

# MONTANA ADMINISTRATIVE REGISTER

2020 ISSUE NO. 10  
MAY 29, 2020  
PAGES 939-1013



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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 10.13.309 pertaining to traffic	)	AMENDMENT
education	)	
	)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. The Office of Public Instruction proposes to amend the above-stated rule.

2. The Office of Public Instruction 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 Office of Public Instruction no later than 5:00 p.m. on July 29, 2020, to advise us of the nature of the accommodation that you need. Please contact Tracy Moseman, Office of Public Instruction, 1201 Prospect Avenue, Helena, Montana, 59601; telephone (406) 444-3000; fax (406) 444-2893; TDD/Montana Relay Service 711 or e-mail [tmoseman@mt.gov](mailto:tmoseman@mt.gov).

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

10.13.309 REIMBURSEMENT TO PUBLIC SCHOOL DISTRICTS (1) The administrative official of the eligible public school district shall submit a "Traffic Education Program Reimbursement Request" (a certified list of pupils who have completed a state-approved traffic education program) ~~on or before July 10~~ for all students who completed the program during the preceding fiscal year.

(a) In 2020 the eligible public school district may either submit the list of pupils by July 10 or December 31.

(b) For 2021 and thereafter, the eligible public school district shall submit the list of pupils by July 10.

(2) Reimbursement per student shall be based on the completion of at least 50% of the classroom portion and 50% of the behind-the-wheel portion of the course, and minimum age requirements. Reimbursement per student shall be paid whether the student passed or failed the course.

(3) ~~On or before August 31 of each year,~~ The superintendent of public instruction shall disburse to the eligible public school districts the amount of traffic education reimbursement money to which they are entitled based on the number of students listed on the reimbursement forms and on the money available for reimbursement in the state traffic education account.

(a) For submissions by July 10, 2020, and all years thereafter, the superintendent of public instruction shall disburse to the eligible public school

districts the reimbursement money due them by August 31, 2020, and August 31st of every other year thereafter.

(b) For submissions by December 31, 2020, the superintendent of public instruction shall disburse to the eligible public school districts the reimbursement money due them by January 15, 2021.

(4) Traffic education reimbursements received by eligible public school districts must be deposited in the district's traffic education fund and shall only be expended for traffic education related expenses.

(5) State reimbursement for traffic education shall not be issued to public school districts that provide traffic education with unapproved teachers or operate a traffic education program not in compliance with Montana statutory and administrative law.

AUTH: 20-7-502, MCA

IMP: 20-7-502, 20-7-507, 20-9-510, MCA

REASON: This rule outlines specific reimbursement timelines. Due to the timing of the COVID-19 pandemic, many students were registered for spring 2020 programs, but were unable to finish prior to the implementation of the Governor's order regarding school closures and the phased reopening plan. The current rule requires districts to submit to the Montana Office of Public Instruction a list of student names by July 10th that have completed at least 50% of the program. The Office of Public Instruction acknowledges many districts will not have their spring courses complete and ready for submission by July 10th, thus missing the reimbursement date. The office does not want the health and safety of staff and students to be placed in jeopardy if districts try to complete courses prior to the July 10th deadline to receive reimbursement if their district is not safely able to meet the current deadline. This rule amendment would allow districts flexibility in completing their courses when it is safe to do so without being financially penalized. The Office of Public Instruction proposes the dates be extended for the 2019-2020 school year to accommodate districts who need additional time to finish classes due to COVID-19 mandatory closures, but would not penalize those who were safely able to complete by the currently approved date.

4. Concerned persons may submit their data, views, or arguments concerning the proposed rulemaking in writing to: Tracy Moseman, Office of Public Instruction, 1201 Prospect Avenue, Helena, Montana, 59601; telephone (406) 444-3000; fax (406) 444-2893; or e-mail [tmoseman@mt.gov](mailto:tmoseman@mt.gov), and must be received no later than 5:00 p.m., June 29, 2020.

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 Tracy Moseman at the above address no later than 5:00 p.m., June 29, 2020.

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 13 persons based on data showing there were 133 high school districts running Traffic Education programs in 2018-2019.

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 paragraph 4 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 office has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Julia W. Swingley  
Julia W. Swingley  
Chief Legal Counsel  
Rule Reviewer

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

Certified to the Secretary of State May 19, 2020.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	AMENDED NOTICE TO HOLD
17.30.1202, 17.30.1203, 17.30.1304, )	VIRTUAL PUBLIC HEARING ON
17.30.1322, 17.30.1331, 17.30.1340, )	PROPOSED AMENDMENT
17.30.1341, 17.30.1342, 17.30.1344, )	
17.30.1345, 17.30.1346, 17.30.1350, )	(WATER QUALITY)
17.30.1354, 17.30.1361, and 17.30.1372)	
pertaining to MPDES program updates )	

TO: All Concerned Persons

1. On April 30, the Board of Environmental Review (board) published MAR Notice No. 17-411 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 750 of the 2020 Montana Administrative Register, Issue Number 8. The board scheduled a public hearing to receive public comment on the proposed rule amendments to be held on June 16, 2020, at 1:00 p.m. The location of the hearing was to be in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Due to the guidance issued by the Governor of the State of Montana on March 26, 2020, regarding the COVID-19 public health situation, the public hearing will be held virtually via the Zoom meeting platform and will be recorded. Persons wishing to attend the public hearing need to register in advance with Zoom. Registration with Zoom may be made at the following link: <https://mt-gov.zoom.us/j/9886583910?pwd=c0tUMm5Nd2F2OHhoWlJwd1loRnlyQT09>. After registering, you will receive a confirmation email containing information about joining the hearing.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Sandy Scherer no later than 5:00 p.m., June 9, 2020, to advise us of the nature of the accommodation that you need. Please contact Sandy Scherer at the Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [sscherer@mt.gov](mailto:sscherer@mt.gov).

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, Paralegal, 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](mailto:sscherer@mt.gov), no later than 5:00 p.m., June 19, 2020. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ Edward Hayes

EDWARD HAYES

Rule Reviewer

BY: /s/ Christine Deveny

CHRISTINE DEVENY

Chair

Certified to the Secretary of State May 19, 2020.



BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	AMENDED NOTICE TO HOLD
Rule I pertaining to natural and	)	VIRTUAL PUBLIC HEARING ON
nonanthropogenic water quality	)	PROPOSED ADOPTION
standards	)	
	)	(WATER QUALITY)

TO: All Concerned Persons

1. On April 30, the Board of Environmental Review (board) published MAR Notice No. 17-412 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 765 of the 2020 Montana Administrative Register, Issue Number 8. The board scheduled a public hearing to receive public comment on the proposed rule adoption to be held on June 17, 2020 at 10:00 a.m. The location of the hearing was to be in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Due to the guidance issued by the Governor of the State of Montana on March 26, 2020, regarding the COVID-19 public health situation, the public hearing will be held virtually via the Zoom meeting platform and will be recorded. Persons wishing to attend the public hearing need to register in advance with Zoom. Registration with Zoom may be made at the following link: <https://mt.gov.zoom.us/j/9886583910?pwd=c0tUMm5Nd2F2OHhoWlJwd1loRnlyQT09>. After registering, you will receive a confirmation email containing information about joining the hearing.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Sandy Scherer no later than 5:00 p.m., June 10, 2020, to advise us of the nature of the accommodation that you need. Please contact Sandy Scherer at the Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [sscherer@mt.gov](mailto:sscherer@mt.gov).

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, Paralegal, 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](mailto:sscherer@mt.gov), no later than 5:00 p.m., June 19, 2020. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ Edward Hayes  
EDWARD HAYES  
Rule Reviewer

BY: /s/ Christine Deveny  
CHRISTINE DEVENY  
Chair

Certified to the Secretary of State, May 19, 2020.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.101.417 registration for out- ) PROPOSED AMENDMENT  
of-state volunteer professionals )

TO: All Concerned Persons

1. On June 19, 2020, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform by dialing 406-444-4647 (local) or 1-833-681-5958 (toll free) and entering meeting ID 5434783 when directed to do so.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on June 12, 2020, to advise us of the nature of the accommodation that you need. Please contact Debra Morrell, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2367; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2313; or dmorrell@mt.gov.

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

24.101.417 REGISTRATION FOR OUT-OF-STATE VOLUNTEER PROFESSIONALS (1) remains the same.

(2) A volunteer professional ~~shall not~~ may accept remuneration for services provided during a state of emergency or disaster as a volunteer professional.

(3) remains the same.

(4) An applicant for registration shall submit a completed, signed department registration application form, to include the ~~following~~:

(a) through (e) remain the same.

(f) ~~occupation(s) for which the applicant holds a current title and type of each professional license currently held;~~

(g) state or states in which the applicant holds ~~or has ever held~~ a professional license;

(h) through (6) remain the same.

(7) A volunteer professional is exempt from continuing education requirements for the state of Montana.

AUTH: 10-3-120, MCA

IMP: 10-3-118, 10-3-119, MCA

REASON: Following the March 12, 2020, COVID-19 emergency declaration by Governor Steve Bullock, the department reviewed this rule and its application in facilitating volunteer assistance of professionals in the state while ensuring the public's protection. Noting that the definition of "volunteer professional" at 10-3-103, MCA, neither mandates nor prohibits volunteers from receiving remuneration for services provided, the department determined it is reasonably necessary to amend (2) to allow volunteer professionals to receive remuneration while providing volunteer services in a declared emergency. Further, the department notes that the Montana Department of Public Health and Human Services (DPHHS) administers an emergency system for the advance registration of volunteer health professionals in Montana, known as the Montana Healthcare Mutual Aid System or MHMAS. The MHMAS website, <https://dphhs.mt.gov/publichealth/phep/mhmas> provides a secure, web-based online registration system to register, verify, and credential volunteer healthcare professionals before a major disaster or public health emergency. Because DPHHS has always implemented this registry with the understanding from facilities that volunteers are paid when they move and provide professional services at different facilities, the department determined it is reasonably necessary to allow licensed volunteers to receive remuneration and further align with the MHMAS registry.

The department is further amending this rule to streamline and align the application and registration requirements with standardized department licensure processes. Due to the temporary nature of the volunteer registrations, volunteer applicants need only provide out-of-state licenses currently held, and is amending (4)(g) accordingly.

The department is adding (7) to clarify that volunteer professionals are not held to the same continuing education requirements for renewing licensure. Volunteer registration is limited to the duration of a declared emergency and may not be renewed.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514, by facsimile to (406) 841-2313, or e-mail to [damoe@mt.gov](mailto:damoe@mt.gov), and must be received no later than 5:00 p.m., June 26, 2020.

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

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions. Persons who wish to have their name added to the

list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding Business Standards Division administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to Debra Morrell, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; faxed to the office at (406) 841-2313; e-mailed to [dmorrell@mt.gov](mailto:dmorrell@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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

8. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.101.417 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determination is available upon request to the Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2327; facsimile (406) 841-2313; or to [damoe@mt.gov](mailto:damoe@mt.gov).

9. Darcee Moe, Legal Counsel, has been designated to preside over and conduct this hearing.

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

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 19, 2020.

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, 37.40.326, and ) PROPOSED AMENDMENT  
37.40.330 pertaining to nursing )  
facility reimbursement )

TO: All Concerned Persons

1. On June 18, 2020, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/94188970956?pwd=ak51d2NiZEtEOWZ5S1d0aIRUYIBDUT09>, meeting ID: 941 8897 0956, password: 240501;

(b) Dial by telephone +1 406 444 9999 or +1 646 558 8656, meeting ID: 941 8897 0956, password: 240501; find your local number: <https://mt-gov.zoom.us/u/ajQrLXmNG>; or

(c) Join by Skype for Business <https://mt-gov.zoom.us/skype/94188970956>.

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 11, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto: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, 2004~~ July 1, 2020, and in subsequent rate years, ~~nursing facilities will be reimbursed~~ the reimbursement rate for each nursing facility will be determined using a price-based reimbursement methodology the flat rate component specified in (2)(a) and the quality component specified in (2)(b). ~~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) The ~~operating~~ flat rate component is the same per diem rate for each nursing facility and will be determined each year through a public process. ~~It is set~~

at 80% of the statewide price for nursing facility services. Factors that could be considered in the establishment of this flat rate component include cost of providing nursing facility services and Medicaid recipient access to nursing facility services. The flat rate component for state fiscal year (SFY) 2021 is \$208.06.

(b) ~~The direct resident care~~ quality component of each nursing facility's rate is 20% of the overall statewide price based on the 5-star rating system for nursing facility services calculated by the Centers for Medicare and Medicaid Services (CMS). ~~It is adjusted for the acuity of the Medicaid residents served in each facility. The acuity adjustment increases or decreases the direct resident care component in proportion to the relationship between each facility's Medicaid average case mix index and the statewide average Medicaid case mix index. It is set for each facility based on their average 5-star rating for staffing and quality. Facilities with an average rating of 3 to 5 stars will receive a quality component payment. The funding for the quality component payment will be divided by the total estimated Medicaid bed days to determine the quality component per Medicaid bed day. The quality component per bed day is then adjusted based on each facility's 5-star average of staffing and quality component scores. A facility with a 5-star average of staffing and quality component scores will receive 100%, a 4-star average will receive 75%, a 3-star average will receive 50%, and 1- and 2-star average facilities will receive 0% of the quality component payment. Funds unused by the first allocation round will be reallocated based on the facility's percentage of unused allocation against the available funds.~~

~~(i) The Medicaid average case mix index for each facility to be used in rate setting will be the simple average of each facility's four Medicaid case mix indices calculated for the periods of February 1 of the current year and November 1, August 1 and May 1 of the year immediately preceding the current year. The statewide average Medicaid case mix index will be the weighted average of each facility's four quarter average Medicaid case mix index to be used in rate setting.~~

~~(c) The statewide price for nursing facility services will be determined each year through a public process. Factors that could be considered in the establishment of this price include the cost of providing nursing facility services, Medicaid recipients access to nursing facility services, and the quality of nursing facility care. The statewide price (average daily rate) for State Fiscal Year (SFY) 2020 is \$208.06 effective October 1, 2019.~~

~~(d) (c) The total payment rate available for the period October 1, 2019~~ July 1, 2020, through June 30, 2020 June 30, 2021, will be the rate as computed in (2), plus any additional amount computed in ARM 37.40.311 and 37.40.361. Copies of the department's current nursing facility Medicaid reimbursement rates per facility are posted at <https://dphhs.mt.gov/slc/csb/provider#28702384-nursing-facilities-and-swing-bed-services> <https://medicaidprovider.mt.gov/26#1875810541-fee-schedules--nursing-facility-medicaid-rates> and may be obtained from the Department of Public Health and Human Services, Senior & Long-Term Care Division, P.O. Box 4210, Helena, MT 59604-4210.

(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 flat rate component as computed on ~~October 1, 2019~~ July 1, 2020.

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 (12) remain the same.

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

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

37.40.326 INTERIM PER DIEM RATES FOR NEWLY CONSTRUCTED FACILITIES AND NEW PROVIDERS (1) This rule specifies the methodology the department will use to determine the interim per diem rate for in-state providers, other than ICF/IID providers, which 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 or following a change in provider as defined in ARM 37.40.325.

(a) remains the same.

(b) Effective ~~July 1, 2004~~ July 1 2020, and thereafter, the rate paid to newly constructed facilities or to facilities participating in the Medicaid program for the first time will be the statewide average nursing facility flat rate component specified under the price-based reimbursement system. The direct care component of the rate will not be adjusted for acuity, until such time as there are three or more quarters of Medicaid CMI information available at the start of a state fiscal year. Once the CMI information is available the price-based rate will include the acuity adjustment as provided for in ARM 37.40.307(2)(a) combined with the quality component specified under ARM 37.40.307(2)(b).

AUTH: 53-6-113, MCA

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

37.40.330 SEPARATELY BILLABLE ITEMS (1) remains the same.

(2) The department may, in its discretion, pay as a separately billable item, a per diem nursing services increment for services provided to a ventilator dependent resident, trach dependent resident, behavior related needs resident, wound care resident, bariatric care resident, and residents with traumatic brain injury (TBI) diagnoses if the department determines that extraordinary staffing by the facility is medically necessary based upon the resident's needs.

(a) through (c) remain the same.

(3) The department will reimburse for all Montana Medicaid covered services delivered via telemedicine/telehealth originating site fees as long as such services are medically necessary and clinically appropriate for delivery via telemedicine/telehealth, comply with the guidelines set forth in the applicable Montana Medicaid provider manual, and are not a service specifically required to be face-to-face.

(3) through (10) remain the same but are renumbered (4) through (11).

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

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



#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing amendments to ARM 37.40.307, 37.40.326, and 37.40.330 to update nursing facility reimbursement methodology and separately billable items.

##### ARM 37.40.307

The proposed amendment to ARM 37.40.307 updates the language for nursing facility reimbursement methodology. The proposed amendment is necessary to provide notice of changes between the current reimbursement methodology and the new reimbursement methodology necessitated by changes to the Centers for Medicare and Medicaid Services (CMS) Minimum Data Set (MDS) requirements.

The current methodology utilizes portions of the MDS that will no longer be collected as the result of changes to CMS regulations. See 83 Fed. Reg. 39162. The new methodology was developed with providers and associations through a workgroup convened by the department and uses a flat rate cost-based system combined with a quality component payment based on the 5-star rating system by CMS. The department is proposing to set the flat rate component for state fiscal year (SFY) 2021 at \$208.06, which is the same rate as the former statewide average price.

##### ARM 37.40.326

The proposed amendment to ARM 37.40.326 updates the language for nursing facility reimbursement methodology for newly constructed facilities and facilities participating in the Medicaid program for the first time. The amendment is necessary to conform with the proposed changes to nursing facility reimbursement methodology in ARM 37.40.307.

##### ARM 37.40.330

The proposed amendment to ARM 37.40.330(2) adds language to include add-on payments and criteria for trach dependent residents, behavior related needs residents, wound care residents, bariatric care residents, and residents with traumatic brain injury (TBI). These add-ons typically require greater staff time and resources than what is covered by the per diem rate. Allowing add-on payments for these services will increase the ability of nursing facilities to accept patients who need the additional services.

The proposed amendment to ARM 37.40.330(3) adds rule language allowing and defining telemedicine/telehealth originating site fee reimbursement. The addition of telemedicine/telehealth will improve nursing facility patient access to health care.

##### Fiscal Impact

The proposed rule changes have an estimated fiscal impact of \$6 million in combined state and federal funds. Sixty-nine nursing facility providers participated in the Medicaid nursing facility payment program and approximately 4,100 recipients received services in nursing facilities under Medicaid.

The department intends to retroactively apply these proposed amendments to July 1, 2020.

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: Heidi Clark, 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](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., June 26, 2020.

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 rules 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.

/s/ Robert Lishman  
Robert Lishman  
Rule Reviewer

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

Certified to the Secretary of State May 19, 2020.

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

In the matter of the amendment of	)	NOTICE OF REVISED PUBLIC
ARM 38.5.8401 and 38.5.8408	)	HEARING PROCEDURES ON
pertaining to Small Generator	)	PROPOSED AMENDMENT
Interconnection definitions and	)	
procedures	)	

TO: All Concerned Persons

1. On April 17, 2020, the Department of Public Service Regulation, Public Service Commission (department) published MAR Notice No. 38-5-245 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 651 of the 2020 Montana Administrative Register, Issue No. 7. That notice scheduled a public hearing for June 2, 2020, at 1:30 p.m., in the Bollinger Room, 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. Due to the ongoing state of emergency in Montana involving coronavirus, there will be no in-person hearing. Interested parties may access the remote conference platform by telephone starting at 1:30 p.m. on June 2, 2020. Dial by telephone: 406-444-4647 and conference ID is 1628972.

3. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 1, 2020, to advise us of the nature of the accommodation that you need. Please contact Vicki LaFond-Smith, Department of Public Service Regulation, 1701 Prospect Avenue, P.O. Box 202601, Helena, MT, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail [vicki.lafond-smith@mt.gov](mailto:vicki.lafond-smith@mt.gov).

4. Concerned persons may submit their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted to: Vicki LaFond-Smith, Department of Public Service Regulation, 1701 Prospect Avenue, P.O. Box 202601, Helena, MT 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; or e-mail [vicki.lafond-smith@mt.gov](mailto:vicki.lafond-smith@mt.gov) and must be received no later than 5:00 p.m., June 5, 2020.

/s/ JUSTIN KRASKE

Justin Kraske  
Rule Reviewer

/s/ BRAD JOHNSON

Brad Johnson  
Chairman  
Department of Public Service Regulation

Certified to the Secretary of State May 19, 2020.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of                    )  
ARM 8.94.3731 pertaining to the                    )  
administration of the CDBG program                )     NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On March 27, 2020, the Department of Commerce published MAR Notice No. 8-94-183 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 523 of the 2020 Montana Administrative Register, Issue Number 6.

2. No comments or testimony were received.

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

/s/ Amy Barnes  
Amy Barnes  
Rule Reviewer

/s/ Tara Rice  
Tara Rice  
Director  
Department of Commerce

Certified to the Secretary of State May 19, 2020.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF AMENDMENT
17.86.101, 17.86.102, 17.86.105, )	
17.86.106, 17.86.107, 17.86.110, )	(ENERGY)
17.86.111, 17.86.112, 17.86.115, )	
17.86.116, 17.86.117, 17.86.120, )	
17.86.121, and 17.86.122 pertaining to )	
Wind Generation Facility and Solar )	
Facility Decommissioning and Bonding )	

TO: All Concerned Persons

1. On February 14, 2020, the Department of Environmental Quality published MAR Notice No. 17-409, pertaining to the public hearing on the proposed amendment of the above-stated rules at page 231 of the 2020 Montana Administrative Register, Issue No. 3.

2. The department has amended ARM 17.86.101, 17.86.105, 17.86.106, 17.86.107, 17.86.110, 17.86.111, 17.86.112, 17.86.115, 17.86.116, 17.86.117, 17.86.120, 17.86.121, and 17.86.122 exactly as proposed.

3. The department has amended ARM 17.86.102 as proposed but with the following changes from the original proposal, stricken matter interlined and new matter underlined:

17.86.102 OWNER RESPONSIBILITIES (1) through (5) remain as proposed.

(6) Department representatives shall comply with site safety and general access restrictions while at the facility. The department and the owner shall confer and arrange a time for an inspection. The department shall confirm the scope, date, and time of the inspection to the owner in writing at least ten business days prior to the inspection. At the date and time arranged, a representative of the department may enter and inspect a facility to evaluate the adequacy of a new or updated decommissioning plan and the associated bond amount. The owner shall allow the department's representative to inspect the facility and shall accompany the representative.

4. The following comments were received and appear with the department's responses:

COMMENT NO. 1: The proposed rule amendments are contrary to the stated purpose of the department's Energy Bureau, which is to "promote renewable and alternative energy forms." The proposed amendment to ARM 17.86.107(5) creates a sudden, new, significant, and negative impact on Invenergy, the owner of the Judith Gap Project. To the extent that the new rules target the Judith Gap Project,

the rules are improper and prejudicial.

RESPONSE: In 75-26-310, MCA, the Montana Legislature gave the department authority to adopt rules implementing 75-26-301 through 75-26-310, MCA. These statutory provisions require the owners of wind and solar facilities to submit decommissioning plans and bonds conditioned on the faithful decommissioning of the generation facilities. The rule amendments being adopted by the department implement these requirements. The Judith Gap Project is not being targeted as the rules adopted by the department apply to all wind generation facilities that have a nameplate capacity greater than or equal to 25 megawatts and all solar generation facilities that have a cumulative nameplate rated generating capacity of 2 megawatts or more, as defined by the statute at 75-26-301(7) and (8), MCA.

COMMENT NO. 2: Adoption of rule amendments presents an important policy consideration in terms of how the department treats existing wind energy owners and how the department considers the economic impact to those small businesses.

RESPONSE: In 75-26-310, MCA, the Montana Legislature gave the department authority to adopt rules implementing 75-26-301 through 75-26-310, MCA. How the department treats existing and new wind and solar generating facilities is set forth by the Montana Legislature within those statutory provisions. In regard to economic impact on small businesses, see response No. 10.

COMMENT NO. 3: The proposed rule amendments are inconsistent with the rulemaking process to date, which was publicized as having to do with solar facilities and not wind facilities.

RESPONSE: Many of the proposed rule amendments were reasonably necessary because of the Montana Legislature's enactment of SB 93 which extended decommissioning plan and decommissioning bond requirements to solar energy generating facilities. Other proposed rule amendments were not based on enactment of SB 93. The statement of reasonable necessity that was included in the notice identified the proposed amendments that are based on the enactment of SB 93. For example, in regard to ARM 17.86.107, the proposed amendments to (1) through (3) were based, in part, on the need to expand the rule to solar energy generating facilities, reflecting enactment of SB 93. The proposed amendments deleting current (4) and adding a new (4) and (5) were not so identified. The proposed amendments deleting current (4) and adding a new subsection and (5) were born out of concerns expressed at a stakeholder meeting about the potential for the current (4) to exempt an entire facility from bonding when only a portion of the facility was covered by a state lease and bond.

COMMENT NO. 4: The proposed rule amendments are contrary to HB 216 enacted in 2017. Specifically, the proposed rule amendments conflict with 75-26-304(8)(a), MCA. That statutory provision provides a clear limit on the department's bonding authority, specifying that no additional bond is necessary if "the owner posts a bond with a federal agency, with the department of natural resources and conservation for the lease of state land, or with a tribal, county, or local government."

The 2017 Legislature did consider that "portion" of a facility was subject to private ownership in 75-26-308(8)(b), MCA, (now 8(c)) but did not do so in the exemption that applies to facilities that post a federal or state bond.

RESPONSE: The commenter is reading into 75-26-304(8)(a), MCA, language that is not included in that provision. Subsection (5) of 75-26-304, MCA, requires the owner of a wind generation facility or solar facility to submit a bond payable to the state of Montana that is conditioned on the faithful decommissioning of the wind generation facility or solar facility. Section 75-26-301(7), MCA, defines "solar facility," in part, to mean an installation or combination of solar panels or plates, including a canopy or array, that captures and converts solar radiation to produce electricity. Section 75-26-301(8), MCA, defines "wind generation facility," in part, to mean any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind. Under (8)(a), an owner of a wind generation facility or solar facility is exempt from submitting the bond if the owner posts the bond with a federal agency, with the department of natural resources and conservation for the ease of state land, or with a tribal, county, or local government. The purpose of (8)(a) is to avoid the owner from having to double bond for decommissioning of the facility -- having to submit to the department a decommissioning bond for the facility under 75-26-304(5), MCA, when the owner has already posted a decommissioning bond for the facility with a federal, different state agency, or other tribal, county or local government. If 75-26-304(8)(a), MCA, were to be construed to exempt an owner from posting a decommissioning bond for the entire facility when only a smaller portion of the decommissioning costs are covered by a bond posted with a different governmental entity, the overarching requirement of 75-26-304(5), MCA, would not be met. The owner of the wind generating facility or solar facility would not have submitted a decommissioning bond conditioned on the faithful decommissioning of the facility.

COMMENT NO. 5: The proposed rule amendments exceed the department's authority because no statutory provision in 75-26-301 through 75-26-310, MCA, allows the department to break facilities "into portions" for separate bonding determinations.

RESPONSE: Please see response No. 4.

COMMENT NO. 6: Wind and solar facilities can be hundreds or thousands of acres in size. While facilities will sometimes be located entirely on either private, state, or federal land, facilities may have mixed ownership. Decommissioning plans and bonds must be sufficient to cover decommissioning of the entire project, not just portions of the project. For example, if a wind or solar facility is sited on 4,500 acres of private land and 500 acres of state land, the decommissioning cost of the entire project is \$5 million, and the facility submits bond of \$50,000 related to the use of state land, the facility should be subject to further bonding requirements so that the total bond posted reflects the cost of decommissioning the entire facility.

RESPONSE: The department agrees with this comment.



COMMENT NO. 7: The proposed rule amendments are contrary to SB 93, which was concerned with adding solar facilities, not changing the requirements for wind facilities.

RESPONSE: Please see response No. 3.

COMMENT NO. 8: The proposed rule amendment adding (5) to ARM 17.86.107 conflicts with 75-26-304(1)(c), MCA. Subsections (b) and (c) were added by SB 93 and contemplate different treatment of wind facilities existing prior to May 7, 2019 that have already submitted information and those commencing after May 7, 2019 that have not submitted bonding information. So even if a new wind generating facility located on state land and private land is required going forward to post separate bond for the portion on state and the portion on private land, that requirement should not apply to an existing wind generating facility.

RESPONSE: An existing wind generating facility would be subject to 75-26-304(1)(b), MCA, which states that the owner of a wind generating facility that began commercial operation prior to the effective date of SB 93 is required to submit a decommissioning plan and information necessary for the department to determine bond requirements on or before July 1, 2020. An exception to this requirement is set forth in 75-26-304(1)(c), MCA. Under that provision, the owner of a wind generating facility that began commercial operation prior to the effective date of SB 93 that has already provided the decommissioning plan and bond information is not required to resubmit the information.

COMMENT NO. 9: Section 75-26-304(1)(a) and (c), MCA, do not create an exemption for existing facilities from new bonding requirements. These provisions provide that if an existing facility has already submitted a decommissioning plan to the department then that plan is not required to be resubmitted to the department. These provisions do not create an exemption for posting a bond with the department.

RESPONSE: The department agrees with this comment.

COMMENT NO. 10: An economic impact analysis was required under 2-4-111, MCA, but not prepared for the proposed rule amendments. The economic impact is a large and unique concern for wind farms such as the Judith Gap Project.

RESPONSE: Under 2-4-111, MCA, the department is required to determine if the rule will significantly and directly impact small businesses. A small business is defined in 2-4-102(14), MCA, to be a business entity, including its affiliates, that is independently owned and operated and that employs fewer than 50 full-time employees. DEQ did not identify any owners of wind or solar generating facilities that met the statutory definition of a "small business." Invenergy LLC's website does not differentiate between separate business entities. It states that Invenergy has "100 projects in development across the U.S., Canada, Europe, Japan and Latin America." <https://invenergyllc.com/who-we-are/overview> (reviewed April 7, 2020). Invenergy's LinkedIn website indicates that "Invenergy is a leading global privately-held developer and operator of sustainable energy solutions. We are headquartered in the U.S. and have 1000 + employees across the Americas, Europe and Asia." <https://www.linkedin.com/company/invenergy-llc> (reviewed April 7, 2020).

COMMENT NO. 11: SB 93 contains a savings clause stating SB 93 "does not affect rights and duties that matured . . . before" the effective day of SB 93. The department may not require the Judith Gap Project to submit bond for the portion of the project located on private land because SB 93 is not intended to affect rights and duties that matured prior to its effective date.

RESPONSE: As indicated in response No. 3, the proposed amendments deleting current (4) and adding a new (4) and (5) are not being made to implement SB 93. Rather, they are being made to address concerns expressed at a stakeholder meeting about the potential for the current (4) to exempt an entire facility from bonding when only a portion of the facility was covered by a state lease and bond. Because these amendments are not being made to implement SB 93, the savings clause contained in that legislation is not applicable.

COMMENT NO. 12: SB 93 included an exemption that protects an existing wind facility from new bonding requirements. Under 75-26-304(1)(c), MCA, if a wind facility commenced operation before May 7, 2019 and submitted bond before July 1, 2018, the facility need not submit additional bond.

RESPONSE: Assuming that the owner of a wind generating facility that began operation prior to the effective date of SB 93 had previously provided a sufficient decommissioning plan and sufficient information for DEQ to calculate a decommissioning bond for the facility, the owner would not need to resubmit this information under 75-26-304(1)(c), MCA. See response No. 4.

COMMENT NO. 13: Ninety days does not allow adequate time to commence decommissioning activities after abandonment. This time period must consider the time required to procure a decommissioning contractor and seasonal weather impacts. North Dakota rules require owners to begin decommissioning within 12 months of abandonment.

RESPONSE: Under ARM 17.86.101(1), a wind generating facility or a solar facility is considered abandoned when it generates 10 percent or less of its monthly maximum generation potential for each month for twelve consecutive months. This twelve-month period allows time for an owner to begin preparation for decommissioning of the facility. Moreover, an owner may obtain an extension of the three-month period to begin decommissioning following abandonment by receiving the department's approval of an alternative plan for decommissioning. The rule amendment as proposed encourages early communication between an owner and the department following abandonment of a facility.

COMMENT NO. 14: Montana-Dakota Utilities Co. requires visitors to comply with site safety and general access restrictions while at its facilities. While the original rule language addressed this concern, it is proposed to be deleted in the amendment to ARM 17.86.102(6).

RESPONSE: The department agrees with this comment. The final amendment to ARM 17.86.102(6) does not delete the requirement that department staff comply with site safety and general restrictions while at a facility.

COMMENT NO. 15: Neighboring states have allowed regulated public facilities to be exempt from decommissioning bonding requirements. For regional consistency and to lessen potential impacts of future economic development in Montana, a bonding exemption should be added for public utilities.

RESPONSE: In 75-26-310, MCA, the Montana Legislature gave the department authority to adopt rules implementing 75-26-301 through 75-26-310, MCA. Rules adopted by the department must be consistent with these statutes. No provision in these statutes exempts regulated public utilities from decommissioning bond requirements and, therefore, the department does not have authority to do so via administrative rulemaking.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ Angela Colamaria  
ANGELA COLAMARIA  
Rule Reviewer

BY: /s/ Shaun McGrath  
SHAUN McGRATH  
Director

Certified to the Secretary of State, May 19, 2020.

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

In the matter of the amendment of ARM ) NOTICE OF AMENDMENT  
24.156.2720 pertaining to ECP training )  
courses )

TO: All Concerned Persons

1. On April 17, 2020, the Board of Medical Examiners (board) published MAR Notice No. 24-156-88 regarding the public hearing on the proposed amendment of the above-stated rule, at page 644 of the 2020 Montana Administrative Register, Issue No. 7.

2. On May 13, 2020, a public hearing was held on the proposed amendment of the above-stated rule in Helena. Several comments were received by the May 15, 2020, deadline.

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

COMMENT 1: Four commenters supported the proposed rule change, stating that it would reduce the travel required of students in rural areas.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

COMMENT 2: One commenter generally supported the proposed changes but asked the board to clarify the standards the board used in determining simulation delivery and that 50% substitution is the best and right structure for EMS.

RESPONSE 2: In the board's judgment, some face-to-face training incorporating human interaction with live patients is still a required and necessary part of AEMT and paramedic clinical training. The board also recognizes the need for flexibility in areas where access to live patients may be limited. The board concluded that allowing up to 50% substitution of simulators for live patients allows flexibility while still requiring as much live patient interaction as possible. The board determined that 100% substitution of simulators for live patients is inappropriate and would like to stress that the rule allows "up to 50%" and the substitution must be requested in writing.

COMMENT 3: One commenter asked the board to define the type of human patient simulator that could be utilized.

RESPONSE 3: The board recognizes several types of simulators exist. Because the board's intent is to create flexibility for all courses, the board intentionally did not

specify a type, brand, or level of simulated patient because doing so could exclude some courses from having access to those types of simulators. Furthermore, the course medical director has discretion to dictate the type of simulator appropriate for the skill the candidate is learning.

4. The board has amended ARM 24.156.2720 with the following changes. Due to a numbering discrepancy between MAR Notice No. 24-156-86 and MAR Notice No. 24-156-88, both published in 2020 MAR Issue No. 7, it is necessary to make the following clerical correction:

24.156.2720 ECP TRAINING COURSES (1) through (8) remain as adopted. ~~(10)~~ (9) Requests for extension of required course completion times stated in ~~(9)(e)~~ (8)(c) must be submitted in writing and may be granted by the board or its designee.

BOARD OF MEDICAL EXAMINERS  
ANA DIAZ, Ph.D.  
PRESIDENT

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

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 19, 2020.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.159.670 curriculum goals and )  
general requirements for programs )

TO: All Concerned Persons

1. On April 17, 2020, the Board of Nursing published MAR Notice No. 24-159-91 regarding the public hearing on the proposed amendment of the above-stated rule, at page 648 of the 2020 Montana Administrative Register, Issue No. 7.

2. On May 8, 2020, a public hearing was held on the proposed amendment of the above-stated rule in Helena. One comment was received by the May 15, 2020 deadline.

3. A summary of the comment and the board's response follows:

COMMENT 1: One commenter supported the proposed rule amendment.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

4. The board has amended ARM 24.159.670 exactly as proposed.

BOARD OF NURSING  
SHARON SWEENEY FEE, PHD, RN, CNE  
PRESIDENT

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

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 19, 2020.

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 37.5.129, 37.62.103, 37.62.142,	)	
37.62.148, 37.62.301, 37.62.303,	)	
37.62.305, 37.62.307, 37.62.309,	)	
37.62.501, 37.62.705, 37.62.707,	)	
37.62.901, 37.62.903, 37.62.905,	)	
37.62.909, 37.62.911, 37.62.913,	)	
37.62.915, 37.62.917, 37.62.919,	)	
37.62.923, 37.62.925, 37.62.927,	)	
37.62.929, 37.62.933, 37.62.937,	)	
37.62.945, 37.62.947, 37.62.949,	)	
37.62.951, 37.62.955, 37.62.959,	)	
37.62.965, 37.62.1101, 37.62.1103,	)	
37.62.1105, 37.62.1113, 37.62.1115,	)	
37.62.1117, 37.62.1122, 37.62.1303,	)	
37.62.1305, 37.62.1309, 37.62.1311,	)	
37.62.1313, 37.62.1315, 37.62.1501,	)	
37.62.1703, 37.62.1705, 37.62.1901,	)	
37.62.1903, 37.62.2101, 37.62.2103,	)	
37.62.2105, 37.62.2107, 37.62.2111,	)	
37.62.2113, 37.62.2119, 37.78.215,	)	
37.78.1013, 37.80.103, 37.80.201,	)	
37.82.416, and 37.85.407, pertaining	)	
to Child Support Enforcement	)	
Division program name change	)	

TO: All Concerned Persons

1. On March 27, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-912 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 533 of the 2020 Montana Administrative Register, Issue Number 6.

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

3. No comments or testimony were received.

4. The department intends to apply these rule amendments retroactively to March 1, 2020. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

/s/ Andrew Betson  
Andrew Betson  
Rule Reviewer

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

Certified to the Secretary of State May 19, 2020.



## **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 March 31, 2020. This table includes notices in which those rules adopted during the period December 6, 2019, through May 15, 2020, 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 March 31, 2020, 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 2019 and 2020 Montana Administrative Registers.

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

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2-59-599	Semiannual Assessments of Banks and Supervisory Fees of Credit Unions Related to the COVID-19 Pandemic, p. 897

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- 2-43-591 Operation of the Retirement Systems and Plans Administered by the Montana Public Employees' Retirement Board - Allocation of Additional Employer Contributions on Behalf of Montana University System Employees in the Optional Retirement Program, p. 2274, 391
- 2-43-594 Investment Policy Statements for the Defined Contribution Retirement Plan and the 457(b) Deferred Compensation Plan, p. 347

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- 2-63-580 Sports Wagering Accounts - Self-Exclusion - Responsible Gaming - Age Verification - General Provisions - Place of Sale - Licensing - Fees - Electronic Fund Transfers - Accounting - Retailer Commission - Notices - Investigative Cooperation - Prizes - Redemptions to Implement Sports Wagering - Forms of Payment, p. 1685, 2229

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- 4-20-265 Restricted Weed Seeds, p. 571
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- 6-261 Surety Insurance Producers Who Sell, Solicit, or Negotiate Commercial Bail Bonds, p. 739

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- 8-94-175 Administration of the Montana Historic Preservation Grant (MHPG) Program, p. 1926, 2340
- 8-94-176 Administration of the 2021 and 2023 Biennia Treasure State Endowment Program, p. 2182, 42
- 8-94-177 Treasure State Endowment Program (TSEP), p. 2283, 313
- 8-94-178 Procedural Rules of the Coal Board, p. 127, 575
- 8-94-180 Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 350, 660

- 8-94-182 Administration of the CDBG Program, p. 436, 778
- 8-94-183 Administration of the CDBG Program, p. 523
- 8-111-173 Housing Credit Allocation Procedure, p. 1762, 2239
- 8-119-174 Montana Economic Development Industry Advancement Act (MEDIA),  
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- 12-525 Public Access Land Agreements, p. 129, 779
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- 24-138-77 Dental Hygienist Committee - Definitions - Functions for Dental Auxiliaries - Initial Licensure of Dentists by Examination - Initial Licensure of Dental Hygienists by Examination - Unprofessional Conduct for Denturists - Denturist Scope of Practice—Dentures Over Implants, p. 1, 588



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(Board of Physical Therapy Examiners)

24-177-35 Fees - Temporary Permit - Continuing Education, p. 267, 904

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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 2020 appear. Potential vacancies from June 1, 2020 through August 31, 2020, are also listed.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 1, 2020.

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 2020**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Clinical Laboratory Science Practitioners</b>			
Mr. Matthew Charles A. Aakre	Governor	Krieger	4/1/2020
Helena			4/1/2024
Qualifications (if required): Clinical laboratory science practitioners			
<b>Public Employees' Retirement Board</b>			
Mr. Joseph Scott Fowler	Governor	Valdez	4/1/2020
Butte			4/1/2025
Qualifications (if required): Public Employee			

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council</b>		
Ms. Lesa Evers, Helena Qualifications (if required): Tribal Relations	Governor	7/1/2020
Mr. Martin Blair, Missoula Qualifications (if required): Autism Spectrum Disorder and Other Developmental Disabilities "Act Early Initiative"	Governor	7/1/2020
Ms. Lucinda Burns, Lame Deer Qualifications (if required): Northern Cheyenne Tribe Child Care and Development Fund Program	Governor	7/1/2020
Ms. Barbara Burton, Helena Qualifications (if required): Residential Home for Pregnant and Parenting Teens	Governor	7/1/2020
Ms. Patty Butler, Helena Qualifications (if required): Early Childhood Services Bureau	Governor	7/1/2020
Ms. Dannelle Hay, Box Elder Qualifications (if required): Chippewa Cree Tribe	Governor	7/1/2020
Ms. Margaret Big Leggins, Poplar Qualifications (if required): Fort Peck Assiniboine and Sioux Tribes	Governor	7/1/2020
Ms. Terri Barclay, Helena Qualifications (if required): Office of Public Instruction, Early Grades	Governor	7/1/2020
Ms. Collete Box, Kalispell Qualifications (if required): Child Care Center	Governor	7/1/2020



**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council Cont.</b>		
Ms. Sara Cease, Fort Harrison Qualifications (if required): Military Child Care Programs	Governor	7/1/2020
Ms. Jeanne Christopher, Ronan Qualifications (if required): Confederated Salish and Kootenai Tribes Community	Governor	7/1/2020
Dr. Kristen Day, Bozeman Qualifications (if required): Pediatrician	Governor	7/1/2020
Ms. Marion Denk, Billings Qualifications (if required): Montana Child Care Association	Governor	7/1/2020
Ms. Heather Denny, Helena Qualifications (if required): Title 1 Neglected and Delinquent Homeless Children and Youth	Governor	7/1/2020
Ms. Virginia Ervin, Missoula Qualifications (if required): Parent	Governor	7/1/2020
Ms. Tara Ferriter-Smith, Helena Qualifications (if required): Montana Preschool Development Grant	Governor	7/1/2020
Ms. Christy Hill, Helena Qualifications (if required): Montana Early Childhood Project, Pyramid Model Coordinator	Governor	7/1/2020
Ms. Lonna Johnson, Box Elder Qualifications (if required): Chippewa Cree Tribal Community	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council Cont.</b>		
Ms. Mandy Johnstone, Wilsall Qualifications (if required): Child Care Family	Governor	7/1/2020
Mr. Tyson Krinke, Bozeman Qualifications (if required): Community Coalitions	Governor	7/1/2020
Ms. Beverly Matsko, Great Falls Qualifications (if required): Head Start Association	Governor	7/1/2020
Ms. Ashley McAdam, Willow Creek Qualifications (if required): Parent	Governor	7/1/2020
Ms. Danni McCarthy, Helena Qualifications (if required): Preschool and Special Education School Improvement	Governor	7/1/2020
Ms. Terry Minow, Helena Qualifications (if required): Organized Labor-Union MEA-MFT	Governor	7/1/2020
Ms. Jessica Nicklaus, Kalispell Qualifications (if required): Parent	Governor	7/1/2020
Mr. Aryon Parks, Browning Qualifications (if required): Parent	Governor	7/1/2020
Ms. Blossom Quisno, Harlem Qualifications (if required): Fort Belknap Tribal Community	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council Cont.</b>		
Ms. Kathy Rich, Helena Qualifications (if required): Head Start State Collaboration	Governor	7/1/2020
Ms. Anneliese Ripley, Dillon Qualifications (if required): Early Childhood Higher Education	Governor	7/1/2020
Ms. Tawnya Rupe, Wilsall Qualifications (if required): Philanthropy	Governor	7/1/2020
Ms. Michelle Sexton, East Helena Qualifications (if required): Child Care Group Home	Governor	7/1/2020
Mr. Jeffrey Smith, St. Ignatius Qualifications (if required): Child Care Group Home	Governor	7/1/2020
Ms. Wendy Studt, Helena Qualifications (if required): Montana Milestones/Part C Early Intervention Program Coordinator	Governor	7/1/2020
Ms. Mikayla Three Irons, Hardin Qualifications (if required): Parent	Governor	7/1/2020
Ms. Stephanie Wilkins, Helena Qualifications (if required): Temporary Assistance for Needy Families Program	Governor	7/1/2020
Ms. Viola Wood, Poplar Qualifications (if required): Fort Peck Tribal Community	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council Cont.</b>		
Dr. Christine Lux, Bozeman Qualifications (if required): Early Childhood Higher Education	Governor	7/1/2020
Ms. Karen Shevlin, Helena Qualifications (if required): Maternal and Early Childhood Home Visiting Section	Governor	7/1/2020
Ms. Laurie Bishop, Bozeman Qualifications (if required): Montana After School Alliance	Governor	7/1/2020
Ms. Darla Dexter, Helena Qualifications (if required): Montana Project LAUNCH Young Child Wellness	Governor	7/1/2020
Ms. Kalie Hansen, Kalispell Qualifications (if required): Child and Adult Care Food Program Sponsor	Governor	7/1/2020
Ms. Brenda Hergott, Butte Qualifications (if required): Child Care Resource and Referral Network	Governor	7/1/2020
Ms. Leigh Ann Holmes, Helena Qualifications (if required): Quality Assurance Division Licensure Bureau	Governor	7/1/2020
Ms. Janelle Jefferson Mays, Crow Agency Qualifications (if required): Director Song Bird Daycare	Governor	7/1/2020
Ms. Caitlin Jensen, Helena Qualifications (if required): B-5 Initiative	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council Cont.</b>		
Ms. Amelea Kim, Helena Qualifications (if required): Montana State Library	Governor	7/1/2020
Ms. Leslie Lee, Helena Qualifications (if required): Child and Adult Care Food Program Manager	Governor	7/1/2020
Ms. Lanessa Littrell, Helena Qualifications (if required): Parent	Governor	7/1/2020
Ms. Heather O'Loughlin, Helena Qualifications (if required): Montana Budget and Policy Center	Governor	7/1/2020
Ms. Kathy Olson, Billings Qualifications (if required): Child Care Center	Governor	7/1/2020
Ms. Megan Peel, Helena Qualifications (if required): Children's Mental Health Bureau	Governor	7/1/2020
Ms. Brooke Pickett, Helena Qualifications (if required): Child and Adult Care Food Program	Governor	7/1/2020
Ms. Kristen Rogers, Helena Qualifications (if required): Family and Community Health Bureau	Governor	7/1/2020
Ms. Rhiannon Shook, Lewistown Qualifications (if required): Montana Association for the Education of Young Children	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Best Beginnings Advisory Council Cont.</b> Ms. Siri Smillie, Helena Qualifications (if required): Governor's Office	Governor	7/1/2020
<b>Board of Funeral Service</b> Mr. Michael Thompson, Ronan Qualifications (if required): Licensed crematory	Governor	7/1/2020
<b>Board of Hearing Aid Dispensers</b> Mr. Edward Eaton, Helena Qualifications (if required): Public member who regularly uses a hearing aid	Governor	7/1/2020
Mr. Michael Spinti, Great Falls Qualifications (if required): Licensed Hearing Aid Dispenser	Governor	7/1/2020
Mr. Dennis Gene Scoggins Sr., Lima Qualifications (if required): Public Member	Governor	7/1/2020
<b>Board of Nursing</b> Ms. Shari Brownback, Helena Qualifications (if required): Licensed Practical Nurse	Governor	7/1/2020
<b>Board of Nursing Home Administrators</b> Ms. Kathryn Beaty, Hamilton Qualifications (if required): Nursing Home Administrator	Governor	6/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Pharmacy</b>		
Mr. Michael Bertagnolli, Three Forks Qualifications (if required): Licensed pharmacist	Governor	7/1/2020
<b>Board of Physical Therapy Examiners</b>		
Mrs. Holly Claussen, Missoula Qualifications (if required): Licensed Physical Therapist	Governor	7/1/2020
<b>Board of Private Alternative Adolescent Residential or Outdoor Programs</b>		
Senator Trudi Schmidt, Great Falls Qualifications (if required): General public	Governor	7/1/2020
Dr. John Santa, Marion Qualifications (if required): Adolescent Treatment Program Residential	Governor	7/1/2020
Ms. Penny James, Trout Creek Qualifications (if required): Adolescent Treatment Program Residential	Governor	7/1/2020
Ms. Pamela Carbonari, Kalispell Qualifications (if required): General Public	Governor	7/1/2020
Mr. Ricky A. Johnson, Kalispell Qualifications (if required): Adolescent Treatment Program Residential	Governor	7/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Private Security</b>		
Ms. Holly Dershem-Bruce, Glendive Qualifications (if required): Member of the public	Governor	8/1/2020
Mr. James Thomas, Canyon Creek Qualifications (if required): Member of the Montana Public Safety Officer Standards and Training (POST) Council	Governor	8/1/2020
<b>Board of Public Accountants</b>		
Ms. Lucinda Willis, Polson Qualifications (if required): Certified public accountant actively engaged in the practice of public accounting	Labor and Industry	7/1/2020
Mr. John C. Melton, Chester Qualifications (if required): Public Representative	Governor	7/1/2020
<b>Board of Radiologic Technologists</b>		
Ms. Barbara Anderson, Culbertson Qualifications (if required): Licensed radiologic technologist	Governor	7/1/2020
Mr. Jeffry Lindenbaum, Billings Qualifications (if required): Radiologist	Governor	7/1/2020
Mr. Nathan David Richardson, Kalispell Qualifications (if required): Licensed radiologic technologist	Governor	7/1/2020



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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Regents of Higher Education</b>		
Mr. John Randall Miller, Missoula Qualifications (if required): Student Regent	Governor	6/30/2020
<b>Board of Sanitarians</b>		
Mr. Eugene Pizzini, Helena Qualifications (if required): Public at large	Governor	7/1/2020
Mrs. Tracy Nielsen, Billings Qualifications (if required): Member of the public	Governor	7/1/2020
Mr. Clayton Scott Vincent, Havre Qualifications (if required): Registered Sanitarian	Governor	7/1/2020
<b>Board of Trustees of the Montana Historical Society</b>		
Mr. Robert J. Phares, Clyde Park Qualifications (if required): Public Representative	Governor	7/1/2020
<b>Board of Veterans' Affairs</b>		
Mr. Bruce W. Knutson, Helena Qualifications (if required): Representative of U.S. Senator Jon Tester Non-Voting Member	Governor	8/1/2020
Mr. Peter Olson, Culbertson Qualifications (if required): Region 5 Veteran	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Veterans' Affairs Cont.</b>		
Mr. Denny Lenoir, Helena	Governor	8/1/2020
Qualifications (if required): Representative of U.S. Senator Steve Daines Non-Voting Member		
Mr. Anson Nygaard, Billings	Governor	8/1/2020
Qualifications (if required): U.S. Senator Jon Tester Representative		
<b>Board of Water Well Contractors</b>		
Mr. Kirk Waren, Butte	Director	6/30/2020
Qualifications (if required): Technical Advisor		
<b>Commission on Community Service</b>		
Ms. Danette Rector, Missoula	Governor	7/1/2020
Qualifications (if required): Representative of a nonprofit who works with Senior Citizens		
Mr. Charles Wetherington, Billings	Governor	7/1/2020
Qualifications (if required): Public Member		
Mr. Eric Strauss, Clancy	Governor	7/1/2020
Qualifications (if required): State agency representative for labor		
Ms. Pamela J. Carbonari, Kalispell	Governor	7/1/2020
Qualifications (if required): Representative of a nonprofit that works with Senior Citizens		

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Committee on Telecommunications Access Services for Persons with Disabilities</b>		
Ms. Marilyn Delores Daumiller, Helena Qualifications (if required): Person without a disability	Governor	7/1/2020
Mr. Andrew S. Arnot, Missoula Qualifications (if required): Independent Service Provider	Governor	7/1/2020
Dr. Lisa Claire Cannon, Clancy Qualifications (if required): Licensed Audiologist	Governor	7/1/2020
Mr. Cameron C. Tulloch, Belgrade Qualifications (if required): Person with disability, deaf or hard-of-hearing	Governor	7/1/2020
Ms. Barbara Varnum, Polson Qualifications (if required): Person without a disability, senior citizen	Governor	7/1/2020
<b>Community Service Commission</b>		
Ms. Karen Lazetich Moses, Billings Qualifications (if required): Public Representative	Governor	7/1/2020
<b>Equal Pay for Equal Work Task Force</b>		
Commissioner Tom Lopach, Helena Qualifications (if required): Co-Chair	Governor	8/1/2020
Commissioner Brenda Nordlund, Helena Qualifications (if required): Co-Chair	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Future Fisheries Review Panel</b>		
Ms. Nancy Sue Winslow, Missoula Qualifications (if required): Expertise in mining reclamation techniques	Governor	7/1/2020
Mr. James Stone, Ovando Qualifications (if required): Expertise in irrigated agriculture	Governor	7/1/2020
Mr. William Mytton, Absarokee Qualifications (if required): Expertise in commercial agriculture	Governor	7/1/2020
<b>Governor's Advisory Council on Aging</b>		
Mr. Robert C. Meyers, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2020
Ms. Peggy Lynne Tombre, Bozeman Qualifications (if required): Public Representative	Governor	7/1/2020
Mr. Ryan Clark, Billings Qualifications (if required): Public Representative	Governor	7/1/2020
Mr. James E. (Curly) Burns, Helena Qualifications (if required): Public Representative	Governor	7/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Grizzly Bear Conservation and Management Advisory Council</b>		
Senator Lorents Grosfield, Big Timber Qualifications (if required): Livestock producer	Governor	8/31/2020
Mr. Bret N. Barney, Wyola Qualifications (if required): Livestock producer	Governor	8/31/2020
Mr. Chad Bauer, Missoula Qualifications (if required): Outdoor industry professional	Governor	8/31/2020
Dr. Darrin L. Boss, Havre Qualifications (if required): Hunter	Governor	8/31/2020
Mr. Jonathan Bowler, Condon Qualifications (if required): Conservation group	Governor	8/31/2020
Mrs. Trina Jo Bradley, Valier Qualifications (if required): Livestock producer	Governor	8/31/2020
Ms. Caroline Byrd, Bozeman Qualifications (if required): Conservation group	Governor	8/31/2020
Ms. Michele Dieterich, Hamilton Qualifications (if required): Wildlife enthusiast	Governor	8/31/2020
Mrs. Erin Edge, Missoula Qualifications (if required): Conservation group	Governor	8/31/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Grizzly Bear Conservation and Management Advisory Council Cont.</b>		
Mr. Nick Gevock, Helena Qualifications (if required): Conservation organization	Governor	8/31/2020
Mr. Kameron Kelsey, Gallatin Gateway Qualifications (if required): Livestock producer	Governor	8/31/2020
Ms. Robyn King, Troy Qualifications (if required): Conservation group	Governor	8/31/2020
Mrs. Kristen Ellen Lime, Browning Qualifications (if required): Tribal member	Governor	8/31/2020
Mr. Cole Mannix, Helena Qualifications (if required): Conservation organization	Governor	8/31/2020
Mr. Heath Eric Martinell, Dell Qualifications (if required): Livestock producer	Governor	8/31/2020
Mr. Chuck Roady, Columbia Falls Qualifications (if required): Community leader	Governor	8/31/2020
Mr. Gregory Oliver Schock, Saint Ignatius Qualifications (if required): Livestock producer	Governor	8/31/2020
Ms. Anne Schuschke, East Glacier Qualifications (if required): Outdoor industry professional	Governor	8/31/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Information Technology Managers Advisory Council</b>		
Mr. Manuel Soto, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Ms. Angela Riley, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Ms. Christi Breland, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Mr. John Daugherty, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Ms. Kellee English, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Mr. Kreh Germaine, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Mr. Cody Jones, Boulder Qualifications (if required): Local Government Representative	Governor	8/1/2020
Ms. Kim Warren, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Information Technology Managers Advisory Council Cont.</b>		
Mr. Butch Huseby, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
Mr. John Straughn, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2020
<b>Interagency Coordinating Council for State Prevention Programs</b>		
Ms. Barbara A. Bessette, Great Falls Qualifications (if required): Experiences related to the private or nonprofit provision of prevention programs	Governor	7/1/2020
Ms. Shantelle Page Gaynor, Missoula Qualifications (if required): Experiences related to the private or nonprofit provision of prevention programs	Governor	7/1/2020
<b>Mental Disabilities Board of Visitors</b>		
Mr. Dan Laughlin, Anaconda Qualifications (if required): Experience with treatment and welfare of children with serious emotional disturbances	Governor	6/30/2020
Mr. Jeffrey Folsom, Helena Qualifications (if required): Experience with treatment and welfare of adults with developmental disabilities	Governor	6/30/2020
Ms. Amy Camille Tipton, Edgar Qualifications (if required): Treatment and welfare of adults with serious disabling mental illness	Governor	6/30/2020



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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Agriculture Development Council</b>		
Mr. Lars Wesley Hanson, Edgar Qualifications (if required): Actively engaged in agriculture	Governor	7/1/2020
Ms. Tara Mastel, Whitehall Qualifications (if required): Actively engaged in agriculture	Governor	7/1/2020
<b>Montana Climate Solutions Council</b>		
Mr. Paul Tuss, Havre Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Frank Diego Rivas, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Director Martha Williams, Helena Qualifications (if required): Director of the Department of Fish, Wildlife and Parks	Governor	8/1/2020
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	8/1/2020
Director John Lewis, Helena Qualifications (if required): Director of the Department of Administration	Governor	8/1/2020
Mr. Patrick Holmes, Helena Qualifications (if required): Co-Chair, Governor's Office Representative	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Climate Solutions Council Cont.</b>		
Mr. Alan Ekblad, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Jennifer Anders, Helena Qualifications (if required): Northwest Power Planning Council Representative	Governor	8/1/2020
Mr. Tom Armstrong, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Scott Bischke, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Bill Bryan, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Amy Cilimburg, Missoula Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Sally Ericsson, Whitefish Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Kathy Hadley, Deer Lodge Qualifications (if required): Co-Chair, Member representing various geographic areas	Governor	8/1/2020
Mr. Mark Haggerty, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Climate Solutions Council Cont.</b>		
Mr. David Hoffman, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Director of the Department of Labor and Industry	Governor	8/1/2020
Ms. Kelsey Jensco, Missoula Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Chuck Magraw, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Jayne Marrow, Chinook Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Bruce Maxwell, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Director Shaun McGrath, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	8/1/2020
Mr. Todd O'Hair, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Alan Olson, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Climate Solutions Council Cont.</b>		
Ms. Caitlin Piserchia, Missoula Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
General Matthew Quinn, Fort Harrison Qualifications (if required): Director of the Department of Military Affairs	Governor	8/1/2020
Director Tara Rice, Helena Qualifications (if required): Director of the Department of Commerce	Governor	8/1/2020
Mr. Eric Somerfeld, Power Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Lee Spangler, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Tracy Stone Manning, Missoula Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Joe Thiel, Helena Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Steve Thompson, Butte Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Director Mike Tooley, Helena Qualifications (if required): Director of the Department of Transportation	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Climate Solutions Council Cont.</b>		
Director John Tubbs, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	8/1/2020
Mr. Andrew Valainis, Missoula Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Gerald Wagner, Browning Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Charlene Waters Alden, Lame Deer Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Cathy Whitlock, Bozeman Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Mr. Gary Wiens, Great Falls Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Ms. Laura Wood Peterson, Billings Qualifications (if required): Member representing various geographic areas	Governor	8/1/2020
Commissioner Tom Lopach, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	8/1/2020
Commissioner Brenda Nordlund, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	8/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Historical Society Board of Trustees</b>		
Mr. Jude Sheppard, Chinook Qualifications (if required): Public Representative	Governor	7/1/2020
Mr. Charles Sackett Johnson, Helena Qualifications (if required): Public Representative	Governor	7/1/2020
<b>Montana Organic Commodity Advisory Council</b>		
Mr. Matt Johnson, Hinsdale Qualifications (if required): Producer	Governor	8/19/2020
Mr. Ty O'Connor, Broadus Qualifications (if required): Producer	Governor	8/19/2020
Ms. Catherine Odden, Dutton Qualifications (if required): At-Large	Governor	8/19/2020
<b>Montana Pulse Crop Committee</b>		
Mr. Paul Kanning, Flaxville Qualifications (if required): Member from an eastern district	Governor	6/30/2020
Mrs. Jillien Streit, Chester Qualifications (if required): Member from a western district	Governor	6/30/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Wheat and Barley Committee</b>		
Mr. Alan Klempel, Bloomfield	Governor	6/1/2020
Qualifications (if required): (R) Farmer deriving an income growing wheat or barley from District VII		
Mr. Michael V. O'Hara, Fort Benton	Governor	6/1/2020
Qualifications (if required): (D) Farmer deriving an income growing wheat or barley from District VII		
<b>Noxious Weed Management Advisory Council</b>		
Mr. Jack Eddie, Dillon	Governor	6/30/2020
Qualifications (if required): Montana Weed Control Association		
Mr. Joel Farkell, Brady	Governor	6/30/2020
Qualifications (if required): Consumer group		
Mr. Brian Ostwald, Joliet	Governor	6/30/2020
Qualifications (if required): Eastern county representative		
Ms. Margie Edsall, Alder	Governor	6/30/2020
Qualifications (if required): At-large member from the agriculture community		
Mr. Jack Eddie, Dillon	Governor	6/30/2020
Qualifications (if required): Montana Weed Control Association		
Ms. Jeanette Nordahl, Lincoln	Governor	6/30/2020
Qualifications (if required): Recreationist Wildlife group		

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Petroleum Tank Release Compensation Board</b>		
Ms. Heather Marie Smith, Helena Qualifications (if required): Rep of financial or banking industry; experience in small business or property loans	Governor	7/1/2020
Mr. Edward A. Thamke, Helena Qualifications (if required): Background in environmental regulation	Governor	7/1/2020
<b>Resource Conservation Advisory Council</b>		
Mr. Bob Schroeder, Florence Qualifications (if required): Western Montana	Governor	7/1/2020
Ms. Judi Knapp, Hysham Qualifications (if required): South Central Montana	Governor	7/1/2020
Ms. Gayla Wortman, Cascade Qualifications (if required): North Central Montana	Governor	7/1/2020
Mr. Bob Breipohl, Saco Qualifications (if required): Eastern Montana	Governor	7/1/2020
Mr. O. Ramsey Offerdal, Conrad Qualifications (if required): North Central Montana	Governor	7/1/2020
<b>State Banking Board</b>		
Mr. Tony Joe Ennenga, Miles City Qualifications (if required): Member of the public	Governor	7/1/2020



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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Banking Board Cont.</b> Mr. Thomas R. Swenson, Missoula Qualifications (if required): Active Officer in state banks of Montana	Governor	7/1/2020
<b>State Electrical Board</b> Mr. Mel Medhus III, Kalispell Qualifications (if required): Master licensed electrical contractor	Governor	7/1/2020
<b>State Library Commission</b> Ms. Anne Kish, Twin Bridges Qualifications (if required): Public Representative	Governor	6/1/2020
Mrs. Aaron LaFromboise, Browning Qualifications (if required): Public Representative	Governor	6/1/2020
<b>State Workforce Innovation Board</b> Director Sheila Hogan, Helena Qualifications (if required): DPHHS Director or designee	Governor	7/1/2020
Commissioner Michael McGinley, Dillon Qualifications (if required): Local Government Elected Official	Governor	7/1/2020
Mr. Grover Bennett Aldrich, Missoula Qualifications (if required): Business Representative	Governor	7/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Workforce Innovation Board Cont.</b>		
Ms. Vicky Rae Byrd, Clancy Qualifications (if required): Workforce Representative	Governor	7/1/2020
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Commissioner of Labor and Industry or Designee	Governor	7/1/2020
Mr. Alan Ekblad, Helena Qualifications (if required): Workforce Representative	Governor	7/1/2020
Director Tara Rice, Helena Qualifications (if required): Ex-Officio Member	Governor	7/1/2020
Mrs. Jeaneen L. Campbell, Helena Qualifications (if required): Business Representative	Governor	7/1/2020
Mr. Ross R. Lane, Bozeman Qualifications (if required): Business Representative	Governor	7/1/2020
Mr. Loren Rose, Seeley Lake Qualifications (if required): Business Representative	Governor	7/1/2020
Commissioner Tom Lopach, Helena Qualifications (if required): Commissioner of Department of Labor and Industry	Governor	7/1/2020
Commissioner Brenda Nordlund, Helena Qualifications (if required): Commissioner of Department of Labor and Industry	Governor	7/1/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State-Tribal Economic Development Commission</b>		
Councilman Lane Spotted Elk, Lame Deer Qualifications (if required): Northern Cheyenne Tribe Representative	Governor	7/1/2020
Ms. Shelly Fyant, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes' Representative	Governor	7/1/2020
Mr. Richard Sangray, Box Elder Qualifications (if required): Chippewa-Cree Tribe Representative	Governor	7/1/2020
Mr. Leonard Twoteeth, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes' Alternate Representative	Governor	7/1/2020
<b>Task Force on Wage Reporting and Employee Classification in the Construction Industry</b>		
Lt. Governor Mike Cooney, Helena Qualifications (if required): Chair	Governor	6/30/2020
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	6/30/2020
Mr. Mario Valdez Martinez, Great Falls Qualifications (if required): Representative from organized labor	Governor	6/30/2020
Ms. Kimberly Rickard-Smeltzer, Townsend Qualifications (if required): Representative from organized labor	Governor	6/30/2020

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Task Force on Wage Reporting and Employee Classification in the Construction Industry Cont.</b>		
Mr. Doug Jackson, Missoula Qualifications (if required): Representative from the construction community	Governor	6/30/2020
Mr. Jack McBroom, Unknown Qualifications (if required): Representative from organized labor	Governor	6/30/2020
Ms. Deborah Poteet, Missoula Qualifications (if required): Representative from the construction contractor community	Governor	6/30/2020
Director Gene Walborn, Helena Qualifications (if required): Director of the Department of Revenue	Governor	6/30/2020
Mr. Bob Warren, Columbia Falls Qualifications (if required): Representative from the construction contractor community	Governor	6/30/2020
Commissioner Tom Lopach, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	6/30/2020
Commissioner Brenda Nordlund, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	6/30/2020
<b>Teachers' Retirement Board</b>		
Mr. Daniel Chamberlin, Helena Qualifications (if required): Representative of the public	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Tourism Advisory Council</b>		
Dr. Kenneth Ryan, Poplar Qualifications (if required): Member from Indian tribal governments	Governor	7/1/2020
Mr. Stephen Wahrlich, Billings Qualifications (if required): Southeast Montana Country Region Representative	Governor	7/1/2020
Ms. Jacquie Helt, Helena Qualifications (if required): Southwest Montana Region Representative	Governor	7/1/2020
Mr. Jeffery Ewelt, Billings Qualifications (if required): Southeast Montana Country Region Representative	Governor	7/1/2020
Ms. Glennis Indreland, Big Sky Qualifications (if required): Yellowstone Country Region Representative	Governor	7/1/2020
Ms. Sandra Johnson Thares, Great Falls Qualifications (if required): Central Montana Region Representative	Governor	7/1/2020
Ms. Cassandra Currio Luckey, East Helena Qualifications (if required): Southwest Montana Region Representative	Governor	7/1/2020
<b>Underground Facility Protection Advisory Council</b>		
Mr. Douglas Hardy, Great Falls Qualifications (if required): Member representing a rural electric cooperative operating in Montana	Governor	7/1/2020

**EXECUTIVE BRANCH VACANCIES – JUNE 1, 2020 THROUGH AUGUST 31, 2020**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Underground Facility Protection Advisory Council Cont.</b>		
Mr. Aaron Arthur, Miles City Qualifications (if required): Member rep MT telecommunications provider with less than 50,000 subscriber lines	Governor	7/1/2020
Mr. Jason Moothart, Billings Qualifications (if required): Member rep telecommunications provider with more than 50,000 subscriber lines in MT	Governor	7/1/2020
Mr. Theron C. Pavlik, Bozeman Qualifications (if required): Member representing excavators	Governor	7/1/2020
Ms. Michelle Sylder, Laurel Qualifications (if required): Member rep owners or operators of a MT non-public underground facility	Governor	7/1/2020
Mr. Corey Sell, Billings Qualifications (if required): Member representing excavators	Governor	7/1/2020

MONTANA ADMINISTRATIVE  
REGISTER

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MAY 29, 2020  
PAGES 939-1013

**COREY STAPLETON**  
SECRETARY OF STATE

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