

MONTANA ADMINISTRATIVE REGISTER

2019 ISSUE NO. 4
FEBRUARY 22, 2019
PAGES 193-250



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.6302 and 12.11.6306) PROPOSED AMENDMENT
pertaining to recreational use on the)
Bitterroot River)

TO: All Concerned Persons

1. On March 19, 2019, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Bitterroot National Forest Supervisor's Office, 1801 North First Street, Hamilton, Montana, to consider the proposed amendment of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than March 8, 2019, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

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

12.11.6302 BITTERROOT RIVER COMMERCIAL USE PERMIT
RESTRICTIONS (1) Bitterroot River commercial use permit holders are restricted to two ~~floats~~ launches per section per day from June 1 to September 15 in the following areas:

- (a) Painted Rocks Dam to Applebury Forest Service Site;
 - (b) Applebury Forest Service Site to Trapper Creek Job Corp Site;
 - (c) Trapper Creek Job Corp Site to Hannon Memorial Fishing Access Site;
- and
- (d) Hannon Memorial Fishing Access Site to Wally Crawford Fishing Access Site.

(2) For the purposes of this rule, "launch" means the placement of a vessel in the water and traveling downstream. A vessel that is docked or beached without exiting the river may continue downstream without it counting as a second launch.

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

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

12.11.6306 REVIEW OF RIVER RECREATION RULES FOR BITTERROOT RIVER (1) The commission shall review the rules governing recreational use on the Bitterroot River every five years starting in 2024 ~~2022~~.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: In 2017, the commission proposed administrative rules restricting recreational and commercial use on portions of the Bitterroot River and establishing the Bitterroot River Commercial Use Permit. The rules were proposed to address concerns about congestion on the river and social conflicts between river users and were based on the recommendations of a citizen advisory council (CAC) in accordance with the River Recreation Management Rules. During public comment regarding the proposed rules, several people stated they wanted the restriction of commercial use permit holders be changed from "two floats per section" to "two launches per section." The commission adopted the new administrative rules at their December 7, 2017 meeting without changing the terminology of "floats" to "launches" and directed the department to evaluate the effectiveness of the rule after the first year of implementation to see if any amendments would be necessary.

The department analyzed the 2018 monitoring data and on January 7, 2019, held a meeting which included eleven of the sixteen CAC members that developed the rule language proposed in 2017 to develop any recommended amendments to the rule language. Based on the data analysis and feedback provided at the meeting, the commission is proposing amending ARM 12.11.6302 to change "floats" to "launches," provide a definition for "launch," and provide a timeframe from June 1 to September 15 for the launch restriction per section of river for commercial use permit holders instead of the restriction being year-round.

The commission is also proposing to amend ARM 12.11.6306 to reflect the correct starting year that the five-year review is to occur.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bitterroot River Recreation, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; or e-mail shrose@mt.gov, and must be received no later than March 22, 2019.

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

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

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

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

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Department of Fish, Wildlife and Parks

/s/ Dan Vermillion

Dan Vermillion

Chair

Fish and Wildlife Commission

Certified to the Secretary of State February 12, 2019.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of	)	AMENDED NOTICE OF PUBLIC
ARM 17.24.645, 17.24.646,	)	HEARING AND EXTENSION OF
17.30.502, 17.30.619, 17.30.702,	)	COMMENT PERIOD ON
17.30.1001, 17.36.345, 17.55.109,	)	PROPOSED AMENDMENT
17.56.507, and 17.56.608, pertaining)	
to ground water standards	)	(RECLAMATION)
incorporated by reference into	)	(WATER QUALITY)
Department Circular DEQ-7	)	(SUBDIVISIONS)
	)	(CECRA)
	)	(UNDERGROUND STORAGE
	)	TANKS)

TO: All Concerned Persons

1. On December 21, 2018, the Board of Environmental Review and the Department of Environmental Quality published MAR Notice No. 17-403 pertaining to the public hearing on the proposed amendment of the above-referenced rules at page 2446 of the 2018 Montana Administrative Register, Issue Number 24.
2. The proposed rulemaking has generated more comments than anticipated. For that reason, on March 19, 2019, at 2:00 p.m., the Board of Environmental Review and the Department of Environmental Quality will hold an additional public hearing in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, and extend the public comment period for an additional 45 days.
3. 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 Sandy Scherer, Legal Secretary, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to sscherer@mt.gov, no later than 5:00 p.m. March 25, 2019. To be guaranteed consideration, mailed comments must be postmarked on or before that date.
4. The board and department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Myla Kelly no later than 5:00 p.m., March 12, 2019, to advise us of the nature of the accommodation that you need. Please contact Myla Kelly at the Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-3639; fax (406) 444-4386; or e-mail MKelly2@mt.gov.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ Edward Hayes

EDWARD HAYES

Rule Reviewer

BY: /s/ Christine Deveny

CHRISTINE DEVENY

Chairman

DEPARTMENT OF ENVIRONMENTAL
QUALITY

BY: /s/ Shaun McGrath

SHAUN McGRATH

Director

Certified to the Secretary of State February 12, 2019.

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

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 37.108.507 pertaining to update	)	AMENDMENT
of the Healthcare Effectiveness Data)	
and Information Set (HEDIS)	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to amend 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 March 8, 2019, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; 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:

37.108.507 COMPONENTS OF QUALITY ASSESSMENT ACTIVITIES

(1) Annually, the health carrier shall evaluate its quality assessment activities by using the following HEDIS ~~2018~~ 2019 measures:

(a) through (3) remain the same.

(4) The department adopts and incorporates by reference the HEDIS ~~2018~~ 2019 measures for the categories listed in (1)(a) through (e). The HEDIS ~~2018~~ 2019 measures are developed by the National Committee for Quality Assurance and provide a standardized mechanism for measuring and comparing the quality of services offered by managed care health plans. Copies of HEDIS ~~2018~~ 2019 measures are available from the National Committee for Quality Assurance, 1100 13th St. NW, Suite 1000, Washington, D.C. 20005 or at www.ncqa.org.

AUTH: 33-36-105, MCA

IMP: 33-36-105, 33-36-302, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Managed Care Plan Network Adequacy and Quality Assurance Act (Title 33, chapter 36, MCA) establishes standards for health carriers offering managed

care plans and for the implementation of quality assurance standards in administrative rules. ARM 37.108.501 through ARM 37.108.521 were adopted in 2001 and established mechanisms for the department to evaluate quality assurance activities of health carriers providing managed care plans in Montana. ARM 37.108.507 requires health carriers to report their quality assessment activities to the department using healthcare effectiveness data and information set (HEDIS) measures, nationally utilized measures that are updated annually. Since the HEDIS standards change somewhat each year, ARM 37.108.507 must also be updated annually to reflect the current year's measures and ensure that national comparisons are possible, since other states will be using the same updated measures.

The option of not updating the HEDIS measures was considered and rejected because these are national quality measures which allow comparisons among health plans. If the measures are not kept current, this function is lost.

Changes to HEDIS 2019 Measures

- (1) Childhood Immunization Status
 - (a) Revised the MMR, VZV, and HepA numerators in the Administrative Specification to indicate that vaccinations administered on or between the child's first and second birthdays meet numerator criteria.
 - (b) Removed "Lower 95% confidence interval" and "Upper 95% confidence interval" data elements from the Data Elements for Reporting tables.
- (2) Breast Cancer Screening (BCS)
 - (a) Added instructions to report the rates stratified by CMS-assigned LIS/DE and Disability status for the Medicare product line.
 - (b) Revised the age requirements for the Exclusions for Medicare members enrolled in an I-SNP or living long-term in an institution.
 - (c) Changed reference of "Medicare Part C monthly membership file" to "Monthly Membership Detail Data File."
 - (d) Clarified that organizations should use the run date of the Monthly Membership Detail Data File to determine if a member had an LTI flag during the measurement year.
 - (e) Added exclusions for members with advanced illness and frailty.
 - (f) Added methods to identify bilateral mastectomy for the optional exclusion.
 - (g) Removed the "Number of required exclusions (Medicare only)" row in the Data Elements for Reporting tables.
 - (h) Removed "Lower 95% confidence interval" and "Upper 95% confidence interval" data elements from the Data Elements for Reporting tables.
 - (i) Added a new data elements table for Medicare stratification reporting.
- (3) Cervical Cancer Screening (CCS)
 - (a) Removed "Lower 95% confidence interval" and "Upper 95% confidence interval" data elements from the Data Elements Reporting tables.
- (4) Comprehensive Diabetes Care (CDC)
 - (a) Incorporated telehealth into the measure specifications.
 - (b) Added instructions to report the "Eye Exam (retinal) performed" indicator rate stratified by LIS/DE and Disability status for Medicare product line.

- (c) Added exclusions for members with advanced illness and frailty.
 - (d) Added exclusions for the Medicare product line for members 65 years of age and older enrolled in an I-SNP or living long-term in institutional settings.
 - (e) Added methods to identify bilateral eye enucleation.
 - (f) Added blood pressure readings taken from remote patient monitoring devices that are electronically submitted directly to the provider for numerator compliance.
 - (g) Updated the Notes to clarify that BP readings taken the same day as lidocaine injections and wart or mole removals should not be excluded for the numerator.
 - (h) Removed "Lower 95% confidence interval" and "Upper 95% confidence interval" data elements from the Data Elements Reporting tables.
 - (i) Added Data Element table CDC-3-B: Data Elements for Comprehensive Diabetes Care and clarified that it is for the "Eye Exam (retinal) performed" indicator only.
- (5) HEDIS/Consumer Assessment of Health Plan Survey (CAHPS) for Adults
- (a) This measure is collected using survey methodology. Detailed specifications and summary of changes are contained in HEDIS 2019, Volume 3: Specifications for Survey Measures.

Corrections, policy changes, and clarifications to HEDIS 2019, Quality Rating System and Volume 2, Technical Specifications

- (1) Breast Cancer Screening:
 - (a) Eligible Population - Stratification. Add the following text as a new bullet under the bullet that reads "Other": Unknown.
 - (b) Eligible Population - Stratification. In the Note, replace the reference to "five" with "six."
 - (c) Exclusions. Replace the text in this section with the following text: Exclude members who meet any of the following criteria: Note: Supplemental and medical record data may not be used for these exclusions.
 - (i) Medicare members 66 years of age and older as of December 31 of the measurement year who meet either of the following:
 - (A) Enrolled in an Institutional SNP (I-SNP) any time during the measurement year.
 - (B) Living long term in an institution any time during the measurement year as identified by the LTI flag of the Monthly Membership Detail Data File. Use the run date of the file to determine if a member had an LTI flag during the measurement year.
 - (ii) Members 66 years of age and older as of December 31 of the measurement year (all product lines) with frailty and advanced illness. Members must meet BOTH of the following frailty and advanced illness criteria to be excluded.
 - (A) At least one claim/encounter for frailty (Frailty Value Set) during the measurement year.
 - (B) Any of the following during the measurement year or the year prior to the measurement year (count services that occur over both years):

(I) At least two outpatient visits (Outpatient Value Set), observation visits (Observation Value Set), ED visits (ED Value Set) or nonacute inpatient encounters (Nonacute Value Set) on different dates of service, with an advanced illness diagnosis (Acute Illness Value Set). Visit type need not be the same for the two visits.

(II) At least one acute inpatient encounter (Acute Inpatient Value Set) with an advanced illness diagnosis (Advanced Illness Value Set).

(III) A dispensed dementia medication (Dementia Medications List).

(d) Administrative Specification - Exclusion (optional). Replace all references of "without a modifier" with "without a right, left, or bilateral modifier (Right Modifier Value Set, Left Modifier Value Set, Bilateral Modifier Value Set.)"

(e) Table BCS-3: Data Elements for Breast Cancer Screening. Replace all references to "Each of the 5 stratifications and total" with "Each of the 6 stratifications and total."

(2) Childhood Immunization Status:

(a) Administrative specification - Numerators, MMR. Replace the text in this section with the following text: Any of the following meet criteria:

(i) At least one MMR vaccination (Measles, Mumps, and Rubella (MMR) Vaccine Administered Value Set) on or between the child's first and second birthdays.

(ii) At least one measles and rubella vaccination (Measles/Rubella Vaccine Administered Value Set) and at least one mumps vaccination or history of the illness (Mumps Vaccine Administered Value Set; Mumps Value Set) on the same date of service or on different dates of service. Only count vaccinations that are administered on or between the child's first and second birthdays (e.g., "Vaccine Administered" Value Sets). History of illness (Mumps Value Set) can occur on or before the child's second birthday.

(iii) At least one measles vaccination or history of the illness (Measles Vaccine Administered Value Set; Measles Value Set) and at least one mumps vaccination or history of the illness (Mumps Vaccine Administered Value Set; Mumps Value Set) and at least one rubella vaccination or history of the illness (Rubella Vaccine Administered Value Set; Rubella Value Set) on the same date of service or on different dates of service. Only count vaccinations that are administered on or between the child's first and second birthdays (e.g., "Vaccine Administered" Value Sets). History of illness (Measles Value Set, Mumps Value Set, Rubella Value Set) can occur on or before the child's second birthday. Note: General Guideline 26 (i.e., the 14-day rule) does not apply to MMR.

(b) Administrative Specification - Numerators, VZV. Replace the text in this section with the following text: Either of the following meets criteria:

(i) At least one VZV vaccination (Varicella Zoster (VZV) Vaccine Administered Value Set) with date of service on or between the child's first and second birthdays.

(ii) History of varicella zoster (e.g., chicken pox) illness (Varicella Zoster Value Set) on or before the child's second birthday.

(c) Administrative Specification - Numerators, Hepatitis A. Replace the text in this section with the following text: Either of the following meets criteria:

(i) At least one hepatitis A vaccination (Hepatitis A Vaccine Administered Value Set) with a date of service on or before the child's first and second birthdays.

(ii) History of hepatitis A illness (Hepatitis A Value Set) on or before the child's second birthday.

(d) Hybrid Specification - Numerators, Medical Records. Add the following text as a new paragraph after the fourth paragraph: Immunizations documented using a generic header (e.g., polio vaccine) or "IPV/OPV" can be counted as evidence of IPV. The burden on organizations to substantiate the IPV antigen is excessive compared to a risk associated with data integrity.

(3) Comprehensive Diabetes Care

(a) Eligible Population - Stratification

(i) Add the following bullet under the bullet that reads "Other": Unknown

(ii) In the Note, replace the reference to "five" with "six."

(b) Eligible Population - Stratification. In the Note, replace the reference to "five" with "six."

(c) Eligible Population - Exclusions. Replace the text in this section with the following text: Exclude members who meet any of the following criteria: Note: Supplemental and medial record data may not be used for these exclusions.

(i) Members 66 years of age and older as of December 31 of the measurement year (all product lines) with frailty and advanced illness. Members must meet BOTH of the following frailty and advanced illness criteria to be excluded:

(A) At least one claim/encounter for frailty (Frailty Value Set) during the measurement year.

(B) Any of the following during the measurement year or the year prior to the measurement year (count services that occur over both years):

(I) At least two outpatient visits (Outpatient Value Set), observation visits (Observation Value Set), ED visits (ED Value Set) or nonacute inpatient encounters (Nonacute Inpatient Value Set) on different dates of service, with an advanced illness diagnosis (Advanced Illness Value Set). Visit type need not be the same for the two visits.

(II) At least one acute inpatient encounter (Acute Inpatient Value Set) with an advanced illness diagnosis (Advanced Illness Value Set).

(d) A dispensed dementia medication (Dementia Medications List).

(e) Table CDC-3-B: Data Elements for Comprehensive Diabetes Care: Eye Exam (Medicare SES Stratifications only. Report the Total Medicare population in Table CDC-1/1/3). Replace all references to "Each of the 5 stratifications" with "Each of the 6 stratifications."

5. The department intends to adopt these rule amendments to be applied retroactively to January 1, 2019. There is no negative impact to the affected health insurance company applying the rule amendment retroactively.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Gwen Knight, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on March 22, 2019. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

7. 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 Gwen Knight at the above address no later than 5:00 p.m., March 22, 2019.

8. 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 1 person based on the one health insurance provider affected by this proposed rule amendment.

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 6 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 of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Flint Murfitt
Flint Murfitt
Rule Reviewer

/s/ Erica Johnston for
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State February 12, 2019.

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 the Ennis	)	EMERGENCY RULES
Fishing Access Site and the Valley)	
Garden Fishing Access Site in)	
Madison 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 closing the Ennis Fishing Access Site and the Valley Garden Fishing Access Site:

(a) There is ice gorging and ice jams on the Madison River that have caused water to channel through multiple portions of the fishing access sites, which is then freezing.

(b) The combination of dangerous conditions includes changing flooded areas throughout the sites, freezing and rendering unsafe conditions for pedestrian and vehicle travel.

(c) Persons recreating at the fishing access sites would be at risk of unsafe roadways, injury, or drowning.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, due to the combination of unsafe conditions 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 closure will be posted at access points. The rules will be sent to interested parties, and published as emergency rules in Issue No. 4 of the 2019 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 March 30, 2019, 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 February 8, 2019, when this rule notice is filed with the Secretary of State.

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

RULE I ENNIS FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Ennis Fishing Access Site is located along the Madison River in Madison County.

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

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. 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

RULE II VALLEY GARDEN FISHING ACCESS SITE EMERGENCY

CLOSURE (1) The Valley Garden Fishing Access Site is located along the Madison River in Madison County.

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

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. 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 rules is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Travis Horton, Fish, Wildlife and Parks, 1400 South 19th Avenue, Bozeman, MT 59718-5496; or e-mail thorton@mt.gov. Any comments must be received no later than April 12, 2019.

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

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

/s/ Mike Volesky

Mike Volesky

Chief of Operations

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State February 8, 2019.

BEFORE THE BOARD OF BEHAVIORAL HEALTH
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the transfer of ARM) NOTICE OF TRANSFER
24.154.301 through 24.154.2301)
pertaining to licensed addiction)
counselors)

TO: All Concerned Persons

1. In 2015, House Bill 358 transferred the licensure and regulation of licensed addiction counselors from the Department of Labor and Industry to the Board of Behavioral Health.

2. The transfer of the rules is necessary to reduce confusion and provide better organization by housing all the board's rules under one chapter.

3. The transferred rules will be renumbered as follows:

<u>OLD</u>	<u>NEW</u>	
24.154.301	24.219.5001	Definitions
24.154.401	24.219.5002	Fee Schedule
24.154.403	24.219.5003	Military Training or Experience
24.154.405	24.219.5004	Education Requirement
24.154.406	24.219.5005	Gambling Disorder Education Requirement for Current Licensed Addiction Counselor Licensees
24.154.407	24.219.5006	Licensed Addiction Counselor Application Procedures
24.154.408	24.219.5007	Licensure of Out-of-State LAC Applicants
24.154.409	24.219.5008	Supervised Work Experience
24.154.412	24.219.5009	Supervisor Qualifications
24.154.413	24.219.5010	Qualified Treatment Setting
24.154.420	24.219.5011	Nonresident Licensed Addiction Counselor Services
24.154.422	24.219.5012	Inactive Status and Conversion from Inactive to Active Status
24.154.501	24.219.5013	Addiction Counselor Licensure Candidate Application Procedures
24.154.504	24.219.5014	Addiction Counselor Licensure Candidate Requirements
24.154.507	24.219.5015	Addiction Counselor Licensure Candidate Annual Registration Requirements
24.154.2105	24.219.5016	Continuing Education Requirements
24.154.2106	24.219.5017	Course Criteria

24.154.2107	24.219.5018	Continuing Education Procedures and Documentation
24.154.2301	24.219.5019	Unprofessional Conduct

BOARD OF BEHAVIORAL HEALTH
DR. PETER DEGEL, LCPC
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 February 12, 2019.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 42.21.154, 42.21.155,	)	REPEAL
42.21.158, and 42.22.1311, and)	
repeal of ARM 42.21.113, 42.21.123,)	
42.21.131, 42.21.132, 42.21.137,)	
42.21.138, 42.21.139, 42.21.140,)	
42.21.151, 42.21.153, 42.21.156, and)	
42.21.157 pertaining to trended)	
depreciation schedules for valuing)	
personal property)	

TO: All Concerned Persons

1. On December 7, 2018, the Department of Revenue (department) published MAR Notice No. 42-2-999 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 2369 of the 2018 Montana Administrative Register, Issue Number 23.

2. On December 28, 2018, a public hearing was held to consider the proposed amendment and repeal. No proponents, opponents, or other interested persons were present at the hearing and no oral or written comments or testimony were received at that time.

3. On January 25, 2019, the department filed an Amended Notice of Public Hearing on Proposed Amendment and Repeal to address additional revisions of the trended depreciation schedules proposed in ARM 42.21.155(4)(g) and (4)(h). In accordance with 2-4-305(8)(c), MCA, the department allowed additional time for the public to provide oral or written comment to the rulemaking until February 4, 2019. The department timely received written comments from Bob Story, Executive Director for the Montana Taxpayers Association (Montax); Donna Lawrence of Denbury Resources, Inc; Tim Robertson, President of Century Companies, Inc.; Chuck Roady, Vice President of F. H. Stoltze Land & Lumber Company; Kevin Esser, Chief Financial Officer for Idaho Forest Group, LLC; Bud Clinch, Executive Director for the Montana Coal Council; Nicole Rolf, Director of National Affairs for the Montana Farm Bureau Federation; David Smith, Executive Director for the Montana Contractor's Association; Jason Todhunter of the Montana Logging Association; Steve Marks, President of Marks Lumber; and Bridger Mahlum, Government Relations Director for the Montana Chamber of Commerce.

4. The department has amended ARM 42.21.154, 42.21.158, and 42.22.1311, and repealed ARM 42.21.113, 42.21.123, 42.21.131, 42.21.132, 42.21.137, 42.21.138, 42.21.139, 42.21.140, 42.21.151, 42.21.153, 42.21.156, and 42.21.157 as proposed.

5. The department has amended ARM 42.21.155, but with the following changes from the original and amended proposals, new matter underlined, deleted matter interlined:

42.21.155 CATEGORIES FOR PERSONAL PROPERTY; TREND
DEPRECIATION SCHEDULES; TREND FACTOR CALCULATION (1) through (3) remain as proposed.

(4) The trended depreciation schedules for the categories of personal property are as follows:

(a) through (f) remain as proposed.

(g) Farm Machinery and Equipment - a twenty-year depreciation and a residual percentage will be applied to farm machinery and equipment. A ~~60~~ 50 percent wholesale factor is applied. The trend factors are calculated from the average of all category of the Marshall & Swift Guide.

Farm Machinery and Equipment

YEAR NEW/ ACQUIRED	% GOOD	TREND FACTOR	WHOLESALE FACTOR	WHOLESALE TRENDED % GOOD
2019	100	1.000	60 <u>50</u>	60 <u>50</u>
2018	97	1.000	60 <u>50</u>	58 <u>49</u>
2017	93	0.974 <u>1.026</u>	60 <u>50</u>	54 <u>48</u>
2016	90	0.955 <u>1.047</u>	60 <u>50</u>	52 <u>47</u>
2015	86	0.963 <u>1.038</u>	60 <u>50</u>	50 <u>45</u>
2014	82	0.954 <u>1.048</u>	60 <u>50</u>	47 <u>43</u>
2013	78	0.942 <u>1.062</u>	60 <u>50</u>	44 <u>41</u>
2012	74	0.934 <u>1.070</u>	60 <u>50</u>	41 <u>40</u>
2011	70	0.908 <u>1.101</u>	60 <u>50</u>	38 <u>39</u>
2010	65	0.884 <u>1.135</u>	60 <u>50</u>	34 <u>37</u>
2009	60	0.887 <u>1.127</u>	60 <u>50</u>	32 <u>34</u>
2008	55	0.863 <u>1.159</u>	60 <u>50</u>	28 <u>32</u>
2007	50	0.830 <u>1.205</u>	60 <u>50</u>	25 <u>30</u>
2006	45	0.787 <u>1.271</u>	60 <u>50</u>	21 <u>29</u>
2005	40	0.752	60 <u>50</u>	18 <u>27</u>

		<u>1.330</u>		
2004	35	0.699 <u>1.430</u>	60 <u>50</u>	45 <u>25</u>
2003	31	0.676 <u>1.479</u>	60 <u>50</u>	43 <u>23</u>
2002	27	0.665 <u>1.504</u>	60 <u>50</u>	41 <u>20</u>
2001	24	0.661 <u>1.513</u>	60 <u>50</u>	40 <u>18</u>
2000	22	0.655 <u>1.526</u>	60 <u>50</u>	9 <u>17</u>
1999	21	0.644 <u>1.554</u>	60 <u>50</u>	8 <u>16</u>
older	20	0.642 <u>1.559</u>	60 <u>50</u>	8 <u>16</u>

(h) Heavy Equipment - a twenty-year depreciation and a residual percentage will be applied to heavy equipment. A ~~60~~ 50 percent wholesale factor is applied. The trend factors are calculated from the contractor's equipment category of the Marshall & Swift Guide.

Heavy Equipment

YEAR NEW/ ACQUIRED	% GOOD	TREND FACTOR	WHOLESALE FACTOR	WHOLESALE TRENDED % GOOD
2019	100	1.000	60 <u>50</u>	60 <u>50</u>
2018	97	1.000	60 <u>50</u>	58 <u>49</u>
2017	93	1.018	60 <u>50</u>	57 <u>47</u>
2016	90	1.034	60 <u>50</u>	56 <u>47</u>
2015	86	1.032	60 <u>50</u>	53 <u>44</u>
2014	82	1.045	60 <u>50</u>	51 <u>43</u>
2013	78	1.059	60 <u>50</u>	50 <u>41</u>
2012	74	1.079	60 <u>50</u>	48 <u>40</u>
2011	70	1.115	60 <u>50</u>	47 <u>39</u>
2010	65	1.147	60 <u>50</u>	45 <u>37</u>
2009	60	1.143	60 <u>50</u>	41 <u>34</u>
2008	55	1.177	60 <u>50</u>	39 <u>32</u>
2007	50	1.214	60 <u>50</u>	36 <u>30</u>
2006	45	1.257	60 <u>50</u>	34 <u>28</u>
2005	40	1.313	60 <u>50</u>	32 <u>26</u>
2004	35	1.403	60 <u>50</u>	29 <u>25</u>
2003	31	1.444	60 <u>50</u>	27 <u>22</u>
2002	27	1.466	60 <u>50</u>	24 <u>20</u>
2001	24	1.478	60 <u>50</u>	21 <u>18</u>
2000	22	1.486	60 <u>50</u>	20 <u>16</u>

1999	21	1.512	60 <u>50</u>	19 <u>16</u>
older	20	1.524	60 <u>50</u>	18 <u>15</u>

(5) remains as proposed.

AUTH: 15-1-201, 15-23-108, MCA

IMP: 15-6-135, 15-6-138, 15-6-202, 15-6-207, 15-6-213, 15-6-219, 15-8-111, MCA

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

COMMENT 1: Mr. Story's initial remarks criticize the scheduling of the December 28, 2018 administrative rules hearing and the formatting of the department's electronic mail correspondence notifying its interested parties of new rulemaking events as contributing to Montax's non-response to the original proposal notice for MAR Notice No. 42-2-999.

Messrs. Clinch, Marks, and Mahlum also made comments regarding the scheduling of the public rules hearing on December 28, 2018.

Mr. Roady commented that the administrative rule hearing was scheduled to minimize attendance at the hearing.

RESPONSE 1: The department agrees with all commenters that late-year scheduling of department business is, occasionally, unavoidable; such was the case here. The department determined that there would be potentially fewer conflicts for a December 28 hearing versus during the opening days of the 66th Montana Legislature. The department sent its interested persons notices more than the required 20 days before the hearing and the hearing and comment deadline comply with 2-4-302, MCA. The department appreciates these comments and will consider them should any similar scheduling issue arise in the future.

As for Mr. Story's comments regarding the configuration of Montax's email receipts and a failure to open email, the department disagrees that Montax's no review or dismissal of the correspondence is the department's fault through a deficient or unclear notification. All the necessary and pertinent information relative to the rulemaking was clearly present in the department's December 6 email notification to its interested persons list and the department has received no other similar criticism. While the department can format email content, it cannot configure email delivery systems; those are user-interface considerations. The department is also uncertain that separate emails for each rule notice or multiple emails inherently improve the quality of notification. The department does agree that information processes - including external communications - can be improved, and we will continue to review and improve, where necessary, our processes and communications.

The department disagrees with Mr. Roady's comments regarding the December 28 rules hearing. Notwithstanding the legal requirements which it met, the department invites and encourages interested persons in the department's rulemaking to provide their comments and concerns within the prescribed comment

period, whether at the public hearing or not, and to have the remarks fully considered by the department and receive a formal reply.

Should Messrs. Marks and Roady, or any other party desire to be added to the department's list of interested persons to receive independent notification of future administrative rulemaking, they may go to the department's webpage at <https://mtrevenue.gov/resources/government/administrative-rules> and complete the brief registration, or they may contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov.

COMMENT 2: Messrs. Story and Mahlum, and Ms. Rolf, commented that their organizations support the format and organization of the department's rulemaking, which makes the use and understanding of the depreciation tables more taxpayer friendly and in future years will ease comparison of proposed changes from the current.

RESPONSE 2: The department thanks the commenters for the comments.

COMMENT 3: Mr. Story comments that Montax is concerned with the amount of increase in several of the trend factors. He states. . . "it is hard to understand why the trend factors on almost all types of equipment are increasing from last year's tables to this year's even with the adjustment for the change in year. In many cases, for any given category the trend factor, especially for equipment less than 8 years old, is higher than it would have been for the same year equipment in the previous rule."

Messrs. Esser and Robertson also commented on the significance of 8-year-old equipment proposed trend factoring compared to the previous depreciation schedule. Mr. Robertson provided an example for a 2011 excavator, where the assessed taxable value appears to increase in tax year 2019 versus 2018.

Mr. Smith provided examples from his association that calculated valuation percentages for heavy equipment purchased in 2015, and by comparison, potential increases in valuation for the same equipment if purchased in 2013.

RESPONSE 3: The change or increase reflected in trend factors for some types of equipment is the result of switching the source of the cost indexes used in calculating the trend factors for all personal property types to the Marshall & Swift Valuation Service Guide (Marshall & Swift). Historically, the department reviewed cost indexes and determined trend factors for some property types based on information taken from the Producer Price Indexes published by the United States Department of Labor, Bureau of Labor Statistics, while other property types followed a similar process using Marshall & Swift. To provide greater consistency in the valuation of all types of personal property, the department switched to Marshall & Swift cost indexes to calculate all the trend factors.

COMMENT 4: Several commenters questioned why heavy equipment has trend factors that increase as the equipment ages, and other categories have decreasing trend factors as the equipment ages. And some categories increase, then decrease,

then increase again. Commenters opined that trends should be long term and consistent.

RESPONSE 4: Trending is a method of estimating a property's current cost, as if new, where a trend factor is applied to the property's historical cost to convert it into an indication of current cost. Trending is intended to reflect the movement of prices over time. This "trended" cost is then depreciated to recognize the fact that the subject property is not new and has a lesser value than a new item of the same type of property.

As discussed in Response 3, the department uses cost index information from Marshal & Swift to develop its trend factors. The department believes this resource best provides cost index information for Montana's numerous industries, allowing different trends to be developed based on the type and use of the property being valued.

It is also significant to note that each year's trend is an independent value and reflects the difference in cost for each year compared to the current year. Different market forces in one year compared to another year can result in non-linear trends when viewing a depreciation schedule.

Additional information related to the source and development of our trends can be found in ARM 42.21.155(2) and (3).

COMMENT 5: Several commenters provided commentary on the department's choice and use of Marshall & Swift versus other valuation authorities, particularly with the application to farm equipment and heavy equipment valuation. The commenters remarked about the perceived accuracy of Marshall & Swift in farm equipment and heavy equipment valuation and whether it is the best resource and reflective of current values.

Mr. Clinch similarly commented on the department's use of Marshall & Swift as being a matter of convenience and asks why the department does not adopt the "Iron Guides" valuation reference for heavy equipment, which he asserts is more universally accepted and will lead to fewer appeals of valuation.

Mr. Todhunter commented that the department's valuation guides do not include specialized logging equipment that is provided in the logging industry's "Green Book," and recommends its adoption, as Marshall & Swift valuation appears to result in valuation increases.

RESPONSE 5: The department thanks all commenters for these comments. The department uses several methods and sources of information in the valuation of farm machinery and equipment and heavy equipment. The first and preferred source used to value farm machinery and equipment and heavy equipment is the Equipment Watch valuation service (Equipment Watch). Equipment Watch provides current values for equipment based on recent sales and auctions of that equipment, when available, and is the historical resource the department has used for valuing heavy equipment. Previously, Equipment Watch provided value information for heavy equipment only, so Iron Guides was used to value farm equipment. However, in recent years, Equipment Watch began providing values for farm equipment, at no additional cost to the department, so the department began utilizing Equipment

Watch in 2018 to value both farm and heavy equipment to cut costs and increase efficiency.

When current values are not available from Equipment Watch, the department must use different methods and sources of information to determine current value. The process for doing so was proposed in this rulemaking in the department's amendments to ARM 42.21.154(6) and are being adopted as proposed.

Further, neither Equipment Watch nor Iron Guides provides trend factors or depreciation schedules. The department directs the commenters to Responses 3 and 4 regarding the department's prior use of multiple sources for cost indexing, calculating trend factors, and how the department develops its depreciation schedules using Marshall & Swift, all with the goal to increase accuracy, efficiency, and consistency in the valuation of all types of personal property.

As to Mr. Todhunter's comments advocating for the use of the logging industry's "Green Book," the department acknowledges that there are niche valuation resources that may hold certain industry preferences. However, the department cannot achieve consistency in the valuation of all types of personal property if it were to accede to preferences. The department will continue to review and improve our processes and, where necessary, look to improved valuation resources.

COMMENT 6: Several commenters remarked that they applaud the actions taken by the department in its amended proposal notice to further revise the wholesale factors in the trended depreciation schedules described in proposed ARM 42.21.155(4)(g) and (h), but also say more downward adjustment to the factors is needed to limit the adverse effect on business equipment owners.

Mr. Smith commented similarly to the reduction in wholesale factors in the amended proposed notice but continued, "While the revision of the wholesale factor column values is reduced from 80% to 60%, the secondary change in calculation for the proposed wholesale trended % good increases the value of aging equipment."

RESPONSE 6: The department agrees that additional revision is necessary. Based on the comments and additional analysis performed by the department, the department has further amended the wholesale factors in the farm machinery and equipment and heavy equipment trended depreciation schedules in ARM 42.21.155(4)(g) and (h) down to 50% from 60%. The department analyzed the Equipment Watch fair market values in comparison to the Equipment Watch forced liquidation value. This analysis resulted in our change in wholesale factor from 80% to 60%. We further analyzed the relationship between Equipment Watch's forced liquidation value and the original installed cost the subject piece of equipment. After the original cost of the equipment was trended to a current year cost, our analysis resulted in the wholesale factor being adjusted from 60% to 50%.

As to Mr. Smith's wholesale trended % good comments, based on analysis we have conducted, the additional revision made to the wholesale factor will mitigate the instances of equipment being valued higher using the new method than what was used in the prior year.

After further analysis made after the initial public comment period closed, the department found a formulaic error in the spreadsheet that was utilized to calculate the trend factors in the farm machinery and equipment schedule. The error has been corrected and the department further amends the trend factors in the farm machinery and equipment schedule in ARM 42.21.155(4)(g).

COMMENT 7: Mr. Roady commented that it is his belief that the department is arbitrarily raising the rates on equipment that is getting older, without any basis, simply to generate more revenue for the State. Mr. Roady also asked for an extension to comment so his company can evaluate the cost of the rule changes.

RESPONSE 7: The department thanks Mr. Roady for his comments. As to the comment regarding the arbitrary increase of rates (taxes) on older equipment, the department directs Mr. Roady to Responses 5 and 6. Regarding Mr. Roady's request that the department grant an extension of time for his company to conduct a comparison on the effects of the 2019 trended depreciation schedule, the department believes the additional amendments to ARM 42.21.155(4)(h) and Response 6 address Mr. Roady's concerns with 2019 heavy equipment category valuation.

COMMENT 8: In addition to his comments on the scheduling of department's rulemaking under MAR Notice No. 42-2-999 which are included in Comment 1, Mr. Marks expressed concern with how he could receive prior notification of department rulemaking that affects proposed trended depreciation of heavy equipment as his company prepares to pay annual assessments under the special mobile equipment registration decal provided in 61-3-431, MCA.

RESPONSE 8: The department thanks Mr. Marks for his comments. To best keep informed about the scheduling and status of department rulemaking, the department invites Mr. Marks to register for direct notices of the department's rulemaking, the instructions for which are provided at the end of Response 1. Regarding his comments about wholesale factors and general depreciation, the department refers Mr. Marks to Responses 3 through 6, which the department believes provide him adequate information and explanation. The department strives for timely and clear rulemaking and will consider Mr. Marks's comments in this annual rulemaking.

COMMENT 9: Ms. Lawrence commented that the department should consider amending the depreciation schedule and residual percentage applied to oil and gas field machinery and equipment in proposed ARM 42.21.155(4)(f) to a lower 14-year useful life. Her support for the change is based on the Internal Revenue Service's (IRS) Publication 946 (IRS Pub 946), Table B2 - Asset Class 13.2 (2017), regarding depreciation of such assets, and that the states of Wyoming and Mississippi have adopted this federal guidance.

RESPONSE 9: The department thanks Ms. Lawrence for the comment. However, at this time the department does not agree that a further adjustment to the life of oil and gas field machinery and equipment is warranted.

Each property category's useful life span has been selected by the department to represent a specific life expectancy. When making this determination, the department considers various sources providing asset life information. One of the main sources the department uses in the development of its models and valuations is Marshal & Swift, which does report furniture, fixtures, and equipment data from IRS Pub 946. The department has considered the asset lives as reported by IRS Pub 946. However, the state of Montana segregates property into eight categories for commercial property, and into 32 categories for industrial property, where the IRS segregates property into hundreds of categories.

In the case of petroleum exploration and production equipment, Marshal & Swift reports asset lives from 11 to 17 years, with 14 being the midpoint. The same asset lives apply for natural gas production equipment. This type of property falls within the oil and gas field machinery and equipment category that has been assigned a 15-year life, which the department believes is reasonable for this type of property.

7. The department will apply these rule amendments and repeals effective January 1, 2019.

/s/ Todd Olson

Todd Olson
Rule Reviewer

/s/ Gene Walborn

Gene Walborn, Director
Department of Revenue

Certified to the Secretary of State February 12, 2019.

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 September 30, 2018. This table includes notices in which those rules adopted during the period August 10, 2018, through February 8, 2019, 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 September 30, 2018, 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 2018 or 2019 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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(Board of Barbers and Cosmetologists)

- 24-121-16 Definitions - Fees - Nonroutine Applications - Premises and General Requirements - Licensure by Credentialing With an Out-of-State License - Application for Postsecondary School Licensure - Application for Instructor License - Credited Hours for Montana-Licensed Individuals in a Cosmetology or Barbering Program - Instructor Requirements—Teacher-Training Programs - Salons/Booth Rental - Implements, Instruments, Supplies, and Equipment - Sanitizing and Disinfecting Implements and Equipment - Foreign-Educated Applicants, p. 925, 1605

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(Board of Dentistry)

- 24-138-75 Definition of Nonroutine Application - General Standards for Specialties - Specialty Advertising, p. 2361

(Board of Hearing Aid Dispensers)

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(Board of Medical Examiners)

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(Board of Nursing)

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- 24-159-86 Renewal Dates, p. 1778, 2051

(Board of Nursing Home Administrators)

- 24-162-41 Definitions - Application and Documentation for Licensure - Temporary License - Licensure by Credential - Public Information, p. 1355, 2053

(Board of Occupational Therapy Practice)

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(Board of Outfitters)

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(Board of Pharmacy)

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- 24-183-43 Definitions - Fee Schedule - Teaching of Advanced Engineering Subjects in Montana - Certificate of Authorization - Applications - Exhibits of Land Surveying Projects - Comity for Professional Engineers and for Professional Land Surveyors - Classification of Land Surveying Experience - Continuing Professional Competence- Continuing Education - Unprofessional Conduct, p. 13

(Board of Public Accountants)

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(Board of Real Estate Appraisers)

24-207-42 Appraisal Review - USPAP Exemption - Definitions - Examination - Application Requirements - Approval of Qualifying and Continuing Education Courses - Ad Valorem Appraisal Experience - Qualifying Experience - Inactive License/Certification - Inactive to Active License - Trainee Requirements - Mentor Requirements - Registration and Renewal of Appraisal Management Companies - Continuing Education-Compliance and Auditing - Unprofessional Conduct for Appraisers - Unprofessional Conduct for Appraisal Management Companies - Incorporation by Reference of the Real Property Appraiser Qualification Criteria - Appraiser Reporting Obligations to the Board - Appraisal Management Company Reporting Obligations to the Board - Regulatory Reviews - Experience-Number of Hours Required - Qualifying Education Requirements for Licensed Real Estate Appraisers - Qualifying Education Requirements for Residential Certification - Qualifying Education Requirements for General Certification - Scope of Practice - Continuing Education Noncompliance, p. 2166, 53

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(Board of Sanitarians)

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(Board of Behavioral Health)

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- 32-18-294 Definitions - Testing of Exposed Equids, p. 1708, 2542

(Board of Milk Control)

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(Board of Oil and Gas Conservation)

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(Board of Water Well Contractors)

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EXECUTIVE BRANCH APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in January 2019 appear. Potential vacancies from March 1, 2019 through May 31, 2019, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 1, 2019.

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

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Chiropractors			
Dr. Gregory L. Pisk	Governor	Reappointed	1/1/2019
Kalispell			1/1/2022
Qualifications (if required): Licensed Chiropractor			
Board of Housing			
Mr. Robert Leroy Gauthier	Governor	Reappointed	1/1/2019
Ronan			1/1/2023
Qualifications (if required): Member informed and experienced in housing			
Representative Jeanette S. McKee	Governor	Reappointed	1/1/2019
Hamilton			1/1/2023
Qualifications (if required): Member informed and experienced in housing			
Representative Sheila Rice	Governor	Reappointed	1/1/2019
Great Falls			1/1/2023
Qualifications (if required): Member informed and experienced in housing			
Board of Investments			
Ms. Teresa Cohea	Governor	Reappointed	1/11/2019
Helena			1/1/2023
Qualifications (if required): Representative of the Financial Community			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Investments Cont.			
Mr. Karl Englund Missoula	Governor	Reappointed	1/11/2019 1/1/2023
Qualifications (if required): Attorney and will serve as Chair			
Ms. Diane Fladmo Helena	Governor	Reappointed	1/11/2019 1/1/2023
Qualifications (if required): Representative of Labor			
Mr. Bruce Nelson Bozeman	Governor	Satre	1/11/2019 1/1/2023
Qualifications (if required): Representative of agriculture			
Board of Nursing			
Ms. Leesha Ford Great Falls	Governor	Perkins	1/11/2019 7/1/2022
Qualifications (if required): Registered Nurse			
Ms. Sarah M. Spangler Havre	Governor	Dombtouski	1/11/2019 7/1/2019
Qualifications (if required): Registered Nurse			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Outfitters			
Mr. Matthew A. Greenmore	Governor	Reappointed	1/11/2019
Twin Bridges			10/1/2021
Qualifications (if required): Outfitter licensed to provide fishing services			
Mr. Robert Troupe Arnaud	Governor	Reappointed	1/11/2019
Bozeman			10/1/2021
Qualifications (if required): Outfitter licensed to provide fishing and hunting services			
Board of Pardons and Parole			
Mr. Darrell Bell	Governor	Reappointed	1/1/2019
Billings			1/1/2025
Qualifications (if required): Extensive work experience in corrections, the criminal justice system			
Ms. Kristina Lucero	Governor	Reappointed	1/1/2019
Missoula			1/1/2025
Qualifications (if required): Extensive work experience in corrections, the criminal justice system, or criminal law			
Board of Public Assistance			
Representative Carolyn Pease-Lopez	Governor	Schmitt	1/11/2019
Billings			1/1/2023
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Get Outdoors Montana (GO-MT) Advisory Council			
Mr. Marty Daniel Bannon Great Falls	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Recreation user and interest groups			
Mr. A. Lee Boman Seeley Lake	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Recreation user and interest groups			
Dr. Kayje Booker Missoula	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Conservation and stewardship organizations			
Ms. Diane Leigh Bristol Belgrade	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Outdoor recreation industry			
Mr. George H. Corn Hamilton	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Recreation user and interest groups			
Ms. Jennifer Doherty Missoula	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Conservation and stewardship organizations			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Get Outdoors Montana (GO-MT) Advisory Council Cont.			
Mr. Andrew McKean Glasgow	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required):	Recreation user and interest groups		
Dr. Scott Mickelsen Glendive	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required):	Recreation user and interest groups		
Mr. Kevin Nemeth Billings	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required):	Recreation user and interest groups		
Mr. Jeffrey Todd Reed Emigrant	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required):	Outdoor recreation industry		
Representative Tyson Running Wolf Browning	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required):	Local, tribal, state, and federally employed land stewards		
Mr. Gray N. Thornton Bozeman	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required):	Conservation and stewardship organizations		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Get Outdoors Montana (GO-MT) Advisory Council Cont.			
Mr. Kendall Van Dyk Helena	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Conservation and stewardship organizations			
Ms. Kathy Weber Bates Missoula	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Outdoor recreation industry			
Mr. Onno Charles Wieringa Hungry Horse	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Outdoor recreation industry			
Mr. Joseph Willauer Butte	Governor	None Stated	1/11/2019 9/1/2020
Qualifications (if required): Recreation user and interest groups			
Governor's Advisory Council on Aging			
Mr. James E. (Curly) Burns Helena	Governor	Melton	1/11/2019 7/1/2020
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Judicial Nominations Commission			
Mr. Harold Glen Harper	Governor	None Stated	1/1/2019
Helena			1/1/2023
Qualifications (if required): Lay member who is neither a judge nor an attorney			
Labor-Management Advisory Council			
Mr. Doug Buman	Governor	None Stated	1/16/2019
Seattle, WA			12/31/2019
Qualifications (if required): Representing Employees			
Lt. Governor Mike Cooney	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required): None Stated			
Ms. Vicki Evans	Governor	None Stated	1/16/2019
Great Falls			12/31/2019
Qualifications (if required): Employers representing self-insurers			
Mr. Adam Haight	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required): Representing Employees			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Labor-Management Advisory Council Cont.			
Ms. Annette Hoffman	Governor	None Stated	1/16/2019
Billings			12/31/2019
Qualifications (if required):	Representing Employers		
Mr. Don Judge	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required):	Representing Employees		
Mr. Jim Larson	Governor	None Stated	1/16/2019
Billings			12/31/2019
Qualifications (if required):	Representing Employees		
Mr. Bridger Mahlum	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required):	Employers representing Montana Chamber of Commerce		
Mr. Mike Marsh	Governor	None Stated	1/16/2019
Billings			12/31/2019
Qualifications (if required):	Representing Employers		
Mr. Al Smith	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required):	Employees chosen by the Montana Trial Lawyers Association		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Labor-Management Advisory Council Cont.			
Mr. Eric Strauss	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required): Ex-officio Member			
Mr. Lance Zanto	Governor	None Stated	1/16/2019
Helena			12/31/2019
Qualifications (if required): Representing Employers			
Montana Children's Trust Fund Board			
Ms. Patricia Butler	Governor	Reappointed	1/1/2019
Helena			1/1/2022
Qualifications (if required): State government agency involved in social work			
Ms. Kristina A. Davis	Governor	Reappointed	1/1/2019
Great Falls			1/1/2022
Qualifications (if required): Member			
Ms. Tracy Moseman	Governor	Reappointed	1/1/2019
Helena			1/1/2022
Qualifications (if required): State government agency involved in education			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Children's Trust Fund Board Cont.			
Mr. James Scott Wheeler	Governor	Reappointed	1/1/2019
Kalispell			1/1/2022
Qualifications (if required): Member			
Montana Facility Finance Authority			
Mr. Paul James Komlosi	Governor	Reappointed	1/11/2019
White Sulphur Springs			1/1/2023
Qualifications (if required): Public Representative			
Ms. Kimberly Rickard-Smeltzer	Governor	Reappointed	1/11/2019
Townsend			1/1/2023
Qualifications (if required): Public Representative			
Mr. Matthew B. Thiel	Governor	Reappointed	1/11/2019
Missoula			1/1/2023
Qualifications (if required): Attorney			
Montana Grass Conservation Commission			
Mr. Richard Louis Stuker	Governor	Reappointed	1/1/2019
Chinook			1/1/2022
Qualifications (if required): Member who holds active grazing preference rights within a state district			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Heritage Preservation and Development Commission			
Mr. Jeffery Ewelt	Governor	Andrus	1/11/2019
Billings			5/1/2020
Qualifications (if required): Member of tourism advisory council			
Montana Tax Appeal Board			
Mr. Dave McAlpin	Governor	Reappointed	1/1/2019
Helena			1/1/2025
Qualifications (if required): Public Representative			
State Apprenticeship Advisory Council			
Ms. Margaret McManus	Governor	Foley	1/11/2019
Missoula			3/1/2020
Qualifications (if required): Non-Union Member			
Mr. Barry Reddick	Governor	Spika	1/11/2019
Helena			3/1/2020
Qualifications (if required): Non-Union Member			
Mr. Brock Tessman	Governor	Reading	1/11/2019
Helena			3/1/2020
Qualifications (if required): Public Member			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2019

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Lottery Commission			
Mr. Leo Prigge	Governor	Reappointed	1/1/2019
Butte			1/1/2023
Qualifications (if required): Certified Public Accountant			
State Parks and Recreation Board			
Mr. Rockwood Scott Brown	Governor	Reappointed	1/11/2019
Billings			1/1/2023
Qualifications (if required): District 5 Member			
Mrs. Erica Jean Lighthiser	Governor	Welch	1/11/2019
Livingston			1/1/2021
Qualifications (if required): District 2 Member			
Ms. Mary Sheehy Moe	Governor	Reappointed	1/11/2019
Great Falls			1/1/2023
Qualifications (if required): District 3 Member			

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Architects and Landscape Architects		
Ms. Shelly Engler, Bozeman Qualifications (if required): Licensed landscape architect	Governor	4/1/2019
Ms. Janet Cornish, Butte Qualifications (if required): Representative of the public not engaged in the practice of architecture	Governor	4/1/2019
Mr. Nathan Steiner, Billings Qualifications (if required): Licensed landscape architect	Governor	4/1/2019
Ms. Marie O'Neill, Bozeman Qualifications (if required): Licensed architect who is on the staff of the Montana State University-Bozeman School	Governor	4/1/2019
Mr. Steven Thomas Small, Billings Qualifications (if required): Representative of the public	Governor	4/1/2019
Board of Clinical Laboratory Science Practitioners		
Ms. Vicki Rice, Helena Qualifications (if required): Clinical science practitioner who holds an active license	Governor	4/1/2019
Mr. Carl Donovan, Great Falls Qualifications (if required): Public member not associated in the practice of clinical laboratory science	Governor	4/1/2019
Mr. Matthew Kalanick, Great Falls Qualifications (if required): Clinical science practitioner who holds an active license	Governor	4/1/2019

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of County Printing		
Commissioner Carol Brooker, Thompson Falls Qualifications (if required): County Commissioner	Governor	4/1/2019
Commissioner Laura Obert, Townsend Qualifications (if required): County Commissioner	Governor	4/1/2019
Mr. Scott Turner, Billings Qualifications (if required): Member of the printing industry	Governor	4/1/2019
Mr. Jim Strauss, Great Falls Qualifications (if required): Member of the printing industry	Governor	4/1/2019
Mr. Roger Wagner, Nashua Qualifications (if required): Member of the general public	Governor	4/1/2019
Mr. David McCumber, Butte Qualifications (if required): Member of the printing industry	Governor	4/1/2019
Board of Directors of the State Compensation Insurance Fund		
Ms. Janice VanRiper, Helena Qualifications (if required): Policy Holder	Governor	5/1/2019
Board of Hail Insurance		
Mr. Jim Schillinger, Baker Qualifications (if required): Public member	Governor	5/1/2019

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Massage Therapy		
Ms. Patricia Eileen Ryan, Whitefish Qualifications (if required): Massage therapist	Governor	5/1/2019
Board of Optometry		
Mr. Peter Fontana, Great Falls Qualifications (if required): Representative of the public not engaged in the practice of optometry	Governor	4/1/2019
Mr. Douglas Kimball, Bozeman Qualifications (if required): Optometrist	Governor	4/1/2019
Board of Plumbers		
Mr. Scott Lemert, Livingston Qualifications (if required): Master Plumber	Governor	5/1/2019
Ms. Debi Friede, Havre Qualifications (if required): Representative of the public	Governor	5/1/2019
Mr. Steve Carey, Frenchtown Qualifications (if required): Journeyman Plumber	Governor	5/1/2019
Mr. Denver Fraser, Clancy Qualifications (if required): Representative of the Department of Environmental Quality	Governor	5/1/2019

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Real Estate Appraisers		
Mr. Peter Fontana, Great Falls Qualifications (if required): Licensed Real Estate Appraiser	Governor	5/1/2019
Mr. George Luther Jr., Miles City Qualifications (if required): Licensed or certified real estate appraiser	Governor	5/1/2019
Mr. Myles Link, Missoula Qualifications (if required): Representative of the public who is not engaged in the occupation of real estate	Governor	5/1/2019
Board of Realty Regulation		
Representative Josh Peck, Butte Qualifications (if required): Public Representative	Governor	5/1/2019
Ms. Cynthia Lanier, Lakeside Qualifications (if required): Real Estate Broker	Governor	5/1/2019
Mr. Eric Ossorio, Big Sky Qualifications (if required): Real Estate Broker	Governor	5/1/2019
Mr. Daniel Dean Wagner, Billings Qualifications (if required): Real Estate Broker	Governor	5/1/2019

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Heritage Preservation and Development Commission		
Ms. Marilyn Ross, Twin Bridges Qualifications (if required): Experience in historic preservation	Governor	5/1/2019
Mr. Stan Ozark, Glasgow Qualifications (if required): Public at-large	Governor	5/1/2019
Mr. Philip Maechling, Florence Qualifications (if required): Experience in community planning	Governor	5/1/2019
Ms. Shera Konen, Ennis Qualifications (if required): Broad experience in business	Governor	5/1/2019
Potato Commodity Advisory Committee		
Mr. Brad Haidle, Fallon Qualifications (if required): Potato Producer	Governor	3/1/2019
Mr. Pat Fleming, Pablo Qualifications (if required): Potato Producer	Governor	3/1/2019
Public Employees' Retirement Board		
Mr. Warren Dupuis, Helena Qualifications (if required): Active Member of the Public Retirement System	Governor	4/1/2019
Ms. Maggie Jean Peterson, Anaconda Qualifications (if required): Experience in Investment Management, Counseling, or Financial Planning	Governor	4/1/2019

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
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Small Business Compliance Assistance Advisory Council

Ms. Michelle Lee Bryan, Missoula	Governor	5/1/2019
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Qualifications (if required): Not an owner or representative of an owner of small business stationary sources

Ms. Diana Vanek, Bozeman	Governor	5/1/2019
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Qualifications (if required): Not an owner or representative of an owner of small business stationary sources

Snowmobile Advisory Committee

Mr. Wes Fehrer, Bozeman	Governor	3/1/2019
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Qualifications (if required): Member

Mr. Jason Howell, West Yellowstone	Governor	3/1/2019
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Qualifications (if required): Montana Snowmobile Association Advisor

Mr. Don Phillips, Missoula	Governor	3/1/2019
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Qualifications (if required): Member

Mr. Seth McArthur, Helena	Governor	3/1/2019
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Qualifications (if required): Agency Advisor

Mr. John Costello, West Yellowstone	Governor	3/1/2019
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Qualifications (if required): Member

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2019 THROUGH MAY 31, 2019

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Snowmobile Advisory Committee Cont.		
Mr. Ricky David, Kalispell Qualifications (if required): Member	Governor	3/1/2019
Mr. Jim Norlander, West Yellowstone Qualifications (if required): Agency Advisor	Governor	3/1/2019
Mr. Richard Tramp, Belgrade Qualifications (if required): Member	Governor	3/1/2019
State Compensation Insurance Fund Board of Directors		
Mr. Matthew Mohr, Big Sky Qualifications (if required): Policy Holder	Governor	5/1/2019
Mr. Jack Owens, Missoula Qualifications (if required): Business/private enterprise policy holder	Governor	5/1/2019
State Workforce Innovation Board		
Ms. Casey Blumenthal, Helena Qualifications (if required): Business representative	Governor	5/9/2019

MONTANA ADMINISTRATIVE
REGISTER

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COREY STAPLETON
SECRETARY OF STATE

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