

MONTANA ADMINISTRATIVE REGISTER

2018 ISSUE NO. 12
JUNE 22, 2018
PAGES 1132-1208



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 12

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

ENVIRONMENTAL QUALITY, Department of, Title 17

17-397 (Board of Environmental Review) (Air Quality) Notice of Public Hearing on Proposed Amendment - Air Quality Operation Fees. 1132-1134

LABOR AND INDUSTRY, Department of, Title 24

24-301-337 Notice of Public Hearing on Proposed Adoption - Operation of the Underground Facilities Protection Program. 1135-1141

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-852 Notice of Public Hearing on Proposed Amendment - Home and Community-Based Services (HCBS) Waiver Programs. 1142-1145

37-853 Notice of Proposed Amendment - Updating the Federal Poverty Index Guidelines for the Montana Telecommunications Access Program (MTAP). No Public Hearing Contemplated. 1146-1148

37-854 Notice of Public Hearing on Proposed Amendment - Updating Medicaid Fee Schedules and Effective Dates. 1149-1152

REVENUE, Department of, Title 42

42-2-995 Notice of Public Hearing on Proposed Adoption - Deduction Provided Under IRC 199A - Not Allowed for the Determination of Montana Net Income. 1153-1154

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-63-575 (State Lottery Commission) Notice of Amendment - Definitions - Retailer Applications, Required Rule Reading, Bonding, and Commission - Licenses - Business Changes - Electronic Funds Transfer - Tickets - Prizes - Winner Redemptions. 1155-1156

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-491 Notice of Adoption of Emergency Rule - Closing Lost Creek State Park in Deer Lodge County. 1157-1158

12-492 Notice of Amendment of Emergency Rule - Closing a Portion of the Clark Fork River From the Reserve Street Bridge to the Kelly Island Fishing Access Site in Missoula County. 1159-1160

12-493 Notice of Amendment of Emergency Rule - Closing a Portion of Noxon Reservoir in Sanders County. 1161-1162

LABOR AND INDUSTRY, Department of, Title 24

24-210-44 (Board of Realty Regulation) Notice of Amendment - Definitions - Fee Schedule - Trust Account Requirements - General License Administration Requirements - Inactive Licenses - Inactive to Active License Status - Renewals - Unprofessional Conduct - Disciplinary Guidelines–Public Notice - Property Management Trust Account Requirements - Inactive Status - Unprofessional Conduct for Property Management Licensees. 1163-1165

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-826 Notice of Adoption - Medicaid Auditor Evaluation Hearings. 1166

37-834 Notice of Amendment - Update of the Healthcare Effectiveness Data and Information Set (HEDIS). 1167

37-841 Notice of Amendment - Healthy Montana Kids (HMK) Dental Benefits. 1168

PUBLIC HEALTH AND HUMAN SERVICES, Continued

37-851 Notice of Decision on Proposed Amendment - Updating
Medicaid Fee Schedules and Effective Dates. 1169

REVENUE, Department of, Title 42

42-2-993 Notice of Amendment - Oil and Gas Tax Rates. 1170

42-2-994 Notice of Amendment - Office of Dispute Resolution (ODR)
Liquor License Protests and Liquor Matters. 1171

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 1172-1173

How to Use ARM and MAR. 1174

Recent Rulemaking by Agency. 1175-1185

Executive Branch Appointees. 1186-1190

Executive Branch Vacancies. 1191-1208

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.8.505 pertaining to air quality operation)
fees)
)
) (AIR QUALITY)

TO: All Concerned Persons

1. On July 13, 2018, at 1:00 p.m., the Board of Environmental Review will hold a public hearing in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board of Environmental Review (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, Legal Secretary, no later than 5:00 p.m., July 6, 2018, 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.

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

17.8.505 AIR QUALITY OPERATION FEES (1) through (6) remain the same.

(7) The air quality operation fee for facilities other than portable facilities or registered oil and gas well facilities is: ~~based~~
(a) an administrative fee of \$900; and
(b) a tonnage fee of an amount not to exceed \$45.37 per ton of ~~on~~ the actual, or the estimated actual, amount emissions of air pollutants emitted by the facility during the previous calendar year ~~and is an administrative fee of \$800, plus \$38.24 per ton of PM-10, sulfur dioxide, lead, oxides of nitrogen, and volatile organic compounds emitted.~~

(8) remains the same.

(9) The air quality operation fee for registered oil and gas well facilities is ~~\$800~~ \$900.

(10) through (13) remain the same.

AUTH: 75-2-111, 75-2-220, 75-2-234, MCA
IMP: 75-2-211, 75-2-220, 75-2-234, MCA

REASON: Under 75-2-220, MCA, a person required to obtain a permit or to register a facility under the Clean Air Act of Montana is required to submit to the department fees set by the board that are sufficient to cover the reasonable costs,

direct and indirect, of developing and administering the permitting and registration requirements for the Clean Air Act of Montana. Under ARM 17.8.510, the structure and the amount of the fees are to be determined and reviewed annually by the board based on a report by the department.

The amount of revenue the department needs to generate through the collection of air quality fees depends primarily on the amount of the legislative appropriation, projected expenditures, and projected revenue. The last time the board raised air quality operation fees was in 2009; for that year, the reported emissions were more than 90,000 tons. In 2017, roughly 49,000 tons of pollutants were emitted. With decreased emissions, unstable federal funding, and a decrease in the money received from the state general fund, collection of adequate fee revenue needs to be ensured. The proposed fee increase would allow the department's air quality bureau to collect sufficient revenue to support the appropriate implementation of the air quality program.

Annual air quality operation fees are required for all facilities that hold a Montana air quality permit, that have been issued an air quality operating permit, or that are registered oil and gas well facilities. The air quality operation fee for facilities other than portable facilities or registered oil and gas well facilities consists of a flat administrative fee plus a fee based on the actual, or estimated actual, tonnage of certain air pollutants emitted by the facility during the previous calendar year. This per-ton fee is assessed for PM-10 (particulate matter with a diameter less than 10 micrometers), sulfur dioxide, lead, oxides of nitrogen, and volatile organic compounds emitted. Portable facilities and oil and gas well facilities are assessed a flat fee only.

The board is proposing to increase both the flat fee for oil and gas well facilities and the administrative fee for facilities other than portable facilities from \$800 to \$900. In addition, the board is proposing to set the operation fee at an amount not to exceed \$45.37 per ton of emissions. The board may adopt a definite amount when it considers adopting final rule amendments at the October 5, 2018 board meeting.

There would be a monetary impact on approximately 1,500 facilities because of this proposed action. The \$100 increase for the oil and gas well facilities would impact 1,225 facilities, generating revenue of \$122,500. The 281 permitted facilities that pay the flat administrative fee and the per-ton operating fee would experience the \$100 increase in the administrative fee plus an increase not to exceed \$7.13 per ton of emissions. In 2017, the 281 facilities emitted 49,000 tons of pollutants for which the tonnage fee is assessed. Based on this tonnage and the number of facilities paying the administrative fee, the air quality program would receive an additional \$377,470, paid proportionally by the permitted facilities.

If adopted, these amended fees would be billed in calendar year 2018 to fund the department's activities in fiscal year 2019 and would be based on emissions reported for calendar year 2017.

4. Concerned persons may submit their data, views, or arguments in writing to Sandy Scherer, Legal Secretary, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to sscherer@mt.gov, no later than 5:00 p.m., July 20, 2018. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Sarah Clerget, attorney for the board, or another attorney for the Agency Legal Services Bureau, has been designated to preside over and conduct the hearing.

6. 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 that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supply; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wind energy, wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. 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 Sandy Scherer, Legal Secretary, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to Sandy Scherer at sscherer@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

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

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

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ Edward Hayes
EDWARD HAYES
Rule Reviewer

BY: /s/ Christine Deveny
CHRISTINE DEVENY
Chairman

Certified to the Secretary of State, June 12, 2018.

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

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULES I through VIII pertaining to the) PROPOSED ADOPTION
operation of the underground facilities)
protection program)

TO: All Concerned Persons

1. On July 13, 2018, at 10:00 a.m., a public hearing will be held in the Basement Conference Room #B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Building Codes Program no later than 5:00 p.m., on July 6, 2018, to advise us of the nature of the accommodation that you need. Please contact Carrie Baker, Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2016; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; or at CBaker@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2017 Montana Legislature enacted Chapter 326, Laws of 2017 (House Bill 365), an act revising laws regarding excavations near underground facilities, creating an underground facility protection advisory council (advisory council) allocated to the department, and establishing the council's and the department's relevant duties and responsibilities. The bill was signed by the Governor on May 4, 2017, and became effective July 1, 2017. The department determined it is reasonably necessary to adopt NEW RULES I through VIII to implement the legislation by establishing the processes to assess and collect the various fees, fines, and civil penalties provided by the bill.

In developing the initial draft rules, the department reviewed the rules and requirements of similar programs in other states, as well as the provisions of Montana law. The department also consulted with various stakeholders with respect to various technical issues as well as examining the department's proposed business processes regarding implementation of the program.

Pursuant to 69-4-521, MCA, the department obtained the input and advice of the advisory council established by 69-4-520, MCA. The advisory council is an appointed body consisting of various stakeholders, including facility owners of various sizes and in different sectors (gas, electricity, communications, water) and excavators. The advisory council met on April 12, 2018, and reviewed a draft version of the rules. Following discussion by its members and with department staff, the advisory council approved the draft rules. The rules proposed for adoption

reflect modifications made in accordance with the comments and suggestions made by the advisory council.

Accordingly, the board believes that there is reasonable necessity to adopt NEW RULES I through VIII at this time to further implement the legislation.

4. The proposed new rules are as follows:

NEW RULE I DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) "Advisory council" means the underground facility protection advisory council provided for by 69-4-520, MCA.

(2) "Call center" means a notification center, as defined in 60-4-501, MCA, that serves a designated geographical region of Montana for purposes of allowing excavators to obtain the location of underground facilities in the location where an excavation is proposed to occur. A call center is also known as a "call before you dig" center, or an "811" center.

(3) "Department" means the Department of Labor and Industry, as provided by 69-4-501, MCA.

(4) "Excavator" has the same meaning as provided by 69-4-501, MCA.

(5) "Incident" has the same meaning as provided by 69-4-501, MCA.

(6) "Underground facility owner" has the same meaning as provided by 69-4-501, MCA.

AUTH: 69-4-522, MCA

IMP: 69-4-501, 69-4-520, MCA

NEW RULE II COLLECTION OF INCIDENT REPORTS (1) A call center must submit an incident report to the department within 30 days of learning of an incident.

(2) The department shall accept incident reports submitted by a call center:

(a) on a department-approved reporting form:

(i) via U.S. Mail to Underground Facility Protection Program, P.O. Box 200517, Helena, MT 59620-0517; or

(ii) via fax to (406) 841-2050; or

(b) electronically:

(i) via e-mail to buildingcodes@mt.gov; or

(ii) via the internet to the department's web site at <http://ebiz.mt.gov>.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-529, MCA

NEW RULE III ASSESSMENT AND COLLECTION OF CIVIL PENALTIES

(1) In order to determine when the last 100 locate requests were made, or the number of locate requests made in the past 12 months, the department shall contact each call center serving Montana to obtain that information. Each call center shall provide the requested information within seven days of the department's request.

(2) In order to timely issue civil penalties as required by 69-4-524 and 69-4-525, MCA, if both call centers do not respond within ten days of a request, the department may issue a civil penalty based solely on the number of locate requests identified by the call center in which the event or incident occurred.

(a) For good cause shown, a party to whom a civil penalty has been issued pursuant to (2) may seek a recalculation of the penalty based on information received from both call centers.

(b) The department may withdraw a civil penalty if the underground facility owner, pursuant to 69-4-529, MCA, timely notifies the department that the civil penalty is not required.

(3) A party aggrieved by the imposition of a civil penalty may contest the penalty as provided for in [NEW RULE VI].

(4) A civil penalty that has not been contested and which remains unpaid for more than 75 days after it was issued may be referred by the department for collection of the debt.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-524, 69-4-525, 69-4-529, 69-4-530, MCA

NEW RULE IV COLLECTION OF FINES (1) The department shall, as required by 69-4-529, MCA, assess a fine of \$100 on an underground facility owner for each report the underground facility owner fails to timely file.

(2) A party aggrieved by the imposition of a fine may contest the fine as provided for in [NEW RULE VI].

(3) A fine that has not been contested and which remains unpaid for more than 75 days after it was issued may be referred by the department for collection of the debt.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-529, 69-4-530, MCA

NEW RULE V COLLECTION OF ANNUAL FEES (1) In order to collect the annual fees from underground facility owners, the department may, by contract or other agreement, have the annual billing performed by the call centers.

(2) An underground facility owner may receive a bill from any call center from which the underground facility owner has received locate requests.

(3) The annual fees must be paid by the underground facility owner within 30 days of the date of a bill for those fees.

(4) Annual fees which remain unpaid for more than 90 days after billing may be referred by the department for collection of the debt.

(a) The department, in its sole discretion, may allow an underground facility owner that is billed an annual fee of less than \$50 to defer the payment of the annual fee until the following year. An underground facility owner whose annual fee payment is deferred will not be referred to collection during the period of deferral.

(b) The department may not allow a deferral of payment of annual fees more than once every two years.

(5) For the 2018 and 2019 billing cycle, the amount of the annual fee to be paid by an underground facility owner is \$0.10 per outgoing locate request made by each call center.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-530, MCA

NEW RULE VI DISPUTES REGARDING PENALTIES AND FINES – MEDIATION (1) A party that timely disputes a civil penalty or fine may, after first satisfying the mediation requirements of this rule, have a contested case with the department. The contested case must be held in accordance with the Montana Administrative Procedure Act and will be conducted by the department's Office of Administrative Hearings.

(2) The advisory council shall act as the mediator of disputed civil penalties or fines. The mediator shall attempt to bring the parties to mutually acceptable resolution of the dispute.

(3) Mediation is a private, mandatory, informal, and nonbinding proceeding. Statements made during the mediation process, and the recommendations of the mediator, are not admissible in any other proceeding, and may not be offered in evidence in any other proceeding.

(4) The department shall promptly notify the advisory council of disputes arising under 69-4-524, 69-4-525, or 69-4-529, MCA. The mediation must be conducted within 45 days of the council being notified.

(5) Mediation may be conducted by a majority of the advisory council, or it may be delegated by the council to a subset of the council to act as the mediator.

(6) Mediation is conducted by telephone, unless the parties and the mediator agree to in-person mediation, and the parties waive the 45-day requirement.

(7) The mediator shall issue a written report and recommendation to the parties within 15 days of the mediation.

(8) If the parties agree to a resolution of their dispute during mediation or within 20 days after the report and recommendation is sent to the parties, the department shall notify the advisory council that the matter has been resolved.

(9) If the party that disputes the civil penalty or fine does not agree to resolve the matter, it must notify the department within 20 days of the mediation report and recommendation being issued that the department must schedule a contested case.

(10) Failure of a party to timely notify the department to schedule a contested case acts as waiver of the right to a contested case.

(11) Mediation conducted under this rule may be guided by, but is not bound by, the mediation procedures and rules applicable to workers' compensation matters, pursuant to Title 39, chapter 71, part 24, MCA, and ARM Title 24, chapter 28.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-526, 69-4-529, MCA

NEW RULE VII TRAINING AND EDUCATIONAL GRANTS (1) A call center that has received locate requests during the prior calendar year may apply for a training and educational grant.

(2) A grant application must be in writing, and:

(a) must address the following topics:

(i) the name of applicant;

(ii) the number of locate requests received by the applicant in the prior calendar year;

(iii) a description of each specific educational or training program that the applicant proposes to conduct;

(iv) the estimated cost or budget for each program identified in (iii); and

(v) a description of the audience each proposed program plans to target; and

(b) may provide such other information relevant to the applicant's existing or proposed programs, and should include an explanation of how the proposed programs will promote public safety with regards to underground facilities.

(3) A call center may submit only one grant application per year. The department will accept and review grant applications starting January 1, 2019.

(4) Grants are awarded annually on a state-fiscal-year basis. The amount available for distribution is dependent upon the balance in the grant account that exists on January 1 of the year in which the application is made.

(5) Grants will be awarded to call centers on an equitable basis, based upon the number of locate requests made in the prior year to all applicants. The equitable allocation may be affected by projected changes in the expected number of locate requests likely to occur during the next year.

(6) The department shall consult with the advisory council in determining how to distribute available grant funding, in light of the applications received. In making the grant distribution, the department will consider:

(a) whether the applicant has timely made reports as required by [NEW RULE VIII];

(b) the apparent effectiveness of the applicant's previous and existing educational and training programs, as judged by the frequency of incidents reported by the call center versus the number of locate requests made;

(c) whether the proposed programs integrate or coordinate with similar programs operated or proposed by other applicants;

(d) any trends or patterns of excavation activity that tend to show the need for a geographically targeted program to reach excavators and the public; and

(e) any other factors that the call center deems relevant to the grant application.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-528, MCA

NEW RULE VIII REPORTS BY GRANT RECIPIENTS (1) The department will provide each grant recipient a report form, which may be electronic, upon which the grant recipient shall report:

(a) the amount of the actual expenditures of the grant funds;

(b) the details of what expenditures were made, such as the number of signs printed, the number of public service announcements produced, or the type and number of advertisements purchased; and

(c) the perceived effectiveness of the materials or projects funded via the grant.

(2) The grant recipient is encouraged, but not required, to provide information to the department regarding:

(a) any problems encountered in conducting the grant-funded program;

(b) any recommendations on how to improve the grant-making process or programs implemented under a grant;

(c) any suggestions as how to improve or better promote the "call before you dig" program; and

(d) any suggestions as how to improve or better provide public information regarding underground facilities.

(3) The report must be sent to the department within 12 months of the date the grant was awarded.

AUTH: 69-4-522, MCA

IMP: 69-4-522, 69-4-528, MCA

5. Fee impact analysis: Based on information provided by the proponents of House Bill 365, the department estimates that annual fees charged pursuant to NEW RULE V, at \$0.10 per "locate" request, will total approximately \$60,000 to \$66,000 per year. The annual fees will fund the department's operation and administration of the underground facility program. The 2018 invoices for fees are expected to be sent to underground facility owners in or about July 2018, after the rules become effective. Invoices for subsequent years are expected to be issued in or about June or July.

The department is unable to estimate the annual income arising from civil penalties issued pursuant to NEW RULE III. There is no existing database upon which to project the number of instances that will give rise to a civil penalty, nor to estimate the amount of the penalties, which escalate with subsequent incidents. The department anticipates that excavators will incur the majority of civil penalties, with a lesser amount from underground facility owners. The department has no basis upon which to estimate the number of persons who may qualify as an "excavator" and who are potentially subject to a civil penalty. The department, based on information provided by the proponents of House Bill 365, estimates that there are approximately 700 entities that own underground facilities. Likewise, there is no basis upon which to estimate the amount that is likely to be generated from fines levied pursuant to NEW RULE IV. Fines are levied only against underground facility owners. The department notes that the income from all civil penalties and fines must be paid out annually as grants to call centers operating in Montana, as provided by statute. Presently, there are two call centers operating in Montana.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Building Codes Program, 301 South Park Avenue, P.O. Box

200517, Helena, Montana 59620-0517, by facsimile to (406) 841-2050, or e-mail to CBaker@mt.gov, and must be received no later than 5:00 p.m., July 20, 2018.

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

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all building codes administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; faxed to the office at (406) 841-2050; e-mailed to CBaker@mt.gov; or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on November 28, 2017, by telephone.

10. Regarding the requirements of 2-4-111, MCA, the department has determined that the adoption of NEW RULES I through VIII will not significantly and directly impact small businesses.

Documentation of the department's above-stated determination is available upon request to the Building Codes Program, 301 South Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2016; facsimile (406) 841-2050; or to CBaker@mt.gov.

11. Carrie Baker, Building Codes Program, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE

Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH

Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 12, 2018.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.34.3005 pertaining to home) PROPOSED AMENDMENT
and community-based services)
(HCBS) waiver programs)

TO: All Concerned Persons

1. On July 12, 2018, at 3:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on July 2, 2018, to advise us of the nature of the accommodation that you need. Please contact Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.34.3005 REIMBURSEMENT FOR SERVICES OF MEDICAID FUNDED DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES (HCBS) WAIVER PROGRAMS (1) remains the same.

(2) The department adopts and incorporates by this reference the rates of reimbursement for the delivery of services and items available through each Home and Community-Based Services Waiver Program as specified in the Montana Developmental Disabilities Program Manual of Service Rates and Procedures of Reimbursement for Home and Community-Based Services (HCBS) 1915c, 0208, and 0667 Waiver Programs, effective ~~January 1, 2018~~ July 1, 2018. A copy of the manual may be obtained through the Department of Public Health and Human Services, Developmental Services Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 and at <http://dphhs.mt.gov/dsd/developmentaldisabilities/DDPratesinf>.

AUTH: 53-2-201, 53-6-402, MCA
IMP: 53-2-201, 53-6-402, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.34.3005 by changing the effective date of the Montana Developmental Disabilities Program Manual of Service Rates and Procedures of Reimbursement for Home and Community-Based Services (HCBS) 1915c, 0208, and 0667 Waiver Programs (the manual) to July 1, 2018. The department has made substantive changes to the manual and the July 1, 2018 date reflects the new version of the manual, which the department has adopted by reference in ARM 37.34.3005. One of the changes proposed in this rule notice relating to private duty nursing rate reimbursement will take effect July 15, 2018.

The new manual reflects changes to the 0208 home and community-based 1915(c) waiver for individuals with developmental disabilities. Although final approval for the changes has not been granted by the Centers for Medicare and Medicaid (CMS), the department anticipates approval will be finalized by the July 1, 2018, effective date.

The July 1, 2018, manual reflects the following changes and the reasons for those changes:

- Discontinuation of the following services:
 - Children's case management because the department is providing that service to children age 16 and under through the targeted case management service in the Medicaid State Plan;
 - Live-in caregiver service because this service is not being used in any capacity and the department wants to remove it from the waiver to accurately reflect the services that are being used;
 - Job discovery and job preparation because those services are now included in the day supports and activities service; and
 - Adaptive equipment because this service will be provided through the newly added specialized medical equipment and supplies service.
- Add specialized medical equipment and supplies service, which expands the equipment and supplies that are provided through this service;
- Changes the name of adult companion to companion because the service has been expanded to provide services to younger individuals who are not yet adults;
- Changes the name of psychological and counseling services to psychological evaluation, counseling, and consultation services to expand the service to include evaluation and consultation;
- Adjusts the reimbursement for private duty nursing (PDN), which will take effect July 15, 2018. The rate will increase from \$29.52 per hour for LPN services to \$35.00 and from \$34.76 per hour for RN services to \$45.12 per hour. This change is consistent with rate increases proposed by the department for PDN services in other department programs and is intended to ensure that high-needs Montana Medicaid members have access to services in the least costly setting.
- Clarification of the following services:

- Supported living hourly services are no longer tied to members receiving waiver children's case management or for adults. This is because the department is discontinuing waiver children's case management services.
- Supported living, small agency rates require a provider to meet all three criteria: 1) support less than 10 individuals; 2) employ 12 or fewer direct care staff; and 3) director routinely provides some direct support every week. This change reflects the department's current practice and provides clarity to providers.
- Clarifying that the day supports and activities rate is not available for self-direct service delivery and that the high geographic factor should be used as the maximum rate for all day supports and activities self-direct options.
- Change the maximum rate for remote monitoring equipment to ensure that it matches the maximum monthly amount that is listed in the waiver.
- Change the units defined for day integration and residential integration transportation and clarify that transportation OTHER is for miscellaneous costs such as bus passes, taxi fees, licensure, insurance, and other costs.

Fiscal Impact

The fiscal impact of the proposed amendments to ARM 37.34.3005, implementing private duty nursing rate adjustments for DD providers will increase total expenditures to providers for state fiscal year 2019 by the sum of \$247,807.96. These rates affect approximately 15 corporate providers of services.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphslegal@mt.gov, and must be received no later than 5:00 p.m., July 20, 2018.

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

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

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

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

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

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

11. The PDN rate increase will take effect retroactive to July 15, 2018, as described above, and as set forth in the manual. The department will apply all other rule amendments retroactively to July 1, 2018, which is the effective date of the revised manual. Neither retroactive application of the proposed rule amendments results in a negative impact to any affected party.

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

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.36.604 pertaining to) AMENDMENT
updating the federal poverty index)
guidelines for the Montana)
telecommunications access program) NO PUBLIC HEARING
(MTAP)) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on July 2, 2018, to advise us of the nature of the accommodation that you need. Please contact Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.36.604 FINANCIAL ELIGIBILITY CRITERIA (1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the ~~2017~~ 2018 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS ~~2017~~ 2018 annual poverty guidelines for families of various sizes is shown in (2).

(2) 250% of the annual poverty guidelines is as follows:

FAMILY SIZE	250% OF ANNUAL POVERTY GUIDELINE
One	\$30,150 <u>\$30,350</u>
Two	\$40,600 <u>\$41,150</u>
Three	\$51,050 <u>\$51,950</u>
Four	\$61,500 <u>\$62,750</u>
Five	\$71,950 <u>\$73,550</u>

Six	\$82,400 <u>\$84,350</u>
Seven	\$92,850 <u>\$95,150</u>
Eight	\$103,300 <u>\$105,950</u>
Each Additional Person, Add	\$10,450

(3) remains the same.

AUTH: 53-19-305, 53-19-307, MCA

IMP: 53-19-305, 53-19-307, MCA

4. STATEMENT OF REASONABLE NECESSITY

The department is proposing to amend ARM 37.36.604. This rule sets the criteria that allows the department to pay for services provided to persons who are eligible for Montana Telecommunications Access Program (MTAP) services. The rule provides that the payment for services by the department may occur if the consumer's income and financial resources do not exceed maximum levels for income and resources established through the rule.

This rule amendment revises the maximum level of allowable income. Currently the rule provides that the maximum level is 250% of the 2017 United States Department of Health and Human Services federal poverty index level (FPL) guidelines for households. The rule amendment would revise this level by replacing 2017 FPL guidelines with 2018 FPL guidelines.

Fiscal Impact

There would be no fiscal impact due to the increase in FPL. A minimal number of clients currently served by MTAP exceed the FPL; and the majority are well under. An increase in the FPL would not yield any additional costs to MTAP.

5. The department intends to apply these rule amendments retroactively to February 2, 2018. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Todd Olson, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on July 20, 2018. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written

comments to Todd Olson at the above address no later than 5:00 p.m., July 20, 2018.

8. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 169 persons based on 1,690 with an open case currently being served by the program.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

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

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

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.85.105 pertaining to) PROPOSED AMENDMENT
updating Medicaid fee schedules and)
effective dates)

TO: All Concerned Persons

1. On July 12, 2018, at 1:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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

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

37.85.105 EFFECTIVE DATES, CONVERSION FACTORS, POLICY ADJUSTERS, AND COST-TO-CHARGE RATIOS OF MONTANA MEDICAID PROVIDER FEE SCHEDULES (1) and (2) remain the same.

(3) The department adopts and incorporates by reference, the fee schedule for the following programs within the Health Resources Division, on the date stated.

(a) through (k) remain the same.

(l) ~~Fee~~ The fee schedules for ~~private duty nursing~~, nutrition, children's special health services, and orientation and mobility specialists, as provided in ARM 37.86.2207(2), are effective July 1, 2018.

(m) through (y) remain the same.

(z) The private duty nursing fee schedule, as provided in ARM 37.86.2207(2), is effective July 1, 2018.

(4) The department adopts and incorporates by reference, the fee schedule for the following programs within the Senior and Long Term Care Division on the date stated:

(a) Home and community-based services for elderly and physically disabled persons fee schedule, as provided in ARM 37.40.1421, is effective ~~July 1, 2018~~ July 15, 2018.

(b) through (e) remain the same.

(5) The department adopts and incorporates by reference, the fee schedule for the following programs within the Addictive and Mental Disorders Division on the date stated:

(a) remains the same.

(b) Home and community-based services for adults with severe disabling mental illness, reimbursement, as provided in ARM 37.90.408, is effective ~~July 4, 2018~~ July 15, 2018.

(c) and (6) remain the same.

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

IMP: 53-2-201, 53-6-101, 53-6-125, 53-6-402, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) has determined that an increase to the private duty nursing fees is necessary to serve high-needs Montana Medicaid members in the least costly setting. According to the Montana Medicaid 2017 Access Monitoring Plan, one private duty nursing (PDN) provider withdrew as a Medicaid provider between state fiscal years 2016 and 2017, leaving four providers available to serve Montana's Medicaid population. In 2018, one of the four remaining providers notified the department that it could no longer provide PDN at the reimbursement rate currently paid by the Medicaid program and that it would discontinue services within three months. In response, the department analyzed the Medicaid population served, the number of PDN agencies across the state, the existing labor market for nurses, the cost of providing private duty nursing benefits to Medicaid members, and the higher level of care costs avoided by providing the PDN benefit. Therefore, the department now proposes to reimburse PDN providers at the rates of \$8.95 per 15 minutes of care by a licensed practical nurse (LPN), \$11.28 per 15 minutes by a registered nurse (RN), and \$15.31 per 15 minutes of care by an RN supervisor. The rates are currently \$7.38 for LPN services, \$8.69 for RN services, and \$11.78 for RN supervision services.

In the interest of clarity, the department proposes to make this change by creating a new subsection for PDN services within the section of the rule that relates to the Health Resources Division (HRD).

In addition to changing the HRD fee schedule, the department will also amend the fee schedule for private duty nursing in the Addictive and Mental Disorders Division (AMDD) and in the Senior and Long Term Care (SLTC) Division.

The department intends to make these amendments effective July 1, 2018, for PDN rates in the Health Resources Division. The amendments for SLTC and AMDD will be effective July 15, 2018.

FISCAL IMPACT

In the Health Resources Division, the expected fiscal impact is \$393,600.02 in state general fund dollars and \$764,730.14 in federal funding. In the Addictive and Mental Disorders Division, the expected fiscal impact is \$8,411, state general fund, and \$16,344, federal funding. In the Senior and Long Term Care Division, the expected fiscal impact is \$175,404.41, state general fund, and \$340,794.55, federal funding.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphslegal@mt.gov, and must be received no later than 5:00 p.m., July 20, 2018.

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

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

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

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

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

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

11. The department will apply the rule amendments described in ARM 37.85.105(3)(l) and (3)(z) retroactively to July 1, 2018, and the rule amendments described in ARM 37.85.105(4)(a) and (5)(b) retroactively to July 15, 2018. Neither

retroactive application of the proposed rule amendments results in a negative impact to any affected party.

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

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

Certified to the Secretary of State June 12, 2018.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to the deduction provided under IRC 199A - not allowed for the determination of Montana net income) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION))))

TO: All Concerned Persons

1. On July 23, 2018, at 1:30 p.m., the Department of Revenue will hold a public hearing in the 3rd Floor Reception Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed adoption of the above-stated rule. The hearing room is most readily accessed using the east doors of the building facing Sanders Street.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5 p.m. on July 13, 2018, to advise us of the nature of the accommodation you need. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

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

NEW RULE I DEDUCTION PROVIDED UNDER INTERNAL REVENUE CODE SECTION 199A NOT ALLOWED (1) The deduction provided under Internal Revenue Code Section 199A is not allowed for the determination of Montana net income.

AUTH: 15-1-201, 15-30-2620, MCA
IMP: 15-30-2131, 15-30-2620, MCA

REASON: The department proposes adopting New Rule I to make official the department's determination that the deduction provided under Internal Revenue Code (IRC) Section 199A is not allowed for the computation of Montana personal net income. This new federal provision was implemented as a part of the Tax Cuts and Jobs Act, effective for taxable years beginning after December 31, 2017. The rule is necessary because the deduction was placed under IRC Section 63 as a standalone reduction of federal taxable income, and was not intended to impact states that use federal adjusted gross income as a starting point for calculating state individual income tax.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be

submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than August 6, 2018.

5. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct this hearing.

6. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a subject matter or matters. Notices will be sent by e-mail unless a different mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4, faxed to the office at (406) 444-3696, or made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available through the Secretary of State's web site at sosmt.gov/arm/register/.

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

9. Regarding the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses, as the deduction would not be allowed even without the rule. Documentation of this determination is available upon request from the person in 4.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Gene Walborn
Gene Walborn
Director of Revenue

Certified to the Secretary of State June 12, 2018.

BEFORE THE MONTANA LOTTERY COMMISSION
DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
2.63.203, 2.63.204, 2.63.403, 2.63.404,)
2.63.406, 2.63.407, 2.63.606, 2.63.607,)
2.63.611, 2.63.801, 2.63.1002,)
2.63.1004, 2.63.1201, and 2.63.1202)
pertaining to definitions; retailer)
applications, required rule reading,)
bonding, and commission; licenses;)
business changes; electronic funds)
transfer; tickets; prizes; and winner)
redemptions)

TO: All Concerned Persons

1. On May 11, 2018, the State Lottery Commission published MAR Notice No. 2-63-575 pertaining to the amendment of the above-stated rules at page 908 of the 2018 Montana Administrative Register, Issue Number 9.

2. The commission has amended ARM 2.63.203, 2.63.204, 2.63.404, 2.63.406, 2.63.407, 2.63.606, 2.63.607, 2.63.611, 2.63.801, 2.63.1002, 2.63.1004, 2.63.1201, and 2.63.1202 exactly as proposed.

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

COMMENT #1: Two comments were received regarding the \$75 annual fee for a Montana sports action license addressed in ARM 2.63.403(3). It was suggested that a reference to the Board of Horse Racing rule be included to clarify this fee is not imposed by the lottery.

RESPONSE #1: The commission agrees and has revised the rule as shown below.

4. The commission has amended ARM 2.63.403 with the following changes:

2.63.403 RETAILER APPLICATIONS AND FEES (1) through (2) remain as proposed.

(3) There is an additional annual \$75 fee for an MSA license as provided in ARM 8.22.3902(2)(c), which is collected for and transferred to the Board of Horse Racing. To apply for an MSA license, a retailer must first have a current gaming license.

(4) remains as proposed.

By: /s/ Wilbur Rehmann
Wilbur Rehmann, Chair
Montana Lottery Commission

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the adoption of an) NOTICE OF ADOPTION OF AN
emergency rule closing Lost Creek) EMERGENCY RULE
State Park in Deer Lodge County)

TO: All Concerned Persons

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

- (a) The dangerous conditions include high water levels which have flooded portions of Lost Creek State Park including the roadway in and out of the park making it impassable and unsafe for vehicle and pedestrian travel.
- (b) Persons recreating in the flooded portions of the site are at risk of:
 - (i) injury or drowning due to unexpected changes to topography obscured by flood waters.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an emergency rule in Issue No. 12 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on July 13, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective June 1, 2018, when this rule notice is filed with the Secretary of State.

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

NEW RULE I LOST CREEK STATE PARK EMERGENCY CLOSURE

- (1) Lost Creek State Park is located in Deer Lodge County.
- (2) Lost Creek State Park is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the park.
- (4) This rule will expire as soon as the department determines the park is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the state park will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, MCA
IMP: 2-4-303, 23-1-106, MCA

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

6. Concerned persons are encouraged to submit their comments to the department. Please submit comments along with names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than July 20, 2018.

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

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

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

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State June 1, 2018.

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

In the matter of the adoption of an) NOTICE OF AMENDMENT OF AN
emergency rule closing a portion of) EMERGENCY RULE
the Clark Fork River from the)
Reserve Street Bridge to the Kelly)
Island Fishing Access Site in)
Missoula County)

TO: All Concerned Persons

1. On May 14, 2018, the Department of Fish, Wildlife and Parks (department) adopted and filed an emergency rule closing a portion of the Clark Fork River in Missoula County. MAR Notice No. 12-487 pertaining to the emergency rule was published on page 1031 of the 2018 Montana Administrative Register, Issue Number 10. The department had determined the following reasons justified the adoption of an emergency rule:

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

(b) Since the original adoption, waterflows and debris have decreased but a downed powerline is still in the river and unable to be seen by recreationists. The current situation allows for the department to reduce the length of river closed to recreation. A portion needs to remain closed to address the safety issues concerning the downed powerline. The closure will now be from the Reserve Street Bridge to the upstream boundary of the Kelly Island Fishing Access Site.

(c) Persons recreating on this portion of the river are at risk of electrocution and drowning due to downed powerlines.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an emergency rule in Issue No. 12 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on July 13, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective June 7, 2018, when this rule notice is filed with the Secretary of State.

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

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

(2) The Clark Fork River is closed from the Reserve Street Bridge to the upstream boundary of Kelly Island Fishing Access Site to all water-based recreation, including but not limited to wading, fishing, boating, floating, and swimming.

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

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

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

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

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

6. Concerned persons are encouraged to submit their comments to the department. Please submit comments along with names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than July 20, 2018.

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

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

/s/ Martha Williams

Martha Williams

Director

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State June 7, 2018.

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

In the matter of the adoption of an) NOTICE OF AMENDMENT OF AN
emergency rule closing a portion of) EMERGENCY RULE
Noxon Reservoir in Sanders County)

TO: All Concerned Persons

1. On May 18, 2018, the Department of Fish, Wildlife and Parks (department) adopted and filed an emergency rule closing a portion of Noxon Reservoir in Sanders County. MAR Notice No. 12-489 pertaining to the emergency rule was published on the department’s website and will be published in the 2018 Montana Administrative Register, Issue Number 11. The department had determined the following reasons justified the adoption of an emergency rule:

(a) The combination of dangerous conditions includes high water levels, fast moving currents, and compromised safety infrastructures that usually prevent recreationists from going over the dam.

(b) Persons recreating on the reservoir are at risk of:

(i) collisions with debris and other hazards due to strong currents;

(ii) injury or drowning.

(c) Waterflows have decreased and it has been determined that the closure can be decreased. All waters of the reservoir are closed to recreation from the downstream side of Stevens Creek Bay, across the reservoir to the mouth of McKay Creek, to Noxon Dam.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an emergency rule in Issue No. 12 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on July 13, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective June 7, 2018, when this rule notice is filed with the Secretary of State.

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

NEW RULE I NOXON RESERVOIR EMERGENCY CLOSURE (1) Noxon Reservoir is located in Sanders County.

(2) All waters of the reservoir are closed to recreation from the downstream side of Stevens Creek Bay, across the reservoir to the mouth of McKay Creek, to Noxon Dam.

(3) This rule is effective as long as the dangerous conditions exist.

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

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

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

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

6. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than July 20, 2018.

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

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

/s/ Martha Williams

Martha Williams

Director

Department of Fish, Wildlife and Parks

/s/ Aimee Hawkaluk

Aimee Hawkaluk

Rule Reviewer

Certified to the Secretary of State June 7, 2018.

BEFORE THE BOARD OF REALTY REGULATION
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 24.210.301 definitions,)	
24.210.401 fee schedule, 24.210.426)	
trust account requirements, 24.210.601)	
general license administration)	
requirements, 24.210.624 inactive)	
licenses, 24.210.625 inactive to active)	
license status, 24.210.635 renewals,)	
24.210.641 unprofessional conduct,)	
24.210.646 disciplinary guidelines --)	
public notice, 24.210.805 property)	
management trust account)	
requirements, 24.210.827 inactive)	
status, and 24.210.828 unprofessional)	
conduct for property management)	
licensees)	

TO: All Concerned Persons

1. On December 22, 2017, the Board of Realty Regulation (board) published MAR Notice No. 24-210-44 regarding the public hearing on the proposed amendment of the above-stated rules, at page 2400 of the 2017 Montana Administrative Register, Issue No. 24.

2. On January 12, 2018, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the January 19, 2018, deadline.

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

COMMENT 1: Several commenters expressed general support for the proposed rule changes.

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

COMMENT 2: Numerous commenters were concerned that in ARM 24.210.301(25), there is no apparent reference to the term "residential property" and therefore leaves open that a term of occupancy less than 30 days is something else. If the board intends to exempt property managers from having to use trust accounts for occupancies less than 30 days, the commenters did not believe this amendment accomplishes this. The commenters suggested the board amend the rule language.

RESPONSE 2: The board agrees with the commenters that the statutory language does not match the proposed language of the rule. The board is therefore not proceeding with this amendment at this time but will continue to work on distinguishing short-term vacation rentals with terms of occupancy less than 30 days from longer-term occupancies.

COMMENT 3: Several commenters questioned the reason for striking "while acting in the capacity of a broker" from ARM 24.210.426(3)(d). The commenters asserted the change may imply that all money received by a broker must be placed into a trust account, even when not acting in the capacity of a licensed broker. The commenters suggested the board leave the current rule language in place.

RESPONSE 3: The board agrees with the suggestion and is amending the rule accordingly.

COMMENT 4: Several commenters were concerned about the language in ARM 24.210.805(11)(a) and (b) regarding owning 100 percent and stated that many people do not own rental real property directly but rather through an LLC or other entity.

RESPONSE 4: The board acknowledges the comment, but is amending the rule exactly as proposed. The board concluded this language expresses the board's intent to require a management agreement any time property is owned by a separate legal entity, regardless if the licensee is a member of the LLC.

COMMENT 5: One commenter requested the board make changes regarding dual agency and buyer agent disclosure requirements and suggested that buyer agents are often paid undisclosed bonuses by seller agents. The commenter further requested the board explore requiring buyer agents to be paid a flat fee by the buyer.

RESPONSE 5: The board is unable to consider this comment as it is outside the scope of this rulemaking project.

4. The board has amended ARM 24.210.401, 24.210.601, 24.210.624, 24.210.625, 24.210.635, 24.210.641, 24.210.646, 24.210.805, 24.210.827, and 24.210.828 exactly as proposed.

5. The board has amended ARM 24.210.301 and 24.210.426 with the following changes, stricken matter interlined, new matter underlined:

24.210.301 DEFINITIONS The terms used in this chapter shall have their common meaning as used in the real estate industry, and unless the context otherwise requires, the following meanings shall also apply:

(1) through (24) remain as proposed.

~~(25) "Residential property" shall include real estate principally used for, or capable and intended for use as, residences, and any single unit in a group of units when transferred as a single unit. The term of occupancy must be greater than 30 days to be considered residential.~~

(26) through (32) remain as proposed but are renumbered (25) through (31).

24.210.426 TRUST ACCOUNT REQUIREMENTS (1) through (3)(c) remain as proposed.

(d) All monies belonging to others and accepted by the broker while acting in the capacity as a broker shall be deposited in an insured account at an institution located in Montana and identified by the words "trust account." Trust funds must be liquid and may not be maintained in sweep accounts, invested in certificates of deposit or repurchase agreements, or any other method which places trust funds at risk. The broker must account for trust funds at all times;

(e) through (4) remain as proposed.

BOARD OF REALTY REGULATION
RIC SMITH, BROKER
PRESIDING OFFICER

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

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the adoption of New Rule I pertaining to Medicaid Auditor Evaluation Hearings) NOTICE OF ADOPTION
)
)

TO: All Concerned Persons

1. On April 13, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-826 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 687 of the 2018 Montana Administrative Register, Issue Number 7.

2. The department has adopted New Rule I (37.85.221) as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (37.85.221) MEDICAID OVERPAYMENT AUDITS AUDITOR EVALUATION HEARINGS; RECOVERY AUDIT CONTRACTOR (RAC) PROGRAM
(1) remains as proposed.

AUTH: 53-6-1409, MCA
IMP: 53-6-111, 53-6-1409, MCA

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

COMMENT #1: One commenter expressed support for the proposed rule and the increased transparency of the audit process.

RESPONSE #1: The department thanks the commenter for the comment. Based on input, the department has amended the catchphrase of the rule. The amended catchphrase better states the subject matter of the rule and aligns the rule with 53-6-1409, MCA, regarding the department's contracted Medicaid audit program.

/s/ Flint Murfitt
Flint Murfitt
Rule Reviewer

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.108.507 pertaining to update)
of the Healthcare Effectiveness Data)
and Information Set (HEDIS))

TO: All Concerned Persons

1. On April 27, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-834 pertaining to the proposed amendment of the above-stated rule at page 793 of the 2018 Montana Administrative Register, Issue Number 8.

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

3. No comments or testimony were received.

4. The department intends to apply this rule amendment retroactively to January 1, 2018. A retroactive application of the proposed rule amendment does not result in a negative impact to any affected party.

/s/ Flint Murfitt
Flint Murfitt
Rule Reviewer

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.79.326 pertaining to Healthy)
Montana Kids (HMK) Dental Benefits)

TO: All Concerned Persons

1. On April 27, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-841 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 811 of the 2018 Montana Administrative Register, Issue Number 8.

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

3. No comments or testimony were received.

4. This rule amendment is effective July 1, 2018.

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

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

Certified to the Secretary of State June 12, 2018.

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

In the matter of the amendment of)
ARM 37.85.105 pertaining to)
updating Medicaid fee schedules and)
effective dates)

NOTICE OF DECISION ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 8, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-851 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1096 of the 2018 Montana Administrative Register, Issue Number 11.

2. A public hearing on the notice of proposed amendment of the above-stated rules was scheduled to be held on June 28, 2018. That hearing is hereby vacated.

3. At this time, the department is withdrawing MAR Notice No. 37-851 from consideration. The action is necessary because the department needs to include additional provisions for private duty nursing from its Senior and Long Term Care Division. A new proposed rulemaking, assigned MAR Notice No. 37-854, is being filed concurrently with this Notice of Decision. MAR Notice No. 37-854 will contain all necessary rule amendments for the department.

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

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

Certified to the Secretary of State June 12, 2018.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.25.1801 and 42.25.1809)
pertaining to oil and gas tax rates)

TO: All Concerned Persons

1. On April 27, 2018, the Department of Revenue published MAR Notice No. 42-2-993 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 814 of the 2018 Montana Administrative Register, Issue Number 8.

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

3. No comments or testimony were received.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Gene Walborn
Gene Walborn
Director of Revenue

Certified to the Secretary of State June 12, 2018.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.2.613 and 42.2.621)
pertaining to the office of dispute)
resolution (ODR) liquor license)
protests and liquor matters)

TO: All Concerned Persons

1. On April 27, 2018, the Department of Revenue published MAR Notice No. 42-2-994 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 818 of the 2018 Montana Administrative Register, Issue Number 8.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Gene Walborn
Gene Walborn
Director of Revenue

Certified to the Secretary of State June 12, 2018.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

- | | |
|---------------|--|
| Known Subject | 1. Consult ARM Topical Index.
Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers. |

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2017. This table includes notices in which those rules adopted during the period September 30, 2017, through December 31, 2017, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2017, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2017 and 2018 Montana Administrative Registers.

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

ADMINISTRATION, Department of, Title 2

2-2-568	Procedural Rules, p. 1, 426
2-13-566	Public Safety Answering Point Certification, Funding, and Monitoring, p. 2363, 427
2-13-574	Public Safety Answering Point - Allowable Uses of Funds - Decertification and Funding Reduction - Reporting, Monitoring, and Recordkeeping, p. 351, 608, 1021
2-21-557	Recruitment and Selection Policy, p. 1309, 90, 571
2-21-563	Employee Records Management Policy, p. 1316, 1443, 92
2-59-567	Renewal Fees for Mortgage Brokers, Lenders, Servicers, and Originators, p. 7
2-59-570	Regulation of Privately Insured Credit Unions, p. 124, 628
2-59-571	Annual Reporting for Consumer Loan Licensees - Escrow Business Reference Updates - Mortgage Definitions - Mortgage Renewal Fees - Escrow Funds Held by Mortgage Companies, p. 357, 822

(Public Employees' Retirement Board)

- 2-43-564 Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document and the State of Montana Public Employee Deferred Compensation (457) Plan Document, p. 4, 433
- 2-43-565 Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457(b) Deferred Compensation Plan, p. 354, 821

(State Lottery Commission)

- 2-63-575 Definitions - Retailer Applications, Required Rule Reading, Bonding, and Commission - Licenses - Business Changes - Electronic Funds Transfer - Tickets - Prizes - Winner Redemptions, p. 908

(Board of County Printing)

- 2-67-569 Rates for County Legal Advertising, p. 230, 610, 1100

(Office of the State Public Defender)

- 2-69-573 Model Rules - Definitions - Determination of Indigency - Reasonable Compensation, p. 364, 716

AGRICULTURE, Department of, Title 4

- 4-17-242 Mediation Services, p. 1926, 2431
- 4-17-243 Montana Pulse Crop Committee, p. 2373, 301, 823, 1101
- 4-17-244 Montana Cherry Research and Market Development Program, p. 2379, 302
- 4-18-245 Montana State Grain Laboratory Fee Schedule, p. 127, 629
- 4-18-246 Fertilizer Regulations, p. 134, 630
- 4-18-247 Feed and Pet Food Regulations, p. 138, 631
- 4-18-248 Pesticide Registration Regulations, p. 758
- 4-18-249 Pesticide Container Recycling Program - Waste Pesticide Disposal Program, p. 763

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

- 6-237 Medicare Supplement Insurance, p. 1542, 572, 969
- 6-238 Patient-Centered Medical Homes, p. 1574, 2277
- 6-239 Credit for Reinsurance, p. 1929, 2432
- 6-240 Independent Liability Fund Definitions and Penalties, p. 10, 825
- 6-241 and other rules - Valuation of Life Insurance Policies, p. 13, 826
- 6-242 Public Adjusters, p. 142, 1022
- 6-243 Health Maintenance Organizations, p. 369, 1102
- 6-244 Annual Audited Financial Reports, p. 996

COMMERCE, Title 8

- 8-94-156 Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 512, 827
- 8-94-157 Administration of the 2019 Biennium Federal Community Development Block Grant (CDBG) Program – Planning Grants, p. 515, 828
- 8-111-158 Definitions - Housing Credit Allocation Procedure, p. 517, 828

EDUCATION, Title 10

(Board of Public Education)

- 10-55-282 Suicide Prevention in Schools, p. 1001
- 10-57-283 Teacher Licensure, p. 1004
- 10-64-281 School Bus Requirements, p. 2381, 303
- 10-64-282 School Bus Requirements, p. 611, 1024

(Office of Public Instruction)

- 10-1-129 Soliciting Applications for Membership on a Negotiated Rulemaking Committee to Amend ARM 10.55.701 to Require a Policy for Implementation of All Hazard Emergency and Response Plans, p. 771
- 10-1-130 Soliciting Applications for Membership on a Negotiated Rulemaking Committee to Amend ARM 10.56.101 Pertaining to the Policies and Procedures for Standardized Test Administration Using the Required Statewide Assessments, p. 998, 1085

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12-479 Wildlife Habitat Noxious Weed Grant Program, p. 17, 632
- 12-480 Pilot Program for Aquatic Invasive Species in the Flathead Basin, p. 23, 586
- 12-482 Classes of License Agents and Acceptable License Agent Security, p. 520, 970
- 12-483 Closing the Smith River From Camp Baker to Eden Bridge, p. 718
- 12-486 Closing Sha-Ron Fishing Access Site, Kelly Island Fishing Access Site, Kona Bridge Fishing Access Site, Harper's Bridge Fishing Access Site, Deep Creek Fishing Access Site, and Council Grove State Park in Missoula County, p. 1027
- 12-487 Closing a Portion of the Clark Fork River From the Reserve Street Bridge to the Kona Bridge in Missoula County, p. 1031
- 12-488 Closing the Medicine River Fishing Access Site in Cascade County, p. 1033
- 12-489 Closing a Portion of Noxon Reservoir in Sanders County, p. 1106
- 12-490 Closing Dunes Fishing Access Site in Cascade County, p. 1108

(Fish and Wildlife Commission)

- 12-475 Recreational Use on the Bitterroot River, p. 1451, 434, 717
- 12-485 Wake Restrictions Near Broadwater Bay of the Missouri River, p. 917

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17-392 Adoption of a New Version of Department Circular DEQ-8, p. 1580, 522
- 17-394 Wind Generation Facility Decommissioning and Bonding, p. 1995, 94
- 17-396 Nutrient Standards Variances, p.377, 1110

(Board of Environmental Review)

- 17-393 Incorporation by Reference - Definitions - Applicability - Operating Permit Program Overview - Applicability of Air Quality Rules, p. 1933, 438
- 17-395 Water Quality Standards, p. 2383, 830

TRANSPORTATION, Department of, Title 18

- 18-165 Fuel Tax Bridge and Road Safety and Accountability Program, p. 1717, 2278
- 18-166 Motor Fuels Tax Collection and IFTA, p. 148, 588
- 18-168 Motor Carrier Services Safety Requirements, p. 681, 1035
- 18-169 Motor Carrier Services Safety Requirements, p. 1007
- 18-170 Right-of-Way Occupancy by Water and Sewer Facilities, p. 920
- 18-171 Electronic Submission of Transportation Construction Bids, p. 1086

(Transportation Commission)

- 18-167 Outdoor Advertising Control, p. 525, 971

CORRECTIONS, Department of, Title 20

- 20-4-64 Facilities Exempt From Geographic Restrictions Applicable to High-Risk Sexual Offenders, p. 684
- 20-7-68 Residential Methamphetamine Treatment Programs, p. 1092
- 20-24-67 Board of Crime Control, p. 1113

JUSTICE, Department of, Title 23

- 23-2-248 Affidavit of Indigence - Statement of Inability to Pay Court Costs and Fees, p. 1724, 176
- 23-3-246 Ignition Interlock Devices, p. 1598, 589
- 23-3-251 Imposition of an Administrative Fee for Alcohol or Drug Test Refusal, p. 1010
- 23-12-250 Investigative Complaint Review - Student's Ranking at the Montana Law Enforcement Academy, p. 2388, 304

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department notices.

- 24-11-329 Unemployment Insurance, p. 153, 638
- 24-16-331 Payment of Wages, Minimum Wage, and Overtime, p. 25, 439
- 24-17-327 Prevailing Wage Rates for Public Works Projects, p. 2009, 183
- 24-17-334 Classification of Workers for Heavy Construction Services on Public Works Projects, p. 232, 841
- 24-21-332 Employer Apprenticeship Tax Credit, p. 163, 639
- 24-22-324 Incumbent Worker Training Program, p. 1734, 2433
- 24-29-330 Value of Housing Furnished by an Employer for Workers' Compensation Purposes, p. 2391, 640
- 24-29-335 Workers' Compensation Facility Service Rules and Rates and Conversion Factors, p. 613, 1036
- 24-33-333 Construction Contractor Registration - Independent Contractor Central Unit, p. 235, 720

(Workers' Compensation Court)

- 24-5-328 Annual Review - Pretrial Identification of Witnesses and Exhibitions - Withdrawal of Attorney, p. 2111, 305

(Board of Personnel Appeals)

- 24-26-336 Public Sector Collective Bargaining, p. 382

(Board of Alternative Health Care)

- 24-111-26 Definitions - Fees - Nonroutine Applications - Naturopathic Physician Natural Substance Formulary List - Direct-Entry Midwife Apprenticeship Requirements - Direct-Entry Midwife Protocol Standard List Required for Application - Licensing by Examination - Licensure of Out-of-State Applicants - Conditions Which Require Physician Consultation or Transfer of Care - Midwives Continuing Education Requirements, p. 34, 976

(Board of Barbers and Cosmetologists)

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

(Board of Chiropractors)

24-126-36 Fees - Fee Abatement - Applications - Military Training or Experience - License by Examination - Temporary Permit - License by Endorsement - Display of License - Inactive Status and Conversion to Active Status - Intern and Preceptor Registration - Impairment Evaluator Standards - Continuing Education Requirements - Approved Continuing Education, p. 45, 645

(Board of Dentistry)

24-138-72 Definition of Nonroutine Application - Dentist Licensure by Credential - Dental Hygiene Limited Access Permit - Licensure of Retired or Nonpracticing Dentist or Dental Hygienist for Volunteer Service - Restricted Temporary Licensure of Nonresident Volunteer Dentists and Dental Hygienists - Exemptions and Exceptions - Minimum Qualifying Standards - Minimum Monitoring Standards - Infection Control - Renewals, p. 1601, 2281

24-138-74 Functions for Dental Hygienists - Limited Access Permit Treatment Guidelines—Practicing Under Public Health Supervision - Dental Hygiene Limited Access Permit - Subject Matter Acceptable for Dentist and Dental Hygienist Continuing Education - Requirements and Restrictions - Limited Prescriptive Authority—Qualifications—Allowable Percentages of Topical Agents, p. 386

(State Electrical Board)

24-141-38 Military Training or Experience - Unprofessional Conduct - Screening Panel - Board Meetings - Apprentice Registration - Renewals - Complaint Procedure, p. 1743, 306

(Board of Funeral Service)

24-147-39 Definitions - Inspections – Mortuaries, Branch Establishments, and Crematories - Transportation and Custody of Human Remains - Out-of-State Mortician Licenses - Mortuary and Branch Establishment Operation Standards - Mortuary and Branch Establishment Licenses and Temporary Permits - Crematory Licenses, Temporary Permits, and Operation Standards - Continuing Education Requirements – Morticians - Unprofessional Conduct - Mortician Licenses - Examinations - Name Change, Closure, Transfer, or Sale – Mortuary, Branch Establishment, Crematory, or Cemetery - Change of Mortician-In-Charge or Crematory Operator-In-Charge - Nonlicensed Personnel - Sponsors, p. 2251, 440

(Board of Massage Therapy)

24-155-7 Licensure by Examination - Licensure of Out-of-State Applicants - Continuing Education Requirements - Unprofessional Conduct - School Instructors and Assistants Requiring a License in Massage Therapy and Exemption, p. 618, 1038

(Board of Medical Examiners)

24-156-84 Fee Schedule - Examination - Renewals - Purpose and Authority - Definitions - Fees - Ankle Surgery Certification - Surgery Certification - Accreditation, Approval, and Standards - Physician Assistant Fees - Obligation to Report to Board - Medical Assistant—Delegation and Supervision - Practice Requirements for Physicians Using Telemedicine - Medical Assistant - Effect of Telemedicine License, p. 936

(Board of Nursing)

24-159-84 Direct Supervision and Standards Related to the Practical Nurse's and Registered Nurse's Role in Cosmetic Procedures, p. 1232, 186
24-159-85 Definitions - Enhanced Nurse Licensure Compact Rules - Issuance of a License by a Compact State - Limitations on Multistate Licensure Privilege—Discipline - Information System, p. 624, 947

(Board of Optometry)

24-168-43 Licensure Requirements - Military Training or Experience - General Practice Requirements - Unprofessional Conduct - Screening Panel - Ophthalmological Diagnostic Permissible Drugs, p. 1474, 307, 442

(Board of Outfitters)

24-171-38 Outfitter Assistants - Unprofessional Conduct and Misconduct, p. 530

(Board of Pharmacy)

24-174-70 Examination for Licensure as a Registered Pharmacist - Requirements to Become a Clinical Pharmacist Practitioner - Requirements for Submitting Prescription Registry Information to the Board - Screening Panel - Complaint Procedure - Legal Suspension or Revocation, p. 535

(Board of Physical Therapy Examiners)

24-177-34 Military Training or Experience - Foreign-Trained Physical Therapist Applicants - Continuing Education - List of Licensed Physical Therapists, p. 1748, 443

(Board of Psychologists)

24-189-38 Renewal Dates and Requirements - Psychologist Application Procedures - Minimum Standards - Work Samples-Examinations - Licensure as a Psychologist by Experience (Senior) - Nonroutine Psychologist Applications - Nonroutine Behavior Analyst or Assistant Behavior Analyst Applications, p. 2394, 844
24-189-39 Application Procedures for Behavior Analysts and Assistant Behavior Analysts, p. 540, 978

(Board of Public Accountants)

24-201-50 Definitions - Licensing - Renewals - Continuing Education - Complaint Procedures - Credit for Blended Learning - Professional Conduct, p. 1088, 2283

(Board of Real Estate Appraisers)

24-207-41 Qualifying and Continuing Education Requirements, p. 56, 722

(Board of Realty Regulation)

24-210-44 Definitions - Fee Schedule - Trust Account Requirements - General License Administration Requirements - Inactive Licenses - Inactive to Active License Status - Renewals - Unprofessional Conduct - Disciplinary Guidelines—Public Notice - Property Management Trust Account Requirements - Inactive Status - Unprofessional Conduct for Property Management Licensees, p. 2400

(Board of Sanitarians)

24-216-23 Fee Schedule - Examination - Sanitarian-in-Training - Continuing Education - Inactive Status and Conversion From Inactive to Active Status - Unprofessional Conduct - Board Meetings - Seal of the Board - Applications - Renewal, p. 949

(Board of Behavioral Health)

24-219-31 Certification of Behavioral Health Peer Support Specialists (CBHPSS), p. 1757, 444

(Board of Veterinary Medicine)

24-225-40 Definitions - Nonroutine Applications - Temporary Permits - Veterinarian Licenses - Veterinarian Examinations - Licensure of Out-of-State Veterinarian - Continuing Education - Continuing Education Instructors - Record-Keeping Standards - Management of Infectious Wastes - Inspection and Sanitation - Occasional Case Exemption, p. 774

LIVESTOCK, Department of, Title 32

32-17-286 Deeded Land Grazing Permits - Freeze Branding - County Line Grazing Permits - Brands Enforcement Division Fees, p. 252, 648

32-17-287 Animal Health Division Fees, p. 59, 449

32-18-289 Board Oversight of Agency Actions, p. 391, 543, 846

(Board of Milk Control)

32-18-288 Milk Control Assessments, p. 62, 450

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-12-196 Water Right Permitting, p. 1485, 1608, 451

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- 37-743 Clarifying Contents of Healthy Montana Kids (HMK) Evidence of Coverage - Adopting the Medicaid Ambulance Contracts, p. 861, 1905, 2286
- 37-788 Updating the Effective Dates of Non-Medicaid and Medicaid Fee Schedules to January 1, 2018, p. 1006, 2287
- 37-793 Promising Pregnancy Care Program, p. 595, 1769, 2303
- 37-797 Updating Durable Medical Equipment Rules to Reflect a Sole-Source Provider for the Purchase of Breast Pumps, p. 773, 2140, 189
- 37-800 Expanding the Children's Special Health Services, p. 257, 847
- 37-801 Behavioral Health Targeted Case Management Fee Schedule, p. 1038, 2305
- 37-802 Amendments to Fee Schedules, p. 1043, 2312
- 37-805 Revising Nursing Facility Reimbursement Rates for State Fiscal Year 2018, p. 1133, 2320
- 37-807 Amendment of Birth Certificate Gender Designations - Issuance of a Replacement Certificate, p. 1609, 2436
- 37-808 Health and Economic Livelihood Partnership (HELP) Program, p. 1772, 2326
- 37-809 Child Support Guidelines for the Calculation of Support Obligations, p. 1781, 2441
- 37-810 Updating Medicaid Fee Schedules With Medicare Rates and Effective Dates, p. 2012, 2443
- 37-811 Federal Child Care and Development Block Grant Reauthorization Act - Disaster and Emergency Planning - Health and Safety Requirements for Child Care Facilities, p. 2141, 308, 591, 1115
- 37-812 Physician-Related Services Manual, p. 2019, 2445
- 37-814 Revisions in Immunization Requirements for Attendance in Child Care Facilities and in Foster Homes, p. 2022, 191, 724
- 37-818 Direct Care Wage Effective Dates, p. 2034, 196
- 37-820 Montana Medical Marijuana Program, p. 2037, 321, 592
- 37-823 Low Income Energy Assistance Program (LIEAP), p. 2173, 108
- 37-824 Updating Residential Treatment Facilities Rules, p. 260, 848
- 37-826 Medicaid Auditor Evaluation Hearings, p. 687
- 37-827 Child Care Assistance Program's Implementation of Amendments to the Child Care and Development Block Grant Act and Final Rules at 45 CFR Part 98, p. 2418, 457
- 37-828 Medicaid Rate, Service, and Benefit Changes, p. 67, 458
- 37-830 Foster Care Licensing Requirements, p. 394, 849
- 37-831 Update of the Supplemental Nutrition Program for Women, Infants, and Children (WIC), p. 788, 1040
- 37-832 Increase of Laboratory Fees, p. 265, 649
- 37-833 Passport to Health Program Updates - Repeal of Health Improvement Program Rules, p. 268, 650

- 37-834 Update of the Healthcare Effectiveness Data and Information Set (HEDIS), p. 793
- 37-835 Adult Mental Health and Substance Use Disorder, p. 273, 725
- 37-836 Discontinuance of the Supplemental Disproportionate Share Hospital Payment, p. 545, 797, 1041
- 37-837 Child Care Assistance Program's Implementation of Amendments to the Child Care and Development Block Grant Act and Final Rules at 45 CFR Part 98, p. 690
- 37-838 Updating Medicaid Fee Schedules With Medicare Rates - Updating Effective Dates, p. 798, 1116
- 37-839 Montana Medical Marijuana Program, p. 711
- 37-840 Medicaid Outpatient Drug Services, p. 956
- 37-841 Healthy Montana Kids (HMK) Dental Benefits, p. 811
- 37-842 Hospice Reimbursement and Updates, p. 960
- 37-843 Durable Medical Equipment (DME), p. 964
- 37-844 Clarifying Contents of Healthy Montana Kids (HMK) Evidence of Coverage, p. 1013
- 37-845 Nursing Facility Reimbursement Rates for State Fiscal Year 2019, p. 1016
- 37-851 Updating Medicaid Fee Schedules and Effective Dates, p. 1096

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38-5-238 Pipeline Safety, p. 2274, 334
- 38-5-239 Small Water Utility Rules, p. 166
- 38-5-240 Creation of a Legally Enforceable Obligation Involving Qualifying Facilities - Access to Avoided Cost Modeling Data for a Qualifying Facility - Definitions, p. 550

REVENUE, Department of, Title 42

- 42-2-984 Carryforward and Carryback Provisions of Corporate Net Operating Losses, p. 1787, 2327
- 42-2-985 Allocation and Apportionment of Income of Multistate Corporate Taxpayers Necessitated by House Bill 511, L. 2017 - Department's Method of Administering the Corporate Income Tax Regarding Unitary Multistate Taxpayers Whose Montana Activity Is Reflected Through Multiple Entities, p. 1790, 2328
- 42-2-986 Apportionment and Allocation of Income for Financial Institutions, p. 1844, 2337
- 42-2-987 Trended Depreciation Schedules for Valuing Property, p. 1854, 2341
- 42-2-988 Office of Dispute Resolution (ODR), p. 294, 652
- 42-2-989 Pension and Annuity Income Exclusions - Dependent Exemptions - Medical Care Savings Accounts, p. 398, 851
- 42-2-990 Withholding Taxes, p. 413, 853
- 42-2-991 Apportionment and Allocation of Income Reported by Pass-Through Entities and Guaranteed Payments to Individual Partners, p. 419, 854

- 42-2-992 Quota Areas - Competitive Bidding Process for Alcoholic Beverage Licenses, p. 555
- 42-2-993 Oil and Gas Tax Rates, p. 814
- 42-2-994 Office of Dispute Resolution (ODR) Liquor License Protests and Liquor Matters, p. 818

SECRETARY OF STATE, Office of, Title 44

(Commissioner of Political Practices)

- 44-2-229 Campaign Finance Reporting, Disclosure, and Practices, p. 1509, 1875, 2342

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 May 2018 appear. Potential vacancies from July 1, 2018 through September 30, 2018, are also listed.

IMPORTANT

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

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

EXECUTIVE BRANCH APPOINTEES FOR MAY 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
ABLE (Achieving a Better Life Experience) Program Oversight Committee			
Ms. Theresa Louise Baldry Miles City	Governor	Calton	5/18/2018 9/1/2019
Qualifications (if required): Experience working on behalf of disabled individuals			
Board of Nursing Home Administrators			
Mr. Thomas Klotz Helena	Governor	Reappointed	5/28/2018 6/1/2023
Qualifications (if required): Nursing Home Administrator			
Board of Pardons and Parole			
Ms. Annette Carter Farley Helena	Governor	New	5/21/2018 1/1/2021
Qualifications (if required): Extensive experience in corrections			
Board of Private Security			
Sergeant Harold Eugene Richardson Bozeman	Governor	Guy	5/18/2018 8/1/2018
Qualifications (if required): City Police Department			
Capitol Complex Advisory Council			
Ms. Sheryl Olson Stevensville	Governor	Wilson	5/18/2018 1/1/2021
Qualifications (if required): Public member			

EXECUTIVE BRANCH APPOINTEES FOR MAY 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Hard-Rock Mining Impact Board			
Mr. Keith Kelly Helena	Governor	Clevidence	5/18/2018 1/1/2021
Qualifications (if required): Representative of a Major Financial Institution in Montana, District 2			
Mr. John C. Rogers Clancy	Governor	Warner	5/18/2018 1/1/2021
Qualifications (if required): Public At-Large, District 1, Impact Area			
Mr. Mark S. Thompson Butte	Governor	Michaletz	5/18/2018 1/1/2021
Qualifications (if required): Representative of the Hard-Rock Mining Industry, District 1			
Human Rights Commission			
Ms. Stephanie Maria Denton Baucus Billings	Governor	Pope	5/21/2018 1/1/2021
Qualifications (if required): Public Representative			
Mr. Timothy A. Tatarka Billings	Governor	Doty	5/11/2018 1/1/2021
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR MAY 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Arts Council			
Ms. Angella Ahn Bozeman	Governor	Bohlinger	5/18/2018 2/1/2023
Qualifications (if required):	Keen interest in one or more of the arts		
Mr. Corwin Clairmont Ronan	Governor	Reappointed	5/18/2018 2/1/2023
Qualifications (if required):	Keen interest in one or more of the arts		
Mr. Thomas K. Cordingley Helena	Governor	Reappointed	5/18/2018 2/1/2023
Qualifications (if required):	Keen interest in one or more of the arts		
Dr. Arlene Parisot Helena	Governor	Reappointed	5/18/2018 2/1/2023
Qualifications (if required):	Keen interest in one or more of the arts		
Mr. Jay Pyette Havre	Governor	Reappointed	5/18/2018 2/1/2023
Qualifications (if required):	Keen interest in one or more of the arts		

EXECUTIVE BRANCH APPOINTEES FOR MAY 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Emergency Response Commission			
Mr. Raphael Graybill Helena	Governor	Smillie	5/14/2018 10/1/2019
Qualifications (if required): Governor's Office Representative			
Major Jeffrey Alan Holycross Helena	Governor	Ganieany	5/18/2018 10/1/2019
Qualifications (if required): National Guard Representative			
State Lottery Commission			
Ms. Jean L. Price Great Falls	Governor	Hiner	5/18/2018 1/1/2022
Qualifications (if required): Public Representative			
State Rehabilitation Council			
Ms. Coreen Louise Faulkner Missoula	Governor	Reappointed	5/18/2018 10/1/2020
Qualifications (if required): Advocacy Community			

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Achieving a Better Life Experience (ABLE) Program Oversight Committee		
Ms. Katalin Kallay Patterson, Bozeman	Governor	9/1/2018
Qualifications (if required): Knowledge, skill and experience in accounting, risk management, or investment management		
Alternative Health Care Board		
Ms. Mary Ann Brown, Bozeman	Governor	9/1/2018
Qualifications (if required): Midwife		
Best Beginnings Advisory Council		
Ms. Lesa Evers, Helena	Director (DPHHS)	7/1/2018
Qualifications (if required): Tribal Relations		
Mr. Martin Blair, Missoula	Director (DPHHS)	7/1/2018
Qualifications (if required): Autism Spectrum Disorder and Other Developmental Disabilities "Act Early Initiative"		
Ms. Denise Higgins, Helena	Director (DPHHS)	7/1/2018
Qualifications (if required): Family & Community Health Bureau		
Ms. Lucinda Burns, Lame Deer	Director (DPHHS)	7/1/2018
Qualifications (if required): Northern Cheyenne Tribe Child Care and Development Fund Program		
Ms. Barbara Burton, Helena	Director (DPHHS)	7/1/2018
Qualifications (if required): Residential Home for Pregnant and Parenting Teens		
Ms. Patty Butler, Helena	Director (DPHHS)	7/1/2018
Qualifications (if required): Early Childhood Services Bureau		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Dianna Frick, Helena Qualifications (if required): Maternal & Early Childhood Home Visiting Section	Director (DPHHS)	7/1/2018
Ms. Dannelle Hay, Box Elder Qualifications (if required): Chippewa Cree Representative	Governor	7/1/2018
Ms. Margaret Big Leggins, Poplar Qualifications (if required): Fort Peck Representative	Governor	7/1/2018
Ms. Terri Barclay, Helena Qualifications (if required): Office of Public Instruction, Early Grades	Director (DPHHS)	7/1/2018
Ms. Sheri Boelter, Billings Qualifications (if required): Child Care Center	Director (DPHHS)	7/1/2018
Ms. Collete Box, Kalispell Qualifications (if required): Child Care Center	Director (DPHHS)	7/1/2018
Ms. Cathy Brenneman, Kalispell Qualifications (if required): Child Care Resource and Referral Network	Director (DPHHS)	7/1/2018
Ms. Miranda Briggs, Helena Qualifications (if required): Montana Project LAUNCH Young Child Wellness	Director (DPHHS)	7/1/2018
Ms. Julie Bullard, Missoula Qualifications (if required): Early Childhood Higher Education	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Sara Cease, Fort Harrison Qualifications (if required): Military Child Care and Programs	Director (DPHHS)	7/1/2018
Ms. Jeanne Christopher, Ronan Qualifications (if required): Confederated Salish & Kootenai Tribes Community	Director (DPHHS)	7/1/2018
Dr. Kristen Day, Bozeman Qualifications (if required): Pediatrician	Director (DPHHS)	7/1/2018
Ms. Marion Denk, Billings Qualifications (if required): Montana Child Care Association	Director (DPHHS)	7/1/2018
Ms. Heather Denny, Helena Qualifications (if required): Title 1 Neglected & Delinquent Homeless Children & Youth	Director (DPHHS)	7/1/2018
Ms. Virginia Ervin, Missoula Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Tara Ferriter-Smith, Helena Qualifications (if required): Montana Preschool Development Grant	Director (DPHHS)	7/1/2018
Ms. Becky Fleming-Siebenaler, Helena Qualifications (if required): Quality Assurance Division Licensure Bureau	Director (DPHHS)	7/1/2018
Ms. Siobhan Gilmartin, Bozeman Qualifications (if required): Montana After School Alliance	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Sara Groves, Helena Qualifications (if required): Montana State Library	Director (DPHHS)	7/1/2018
Ms. Libby Hancock, Bozeman Qualifications (if required): Montana Early Childhood Project Director	Director (DPHHS)	7/1/2018
Ms. Christy Hill-Larson, Helena Qualifications (if required): Montana Early Childhood Project Special Projects Coordinator	Director (DPHHS)	7/1/2018
Ms. Charrise Jennings, Lewistown Qualifications (if required): Montana Association for the Education of Young Children	Director (DPHHS)	7/1/2018
Ms. Lonna Johnson, Box Elder Qualifications (if required): Stone Child College	Director (DPHHS)	7/1/2018
Ms. Mandy Johnstone, Wilsall Qualifications (if required): Child Care Family	Director (DPHHS)	7/1/2018
Mr. Tyson Krinke, Bozeman Qualifications (if required): Community Coalitions	Director (DPHHS)	7/1/2018
Ms. Linessa Littrell, Helena Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Beverly Matsko, Great Falls Qualifications (if required): Head Start Association	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Ashley McAdam, Willow Creek Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Danni McCarthy, Helena Qualifications (if required): Preschool and Special Education School	Director (DPHHS)	7/1/2018
Ms. Terry Minow, Helena Qualifications (if required): Organized Labor - Union MEA-MFT	Director (DPHHS)	7/1/2018
Ms. Mary Musil, Helena Qualifications (if required): Child & Adult Care Food Program Manager	Director (DPHHS)	7/1/2018
Ms. Jessica Nicklaus, Kalispell Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Heather O'Loughlin, Helena Qualifications (if required): Montana Budget & Policy Center	Director (DPHHS)	7/1/2018
Ms. Aryon Parks, Bowning Qualifications (if required): c/o Carol Williamson, Blackfeet Manpower	Director (DPHHS)	7/1/2018
Ms. Michelle Parks, Missoula Qualifications (if required): Child & Adult Care Food Program	Director (DPHHS)	7/1/2018
Ms. Blossom Quisno, Harlem Qualifications (if required): Fort Belknap Tribal Community	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Kathy Rich, Helena Qualifications (if required): Head Start State Collaboration	Director (DPHHS)	7/1/2018
Ms. Anneliese Ripley, Dillon Qualifications (if required): Higher Education	Director (DPHHS)	7/1/2018
Ms. A.C. Rothenbuecher, Helena Qualifications (if required): Early Childhood Systems Collaboration Unit Manager	Director (DPHHS)	7/1/2018
Ms. Tawnya Rupe, Wilsall Qualifications (if required): Philanthropy	Director (DPHHS)	7/1/2018
Ms. Michelle Sexton, East Helena Qualifications (if required): Child Care Group Home	Director (DPHHS)	7/1/2018
Mr. Jeffrey Smith, St. Ignatius Qualifications (if required): Child Care Group Home	Director (DPHHS)	7/1/2018
Ms. Shannon Stevens, Helena Qualifications (if required): Healthy Montana Teen Parent Program Coordinator	Director (DPHHS)	7/1/2018
Ms. Wendy Studt, Helena Qualifications (if required): Montana Milestones/Part C Early Intervention Program Coordinator	Director (DPHHS)	7/1/2018
Ms. Laura Taffs, Helena Qualifications (if required): Children's Mental Health Bureau	Director (DPHHS)	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Best Beginnings Advisory Council Cont.		
Ms. Mikayla Three Irons, Hardin Qualifications (if required): Parent	Director (DPHHS)	7/1/2018
Ms. Stephanie Wilkins, Helena Qualifications (if required): Temporary Assistance for Needy Families Program	Director (DPHHS)	7/1/2018
Ms. Viola Wood, Poplar Qualifications (if required): Fort Peck Tribal Community	Director (DPHHS)	7/1/2018
Board of Alternative Health Care		
Ms. Ingrid Clare Lovitt-Abramson, Missoula Qualifications (if required): Public Representative	Governor	9/1/2018
Board of Professional Engineers and Professional Land Surveyors		
Representative Hal Jacobson, Helena Qualifications (if required): Public Representative	Governor	7/1/2018
Mr. David Elias, Anaconda Qualifications (if required): Land Surveyor	Governor	7/1/2018
Mr. Ronald Drake, Helena Qualifications (if required): Professional Engineer	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Hearing Aid Dispensers Mr. Alfred McLees, Billings Qualifications (if required): Licensed hearing aid dispenser and fitter	Governor	7/1/2018
Board of Livestock Mr. John Lehfeltdt, Lavina Qualifications (if required): None Stated	Governor	7/10/2018
Board of Medical Examiners Dr. Anna Earl, Chester Qualifications (if required): Doctor of Medicine	Governor	9/1/2018
Dr. Nathan Thomas, Missoula Qualifications (if required): Podiatrist	Governor	9/1/2018
Dr. Bruce Hayward, McAllister Qualifications (if required): Osteopath	Governor	9/1/2018
Board of Nursing Mr. N. Gregory Kohn, Billings Qualifications (if required): Public Member	Governor	7/1/2018
Ms. Lanette Perkins, Missoula Qualifications (if required): Registered Professional Nurse	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

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

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Private Security		
Mr. Charles Pesola, Kalispell Qualifications (if required): Contract security company or propriety security organization	Governor	8/1/2018
Mr. Martin Mangan, Helena Qualifications (if required): Licensed private investigator	Governor	8/1/2018
Mr. Wynn Meehan, Townsend Qualifications (if required): County Sheriff's Office	Governor	8/1/2018
Captain Mark O. Guy, Laurel Qualifications (if required): City Police Department	Governor	8/1/2018
Sergeant Harold Eugene Richardson, Bozeman Qualifications (if required): City Police Department	Governor	8/1/2018
Board of Psychologists		
Mr. James English, Helena Qualifications (if required): Psychologist in private practice	Governor	9/1/2018
Ms. Sara P. Boilen, Whitefish Qualifications (if required): Licensed Psychologist in Private Practice	Governor	9/1/2018
Board of Public Accountants		
Mr. Wayne Hintz, Helena Qualifications (if required): Certified Public Accountant	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Public Accountants Cont.		
Mr. Mike Huotte, Anaconda Qualifications (if required): Certified Public Accountant	Governor	7/1/2018
Ms. Kathy VanDyke, Whitehall Qualifications (if required): Public Representative	Governor	7/1/2018
Mr. John W. Jacobsen, Billings Qualifications (if required): Licensed Certified Public Accountant	Governor	7/1/2018
Board of Radiologic Technologists		
Mr. Daniel Funsch, Missoula Qualifications (if required): Licensed Radiologic Technologist	Governor	7/1/2018
Board of Research and Commercialization Technology		
Ms. Prairie Bighorn, Billings Qualifications (if required): Enrolled member of a Montana tribal government	Governor	7/1/2018
Board of Veterans' Affairs		
Mr. Byron Erickson, Helena Qualifications (if required): Region 2 Representative	Governor	8/1/2018
Representative Kathy Swanson, Anaconda Qualifications (if required): Representative of State Administration and Veterans' Affairs Interim Committee	Governor	8/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Veterans' Affairs Cont.		
Dr. Trena Bonde, Fort Harrison Qualifications (if required): Representative of the U.S. Department of Veteran's Affairs	Governor	8/1/2018
Ms. Casey Jourdan, Billings Qualifications (if required): Region 4 Representative	Governor	8/1/2018
Mr. Ronald Milam, Missoula Qualifications (if required): Region 1 Representative	Governor	8/1/2018
Ms. Brenda York, Belgrade Qualifications (if required): Training, Education, or Experience related to Veteran's issues	Governor	8/1/2018
Dr. William Campbell, Fort Harrison Qualifications (if required): U.S. Veteran's Affairs Representative, non-voting member	Governor	8/1/2018
Board of Veterinary Medicine		
Mr. Lance Hughes, Hobson Qualifications (if required): Veterinarian	Governor	7/31/2018
Board of Water Well Contractors		
Mr. Kevin Haggerty, Bozeman Qualifications (if required): Montana water well contractor	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Burial Preservation Board		
Mr. William Big Day, Crow Agency Qualifications (if required): Crow Tribe Representative	Governor	9/1/2018
Mr. Carl Davis, Missoula Qualifications (if required): Representative of the Montana Archaeological Association	Governor	9/1/2018
Commission on Community Service		
Ms. Barbara Braided Hair, Lame Deer Qualifications (if required): Business Representative	Governor	7/1/2018
Committee on Telecommunications Access Services for Persons with Disabilities		
Mr. Jay Wilson Preston, Ronan Qualifications (if required): Member from an InterLATA Interexchange Carrier	Governor	7/1/2018
Electronic Government Advisory Council		
Clerk Ed Smith, Helena Qualifications (if required): Public Representative	Governor	7/1/2018
Ms. Janene Caywood, Missoula Qualifications (if required): Archaeologist	Governor	7/1/2018
Mr. Edwin Jasmin, Helena Qualifications (if required): Public Representative	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Future Fisheries Review Panel		
Mr. Alan Davis Johnstone, Wilsall Qualifications (if required): Expertise in commercial agriculture	Governor	7/1/2018
Mr. James Stone, Ovando Qualifications (if required): Expertise in irrigated agriculture	Governor	7/1/2018
Ms. Nancy Sue Winslow, Missoula Qualifications (if required): Expertise in mining reclamation techniques	Governor	7/1/2018
Governor's Advisory Council on Aging		
Senator Gerald Pease, Lodge Grass Qualifications (if required): Public Representative	Governor	7/1/2018
Ms. Laurie Glover, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2018
Mr. Bradley Howell, Roundup Qualifications (if required): Public Representative	Governor	7/1/2018
Governor's Commission on Community Service		
Major Lori Chamberlain, Fort Harrison Qualifications (if required): State agency representative	Governor	7/1/2018
Ms. Karin Olsen, Helena Qualifications (if required): Designee of the State Superintendent of Public Instruction	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Governor's Commission on Community Service Cont. Ms. Chantel Schieffer, Bozeman Qualifications (if required): Representative of a community-based organization	Governor	7/1/2018
Governor's Postsecondary Scholarship Advisory Council Mr. LeRoy Schramm, Helena Qualifications (if required): Experience in secondary or postsecondary education	Governor	7/1/2018
Information Technology Managers Advisory Council Mr. Eric Tarr, Helena Qualifications (if required): Information Technology Manager	Governor	8/1/2018
Mr. Sean Higginbotham, Great Falls Qualifications (if required): Local government representative	Director	8/1/2018
Mr. Rennan Rieke, Helena Qualifications (if required): Information Technology Manager	Director	8/1/2018
Interstate Medical Licensure Compact Commission Dr. James Feist, Bozeman Qualifications (if required): Physician member of the Montana Board of Medical Examiners	Governor	7/1/2018
Mr. Ian Marquand, Helena Qualifications (if required): Board Executive Officer	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Petroleum Tank Release Compensation Board		
Mr. James B. Corson, Billings Qualifications (if required): General public	Governor	7/1/2018
Mr. Tim McDermott, Bozeman Qualifications (if required): Member of the general public	Governor	7/1/2018
Mr. John "Chuck" Thompson, Missoula Qualifications (if required): Representative of service station dealers	Governor	7/1/2018
Public Defender Commission		
Senator Roy Brown, Billings Qualifications (if required): Nominee from the President of the Senate	Governor	7/1/2018
Ms. Bonnie Olson, Marion Qualifications (if required): Nominee from the Speaker of the House	Governor	7/1/2018
Mr. Larry Mansch, Missoula Qualifications (if required): Attorney nominated by the President of the State Bar	Governor	7/1/2018
Ms. Maylinn Elise Smith, Missoula Qualifications (if required): Member of an Organization that advocates on behalf of a racial minority population	Governor	7/1/2018
State Banking Board		
Mr. Jack Johnson, Billings Qualifications (if required): Public Representative	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Banking Board Cont. Mr. Phil G. Gaglia, Billings Qualifications (if required): Active officer in state bank of Montana	Governor	7/1/2018
State Electrical Board Mr. John Gordon, Butte Qualifications (if required): Electrician	Governor	7/1/2018
State-Tribal Economic Development Commission Mr. Shawn Real Bird, Garryowen Qualifications (if required): Crow Tribe Representative	Governor	7/1/2018
Mr. Oliver Norbert Hill, Crow Agency Qualifications (if required): Crow Tribe Alternate	Governor	7/1/2018
Mr. Harold Stone, Crow Agency Qualifications (if required): Crow Tribe Alternate Member	Governor	7/1/2018
Teacher's Retirement Board Mr. Scott A. Dubbs, Lewistown Qualifications (if required): Administrator and Member of the Retirement System	Governor	7/1/2018

EXECUTIVE BRANCH VACANCIES – JULY 1, 2018 THROUGH SEPTEMBER 30, 2018

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

MONTANA ADMINISTRATIVE
REGISTER

2018 ISSUE NO. 12
JUNE 22, 2018
PAGES 1132-1208

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SECRETARY OF STATE

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