHS)	7/1/2018
Ms. Ashley McAdam, Willow Creek Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Danni McCarthy, Helena Qualifications (if required): Preschool and Special Education School	Director (DPHHS)	7/1/2018
Ms. Terry Minow, Helena Qualifications (if required): Organized Labor - Union MEA-MFT	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Mary Musil, Helena Qualifications (if required): Child & Adult Care Food Program Manager	Director (DPHHS)	7/1/2018
Ms. Jessica Nicklaus, Kalispell Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Heather O'Loughlin, Helena Qualifications (if required): Montana Budget & Policy Center	Director (DPHHS)	7/1/2018
Ms. Aryon Parks, Bowning Qualifications (if required): c/o Carol Williamson, Blackfeet Manpower	Director (DPHHS)	7/1/2018
Ms. Michelle Parks, Missoula Qualifications (if required): Child & Adult Care Food Program	Director (DPHHS)	7/1/2018
Ms. Blossom Quisno, Harlem Qualifications (if required): Fort Belknap Tribal Community	Director (DPHHS)	7/1/2018
Ms. Kathy Rich, Helena Qualifications (if required): Head Start State Collaboration	Director (DPHHS)	7/1/2018
Ms. Anneliese Ripley, Dillon Qualifications (if required): Higher Education	Director (DPHHS)	7/1/2018
Ms. A.C. Rothenbuecher, Helena Qualifications (if required): Early Childhood Systems Collaboration Unit Manager	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Tawnya Rupe, Wilsall Qualifications (if required): Philanthropy	Director (DPHHS)	7/1/2018
Ms. Michelle Sexton, East Helena Qualifications (if required): Child Care Group Home	Director (DPHHS)	7/1/2018
Mr. Jeffrey Smith, St. Ignatius Qualifications (if required): Child Care Group Home	Director (DPHHS)	7/1/2018
Ms. Shannon Stevens, Helena Qualifications (if required): Healthy Montana Teen Parent Program Coordinator	Director (DPHHS)	7/1/2018
Ms. Wendy Studt, Helena Qualifications (if required): Montana Milestones/Part C Early Intervention Program Coordinator	Director (DPHHS)	7/1/2018
Ms. Laura Taffs, Helena Qualifications (if required): Children's Mental Health Bureau	Director (DPHHS)	7/1/2018
Ms. Mikayla Three Irons, Hardin Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Stephanie Wilkins, Helena Qualifications (if required): Temporary Assistance for Needy Families Program	Director (DPHHS)	7/1/2018
Ms. Viola Wood, Poplar Qualifications (if required): Fort Peck Tribal Community	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Engineers and Land Surveyors		
Representative Hal Jacobson, Helena Qualifications (if required): Public Representative	Governor	7/1/2018
Mr. David Elias, Anaconda Qualifications (if required): Land Surveyor	Governor	7/1/2018
Mr. Ronald Drake, Helena Qualifications (if required): Professional Engineer	Governor	7/1/2018
Board of Hearing Aid Dispensers		
Mr. Alfred McLees, Billings Qualifications (if required): Licensed hearing aid dispenser and fitter	Governor	7/1/2018
Board of Livestock		
Mr. John Lehfeldt, Lavina Qualifications (if required): None Stated	Governor	7/10/2018
Board of Nursing		
Mr. N. Gregory Kohn, Billings Qualifications (if required): Public Member	Governor	7/1/2018
Ms. Lanette Perkins, Missoula Qualifications (if required): Registered Professional Nurse	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Nursing Cont.		
Ms. Darlene Schulz, Deer Lodge Qualifications (if required): Licensed Practical Nurse	Governor	7/1/2018
Mr. Tom Glover, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2018
Board of Pharmacy		
Ms. Rebekah Matovich, Billings Qualifications (if required): Registered Pharmacy Technician	Governor	7/1/2018
Ms. Charmell Petroff Owens, Hamilton Qualifications (if required): Public Representative	Governor	7/1/2018
Board of Physical Therapy Examiners		
Mr. Pat Goodover, Great Falls Qualifications (if required): Member of the general public who is not a physician or physical therapist	Governor	7/1/2018
Ms. Dawn Christian, Missoula Qualifications (if required): Physical Therapist	Governor	7/1/2018
Ms. Kelsey Wadsworth, Bozeman Qualifications (if required): Physical Therapist	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Private Security		
Mr. Charles Pesola, Kalispell Qualifications (if required): Contract security company or propriety security organization	Governor	8/1/2018
Mr. Martin Mangan, Helena Qualifications (if required): Licensed private investigator	Governor	8/1/2018
Mr. Wynn Meehan, Townsend Qualifications (if required): County Sheriff's Office	Governor	8/1/2018
Captain Mark O. Guy, Laurel Qualifications (if required): City Police Department	Governor	8/1/2018
Board of Public Accountants		
Mr. Wayne Hintz, Helena Qualifications (if required): Certified Public Accountant	Governor	7/1/2018
Mr. Mike Huotte, Anaconda Qualifications (if required): Certified Public Accountant	Governor	7/1/2018
Ms. Kathy VanDyke, Whitehall Qualifications (if required): Public Representative	Governor	7/1/2018
Mr. John W. Jacobsen, Billings Qualifications (if required): Licensed Certified Public Accountant	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Radiologic Technologists		
Mr. Daniel Funsch, Missoula	Governor	7/1/2018
Qualifications (if required): Licensed Radiologic Technologist		
Board of Regents of Higher Education		
Mr. Chase Greenfield, Missoula	Governor	6/30/2018
Qualifications (if required): Student Regent		
Board of Research and Commercialization Technology		
Ms. Prairie Bighorn, Billings	Governor	7/1/2018
Qualifications (if required): Enrolled member of a Montana tribal government		
Board of Veterans' Affairs		
Mr. Byron Erickson, Helena	Governor	8/1/2018
Qualifications (if required): Region 2 Representative		
Representative Kathy Swanson, Anaconda	Governor	8/1/2018
Qualifications (if required): Representative of State Administration and Veterans' Affairs Interim Committee		
Dr. Trena Bonde, Fort Harrison	Governor	8/1/2018
Qualifications (if required): Representative of the U.S. Department of Veterans Affairs		
Ms. Casey Jourdan, Billings	Governor	8/1/2018
Qualifications (if required): Region 4 Representative		

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Veterans' Affairs Cont.		
Mr. Ronald Milam, Missoula Qualifications (if required): Region 1 Representative	Governor	8/1/2018
Ms. Brenda York, Belgrade Qualifications (if required): Training, Education, or Experience related to veterans' issues	Governor	8/1/2018
Dr. William Campbell, Fort Harrison Qualifications (if required): U.S. Veterans Affairs Representative, non-voting member	Governor	8/1/2018
Board of Veterinary Medicine		
Mr. Lance Hughes, Hobson Qualifications (if required): Veterinarian	Governor	7/31/2018
Board of Water Well Contractors		
Mr. Kevin Haggerty, Bozeman Qualifications (if required): Montana water well contractor	Governor	7/1/2018
Commission on Community Service		
Ms. Barbara Braided Hair, Lame Deer Qualifications (if required): Business Representative	Governor	7/1/2018
Committee on Telecommunications Access Services for Persons with Disabilities		
Mr. Jay Wilson Preston, Ronan Qualifications (if required): Member from an InterLATA Interexchange Carrier	Governor	7/1/2018

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Electronic Government Advisory Council		
Clerk Ed Smith, Helena Qualifications (if required): Public Representative	Governor	7/1/2018
Ms. Janene Caywood, Missoula Qualifications (if required): Archaeologist	Governor	7/1/2018
Mr. Edwin Jasmin, Helena Qualifications (if required): Public Representative	Governor	7/1/2018
Future Fisheries Review Panel		
Mr. Alan Davis Johnstone, Wilsall Qualifications (if required): Expertise in commercial agriculture	Governor	7/1/2018
Mr. James Stone, Ovando Qualifications (if required): Expertise in irrigated agriculture	Governor	7/1/2018
Ms. Nancy Sue Winslow, Missoula Qualifications (if required): Expertise in mining reclamation techniques	Governor	7/1/2018
Governor's Advisory Council on Aging		
Senator Gerald Pease, Lodge Grass Qualifications (if required): Public Representative	Governor	7/1/2018
Ms. Laurie Glover, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Governor's Advisory Council on Aging Cont. Mr. Bradley Howell, Roundup Qualifications (if required): Public Representative	Governor	7/1/2018
Governor's Commission on Community Service Major Lori Chamberlain, Fort Harrison Qualifications (if required): State agency representative	Governor	7/1/2018
Ms. Karin Olsen, Helena Qualifications (if required): Designee of the State Superintendent of Public Instruction	Governor	7/1/2018
Ms. Chantel Schieffer, Bozeman Qualifications (if required): Representative of a community-based organization	Governor	7/1/2018
Governor's Postsecondary Scholarship Advisory Council Mr. LeRoy Schramm, Helena Qualifications (if required): Experience in secondary or postsecondary education	Governor	7/1/2018
Information Technology Managers Advisory Council Mr. Eric Tarr, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2018
Mr. Sean Higginbotham, Great Falls Qualifications (if required): Local government representative	Director	8/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Information Technology Managers Advisory Council Cont.		
Mr. Rennan Rieke, Helena	Director	8/1/2018
Qualifications (if required): Information Technology Manager		
Interstate Medical Licensure Compact Commission		
Dr. James Feist, Bozeman	Governor	7/1/2018
Qualifications (if required): Physician member of the Montana Board of Medical Examiners		
Mr. Ian Marquand, Helena	Governor	7/1/2018
Qualifications (if required): Board Executive Officer		
Mental Disabilities Board of Visitors		
Mr. Dan Laughlin, Anaconda	Governor	6/30/2018
Qualifications (if required): Possessing knowledge relative to treatment and welfare of adults with mental illnesses		
Ms. Amy Tipton, Wolf Point	Governor	6/30/2018
Qualifications (if required): Possessing knowledge relative to treatment and welfare of adults with mental illnesses		
Mrs. Melissa Ancell, Poplar	Governor	6/30/2018
Qualifications (if required): Consumer of Developmental Disabilities		
Mr. Jeffrey Folsom, Helena	Governor	6/30/2018
Qualifications (if required): Skills, knowledge, & experience, treatment & welfare of adults with DD, & prof. person		

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Pulse Crop Committee		
Ms. Kim Murray, Froid Qualifications (if required): At-Large Member from either district	Governor	6/30/2018
Mr. Ryan Bogar, Vida Qualifications (if required): Member from an eastern district	Governor	6/30/2018
Mr. Roger Sammons, Cut Bank Qualifications (if required): At-Large Member from either district	Governor	6/30/2018
Petroleum Tank Release Compensation Board		
Mr. James B. Corson, Billings Qualifications (if required): General public	Governor	7/1/2018
Mr. Tim McDermott, Bozeman Qualifications (if required): Member of the general public	Governor	7/1/2018
Mr. John "Chuck" Thompson, Missoula Qualifications (if required): Representative of service station dealers	Governor	7/1/2018
Public Defender Commission		
Senator Roy Brown, Billings Qualifications (if required): Nominee from the President of the Senate	Governor	7/1/2018
Ms. Bonnie Olson, Marion Qualifications (if required): Nominee from the Speaker of the House	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Public Defender Commission Cont.		
Mr. Larry Mansch, Missoula Qualifications (if required): Attorney nominated by the President of the State Bar	Governor	7/1/2018
Ms. Maylinn Elise Smith, Missoula Qualifications (if required): Member of an Organization that advocates on behalf of a racial minority population	Governor	7/1/2018
Replacement of word "Squaw," "Half Breed," or "Breed" Advisory Council		
Mr. Nicholas Peterson Vrooman, Helena Qualifications (if required): Public Representative	Governor	6/1/2018
Representative Norma Bixby, Lame Deer Qualifications (if required): Public Representative	Governor	6/1/2018
Mr. Jason Smith, Helena Qualifications (if required): Director of Indian Affairs	Governor	6/1/2018
Ms. April Christofferson, Bozeman Qualifications (if required): Public Representative	Governor	6/1/2018
Mr. Gerald Daumiller, Helena Qualifications (if required): State Agency Representative	Governor	6/1/2018
Mr. Donald Lee Davis, Helena Qualifications (if required): Member of the Little Shell Chippewa Tribe	Governor	6/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Replacement of word "Squaw," "Half Breed," or "Breed" Advisory Council Cont. Ms. Jennifer Stadum, Helena Qualifications (if required): State Agency Representative	Governor	6/1/2018
State Banking Board Mr. Jack Johnson, Billings Qualifications (if required): Public Representative	Governor	7/1/2018
Mr. Phil G. Gaglia, Billings Qualifications (if required): Active officer in state bank of Montana	Governor	7/1/2018
State Electrical Board Mr. John Gordon, Butte Qualifications (if required): Electrician	Governor	7/1/2018
State Library Commission Commissioner Connie Eissinger, Brockway Qualifications (if required): Public Representative	Governor	6/1/2018
Mr. Ken Wall, Missoula Qualifications (if required): Public Representative	Governor	6/1/2018
State Trails Advisory Committee Mr. Frank LaLiberty, Cascade Qualifications (if required): None Stated	Governor	6/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

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

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Trails Advisory Committee Cont.		
Mr. Robert Long, Polson Qualifications (if required): None Stated	Governor	6/1/2018
Ms. Lyndsey Owens, Big Sky Qualifications (if required): None Stated	Governor	6/1/2018
Mr. William Parker, Whitefish Qualifications (if required): None Stated	Governor	6/1/2018
Ms. Alice Santos, Helena Qualifications (if required): None Stated	Governor	6/1/2018
Mr. Brian Smith, Billings Qualifications (if required): None Stated	Governor	6/1/2018
Mr. Mark Smolen, Bigfork Qualifications (if required): None Stated	Governor	6/1/2018
Mr. Ryan Weiss, Helena Qualifications (if required): None Stated	Governor	6/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State-Tribal Economic Development Commission		
Ms. Delina Cuts The Rope, Harlem Qualifications (if required): Fort Belknap Indian Community Alternate Representative	Governor	6/30/2018
Mr. Alvin Jim Kennedy, Harlem Qualifications (if required): Fort Belknap Indian Community Representative	Governor	6/30/2018
Mr. Shawn Real Bird, Garryowen Qualifications (if required): Crow Tribe Representative	Governor	7/1/2018
Mr. Oliver Norbert Hill, Crow Agency Qualifications (if required): Crow Tribe Alternate	Governor	7/1/2018
Mr. Harold Stone, Crow Agency Qualifications (if required): Crow Tribe Alternate Member	Governor	7/1/2018
Teacher's Retirement Board		
Mr. Scott A. Dubbs, Lewistown Qualifications (if required): Administrator and Member of the Retirement System	Governor	7/1/2018
Tourism Advisory Council		
Ms. Kim Holzer, Stanford Qualifications (if required): Russell County Representative	Governor	7/1/2018
Mr. Brian Sprenger, Belgrade Qualifications (if required): Yellowstone Region Representative	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JUNE 1, 2018 THROUGH AUGUST 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Tourism Advisory Council Cont.		
Ms. Tami Burke, Glasgow	Governor	7/1/2018
Qualifications (if required): Missouri River Country Region Representative		
Mr. Alger Swingley, Babb	Governor	7/1/2018
Qualifications (if required): Tribal Government Representative from private sector		
Western Interstate Commission for Higher Education		
Ms. Florence Lucas, Missoula	Governor	7/1/2018
Qualifications (if required): Legislator		

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SECRETARY OF STATE

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