

# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 13

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 print 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) 444-2055.

Page Number

### TABLE OF CONTENTS

#### PROPOSAL NOTICE SECTION

##### ENVIRONMENTAL QUALITY, Department of, Title 17

17-384 (Board of Environmental Review) (Air Quality) Notice of Proposed Amendment - Incorporation by Reference--Publication Dates - Incorporation by Reference and Availability of Referenced Documents. No Public Hearing Contemplated.	1109-1112
--	-----------

##### TRANSPORTATION, Department of, Title 18

18-160 Notice of Proposed Amendment - Motor Carrier Services Safety Requirements. No Public Hearing Contemplated.	1113-1116
---	-----------

LABOR AND INDUSTRY, Department of, Title 24

24-183-42 (Board of Professional Engineers and Professional Land Surveyors and the Department) Notice of Public Hearing on Proposed Amendment, Adoption, and Repeal - Renewal Dates and Requirements - Standards of Responsible Charge - Fee Schedule - Branch Office - Teaching of Advanced Engineering Subjects - Certificate of Authorization - Board-Approved Curricula - Applications - Exhibits of Land Surveying - Examination Procedures - Grant and Issue Licenses - License Seal - Comity - Classification of Experience - Uniform Standards - Inactive Status - Complaints - Teaching of Land Surveying Subjects - Definitions - Direct Supervision - Application for Emeritus Status - Renewals - Late Renewals. 1117-1141

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-749 Notice of Public Hearing on Proposed Amendment - Low Income Weatherization Assistance Program (LIWAP) for the 2014-2015 Heating Season and the 2015-2016 Heating Season. 1142-1150

37-755 Notice of Public Hearing on Proposed Amendment - Removal of Montana Child and Adolescent Needs and Strengths (CANS) Assessments for Mental Health Centers (MHC) Involving Comprehensive School and Community Treatment (CSCT). 1151-1155

37-756 Notice of Public Hearing on Proposed Adoption and Amendment - Formal and Informal Hearing and Appeal Procedures Concerning the Children's Mental Health Bureau. 1156-1159

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-5-544 Notice of Amendment - Definitions - Changes Within the State Procurement Bureau and Central Stores Program. 1160

2-43-537 (Public Employees' Retirement Board) Notice of Amendment - Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document. 1161

2-43-538 (Public Employees' Retirement Board) Notice of Amendment - Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457 Deferred Compensation Plan. 1162

AGRICULTURE, Department of, Title 4

4-16-231 Notice of Adoption - Pesticide Certification and Training Fees. 1163

ENVIRONMENTAL QUALITY, Department of, Title 17

17-382 (Board of Environmental Review) (Air Quality) Notice of Amendment - Major Open Burning Source Restrictions - Conditional Air Quality Open Burning Permits - Christmas Tree Waste Open Burning Permits - Commercial Film Production Open Burning Permits - Firefighter Training - Conditions for Issuance or Denial of Permit - General Requirements for Air Quality Operating Permit Content. 1164

LABOR AND INDUSTRY, Department of, Title 24

24-13-313 Corrected Notice of Adoption - Workforce Development Activities for Montana HELP Act Participants. 1165

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-738 Notice of Amendment - Reduction of Application and Renewal Fees Associated With the Montana Marijuana Act Cardholder Registry. 1166

37-747 Notice of Amendment - Hospice Reimbursement and Updates. 1167

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 1168-1169

How to Use ARM and MAR. 1170

Accumulative Table. 1171-1181

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF PROPOSED
17.8.102 and 17.8.103 pertaining to )	AMENDMENT
incorporation by reference--publication )	
dates and incorporation by reference )	(AIR QUALITY)
and availability of referenced documents )	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On September 30, 2016, the Board of Environmental Review proposes to amend the above-stated rules.

2. The board 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 Denise Hartman, Administrative Rules Coordinator, no later than 5:00 p.m., July 29, 2016, to advise us of the nature of the accommodation that you need. Please contact Denise Hartman at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail dhartman2@mt.gov.

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

17.8.102 INCORPORATION BY REFERENCE--PUBLICATION DATES

(1) In this chapter where the board has:

(a) adopted a federal regulation by reference, the reference is to the July 1, ~~2014~~ 2015, edition of the Code of Federal Regulations (CFR), as it is published on the web site of the U.S. Government Printing Office at ~~http://www.gpo.gov/fdsys/browse/collectionCfr.action?selectedYearFrom=2014&go=Go~~ https://www.gpo.gov/fdsys/browse/collectionCfr.action?selectedYearFrom=2015&go=Go;

(b) adopted a section of the United States Code (USC) by reference, the reference is to the ~~2013~~ 2014 edition of the USC as it is published on the web site of the U.S. Government Printing Office at ~~http://www.gpo.gov/fdsys/browse/collectionUSCode.action?selectedYearFrom=2013&go=Go~~ https://www.gpo.gov/fdsys/browse/collectionUSCode.action?selectedYearFrom=2014&go=Go;

(c) adopted a rule of the state of Montana from another chapter of the Administrative Rules of Montana (ARM), the reference is to the rule in effect on September 30, ~~2014~~ 2015.

(2) through (2)(b) remain the same.

AUTH: 75-2-111, MCA  
IMP: Title 75, chapter 2, MCA

REASON: See reason statement below.

17.8.103 INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED DOCUMENTS (1) through (3) remain the same.

(4) Copies of the CFR may be obtained from the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?selectedYearFrom=2014&go=Go> as set forth in ARM 17.8.102. When printed versions are available, they may be obtained as described in (3)(c).

(5) Copies of the U.S. Code may be obtained from the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collectionUSCode.action?selectedYearFrom=2013&go=Go> as set forth in ARM 17.8.102. When printed versions are available, they may be obtained as described in (3)(c).

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

REASON: The board adopts and incorporates by reference, federal regulations to ensure that Montana's air quality rules are at least as stringent as air quality regulations adopted by the Environmental Protection Agency to maintain primacy and federal delegation of Montana's air quality program, and to implement federal emission standards according to a federal program of emissions control.

The board is proposing to amend the air quality rules to update editions of federal and state statutes, rules, and regulations, available online, that are incorporated by reference. The board is proposing to amend ARM 17.8.102(1) and 17.8.103(4) and (5) to adopt revisions to federal regulations published in the July 1, 2015, edition of the Code of Federal Regulations (CFR) as it is published on the web site of the U.S. Government Printing Office (U.S. GPO); the 2014 edition of the U.S. Code, as it is published on the web site of the U.S. GPO; and the September 30, 2015, edition of the ARM. The reason for the reference to a specific web page of the CFR is that the CFR is published in a new codified version every year. For Title 40, which contains most of the federal regulations adopted by reference by the board for air quality regulation, the official version is dated July 1 of each year. However, the online version is not available by that date, and the printed version is not available for more than four months after that date. The board adopts the July 1 edition after the online version has been made available. The reason for the reference to a specific web page for the U.S. Code is that the U.S. Code is published in a new codified, printed version every six years. The most recent printed version is 2012. It is updated online by the U.S. Law Revision Counsel, which is associated with the U.S. House of Representatives, as new laws are enacted. It then takes approximately eight months before all titles of the U.S. Code are updated on the web site of the U.S. GPO with the changes enacted into law by the previous session of Congress. It takes about another ten months for a printed annual supplement to be distributed. The U.S. GPO publishes the printed versions, and its web site is the most authoritative site for the official online version of the U.S. Code. It is this web site that the board is proposing to use as the version of the updated U.S. Code referred to in its rules in ARM Title 17, chapter 8 every year.

The only Montana administrative rules not contained in the air quality rules in ARM Title 17, chapter 8, that are incorporated by reference in those rules are Title 17, chapter 53, subchapters 5 and 10, which pertain to hazardous waste. These are referenced in ARM 17.8.103, 17.8.302, and 17.8.602. Neither of those hazardous waste subchapters has been modified since April 1, 2005. Even though they have not been modified, the board is proposing to update the reference to them to the September 30, 2015, version of the ARM because that more recent version is more readily available for the use of the regulated community, public, and the Department of Environmental Quality in researching and determining the applicable requirements of the rules.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Denise Hartman at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [dhartman2@mt.gov](mailto:dhartman2@mt.gov), no later than August 5, 2016. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Denise Hartman at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [dhartman2@mt.gov](mailto:dhartman2@mt.gov), no later than August 5, 2016.

6. If the board receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are 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 persons directly affected has been determined to be 25, based on the more than 250 persons who potentially could wish to appeal air quality permits and therefore could be affected by this rulemaking.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies 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; openpit mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; 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 Denise Hartman, Administrative Rules Coordinator, 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 Denise Hartman at dhartman2@mt.gov, or may be made by completing a request form at any rules hearing held by the board.

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

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

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North

JOHN F. NORTH

Rule Reviewer

BY: /s/ Joan Miles

JOAN MILES, CHAIRMAN

Certified to the Secretary of State, June 27, 2016.

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On August 8, 2016, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Transportation no later than 5:00 p.m. on July 29, 2016, to advise us of the nature of the accommodation that you need. Please contact Dan Moore, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-0454; fax (406) 444-6136; TTY Service (406) 444-7696 or (800) 335-7592; or e-mail dmoore@mt.gov.

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

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through ~~April 1, 2013~~ October 21, 2015. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or ~~on the internet~~ at [www.gpo.gov](http://www.gpo.gov).

(2) The federal regulations incorporated by reference are subject to the following modifications:

(a) For purposes of 49 CFR part 385 ~~as applied to intrastate carriers~~, the safety investigation applied to intrastate carriers will be referred to as an "intrastate safety investigation." The department will conduct ~~An~~ intrastate safety investigations ~~may only be conducted~~ in compliance with ARM 18.8.1506.

(b) 49 CFR part 387, subpart A, 387.7 and 387.9 apply to for-hire motor carriers operating in interstate or foreign commerce and motor carriers transporting



hazardous material. Section 61-6-103, MCA, establishes the minimum level of financial responsibility for for-hire motor carriers transporting nonhazardous material intrastate.

(b) through (f) remain the same but are renumbered (c) through (g).

AUTH: 61-10-155, MCA

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

REASON: The department has determined that the revision is reasonably necessary to clarify the safety provisions that apply to interstate and intrastate motor carriers, and to adopt the most current Federal Motor Carrier Safety Regulations found at 49 CFR parts 373, 375, 377 through 379, 382, 383, 385, 387, 390 through 399, and Appendix G to subchapter B of chapter III, as updated through October 21, 2015.

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~April 1, 2013~~ November 1, 2015. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or ~~on the Internet~~ at [www.gpo.gov](http://www.gpo.gov).

AUTH: 61-10-155, MCA

IMP: 61-10-154, MCA

REASON: The department has determined that the revision is reasonably necessary to adopt the most current Federal Motor Carrier Safety Regulations found at 49 CFR parts 107, 171 through 173, 177, 178 and 180, as updated through November 1, 2015.

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

(2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria (April 1, ~~2015~~ 2016), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or ~~on the internet~~ at [www.cvsa.org](http://www.cvsa.org).

(3) remains the same.

AUTH: 61-10-155, MCA

IMP: 61-10-154, MCA

REASON: The department has determined that the revision is reasonably necessary to adopt the most current Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria, as updated through April 1, 2016.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Dan Moore, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-0454; fax (406) 444-6136; TTY Service (406) 444-7696 or (800) 335-7592; or e-mail [dmoore@mt.gov](mailto:dmoore@mt.gov), and must be received no later than 5:00 p.m., August 5, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Dan Moore at the above address no later than 5:00 p.m., August 5, 2016.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 4,829 persons based on the 48,297 of Montana-based registered and permitted vehicles in the 2014 calendar year.

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

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

/s/ Valerie D. Wilson  
Valerie D. Wilson  
Rule Reviewer

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

Certified to the Secretary of State June 27, 2016.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
AND THE BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.101.413 renewal dates and )  
requirements, 24.183.301 standards )  
of responsible charge, 24.183.404 fee )  
schedule, 24.183.406 branch office, )  
24.183.407 teaching of advanced )  
engineering subjects, 24.183.408 )  
certificate of authorization, )  
24.183.501 board-approved curricula, )  
24.183.502, 24.183.503, and )  
24.183.504 applications, 24.183.505 )  
exhibits of land surveying, 24.183.509 )  
examination procedures, 24.183.510 )  
grant and issue licenses, 24.183.511 )  
license seal, 24.183.701 and )  
24.183.801 comity, 24.183.702 and )  
24.183.802 classification of )  
experience, 24.183.1104 and )  
24.183.1107 uniform standards, )  
24.183.2102 inactive status, )  
24.183.2402 complaints, the adoption )  
of NEW RULES I teaching of land )  
surveying subjects and II definitions, )  
and the repeal of ARM 24.183.302 )  
direct supervision, 24.183.512 )  
application for emeritus status, )  
24.183.2101 renewals, and )  
24.183.2103 late renewals )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT,  
ADOPTION, AND REPEAL

TO: All Concerned Persons

1. On July 29, 2016, at 1:30 p.m., a public hearing will be held in the large conference room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Professional Engineers and Professional Land Surveyors (board) no later than 5:00 p.m., on July 22, 2016, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue,

P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdpels@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2015 Montana Legislature enacted Chapter 4, Laws of 2015 (House Bill 63), an act modernizing and revising licensing requirements and regulation of professional engineers, professional land surveyors, engineer interns, land surveyor interns, and businesses offering engineering and land surveying services. The bill was signed by the Governor and became effective on February 12, 2015.

Following passage of House Bill 63, the board undertook a comprehensive review of the administrative rules to determine the changes necessary to coincide with and further implement the new legislation. As a result of this review, the board is proposing revisions throughout the rules, some of which are technical in nature, such as renumbering or amending punctuation within rules following amendment and to comply with ARM formatting requirements. Other changes replace out-of-date terminology for current language and standardized processes, delete unnecessary or redundant sections, and amend rules for accuracy, consistency, simplicity, better organization, and ease of use. Accordingly, the board concluded that it is reasonably necessary to amend and repeal certain existing rules, and adopt new rules at this time. Authority and implementation citations are being amended throughout to accurately reflect all statutes implemented through the rules, to provide the complete sources of the board's rulemaking authority, and delete references to repealed statutes. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following the rule.

4. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(ac) remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(ad)	Professional Engineers and Professional Land Surveyors	Certificate of Authorization	Annually	October 1
		<del>Emeritus Status</del>		
		Engineer Intern	Biennially, as of June 30, 2015	June 30
		Land Surveyor Intern	Biennially, as of June 30, 2015	June 30
		Professional Engineer	Biennially, Even Numbered Years	June 30

		Professional Engineer by Comity	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor by Comity	Biennially, Even Numbered Years	June 30

(ae) through (6)(e) remain the same.

~~(f) land surveyor intern, engineer intern, emeritus status license issued by the Board of Professional Engineers and Professional Land Surveyors;~~

(g) remains the same, but is renumbered (f).

(7) remains the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

REASON: The department determined it is reasonably necessary to remove emeritus status from the board's license types in (5)(ad), since House Bill 63 eliminated the status for both professional engineer and professional land surveyor licensees as of October 1, 2015. Additionally, the department is deleting (6)(f) to align with the 2014 adoption of new engineer intern/land surveyor intern certificate rules, which made these intern certificates renewable.

5. The board is proposing to amend the following rules. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.183.301 STANDARDS OF RESPONSIBLE CHARGE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS ~~(1) The term "responsible charge" directly relates to the degree of control a professional engineer is required to maintain while exercising independent control and direction of engineering work, and to the decisions which can be made only under the direct supervision of a professional engineer.~~

~~(a) The degree of control necessary to be in responsible charge shall be such that a licensee:~~

~~(i) personally makes engineering decisions or reviews and approves proposed decisions prior to their implementation, including consideration of alternatives, whenever technical decisions are made. In making engineering decisions, a licensee must be physically present or through the use of communication devices, can be available in a reasonable period of time; and~~

~~(ii) judges the qualifications of technical specialists and the validity and applicability of their recommendations before such recommendations are incorporated in the work.~~

~~(b) To be considered in responsible charge of a project, a licensee who signs engineering documents must be capable of answering questions asked by equally qualified professionals. These questions would be relevant to the decisions made during a licensee's participation in the project and require responses in sufficient detail to leave little question as to a licensee's technical knowledge of the work~~

~~performed. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that a licensee in responsible charge made the decisions and possessed sufficient knowledge of the project to make the decisions.~~

~~(i) Examples of questions to be answered by an engineer could relate to criteria for design, methods of analysis, methods of manufacture and construction, selection of materials and systems, economics of alternate solutions, and environmental considerations. A licensee should be able to clearly define the degree of control and how it is exercised within the organization and geographically, and to demonstrate that an engineer is answerable within that degree of control.~~

~~(2) The term "responsible charge" means that a professional land surveyor is required to maintain independent control over all facets of land surveying work.~~

~~(a) The degree of control necessary to be in responsible charge shall be such that a licensee personally makes land surveying decisions. In making land surveying decisions, a licensee must be physically present or able to provide verifiable evidence of personal knowledge of the land surveying work.~~

~~(b) To be considered in responsible charge of a project, a licensee who signs land surveying documents must be capable of defending the contents of the resulting documents by addressing issues related to the documents. Examples of issues include, but are not limited to:~~

- ~~(i) criteria for designs;~~
- ~~(ii) methods of analysis and conclusions made;~~
- ~~(iii) performance of surveys;~~
- ~~(iv) interpretation and construction of deeds;~~
- ~~(v) application of proportion methods; and~~
- ~~(vi) analysis of evidence related to unwritten property rights.~~

~~(c) A licensee should be able to clearly define the degree of control and how it is exercised within the organization and geographically, and to demonstrate that a land surveyor is answerable within that degree of control.~~

~~(1) A professional engineer in responsible charge shall:~~

~~(a) personally make engineering decisions, perform reviews, and consider alternatives or approve proposed technical decisions prior to their implementation;~~

~~(b) be physically present or available by electronic or voice communications prior to evaluation and implementation of technical decisions;~~

~~(c) judge the qualifications and recommendations of technical personnel before such recommendations are implemented; and~~

~~(d) be qualified and have sufficient knowledge to explain decisions related to the project, including, but not limited to:~~

- ~~(i) design criteria applied;~~
- ~~(ii) methods of analysis;~~
- ~~(iii) methods of manufacture and construction utilized;~~
- ~~(iv) materials and systems selected;~~
- ~~(v) economic analysis of alternate solutions; and~~
- ~~(vi) environmental considerations.~~

~~(2) A professional land surveyor in responsible charge shall:~~

~~(a) personally make land surveying decisions;~~

~~(b) be physically present or able to verify their personal knowledge of the land surveying work; and~~

(c) be qualified and have sufficient knowledge to explain decisions related to signed land survey documents.

AUTH: 37-67-202, MCA

IMP: 37-67-101, 37-67-328, MCA

REASON: The board is rewriting this rule to align with House Bill 63 changes and to simplify and streamline the rule language for clarity and ease of use.

24.183.404 FEE SCHEDULE (1) Fees shall be ~~transmitted paid~~ to the Board of Professional Engineers and Professional Land Surveyors. ~~Fees board, except for payment of examination fees for examinations administered by third-party vendors, which shall must be paid directly to the vendor approved by the board.~~ The board assumes no responsibility for loss in transit of such remittances. ~~Applicants not submitting the proper fees will be notified by the department of examination fees remitted between examinees and third-party vendors.~~

~~(2) In every case, should the board deny the issuance of a certificate and/or license to any applicant, the initial fee deposited shall be retained by the board as an application fee.~~

~~(3)~~ (2) Fees are as follows:

(a) through (d)(i) remain the same.

(ii) ~~Examination and reexamination only for Montana law~~ state-specific exam land surveyor examination, initial, or subsequent exam 100

(iii) ~~Reschedule fee for Montana law~~ state-specific land surveyor exam 25

(iv) through (e)(i) remain the same.

(ii) ~~Annual renewal fee of certificate of authorization~~ 25

(f) remains the same.

(i) ~~Professional engineer~~ PE 100

(ii) ~~Professional land surveyor~~ PLS 100

(iii) ~~Dual license as a professional engineer~~ PE and ~~land surveyor~~ PLS 120

(iv) ~~Renewal fee for EI, LSI~~ 25

(g) remains the same.

(i) ~~Emeritus application~~ 25

(ii) ~~Reactivation from emeritus status~~ 250

~~(iii)~~ (i) ~~Reactivation from inactive status~~ Continuing education review for conversion of a license to active status 60

(iv) and (v) remain the same, but are renumbered (ii) and (iii).

~~(vi)~~ ~~FE exam score retrieval~~ 50

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

AUTH: 37-1-134, 37-67-202, ~~37-67-311~~, 37-67-322, 37-67-327, MCA

IMP: 37-1-134, 37-1-141, 37-1-319, ~~37-67-303~~, ~~37-67-311~~, 37-67-312, 37-67-313, ~~37-67-320~~, ~~37-67-321~~, 37-67-322, 37-67-327, MCA

REASON: The board is deleting (2) as no longer necessary because 37-67-327(5), MCA, provides that all fees are nonrefundable.



To align with House Bill 63 changes, the board is striking the two fees in renumbered (2)(g) associated with emeritus status. The board estimates that the proposed fee elimination will affect approximately 48 persons and decrease annual revenue by \$1,425.

During the rule review, the board discovered a conflict between (2)(g)(iii) and ARM 24.101.403(1)(h) regarding fees to convert from inactive to active status. At present, there is no difference between board fees for active and inactive licensure, and renewal of PE and PLS licenses is the same. However, the board identified a cost for reviewing continuing education information submitted by licensees wishing to change to an active license. The board is now amending (2)(g)(i) and redesignating the fee to adequately cover the costs of those reviews.

The board determined it is reasonably necessary to delete the fee to retrieve a Fundamentals of Engineering (FE) exam score as it is no longer being assessed or collected. The board will continue to process requests for FE exam scores as requests for a "license history" under ARM 24.101.403.

~~24.183.406 BRANCH OFFICE (1) A branch office of an engineering or land surveying firm is defined as an office established to solicit and/or provide engineering or land surveying services.~~

~~(a) and (b) remain the same, but are renumbered (1) and (2).~~

~~(2) A resident professional engineer is defined as a person holding a valid professional engineering license in Montana and who supervises and is in responsible charge of all engineering work performed in the branch office. The resident professional engineer is not required to be physically located at the branch office.~~

~~(3) A resident professional land surveyor is defined as a person holding a valid professional land surveyor license in Montana and who supervises and is Resident licensees in responsible charge of all land surveying work performed in the branch office. The resident professional land surveyor is are not required to be physically located at the branch office.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-67-101, 37-67-202, 37-67-328, MCA

REASON: The board is striking the definition for "branch office" from (1) since House Bill 63 established a new definition in 37-67-101, MCA. The board is also combining (2) and (3) with other definitions into a single rule in NEW RULE II.

24.183.407 TEACHING OF ADVANCED ENGINEERING SUBJECTS

~~(1) The term "teaching of advanced engineering subjects" means engineering class instruction of courses at the junior class level and above within a board approved curriculum.~~

~~(2) remains the same, but is renumbered (1).~~

AUTH: 37-1-131, ~~37-67-201~~, 37-67-202, MCA

IMP: 37-1-131, 37-67-101, 37-67-323, 37-67-324, MCA

REASON: The board is relocating (1) with other definitions to a centralized definitions rule at NEW RULE II.

24.183.408 CERTIFICATE OF AUTHORIZATION ~~(1) Applications received by the department must be on a board-approved form and accompanied by the appropriate fees. An application not accompanied by the appropriate fees or not completed in its entirety with all required information shall be returned to the applicant with instructions.~~

~~(a) The application must:~~

~~(i) designate the Montana licensed professional engineer or the Montana licensed professional land surveyor in responsible charge; and~~

~~(ii) include proof that the sole proprietorship, firm, partnership, or corporation is registered with the Montana Secretary of State's office.~~

~~(2) (1) Certificates of authorization shall be renewed annually on or before the date set by ARM 24.101.413. The annual renewal form must indicate the name and license number of the professional engineer and/or professional land surveyor in responsible charge and affirm that they are in good standing with the Montana Secretary of State's office and be accompanied by the renewal fee as specified by ARM 24.183.404.~~

~~(2) The renewal form must identify by name and license number the professional engineer or professional land surveyor in responsible charge and affirm the certificate holder is in good standing with the Secretary of State.~~

~~(3) A professional engineer or professional land surveyor designated in responsible charge on a certificate of authorization who leaves the employment of a sole proprietorship, firm, partnership, or corporation (who has obtained the required certificate of authorization from the board) for whatever reason, must provide written notification to certificate holder shall notify the board office of that fact, in writing within 45 working days. The sole proprietorship, firm, partnership, or corporation certificate holder must provide the board office designate a replacement professional engineer and/or professional land surveyor in responsible charge and notify the board in writing within 45 working days, on a prescribed form, the change of the professional engineer and/or professional land surveyor in responsible charge or surrender the certificate of authorization. Failure to name another professional engineer and/or professional land surveyor in responsible charge within 45 working days may cause for suspension of the certificate of authorization and cause for revocation.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, ~~37-67-320~~, 37-67-328, MCA

REASON: The board determined it is reasonably necessary to rewrite this rule to align with House Bill 63 changes and to simplify and streamline the rule.

24.183.501 BOARD-APPROVED CURRICULA – EVALUATION OF EDUCATION CREDITS (1) Baccalaureate engineering or engineering technology programs accredited by the Accreditation Board for Engineering and Technology

~~(ABET) or equivalent curricula as approved by the board shall meet the educational requirement. In evaluating documentation of education credits, the board shall:~~

~~(2) (a) The board-approved curriculum for land surveying applicants shall contain a minimum of 60 semester credits and must include six credits in English, seven credits in math, six credits in drafting, nine credits in basic science, five credits in humanities and social sciences or approved Associate of Applied Science benchmarks, 11 credits in surveying techniques, and 16 credits in principles and practice of land surveying courses taught by a licensed professional land surveyor. One academic quarter's credit shall be credited at credit the applicant two-thirds of one semester credit for each academic quarter credit earned ;~~

~~(3) (b) The board shall make publicly available a list available of Montana schools which offer land surveying curricula accepted by the board ; and~~

~~(c) All accept all course credits accepted deemed as transferable to the land surveying curricula of any school approved by the board shall be accepted by the board when transfer is accomplished by the applicant.~~

AUTH: 37-67-202, MCA

IMP: ~~37-67-306, 37-67-323, 37-67-324, 37-67-325, 37-67-326, MCA~~

REASON: The board is amending this rule by relocating the definitions of board-approved curricula to NEW RULE II and by reorganizing and simplifying the guidelines for board review of education credits.

~~24.183.502 APPLICATIONS (1) Applications received must be on a board-approved form and accompanied by appropriate fees. An application not accompanied by the appropriate fees or not completed in its entirety with all required information shall be deemed incomplete. Fees will be deposited as received.~~

~~(2) Professional engineer and professional land surveyor applicants must complete and submit the board's law and rule questionnaire as part of the application process. Incomplete questionnaires will be returned.~~

~~(1) Applicants shall complete all experience required for approval of an application:~~

~~(a) prior to submission of an application; or~~

~~(b) at a time approved by the board.~~

~~(2) The board shall accept an application as complete when the applicant submits to the department:~~

~~(a) board-approved application forms completed in entirety;~~

~~(b) all required supplemental documentation;~~

~~(c) all applicable fees paid in full; and~~

~~(d) for professional engineer and professional land surveyor applicants, the board's law and rule questionnaire completed in entirety.~~

~~(3) Applications for foreign- Foreign-educated professional engineer applicants must shall: include a foreign degree evaluation. The applicant must arrange for the evaluation and shall be solely responsible for its cost.~~

~~(a) The evaluation must:~~

~~(i) be performed by a board-approved foreign degree evaluator;~~

~~(ii) be sent directly to the board by the evaluator; and~~

~~(iii) indicate whether the foreign degree is equivalent to an engineering or engineering technology program accredited by the Accreditation Board for Engineering and Technology (ABET).~~

~~(b) The board maintains a list of approved foreign degree evaluators.~~

~~(a) arrange for a foreign degree evaluation performed by NCEES to verify whether the foreign degree is equivalent to an ABET-accredited engineering or engineering technology program;~~

~~(b) arrange for direct delivery of the evaluation from NCEES to the board;~~  
and

~~(c) pay all costs of the evaluation and delivery to the board.~~

~~(4) Applicants shall provide explanations of information submitted in an application upon request by the board.~~

~~(4) (5) The board, after due consideration of an application and of information pertaining thereto shall:~~

~~(a) will find the applicant eligible to sit for the appropriate exam; or~~

~~(b) request the applicant to furnish such additional information as may be necessary allowed by law; or~~

~~(c) advise the applicant of the status of the application in accordance with provisions of the law.~~

~~(5) (6) Applications received after a board-set application deadline will be processed for the following examination.~~

~~(6) If an application is withdrawn, no refund of the application fee will be made.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-104, ~~37-67-303, 37-67-306, 37-67-307, 37-67-308, 37-67-309, 37-67-310, 37-67-311, 37-67-312, 37-67-313, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-327,~~ MCA

REASON: Since the board's last rule changes in 2014, a significant number of applicants have submitted applications before acquiring the necessary experience. The board and its staff invested considerable time reviewing these applications only to declare them incomplete and noncompliant with statute. To address those applications and align with statutory changes, the board is amending (1) to require that all experience is acquired prior to application.

The board is also amending this rule to identify NCEES as the only evaluator of foreign education acceptable to the board because NCEES is the only entity now conducting such reviews. The board is deleting the provision at (6) regarding nonrefundable application fees as it is redundant with department rule.

24.183.503 APPLICATION REFERENCES (1) ~~The An~~ applicant shall arrange for the submission of completed reference forms ~~as described in required by 37-67-305 and/or 37-67-308 37-67-323, 37-67-324, 37-67-325, and 37-67-326,~~ MCA. The application must include a reference form, which the applicant shall provide to the references listed a reference form to each person listed as a reference on the application. ~~The reference form must be received directly from the applicant's~~

references. Each person providing a reference for the applicant shall complete and send the reference form directly to the board.

(2) For an application for licensure as a professional engineer, the board must receive five references, three of which must be from licensed professional engineers.

(3) For an application for certification as an engineer intern, the board must receive three references. None is required to be from licensed professional engineers.

(4) For an application for licensure as a professional land surveyor, the board must receive five references, three of which must be from licensed professional land surveyors.

(5) For an application for certification as a land surveyor intern under 37-67-326(1)(a), (b), or (c), MCA, the board must receive three references, one of which must be from a licensed professional land surveyor. This rule also applies to applicants who apply under 37-67-326(1)(d), MCA, but only until October 1, 2022.

(2) (6) The board will accept a reference form only when it is fully completed and bears the signature of the person providing the reference. All completed and signed reference forms must be received before the board will take action on the application.

AUTH: 37-67-202, MCA

IMP: 37-67-303, 37-67-305, 37-67-308, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, MCA

REASON: Because House Bill 63 repealed the specific statutory provisions regarding required references for licensure or certification, the board is now amending this rule to clearly delineate those requirements.

24.183.504 EXPIRATION OF APPLICATIONS (1) An application will expire one year from the date of receipt the fee is paid; except applications from exam applicants will expire one year from the date the applicant is approved to take the exam.

(2) If the applicant has not successfully completed all application and examination requirements within this period, and still desires to pursue licensure, the applicant must submit a new, original application, and appropriate fees, with supporting documents. The year begins for the exam applicants on the date the applicant has been approved by the board or designated board staff to take the exam.

(3) Applications in which the applicant does not already possess the experience required for licensure or approval to take an examination are incomplete and will not be accepted.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, 37-67-303, 37-67-322, MCA

REASON: The board determined it is reasonably necessary to amend this rule to start the one-year application period when an application is deemed complete.

Currently, an applicant may submit an application in which the board finds only partial experience. The application would remain open for a full year and then require another board review. To address those applications and align with statutory changes, the board is amending this rule to require that all experience is acquired prior to application, which will save time and money, and allow the licensing bureau to reject these applications as incomplete without requiring board review.

24.183.505 EXHIBITS OF LAND SURVEYING PROJECTS (1) and (2) remain the same.

(3) ~~An~~ Before October 1, 2022, an applicant applying for certification as a land surveyor intern under 37-67-310(1) and (2), MCA, is exempt from this requirement 37-67-326(1)(d), MCA, must comply with (1) and (2) of this rule.

AUTH: 37-67-202, MCA

IMP: ~~37-67-308,~~ 37-67-326, MCA

REASON: The board is amending this rule to align with the sunset date established by House Bill 63 for land surveyor intern applicants on the experience only certification pathway.

24.183.509 EXAMINATION PROCEDURES (1) The examinations required are defined in ~~37-67-314~~ 37-67-327, MCA.

(2) Applicants for the Fundamentals of Engineering exam may register directly with ~~the National Council of Examiners for Engineering and Surveying (NCEES)~~ without prior approval of the board ~~and may take the examination at any location offered by NCEES. NCEES shall schedule the exam and collect all required fees, including fees for rescheduling an exam.~~

(3) Applicants for the Fundamentals of Land Surveying, Principles and Practices of Engineering, and Principles and Practices of Land Surveying exams ~~who are~~ must be approved by the board ~~may~~ prior to registering with NCEES to take the examination ~~at any location offered by NCEES.~~

(4) ~~Applicants will be notified of the time and place of the exam by NCEES.~~ An applicant who wishes to reschedule an exam other than the Fundamentals of Engineering exam, shall pay an exam reschedule fee ~~to the board~~ specified by ARM 24.183.404.

~~(5) A passing grade set by NCEES will be required.~~

~~(6) (5)~~ A candidate failing to pass any exam, other than the Fundamentals of Engineering exam, may ~~take that~~ re-take the examination again upon payment of the reexamination fee specified by ARM 24.183.404.

(6) The minimum passing score for the Montana state-specific land surveyor exam shall be 70 percent.

(7) An examinee who fails the Montana state-specific land surveyor exam may:

(a) request a diagnostic report on the exam results within 60 days after the date of notification of the failure; and

(b) re-take the exam as many as two times within two years of the date on which the applicant is approved to take the exam.

(8) An applicant who fails the Montana state-specific land surveyor examination three times or whose application expires may reapply two years after the third failure or the application expiration date. Staff may approve the new application.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, ~~37-1-134, 37-67-311, 37-67-327~~, MCA

REASON: The board is amending (3) to address applicant confusion by clarifying that the board must approve certain examinees prior to them registering with NCEES. The board determined it is unnecessary to include NCEES examination procedures in board rule, and is removing them from (4) and (5). Additionally, the board is amending (4) to reference the rule containing the exam rescheduling fee, ARM 24.183.404, which is already provided in (5).

The board is adding (6) to identify the 70% minimum passing score for its state-specific land surveyor exam. Although the score was previously set by board motion, the board is now establishing it in rule, along with other amendments to further implement the new 2015 state-specific exam.

The board is amending (7) and adding (8) to limit the number of reexaminations for the state-specific land surveyor exam. In 2015, the board began administering its state-specific land surveyor exam in a new format. With the new format, the board decided to place a three-attempt limit before requiring a new application, and to require anyone who fails to pass the exam within three attempts to wait two years before trying again.

#### 24.183.510 GRANT AND ISSUE LICENSES AND CERTIFICATES

~~(1) At the time~~ When an applicant meets the requirements for licensure or certification by the board, the department shall assign the applicant ~~will be assigned~~ a license or certificate number and ~~issued a~~ issue the license or certificate as a professional engineer and/or professional land surveyor as appropriate. ~~These~~ The department shall assign license or certificate numbers will be issued consecutively in the order in which the board approved the applications ~~are approved by the board~~. ~~The applicant will be advised of the license number in the notice sent to the applicant.~~

(2) The board shall grant a license authorizing the practice of professional engineering or professional land surveying by a sole proprietorship, firm, partnership, or corporation after approval of an application for certificate of authorization and payment of the license fee.

~~(2) (3) The engineer~~ Engineer intern certificate certificates will be active for two years and may be renewed for additional two-year periods for a fee prescribed in ARM 24.183.404. ~~Pursuant to an agreement with the National Council of Examiners for Engineering and Surveying (NCEES), the board has agreed to retain examination scores. Upon request, the individual may obtain the national exam score and verification for a fee prescribed by the department.~~

~~(3) (4) The land~~ Land surveyor intern certificate certificates will be valid active for two years and may be renewed for additional two-year periods for a fee prescribed in ARM 24.183.404.

~~(4) A license authorizing the practice of professional engineering or professional land surveying by a sole proprietorship, firm, partnership, or corporation shall be granted by the board and issued by the department after approval of an application for certificate of authorization and payment of the license fee. A wall certificate shall be signed by the presiding officer and shall bear the license number of the licensee, sole proprietorship, firm, partnership, or corporation.~~

~~(5) All licenses and certificates identified through this rule shall be subject to lapse, expiration, and termination under 37-1-141, MCA, and ARM 24.101.413.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, 37-67-305, 37-67-306, 37-67-307, 37-67-308, 37-67-309, 37-67-320, 37-67-312, 37-67-313, 37-67-314, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-328, MCA

REASON: The board is amending and reorganizing this rule to similarly represent both licenses and certificates in the rule text and title. Additionally, the board is deleting unnecessary provisions at (2) regarding its relationship with NCEES, and (4) regarding wall certificates for certificates of authorization, as well as (5), which is redundant to department rule.

24.183.511 LICENSE SEAL - FORM AND USE ~~(1) Upon approval of the application by the board, the licensee will be advised that the licensee may secure an official seal. The following seals are authorized:~~

(1) Individuals licensed as a Professional Engineer, Professional Land Surveyor, or Professional Engineer and Professional Land Surveyor may obtain a seal in the form of an embossing or rubber stamp or digital seal to be used for purposes of sealing printed drawings, specifications, and other documents prepared by or under the supervision of the licensee.

(2) A licensee's seal must contain the licensee's name, license number (such as #####PE, #####LS, or #####ES), and the applicable legend "Professional Engineer," "Professional Land Surveyor," or "Professional Engineer and Land Surveyor."

(3) Seals of the following commercial designated sizes and types are authorized:

~~(a) pocket seal, the size commercially designated as a 1 5/8" inch pocket seal;~~

~~(b) a desk seal or rubber stamp seal the size commercially designated as a two-inch 2" desk seal; and~~

~~(c) the seal will bear the licensee's name, license number and the legend "Licensed Professional Engineer", "Licensed Professional Land Surveyor" or "Licensed Professional Engineer and Professional Land Surveyor"; and~~

(c) 2" rubber stamp seal.

~~(d) a digital seal is allowed to may be reduced in size to one-half of its original the size of the original seal.~~

(4) The seal, digital seal, and the signature must be of sufficient print quality to legibly reproduce on all copies or prints of final original drawings to which they are applied.



~~(2) (5) For stamping plans, specifications and reports, licensees are authorized to use a facsimile made of their official seal. The title page of all sets of plans and all documents filed with public authorities must bear the seal and original signature of the licensee in responsible charge.~~

~~(3) Individuals licensed as a "Professional Engineer", "Professional Land Surveyor" or "Professional Engineer and Professional Land Surveyor" may secure an official seal, which must contain the licensee's name, license number, and the applicable legend "Licensed Professional Engineer", "Licensed Professional Land Surveyor", or "Licensed Professional Engineer and Land Surveyor". For the purpose of sealing printed drawings, specifications, and other appropriate documents, each licensee shall obtain an embossing or rubber stamp and an electronic reproduction facsimile of the seal to be used on documents prepared by or under the supervision of a licensee. When required, the seal or electronic reproducible facsimile must be applied on all final original drawings, with the licensee's signature, to produce legible reproduction on all copies or prints made from the drawings.~~

~~(4) A signature is:~~

~~(a) an original manual signature of the licensee who applied it; or~~

~~(b) a digital signature, which has an electronic authentication process attached or is logically associated with an electronic document, and must be:~~

~~(i) unique to the person using it;~~

~~(ii) capable of verification;~~

~~(iii) under the sole control of the person using it; and~~

~~(iv) linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.~~

(6) Licensees may use a digital seal for stamping plans, specifications, survey documents, and reports.

AUTH: 37-67-202, MCA

IMP: 37-67-314, MCA

REASON: The board is amending this rule's title to better describe its purpose. The board is also amending this rule to address questions by more clearly describing the types of seals used by licensees and specifying the way license numbers must be displayed on seals, i.e., the traditional number followed by letters.

24.183.701 COMITY FOR PROFESSIONAL ENGINEERS (1) The board may, upon receipt of application and payment of proper fee, issue a license as a professional engineer license by comity to any person who submits verification of licensure from any state, or territory, or possession of the United States, or any foreign country, and meets the application requirements of this rule. Applicants All applicants shall submit to the department, either electronically or by mail, the department-approved application form with the appropriate fee, and a completed engineer laws and rules questionnaire.

(2) Applicants with a National Council of Examiners for Engineering and Surveying (NCEES) record may arrange for NCEES to deliver their most current record, updated within two years of the application date, directly to the board office. An applicant with a current NCEES record is not required to submit references or

educational transcripts also shall submit a department-approved application form and board-approved experience forms.

~~(3) Professional engineers applying by comity. Applicants without a NCEES record shall submit to the department, either electronically or by mail, the department-approved application form with the appropriate fee and the following:~~

~~(a) remains the same.~~

~~(b) five completed reference forms as required by which meet the requirements of ARM 24.183.503; and~~

~~(c) verification of licensure from all states and verification of passing both the Fundamentals of Engineering examination and the Principles and Practices of Engineering examination. in which the applicant has ever been licensed;~~

~~(d) verification of having passed the Fundamentals of Engineering examination; and~~

~~(e) verification of having passed the Principles and Practices of Engineering examination.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-304, 37-67-312, MCA

REASON: The board is amending this rule on PE licensure via comity to address questions and clarify the different requirements for applicants with and without NCEES career records. The board is amending (1) to address foreign licensure as a criterion for comity licensing pursuant to House Bill 63. Additionally, to ensure that submitted references are up-to-date, the board is amending (2) to require that NCEES records be updated within two years of application. It is reasonably necessary to amend this rule with ARM 24.183.801 so the two comity licensure rules are as parallel as possible.

#### 24.183.702 CLASSIFICATION OF ENGINEERING EXPERIENCE

~~(1) Engineering experience for the purpose of application for licensure or certification shall be classified as ~~the following:~~~~

~~(a) subprofessional experience;~~

~~(b) preprofessional experience; or~~

~~(c) professional experience.~~

~~(2) Engineering experience shall be quantified as follows:~~

~~(a) Subprofessional experience is experience gained before receipt of a baccalaureate degree. Such experience may be gained during periods of college or university enrollment, and shall be credited at one-half the time value of preprofessional experience, gained after receipt of a baccalaureate degree. No more than one year of subprofessional experience may be counted as preprofessional experience. Such preprofessional experience may include one or more of the following:~~

~~(i) supervised engineering experience; or~~

~~(ii) supervised construction experience.~~

~~(b) Preprofessional experience is gained following receipt of a baccalaureate degree. Such preprofessional experience may include:~~

(b) No more than one year of subprofessional experience may be credited as preprofessional experience.

~~(i) no more than one year of subprofessional experience as defined in (a);~~

~~(ii) progressive experience on engineering projects which indicate the experience is of increasing quality and required greater responsibility;~~

~~(iii) experience not obtained in violation of the licensure act;~~

~~(iv) experience gained under the supervision of a licensed professional engineer/land surveyor or, if not, an explanation of why the experience should be considered acceptable;~~

~~(v) credible teaching experience at an advanced level, post graduate or senior graduate, in a college or university offering an engineering curriculum of four years or more that is approved by the board;~~

~~(vi) experience gained in engineering research and design projects by members of an engineering faculty, in an engineering curriculum approved by the board;~~

(vii) (c) a A master's degree in engineering from an institution which offers a board-approved curriculum at the baccalaureate level will be credited as one year of preprofessional experience;

(viii) (d) a A Ph.D. in engineering from an institution which offers a board-approved curriculum at the baccalaureate level will be credited as two years of preprofessional experience, but the applicant shall not count an additional one year for a master's degree, if earned. All degrees shall have been obtained from colleges or universities with board-approved programs which shall include a one year credit for any master's degree earned in the course of completing the Ph.D.

~~(c) Professional experience is gained after initial licensure by a state, territory, or possession of the United States.~~

~~(2) All experience must be completed at the time of application.~~

~~(3) Experience should be gained under the supervision of a registered professional engineer and, if not, an explanation should be made showing why the experience should be considered acceptable.~~

~~(4) Engineer applicants may be asked by the board to provide a more detailed explanation of their knowledge of fundamental principles of engineering design and the practical solution of engineering problems.~~

AUTH: 37-67-202, MCA

IMP: ~~37-67-305, 37-67-306,~~ 37-67-312, 37-67-323, 37-67-324, MCA

REASON: The board determined it is reasonably necessary to combine all relevant definitions into a single location. The board is therefore relocating experience definitions from this rule to NEW RULE II. The board is further amending and streamlining this rule to clearly quantify engineering experience for both licensure and engineer intern certification.

24.183.801 COMITY CONSIDERATION FOR PROFESSIONAL LAND

SURVEYORS (1) The board may, upon receipt of an application and payment of proper fee, issue a license as a professional land surveyor license by comity to any person who submits verification of licensure from any state, or territory, or

possession of the United States, or any foreign country, and meets the application requirements of this rule. Applicants shall submit, ~~either electronically or by mail, to the department,~~ a department-approved application form, ~~with the appropriate fee,~~ and a completed land surveyors laws and rules questionnaire, and the following:

- (a) remains the same.
  - (b) five completed reference forms ~~as required by~~ which meet the requirements of ARM 24.183.503; and
  - (c) verification of licensure from all states in which the applicant has ever been licensed; and
  - (d) ~~verification of passing both~~ having passed the Fundamentals of Land Surveying examination; ~~and~~
  - (e) verification of having passed the Principles and Practices of Land Surveying examination; ~~and~~
  - (f) exhibits as required by ARM 24.183.505.
- (2) Applicants with a current National Council of Examiners for Engineering and Surveying (NCEES) record may arrange for NCEES to deliver their most current record directly to the board office.
- (3) Upon approval of the application by the board, the comity applicants shall pass a closed book, state-specific, land surveying examination ~~with a score of 70 percent or more.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-304, 37-67-313, MCA

**REASON:** It is reasonably necessary to amend this rule with ARM 24.183.701 so the two comity licensure rules are as parallel as possible. The board is amending (1) to address foreign licensure as a criterion for comity licensing and add the exhibits requirement to align with House Bill 63. Finally, the board is relocating the passing grade for the state-specific land surveyor exam from (3) to ARM 24.183.509.

#### 24.183.802 CLASSIFICATION OF LAND SURVEYING EXPERIENCE

- (1) ~~Land surveying experience for the purpose of application for Applicants for land surveyor licensure shall be classified or certification shall classify experience listed in their applications as progressive land surveying experience and nonprogressive land surveying experience.~~
- (2) ~~Non-progressive experience is experience that must be gained under the supervision of a licensed professional land surveyor and may include:~~
- (a) ~~construction layout of buildings and miscellaneous structures;~~
  - (b) ~~surveys necessary to obtain data and location of highways, roads, pipelines, canals, etc.;~~
  - (c) ~~construction staking for land modification, highways, roads, utilities, etc.;~~
- ~~or~~
- (d) ~~other construction surveying experience.~~
- (3) (2) Nonprogressive land surveying experience shall be credited at one-half the time value of progressive experience and shall be limited to a total of no more than two years.

(3) Applicants shall provide documentation of combined office and field experience as follows:

(a) for applicants seeking licensure under 37-67-325(1)(a), MCA, and are required to obtain at least four years of combined office and field experience, at least 12 months must be office experience, and at least 12 months must be field experience;

(b) for applicants seeking licensure under 37-67-325(1)(b) and (1)(c), MCA, and are required to obtain at least six years of combined office and field experience, at least 18 months must be office experience, and at least 18 months must be field experience;

(c) for applicants seeking licensure under 37-67-325(1)(d), MCA, and are required to obtain at least ten years of combined office and field experience, at least 48 months must be office experience, and at least 48 months must be field experience; and

(d) for applicants seeking certification under 36-67-326(1)(d), MCA, and are required to obtain at least six years of combined office and field experience, at least 29 months must be office experience, and at least 29 months must be field experience.

~~(4) Progressive experience is experience that must be gained under the supervision of a licensed professional land surveyor and may include one or more of the following:~~

~~(a) experience on land surveying projects, which indicate the experience is of increasing quality and requiring greater responsibility;~~

~~(b) experience not obtained in violation of the licensure act;~~

~~(c) experience such as aliquot part subdivision of sections, retracing existing boundaries, establishing new boundaries, corner search and reestablishment, researching existing public records, survey computations, preparation of legal descriptions, certificates of survey, subdivision plats, corner recordation forms, exhibits, and other documents pertinent to such work; or~~

~~(d) experience teaching surveying subjects at an advanced undergraduate or postgraduate level in an accredited college or university offering a land surveying curriculum supervised by a licensed land surveyor.~~

~~(5) All experience must be completed at the time of application.~~

~~(6) Land surveyor applicants may be asked by the board to provide a more detailed explanation of their experience in the field aspects of the profession.~~

AUTH: 37-67-202, MCA

IMP: ~~37-67-308, 37-67-309, 37-67-313, 37-67-325, 37-67-326,~~ MCA

REASON: The board determined it is reasonably necessary to combine all relevant definitions into a single location. The board is therefore relocating land surveying experience definitions from this rule to NEW RULE II. The board is further amending and streamlining this rule to clearly quantify experience for both land surveyor licensure and intern certification. Additionally, due to the unique aspects of land surveying experience, the board concluded that minimums must be placed for office and field experience to ensure balanced experience among applicants.

24.183.1104 UNIFORM STANDARDS FOR CERTIFICATES OF SURVEY

(1) through (1)(d)(x) remain the same.

(xi) lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically. If grid distances are shown, then ground distance must be shown parenthetically;

(xii) through (1)(h) remain the same.

AUTH: 37-67-202, 76-3-403, 76-3-411, MCA

IMP: 37-67-314, 76-3-101 through 76-3-105, 76-3-201, 76-3-203, 76-3-205, 76-3-206, 76-3-207, 76-3-209, 76-3-301 through 76-3-307, 76-3-401 through 76-3-406, 76-3-411, MCA

REASON: The board was approached late in 2014 about the use of "grid distances" in the preparation of land surveying documents. After consideration and a positive recommendation by the rules committee, the board agreed to make small amendments to the rules on certificates of survey and final subdivision plats to allow for the inclusion of grid distances, provided they be accompanied by ground distances.

24.183.1107 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS

(1) through (2)(e)(ix) remain the same.

(x) lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically. If grid distances are shown, then ground distance must be shown parenthetically;

(xi) through (5) remain the same.

AUTH: 37-67-202, 76-3-403, 76-3-411, MCA

IMP: 37-67-314, 76-3-101 through 76-3-105, 76-3-201, 76-3-203, 76-3-205, 76-3-206, 76-3-207, 76-3-209, 76-3-301 through 76-3-307, 76-3-401 through 76-3-406, 76-3-411, MCA

REASON: See REASON for ARM 24.183.1104

24.183.2102 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (1) through (3) remain the same.

(a) signifies to the board, in writing, that upon issuance of the active license, the applicant intends to be an active practitioner in ~~the state of~~ Montana; and

(b) presents satisfactory evidence that the applicant has attended 30 hours of continuing education which comply with the continuing education rules of the board in the two years immediately preceding the request for reactivation.

(4) remains the same.

AUTH: 37-1-319, ~~37-67-202~~, MCA

IMP: 37-1-319, MCA

REASON: The board discussed necessary changes to ARM 24.183.404 and this rule, specifically the requirement that reactivating licensees provide proof of continuing education. As a result of that discussion, the board is amending (3)(b) to clearly delineate the period when the qualifying CE must be earned for licensees converting from inactive to active status. The committee and the board determined the current language is too vague regarding this timeframe.

~~24.183.2402 COMPLAINT PROCESS ANONYMOUS COMPLAINTS (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.~~

~~(2) Complaints must be in writing, and must be filed on the proper complaint form prescribed by the board. The board form shall contain a release of records statement, to be signed by the complainant.~~

~~(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign the complaint a complaint number. The complaint will then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, or the expiration of time for submitting a response, both complaint and response (if any) shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a particular or specific statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.~~

~~(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.~~

~~(5) (1) The screening panel board will not act upon accept anonymous complaints.~~

AUTH: 37-67-202, MCA

IMP: ~~37-1-308, 37-1-309, 37-67-202, 37-67-331, MCA~~

REASON: The board determined that virtually all of this rule is unnecessary and duplicative of department rules and procedures on the compliance process. The board decided to retain the prohibition of anonymous complaints, but clarify that it is a board decision to not accept them.

6. The proposed new rules provide as follows:

NEW RULE I TEACHING OF LAND SURVEYING SUBJECTS (1) Either the class instructor or the person in responsible charge of the board-approved curriculum shall be a licensed professional land surveyor and be in responsible charge of class instruction of land surveying subjects.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, 37-67-101, 37-67-325, 37-67-326, MCA

REASON: The board has determined it is reasonably necessary to mirror the existing rule for engineers, ARM 24.183.407, and address teaching experience as part of progressive land survey experience, defined in NEW RULE II.

NEW RULE II DEFINITIONS (1) "ABET" means the Accreditation Board of Engineering and Technology.

(2) "Advanced engineering subjects" means engineering class instruction of courses at the junior-class level and above within a board-approved curriculum.

(3) "Board-approved curricula" means:

(a) For engineering applicants, baccalaureate engineering or engineering technology programs accredited by ABET or equivalent curricula as approved by the board.

(b) For land surveying applicants, a minimum of 60 semester credits comprised of:

(i) at least six credits in English, seven credits in math, six credits in drafting, nine credits in basic science, five credits in humanities and social sciences or approved associate of applied science degree benchmarks; and

(ii) 12 credits in surveying techniques and 15 credits in principles and practice of land surveying courses taught by a licensed professional land surveyor.

(4) "Direct supervision" means regular and direct oversight and guidance of engineering or land surveying work, including plans, designs, surveys, and client advice at the time the work occurs, and licensee's acceptance of responsibility for the work.

(5) "Land surveying subjects" means surveying class instruction of courses that cover the principles and practices of land surveying and surveying techniques, excluding those courses that involve construction surveying, route surveying, or photogrammetry.

(6) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(7) "Nonprogressive land survey experience" means experience obtained under the supervision of a licensed professional land surveyor and may include one or more of the following:

(a) construction layout of buildings and miscellaneous structures;

(b) surveys necessary to obtain data and location of highways, roads, pipelines, canals, etc.;

(c) construction staking for land modification, highways, roads, utilities, etc.;

or

(d) other construction surveying experience.

(8) "Preprofessional experience" means engineering experience obtained after completion of a baccalaureate degree, which must be obtained under the supervision of a licensed professional engineer or professional land surveyor or be approved by the board and may include one or more of the following:

(a) experience on engineering projects which indicates progressive quality and increasing responsibilities over time;



- (b) experience teaching advanced undergraduate or post-graduate courses offered as part of a board-approved curriculum; or
  - (c) experience obtained in engineering research or design projects by faculty teaching a board-approved curriculum.
- (9) "Principles and practices of land surveying courses" means instruction in the application of surveying techniques and legal principles to analyze and resolve practical surveying problems.
- (10) "Professional experience" means experience obtained after initial licensure by a state, territory, or possession of the United States, the U.S. District of Columbia, or any foreign country.
- (11) "Progressive land survey experience" means experience obtained under the supervision of a licensed professional land surveyor and may include one or more of the following:
- (a) experience on land surveying projects which, over time, are of increasing quality and require greater responsibility of the applicant;
  - (b) experience with aliquot part subdivision of sections, retracing existing boundaries, establishing new boundaries, corner search and reestablishment, research existing public records, survey computations, preparation of legal descriptions, certificates of survey, subdivision plats, corner recordation forms, exhibits, and other documents pertinent to such work; or
  - (c) experience teaching advanced undergraduate or post-graduate land survey courses offered as part of a board-approved curriculum.
- (12) "Resident" means a person possessing an active professional engineer or registered professional license or land surveyor license issued by the board.
- (13) "Signature" means:
- (a) licensee's or applicant's original manual signature; or
  - (b) licensee's or applicant's digital equivalent.
- (14) "Subprofessional experience" means supervised engineering or construction experience obtained prior to completion of a baccalaureate degree, and which must occur after an applicant has commenced a college-level education.
- (15) "Surveying techniques courses" means instruction in basic field methodology, measurement, data collection, and calculations.

AUTH: 37-67-202, MCA

IMP: 37-67-101, 37-67-103, 37-67-314, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-328, MCA

**REASON:** The board has determined it is reasonably necessary to adopt NEW RULE II to relocate existing definitions and place all definitions used throughout the board's statutes and administrative rules in a single location.

In a 2015 review of land surveying curricula offered by Montana institutions of higher learning, the board discovered that the current requirement of 11 credits in surveying techniques and 16 credits in principles and practice of land surveying did not match well with university courses that are typically taught in three-credit blocks. The board is amending the credits at (3)(b)(ii) to align with university offerings and better serve both faculty and students at institutions offering land surveying courses.

The board is clarifying in the new definition of "Land surveying subjects" at (5) that engineering surveying (construction surveying, route surveying, or photogrammetry) is not required to be taught by a licensed land surveyor and could be taught by an engineer.

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

24.183.302 DIRECT SUPERVISION at ARM page 24-21012

AUTH: 37-67-202, MCA

IMP: 37-67-103, MCA

REASON: The board has determined, upon recommendation from legal counsel, that it is reasonably necessary to repeal ARM 24.183.302, 24.183.512, 24.183.2101, and 24.183.2103. The board concluded these rules are no longer necessary as they have been rendered moot by House Bill 63, are superfluous to department rules on the same subject, or are being replaced by other rules in different subchapters.

24.183.512 APPLICATION FOR EMERITUS STATUS at ARM page 24-21029

AUTH: 37-67-202, MCA

IMP: 37-67-321, MCA

24.183.2101 RENEWALS at ARM page 24-21289

AUTH: 37-67-202, MCA

IMP: 37-1-141, MCA

24.183.2103 LATE RENEWALS at ARM page 24-21290

AUTH: 37-1-134, 37-67-202, MCA

IMP: 37-1-141, MCA

8. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov), and must be received no later than 5:00 p.m., August 5, 2016.

9. An electronic copy of this notice of public hearing is available at [www.engineer.mt.gov](http://www.engineer.mt.gov) (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be

considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

10. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov); or made by completing a request form at any rules hearing held by the agency.

11. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on May 27, 2015, by electronic mail and regular mail.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.101.413 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.183.301, 24.183.404, 24.183.406, 24.183.407, 24.183.408, 24.183.501, 24.183.502, 24.183.503, 24.183.504, 24.183.505, 24.183.509, 24.183.510, 24.183.511, 24.183.701, 24.183.702, 24.183.801, 24.183.802, 24.183.1104, 24.183.1107, 24.183.2102, and 24.183.2402 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULES I and II will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.183.302, 24.183.512, 24.183.2101, and 24.183.2103 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations are available upon request to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov).

13. Ian Marquand, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
BYRON STAHLY, PROFESSIONAL  
ENGINEER, PRESIDING OFFICER

/s/ DARCEE L. MOE

Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY

Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 27, 2016

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 37.71.401, 37.71.601, and ) PROPOSED AMENDMENT  
37.71.602 pertaining to Low Income )  
Weatherization Assistance Program )  
(LIWAP) for the 2014-2015 heating )  
season and the 2015-2016 heating )  
season )

TO: All Concerned Persons

1. On July 28, 2016, at 1:30 p.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on July 20, 2016, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, 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 rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.71.401 LOW INCOME WEATHERIZATION ASSISTANCE PROGRAM, DEFINITIONS (1) remains the same.

~~(2) "Energy burden" means the percentage of a household's income which is allocated to energy costs for the household's dwelling. The energy burden is calculated by dividing the household's actual or estimated annual heating costs by the household's annual income.~~

(2) "Energy usage" means the amount of energy used over a given period. The annual energy usage is determined by using actual or estimated heating cost over a twelve-month period.

(3) remains the same.

(4) "Weatherization services" means improvements, repairs, or other modifications made to a dwelling for the purpose of reducing a household's energy burden usage.

AUTH: 53-2-201, MCA

IMP: 53-2-201, 90-4-201, 90-4-202, MCA

37.71.601 ELIGIBILITY FOR WEATHERIZATION SERVICE: PRIORITIES

(1) Except as provided in (1)(a), a dwelling is not eligible for weatherization services funded with U.S. Department of Energy (DOE) funds if the dwelling has been weatherized with DOE or ~~Low Income Energy Assistance (LIEAP)~~ funds after ~~September 30, 1993~~ September 30, 1994.

(a) remains the same.

(2) Except as provided in (2)(a), a dwelling is not eligible for weatherization services funded with Northwestern Energy free weatherization (NWE) funds if the dwelling has been weatherized ~~with NWE funds after January 1, 1995~~ within ten years immediately preceding the date of the current application for weatherization.

(a) and (b) remain the same.

(3) Except as provided in (3)(a), a dwelling is not eligible for weatherization services funded with LIEAP weatherization funds if the dwelling has been weatherized ~~with DOE, LIEAP, or NWE funds~~ within the ten years immediately preceding the date of the current application for weatherization.

(a) and (b) remain the same.

(4) Community residential facilities as defined at 76-2-411, MCA ~~which that~~ are the residence for low income elderly ~~or handicapped individuals~~ or individuals with a disability are eligible for weatherization.

(5) In determining which eligible households will receive weatherization services and in what order, households in each of the governor's substate planning districts ~~shall will~~ be ranked according to energy ~~burden~~ usage. Households with the highest energy ~~burden~~ usage shall must be given the highest priority and households with the lowest energy ~~burden~~ usage shall must be given the lowest priority.

(a) The energy ~~burden~~ usage, as defined in ARM 37.71.401, of households containing a member who is either 60 years of age or older or who has a disability as determined by the federal Social Security Administration under Title II or Title XVI of the Social Security Act will be multiplied by 1.25 for purposes of prioritization.

(6) If there exists a weatherization related imminent threat to the health or safety of an eligible household, their home may be given a higher priority than that dictated by energy ~~burden~~ usage. It is the obligation of the household to provide proof of an imminent threat to the health or safety of the household to the local contractor. The local contractor must request that the department give the household's dwelling a higher priority.

(7) Weatherization will be scheduled to minimize travel and other nonproductive costs.

(a) If nonproductive costs are excessive, the scheduled home may be delayed for weatherization at a later date but in no instance ~~shall will~~ the scheduled home be delayed longer than one year or the end of the contract period whichever comes first.

(8) remains the same.

(9) ~~A multi-family unit prioritized high enough to be scheduled for service that is also one of several units that comprise a 66 2/3% eligible multi-family building shall have the entire building weatherized to avoid nonproductive costs. If at least 66~~

percent of the units in a multi-unit building, or 50 percent for duplexes and four-unit buildings, are eligible for weatherization, and one of the units is prioritized high enough to be scheduled for service, all of the units in the building, including units that are not eligible for weatherization, will be weatherized to avoid nonproductive costs.

(10) When a dwelling is prioritized high enough to be scheduled for weatherization work, the delivery of services will be deferred until a later date if providing the services would pose a threat to the health or safety of either ~~a person who lives in the dwelling or of the weatherization installers or any other person.~~ In such cases the delivery of services will be postponed until the conditions that pose a threat to health or safety have been resolved. ~~Circumstances that justify the deferral of weatherization services include but are not limited to the following:~~ The department adopts and incorporates by reference the department's Weatherization Assistance Program (WAP) circumstances that justify a deferral of weatherization services which are included in the WAP manual, effective July 1, 2016. The WAP manual is located at the department's web site at <http://dphhs.mt.gov/hcsd/energyassistance.aspx> or a copy may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, Intergovernmental Human Services Bureau, P.O. Box 202956, Helena, MT 59620.

~~(a) A person who lives in the dwelling has known health conditions that prohibit the installation of insulation and other weatherization materials.~~

~~(b) The building structure or its mechanical systems, including electrical and plumbing, are in such a state of disrepair that failure is imminent and the conditions cannot be resolved cost-effectively.~~

~~(c) The house has sewage or other sanitary problems that would further endanger persons who live in the dwelling or weatherization installers if weatherization work were performed.~~

~~(d) The house has been condemned or electrical, heating, plumbing, or other equipment has been "red tagged" by local or state building officials or utilities.~~

~~(e) Moisture problems are so severe they cannot be resolved under existing health and safety measures and with minor repairs.~~

~~(f) Dangerous conditions exist due to high carbon monoxide levels in combustion appliances, and cannot be resolved under existing health and safety measures.~~

~~(g) A person who lives in the dwelling is uncooperative, abusive, or threatening to the crew, subcontractors, auditors, inspectors, or others who must work on or visit the house.~~

~~(h) The extent and condition of lead-based paint in the house would potentially create further health and safety hazards.~~

~~(i) In the judgment of the department, any condition exists which may endanger the health and/or safety of the work crew or subcontractor.~~

AUTH: 53-2-201, 90-4-201, MCA

IMP: 53-2-201, 90-4-201, 90-4-202, MCA

37.71.602 DETERMINING LOW INCOME WEATHERIZATION

ASSISTANCE (1) remains the same.

(2) Dwellings chosen to be weatherized shall ~~shall~~ must receive those measures determined to be cost effective as defined in 10 CFR, part 440, as amended through ~~February 1, 2002~~ July 1, 2016. The department adopts and incorporates by reference 10 CFR, part 440, as amended through ~~February 1, 2002~~ July 1, 2016. A copy of these federal regulations may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, 111 N. Jackson St., P.O. Box 202925, Helena, MT 59620-2925.

(3) remains the same.

(4) STATE STANDARDS FOR WEATHERIZATION

Priority list for all homes

1. ~~Heating systems~~
  - a. ~~CO test~~
  - b. ~~tune-ups~~
  - c. ~~modifications~~
  - d. ~~replacements~~
  - e. ~~ducts (check for breaks and/or leakage)~~
  
2. ~~Water heaters~~
  - a. ~~CO test~~
  - b. ~~insulation blanket (unconditioned spaces)~~
  
3. ~~Air infiltration~~
  
4. ~~Insulation~~
  - a. ~~attic~~
  - b. ~~wall~~
  - c. ~~perimeter~~
  - d. ~~floor~~
  - e. ~~pipe and duct wrap~~
  - f. ~~mobile home belly~~
  
5. ~~Ventilation and moisture control~~
  
6. ~~Storm windows~~
  - a. ~~interior~~
  - b. ~~exterior~~
  
7. ~~Primary door replacement~~
  
8. ~~General repairs and miscellaneous measures necessary to protect energy conservation materials or meet safety standards.~~



The department adopts and incorporates by reference the department's Weatherization Assistance Program (WAP) Policy and Procedure manual and Montana Standard Work Specifications effective July 1, 2016. The WAP policy and procedure manual and Montana Standard Work Specifications are located at the department's web site at <http://dphhs.mt.gov/hcsd/energyassistance.aspx> or a copy may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, Intergovernmental Human Services Bureau, P.O. Box 202956, Helena, MT 59620.

AUTH: 53-2-201, 90-4-201, MCA  
IMP: 53-2-201, 90-4-201, 90-4-202, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing the amendment of ARM 37.71.401, 37.71.601, and 37.71.602 pertaining to the Low Income Weatherization Assistance Program (LIWAP). LIWAP is a program to help low income households save home heating costs and address health and safety issues. The department proposes to make the following changes to its administrative rules governing LIWAP.

##### All Above-Described Rules Generally

As a matter of general housekeeping, the department proposes to replace multiple outdated, inconsistent, or verbose terms, which is consistent with current department efforts to achieve clear and efficient rulemaking. For example, terms such as "recipient," "individual," and "person" have been inconsistently applied to refer to people who participate in LIWAP. The department now proposes to substitute the word "person" for "individual" and "recipient" and their plural variations throughout the rules for consistency. "Must" or "will" are proposed plain meaning substitutions for "shall," which is an increasingly problematic modifying word when describing duties or requirements imposed on people and objects.

These word choice substitutions do not affect the meaning of the rules or the manner in which the department operates LIWAP and are consistent with changes made to several other departmental program administrative rules.

##### ARM 37.71.401

The department proposes to add or clarify terms used in the rule. This is necessary to ensure defined terms used in the rule are interpreted as the department intends.

It is necessary to add a definition of "energy usage" to correspond with the proposed amendment of ARM 37.71.601, changing the way the priority list is generated from energy burden to energy usage. The definition of "energy burden" is being deleted because it will no longer be used when ARM 37.71.601 is amended, and the term is not used in any rule in chapter 71.

ARM 37.71.601

A U.S. Department of Energy (DOE) regulation at 10 CFR 440.18(2) provides that DOE funds cannot be used to install or provide weatherization materials for a dwelling that has been weatherized with DOE funds after September 30, 1994, which is known as the DOE reweatherization date. There is an exception to this rule if a dwelling has been damaged by fire, flood, or act of God and repair of the damage to weatherization materials isn't paid for by insurance. ARM 37.71.601(1)(a) currently provides that a dwelling is not eligible for DOE-funded weatherization services if the dwelling has been weatherized using either DOE or Low Income Energy Assistance Program (LIEAP) funds after September 30, 1993, with the exception of dwellings damaged by fire, flood, or act of God as provided in the DOE regulation. The DOE reweatherization date changed in 2009 from September 30, 1993 to September 30, 1994 so it is necessary to update the reweatherization date to reflect this change. LIEAP funds are not subject to the DOE prohibition on reweatherization of dwellings weatherized with DOE funds after the DOE reweatherization date, however. The department is already using LIEAP weatherization funds to reweatherize dwellings weatherized with DOE funds after the DOE reweatherization date in appropriate cases. The department proposes to amend this rule to reflect its current practice by removing the provision that LIEAP funds can't be used to weatherize dwellings that were weatherized with DOE funds after the DOE reweatherization date.

ARM 37.71.601(2) currently has a reweatherization date of January 1, 1995 for NorthWestern Energy (NWE) funding. Instead of specifying a date such as January 1, 1995, the department proposes to state that homes weatherized within ten years of the application date for the current heating season, are not eligible for the NorthWestern Energy (NWE) Free Weatherization Program. This will promote efficiency by avoiding the need to amend the rule periodically to insert a new reweatherization date. ARM 37.71.601(3) must be changed in order to clarify the reweatherization date for LIEAP weatherization funding. Homes weatherized within ten years of the application date for the current heating season are not eligible for LIEAP weatherization funds.

In ARM 37.71.601(4) the term "handicapped individuals" is being replaced by "persons with disabilities." As previously stated the word "person" is being substituted for "individual" throughout the rules for the sake of consistency. Additionally, the preferred way of describing a person who has a condition that causes a serious impairment is now "person with a disability" rather than "handicapped person" or "disabled person." The reason for this change in terminology is to emphasize that the individual is foremost a person like anyone else although the person has a disability rather than being a person who is solely defined by their disability.

ARM 37.71.601(5) and (6) currently require the priority list to be generated based on energy burden. Generating the priority list based on energy usage allows for greater

energy saving by identifying and assisting households with high energy costs. This proposed rule change is required to reflect the change in how the priority list is generated.

ARM 37.71.601(9) currently only addresses large multi-family units. Additional language is proposed to be added to include duplexes and four-unit buildings. The change in the rule is taken directly from the federal regulation. The federal regulation states: "A subgrantee may weatherize a building containing rental dwelling units using financial assistance for dwelling units eligible for weatherization assistance under paragraph (a) of this section, where: (2) Not less than 66% (50% for duplexes and four-unit buildings, and certain eligible types of large multi-family buildings) of the dwelling units in the building: (i) Are eligible dwelling units, or ..."

ARM 37.71.601(10) currently lists all the circumstances that justify the deferral of weatherization services. The department proposes to delete the list of deferral reasons in the ARM, and incorporate by reference the Weatherization Assistance Program (WAP) Policy and Procedure manual, effective July 1, 2016, that lists the deferral reasons. This amendment is necessary so the deferral reasons will have the force of law. The rule also adds information on how to obtain a copy of the WAP Manual.

#### ARM 37.71.602

The department is proposing to amend (2) to incorporate by reference the current edition of 10 CFR, Part 440, amended through July 1, 2016. The department is also proposing to amend this rule by adopting and incorporating by reference the Montana Weatherization Assistance Program (WAP) Policy and Procedure manual effective July 1, 2016 and the Montana Standard Work Specifications (SWS) effective July 1, 2016 located on the department's web site. The amendment also instructs interested persons as to how to obtain a copy of the WAP manual and the Montana SWS.

5. With the exception of the proposed changes to ARM 37.71.401 and ARM 37.71.601(5), (5)(a), and (6), the department intends to apply the amendments to these rules retroactively to July 1, 2016. A retroactive application of the proposed amendments will not have a negative impact on any affected party, except the amendments to ARM 37.71.401 and ARM 37.71.601(5), (5)(a), and (6). The amendments to those rules provide that priority for weatherization services will be based on a household's energy usage instead of its energy burden. This new method of determining priority will cause some households to have a lower priority and other households to have a higher priority than under the current rules. ARM 37.71.401 and ARM 37.71.601(5), (5)(a), and (6) will be effective the day after publication of the final adoption notice.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services,

Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., August 5, 2016.

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

8. 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.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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 rules will not significantly and directly impact small businesses.

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

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

/s/ Barbara Banchemo  
Barbara Banchemo, Attorney  
Rule Reviewer

/s/ Richard H. Opper  
Richard H. Opper, Director  
Public Health and Human Services

Certified to the Secretary of State June 27, 2016.

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 37.87.1803, 37.106.1955, and ) PROPOSED AMENDMENT  
37.106.1961 pertaining to the )  
removal of Montana Child and )  
Adolescent Needs and Strengths )  
(CANS) assessments for Mental )  
Health Centers (MHC) involving )  
Comprehensive School and )  
Community Treatment (CSCT) )

TO: All Concerned Persons

1. On July 28, 2016, at 9:00 a.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 rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on July 20, 2016, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, 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 rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.87.1803 COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT PROGRAM: REIMBURSEMENT (1) through (4) remain the same.

(5) For a youth to qualify for more than 20 units of CSCT, a full clinical assessment is required and the youth must meet the SED criteria in ARM ~~37.87.303~~ 37.87.903(8).

(6) through (8) remain the same.

(9) The school district must provide to the department:

~~(a)~~ a copy of the certification of match documentation as required by the department, annually;

~~(b)~~ a copy of the contract for services with the mental health center, annually;

~~(c)~~ updates of all information in the MMIS billing system using the form provided in the youth mental health services manual by July 15, 2013; and

~~(d) updates of all information in the MMIS billing system using the form provided in the youth mental health services manual when there is a change in contracted mental health center, location of team(s), contact information or a new team.~~

~~(10) remains the same.~~

~~(11) The school must submit to the department an annual report prepared jointly by the school and the mental health center regarding the effectiveness of the CSCT program as determined in ARM 37.106.1956(9).~~

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

IMP: 50-5-103, 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

37.106.1955 MENTAL HEALTH CENTER: COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT PROGRAM (CSCT) ENDORSEMENT REQUIREMENTS (1) and (2) remain the same.

~~(3) As of October 1, 2014, the child and adolescent needs and strengths (CANS MT) assessment must be initiated for each youth with serious emotional disturbance (SED) enrolled to receive services in the CSCT program within fourteen calendar days of receipt of a referral signed by the person referring the youth and by a parent or legal representative/guardian of the youth. The CANS MT must be:~~

~~(a) finalized prior to the completion of the individualized treatment plan for the youth;~~

~~(b) updated a minimum of every 90 days while the youth continues to receive CSCT services; and~~

~~(c) completed upon the discharge of the youth from the program.~~

~~(4) (3) The mental health center must have a written contract with the school district in accordance with ARM 37.87.1802.~~

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

IMP: 50-5-103, 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

37.106.1961 MENTAL HEALTH CENTER: COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT (CSCT) PROGRAM, RECORD REQUIREMENTS

(1) In addition to any clinical records required in ARM 37.85.414 or elsewhere in these rules, the licensed mental health center's CSCT program must maintain the following records for youth with serious emotional disturbance (SED):

(a) a written referral cosigned by the parent(s), or legal representative, or guardian, which documents the reason for the referral;

(b) a signed verification indicating the parent(s), or legal representative, or guardian has been informed that Medicaid requires coordination between CSCT, home support services, and outpatient therapy;

(c) through (g) remain the same.

~~(2) In addition to (1), beginning October 1, 2014, youth records must also include the child and adolescent needs and strengths (CANS MT) assessment results.~~

~~(3)~~ (2) In addition to any clinical records required in ARM 37.85.414 or elsewhere in these rules, records for youth referred to CSCT regardless of their diagnosis as described in ARM 37.87.1803(4) must include the following:

(a) a written referral, signed by the person referring the youth and by the ~~parent(s)/legal representative/guardian~~ parent(s), legal representative, or guardian, which documents the reason for the referral;

(b) and (c) remain the same.

(4) remains the same, but is renumbered (3).

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

IMP: 50-5-103, 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes amendments to ARM 37.87.1803, 37.106.1955, and 37.106.1961 pertaining to Comprehensive School and Community Treatment (CSCT). CSCT is administered by the department and is provided by a public school district directly or through a subcontract with a mental health center (MHC). The proposed rule changes include the removal of the requirements for the Montana Child and Adolescent Needs and Strengths (CANS) assessment and the removal of the requirement for the MHC and the school to file an annual joint report.

The proposed rule amendments pertaining to CANS are necessary because an integral component of managing the CANS assessment, the Montana CANS System (MCS), was decommissioned by the department due to unresolved complications in its implementation. The MCS was to serve as the communicative tool in which providers could enter, share, store, and report on the CANS assessments. Without a fully functioning MCS, the CANS assessment cannot be used in the manner it is intended.

The proposed rule amendments to remove annual joint reports for the school and MHC are necessary because the department has determined the reporting requirement is somewhat arbitrary and, despite the department's intention of receiving comprehensive data reporting by the school and MHC, the value of the inconsistently supplied data from the joint reports is nominal.

#### ARM 37.87.1803

The department also proposes to remove (9)(b) through (d) because they reference a manual and a document that are no longer in use.

The department proposes to remove (11), which requires the MHC and the public school to file an annual report to the department as provided in ARM 37.106.1956(9). ARM 37.106.1956(9) required the MHC and the appropriate school district representative meet every 90 days to assess the effectiveness of the program regarding youth progress on the individual treatment plan, attendance,



CSCT referrals, contacts with law enforcement, referrals to higher levels of care, and discharges from the CSCT program.

The department proposes to update the reference to ARM 37.87.303, which was repealed, and provide the correct reference to ARM 37.87.903(8) which adopts and incorporates the Children's Mental Health Bureau, Medicaid Services Provider Manual (manual). The criteria for Serious Emotional Disturbance was removed from ARM 37.87.303 and is now located in the manual.

ARM 37.106.1955

The department proposes to remove current (3), which requires the MHC to administer the CANS assessment for youth with a serious emotional disturbance who are enrolled in the CSCT program, and renumber (4) as a new (3).

ARM 37.106.1961

The department proposes to remove (2), which requires the MHC to keep a record of the results of the Montana CANS assessment in the records of the youth served in the CSCT program, and renumber current (3) and (4) as new (2) and (3). As the requirement to administer the CANS assessment is being removed in ARM 37.106.1955(3), this requirement is no longer necessary.

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: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., August 5, 2016.

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. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed

text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

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

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

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

/s/ Richard H. Opper  
Richard H. Opper, Director  
Public Health and Human Services

Certified to the Secretary of State June 27, 2016.

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

In the matter of the adoption of NEW )  
RULE I and the amendment of ARM )  
37.5.301 pertaining to formal and )  
informal hearing and appeal )  
procedures concerning the Children's )  
Mental Health Bureau )

NOTICE OF PUBLIC HEARING ON  
PROPOSED ADOPTION AND  
AMENDMENT

TO: All Concerned Persons

1. On July 28, 2016, at 11:00 a.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 adoption and amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on July 20, 2016, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, 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 adopted provides as follows:

NEW RULE I CHILDREN'S MENTAL HEALTH BUREAU (CMHB) MEDICAID SERVICES: APPLICABLE HEARING PROCEDURES (1) Except as otherwise provided in department rule, hearings contesting adverse department actions relating to CMHB Medicaid services are available to the extent provided and according to the procedures specified in ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337, and as further provided in the CMHB Medicaid Services Provider Manual, adopted and incorporated by reference in ARM 37.87.903.

AUTH: 50-1-202, 53-2-201, 53-6-113, MCA  
IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, 53-6-116, 53-21-701, 53-21-702, 53-21-703, MCA

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

37.5.301 APPLICABILITY (1) This rule and ARM 37.5.304, 37.5.307, 37.5.310, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337 apply only to hearings in the program areas specified in ARM 37.5.101, 37.5.103, 37.5.105, 37.5.107, 37.5.109, 37.5.113, 37.5.115, 37.5.117, 37.5.119, 37.5.121, 37.5.123, 37.5.125, 37.5.127, 37.5.129, 37.5.131, and 37.5.301, and [NEW RULE I], and shall must not be construed to grant a right to hearing in any other matter.

(2) The provisions of this rule, ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337 are subject to the provisions of ARM 37.5.101, 37.5.103, 37.5.105, 37.5.107, 37.5.109, 37.5.113, 37.5.115, 37.5.117, 37.5.119, 37.5.121, 37.5.123, 37.5.125, 37.5.127, 37.5.129, and 37.5.131.

(3) Where a right to a hearing is granted in ARM 37.5.103, 37.5.105, 37.5.107, 37.5.109, 37.5.113, 37.5.115, 37.5.117, 37.5.119, 37.5.121, 37.5.123, 37.5.125, 37.5.127, and 37.5.129, and [NEW RULE I], or any other rule of the department, the right to hearing is not absolute but is subject to all applicable provisions of these rules and other applicable law.

AUTH: 50-1-202, 53-2-201, 53-6-113, MCA

IMP: 41-3-1103, 41-3-1142, 42-10-104, 50-1-202, 50-4-612, 50-5-103, 50-6-103, 50-6-402, 50-15-102, 50-15-103, 50-15-121, 50-15-122, 50-31-104, 50-52-102, 50-53-103, 52-1-103, 52-2-111, 52-3-406, 53-2-201, 53-2-904, 53-4-202, 53-4-212, 53-4-606, 53-4-1004, 53-6-111, 53-6-113, 53-6-131, 53-6-402, 53-20-305, 53-24-208, 69-8-412, MCA

## 5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes to adopt NEW RULE I and amend ARM 37.5.301 to establish fair hearing procedures for claimants and providers who wish to contest adverse department actions by the Children's Mental Health Bureau (CMHB).

The department received feedback from providers and authorized representatives that the process for requesting a fair hearing to contest CMHB adverse actions was not clear. As a result, CMHB conducted a review of its administrative rules pertaining to fair-hearing procedures for CMHB Medicaid services and determined that there were no rules within ARM Title 37, chapter 5 which apply specifically to CMHB Medicaid services. The department determines it necessary to initiate this rulemaking to establish fair-hearing procedures for both medical assistance providers and authorized representatives.

### NEW RULE I

The proposed text in New Rule I identifies and includes CHMB's non-Medicaid services with the other named programs to which ARM Title 37, chapter 5, subchapter 1 applies, and generally recognizes that other department rules may

have relevance in CMHB Medicaid services contested case proceedings between a person or entity aggrieved by a department action.

ARM 37.5.301

The department proposes to amend ARM 37.5.301 to include the citation of proposed NEW RULE I regarding CMHB Medicaid services, which is necessary to officially apply the formal and informal hearing and appeals procedures to these specific CMHB services.

Fiscal Impact

There is no fiscal impact from the proposed adoption of NEW RULE I and the proposed amendment to ARM 37.5.301.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., August 5, 2016.

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

8. 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.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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 adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses.

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

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

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

/s/ Richard H. Opper  
Richard H. Opper, Director  
Public Health and Human Services

Certified to the Secretary of State June 27, 2016.

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF AMENDMENT  
2.5.201, 2.5.303, 2.5.401, 2.5.502, and )  
2.5.603 pertaining to definitions and )  
changes within the State Procurement )  
Bureau and Central Stores Program )

TO: All Concerned Persons

1. On April 22, 2016, the Department of Administration published MAR Notice No. 2-5-544 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 612 of the 2016 Montana Administrative Register, Issue Number 8.

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

3. The department has thoroughly considered the comment received. A summary of the comment and the department's response follow:

COMMENT # 1: A commenter expressed concern with including both janitorial and sanitation products in the definition of "office supply" in ARM 2.5.201, but later agreed that including both product types was reasonable.

RESPONSE # 1: The department appreciates the comment and insight that was provided and agrees the proposed definition best meets the needs of the state.

By: /s/ Sheila Hogan  
Sheila Hogan, Director  
Department of Administration

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

Certified to the Secretary of State June 27, 2016.

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 2.43.3501 pertaining to the )  
adoption by reference of the State of )  
Montana Public Employee Defined )  
Contribution Plan Document )

TO: All Concerned Persons

1. On May 6, 2016, the Public Employees' Retirement Board published MAR Notice No. 2-43-537 pertaining to the proposed amendment of the above-stated rule at page 784 of the 2016 Montana Administrative Register, Issue Number 9.

2. The Public Employees' Retirement Board has amended the above-stated rule as proposed.

3. No comments or testimony were received.

/s/ Melanie A. Symons  
Melanie A. Symons  
Chief Legal Counsel  
Rule Reviewer

/s/ Sheena Wilson  
Sheena Wilson  
President  
Public Employees' Retirement Board

Certified to the Secretary of State June 27, 2016.



BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 2.43.3502 pertaining to the )  
investment policy statement for the )  
Defined Contribution Retirement Plan )  
and ARM 2.43.5102 pertaining to the )  
investment policy statement for the )  
457 Deferred Compensation Plan )

TO: All Concerned Persons

1. On May 6, 2016, the Public Employees' Retirement Board published MAR Notice No. 2-43-538 pertaining to the proposed amendment of the above-stated rule at page 787 of the 2016 Montana Administrative Register, Issue No. 9.
2. The Public Employees' Retirement Board has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ Melanie A. Symons  
Melanie A. Symons  
Chief Legal Counsel  
Rule Reviewer

/s/ Sheena Wilson  
Sheena Wilson  
President  
Public Employees' Retirement Board

Certified to the Secretary of State June 27, 2016.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULE I pertaining to pesticide )  
certification and training fees )

TO: All Concerned Persons

1. On April 8, 2016, the Department of Agriculture published MAR Notice No. 4-16-231 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 551 of the 2016 Montana Administrative Register, Issue Number 7.

2. The department has adopted New Rule I (4.10.210) as proposed.

3. No comments or testimony were received.

/s/ Cort Jensen \_\_\_\_\_  
Cort Jensen  
Rule Reviewer

/s/ Ron de Yong \_\_\_\_\_  
Ron de Yong  
Director  
Department of Agriculture

Certified to the Secretary of State June 27, 2016.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )  
17.8.610, 17.8.612, 17.8.613, 17.8.614, )  
17.8.615, 17.8.749, and 17.8.1210 )  
pertaining to major open burning source )  
restrictions, conditional air quality open )  
burning permits, Christmas tree waste )  
open burning permits, commercial film )  
production open burning permits, )  
firefighter training, conditions for )  
issuance or denial of permit, and general )  
requirements for air quality operating )  
permit content )

NOTICE OF AMENDMENT  
  
(AIR QUALITY)

TO: All Concerned Persons

1. On April 8, 2016, the Board of Environmental Review published MAR Notice No. 17-382 regarding a notice of proposed amendment of the above-stated rules at page 563, 2016 Montana Administrative Register, Issue Number 7.
2. The board has amended the rules exactly as proposed.
3. No public comments or testimony were received.

Reviewed by: BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

By: /s/ Joan Miles  
JOAN MILES  
Chairman

Certified to the Secretary of State, June 27, 2016.

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

In the matter of the adoption of NEW ) CORRECTED NOTICE OF  
RULES I through III, related to ) ADOPTION  
workforce development activities for )  
Montana HELP Act participants )

TO: All Concerned Persons

1. On January 22, 2016, the Department of Labor and Industry published MAR Notice No. 24-13-313 regarding a public hearing on the proposed adoption of the above-stated rules on page 105 of the 2016 Montana Administrative Register, Issue No. 2. On April 22, 2016, the department published the notice of adoption at page 728 of the 2016 Montana Administrative Register, Issue Number 8.

2. While preparing replacement pages for the second quarter of 2016, the department noticed that there was a typographic error in part of the AUTH citation in each of the three new rules. In each instance, the Title 53 MCA citation referenced the wrong chapter (chapter 5 instead of chapter 6). The rules, as amended in corrected form, read as follows, deleted matter interlined, new matter underlined:

NEW RULE I (24.13.101) DEFINITIONS (1) through (8) remain as adopted.

AUTH: 39-12-107, ~~53-5-1318~~ 53-6-1318, MCA

IMP: 39-12-101, 39-12-103, MCA

NEW RULE II (24.13.105) WORKFORCE DEVELOPMENT ACTIVITIES FOR HELP ACT PARTICIPANTS (1) through (6) remain as adopted.

AUTH: 39-12-107, ~~53-5-1318~~ 53-6-1318, MCA

IMP: 39-12-101, 39-12-103, MCA

NEW RULE III (24.13.109) REPORTABLE SERVICES (1) through (4) remain as adopted.

AUTH: 39-12-107, ~~53-5-1318~~ 53-6-1318, MCA

IMP: 39-12-101, 39-12-103, MCA

3. The replacement pages for this corrected notice were submitted to the Secretary of State on June 30, 2016.

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 27, 2016.

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 37.107.117 pertaining to the )  
reduction of application and renewal )  
fees associated with the Montana )  
Marijuana Act cardholder registry )

TO: All Concerned Persons

1. On February 19, 2016, the Department of Public Health and Human Services published MAR Notice No. 37-738 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 298 of the 2016 Montana Administrative Register, Issue Number 4.
2. The department has amended the above-stated rule as proposed.
3. No comments or testimony were received.

/s/ Susan Callaghan  
Susan Callaghan, Attorney  
Rule Reviewer

/s/ Marie Matthews for  
Richard H. Opper, Director  
Public Health and Human Services

Certified to the Secretary of State June 27, 2016.

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 37.40.801, 37.40.805, )  
37.40.806, 37.40.807, 37.40.808, )  
37.40.815, 37.40.816, 37.40.825, and )  
37.40.830 pertaining to hospice )  
reimbursement and updates )

TO: All Concerned Persons

1. On May 6, 2016, the Department of Public Health and Human Services published MAR Notice No. 37-747 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 807 of the 2016 Montana Administrative Register, Issue Number 9.

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

3. No comments or testimony were received.

4. The department proposes to apply increases in the hospice reimbursement rates retroactively to January 1, 2016. The implementation date of the rate increase is consistent with the federal approval of the hospice reimbursement rate fee increase and the effective dates of the promulgated federal regulations. Decreases in hospice rates will not be applied retroactively, but will be effective upon adoption of the proposed rule amendment.

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

/s/ Richard H. Opper  
Richard H. Opper, Director  
Public Health and Human Services

Certified to the Secretary of State June 27, 2016.

## **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 a soft back, bound 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.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute       | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.                     |

## ACCUMULATIVE TABLE

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, 2015. This table includes those rules adopted during the period January 1, 2016, through March 31, 2016, 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, 2015, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2015/2016 Montana Administrative Register.

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

### ADMINISTRATION, Department of, Title 2

I-VII	Credit Union Supervisory Committee - Credit Union Investment Rules - Board of Director Training, p. 1556, 2247
2.5.201	and other rules - Definitions - Changes Within the State Procurement Bureau and Central Stores Program, p. 612
2.5.701	and other rules - State Surplus Property Program, p. 355, 719
2.21.4002	and other rules - Equal Employment Opportunity - Nondiscrimination - Harassment Prevention, p. 617
2.55.502	Individual Loss Sensitive Dividend Distribution Plan, p. 548
2.59.104	Semiannual Assessment for Banks, p. 479, 878
2.59.303	and other rules - Closing a Consumer Loan Business - Reimbursement of Department Costs in Bringing an Administrative Action - Credit Insurance - Examination Fees - Licensure Surrender - Annual Reports, p. 1547, 2246
2.59.416	and other rules - Credit Union Investments, p. 359, 720
2.59.1710	and other rules - Records to Be Maintained by Mortgage Brokers - Records to Be Maintained by Mortgage Lenders - Reporting Forms for Mortgage Servicers, p. 1563, 2249
2.59.1735	Determining the Amount of Surety Bond for a New Mortgage Broker or Mortgage Lender, p. 630, 1052

(Public Employees' Retirement Board)

- I Redirection of Certain PERS Employer Contributions From the Defined Benefit Trust Fund for the Purposes of Paying Off the Plan Choice Rate Unfunded Actuarial Liability to Defined Contribution Member Accounts, p. 2179, 310
- I-XI Deferred Retirement Option Plan (DROP) for Members of the Highway Patrol Officers' Retirement System, p. 1778, 2244
- 2.43.3501 Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document, p. 784
- 2.43.3502 and other rule - Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457 Deferred Compensation Plan, p. 787

(Board of Examiners)

- 2.53.201 Model Procedural Rules, p. 627, 1006

AGRICULTURE, Department of, Title 4

- I Pesticide Certification and Training Fees, p. 551
- 4.3.407 and other rules - Student Loans - Public Participation - Mint Committee, p. 1571, 2136
- 4.9.301 and other rule - Wheat and Barley Committee Grants, p. 1568, 2135
- 4.16.201 and other rule - Growth Through Agriculture (GTA), p. 790

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

- 6.6.3702 and other rules - Reporting by Holding Company Systems, p. 246, 824
- 6.6.4907 Patient-Centered Medical Homes, p. 1796, 2250
- 6.10.703 Securities Restitution Fund, p. 256, 721

COMMERCE, Department of, Title 8

- I Administration of the 2018 Biennium Federal Community Development Block Grant (CDBG) Program – Planning Grants, p. 554, 879
- I Administration of the 2016 and 2017 Program Year Federal Community Development Block Grant (CDBG) Program – Public Facilities Projects, p. 633, 1007
- I Administration of the 2016 and 2017 Program Year Federal Community Development Block Grant (CDBG) Program – Competitive Housing and Neighborhood Renewal Projects, p. 635
- I Administration of the 2016 and 2017 Program Year Community Development Block Grant (CDBG) Program – Affordable Housing Development Projects, p. 932
- 8.2.503 Administration of the Quality Schools Grant Program, p. 2060, 17

- 8.94.3814 and other rule - Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 178, 511
- 8.94.3816 Administration of the 2017 Biennium Treasure State Endowment Program—Emergency Grants, p. 969, 1484
- 8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 795, 1053

(Board of Horse Racing)

- 8.22.2301 and other rules, Board of Horse Racing, p. 2252

(Coal Board)

- 8.101.203 and other rule - Applications for Montana Coal Board Grant Assistance, p. 935

EDUCATION, Department of, Title 10

(Office of Public Instruction)

- I-II Distribution of Oil and Gas Production Taxes, p. 558, 881
- 10.10.301 and other rules - School Finance, p. 363, 556, 880
- 10.16.3122 and other rules - Special Education, p. 1578, 2257

(Board of Public Education)

- 10.53.101 and other rules - K-12 Arts Content Standards, p. 938
- 10.54.7010 and other rules - K-12 Health and Physical Education Content Standards, p. 961
- 10.56.101 Student Assessment, p. 991
- 10.57.412 and other rules - Educator Licensure, p. 1402, 2091

(State Library)

- 10.102.1152 Deferrals, p. 1800, 2270

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.7.201 and other rules - Commercial Bait Seining, p. 259, 585
- 12.9.804 and other rules - Game Damage Hunts, p. 875, 2138, 138
- 12.11.341 and other rule - Aquatic Invasive Species, p. 263, 882

(Fish and Wildlife Commission)

- 12.2.601 State Land Access Tax Credit, p. 1803, 202
- 12.6.106 Removal of Shelter, p. 1806, 203
- 12.11.206 and other rule - Temporary Client Days on the Beaverhead and Big Hole Rivers, p. 267, 1054

(State Parks and Recreation Board)

- I-XXIV State Parks Public Use, p. 482, 825

GOVERNOR, Office of, Title 14

I-II Implementation of the Sage Grouse Stewardship Act, p. 2125, 458

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.36.101 and other rules - Subdivisions/On-Site Subsurface Wastewater Treatment - Application--Contents - Review Procedures--Applicable Rules - Re-review of Previously Approved Facilities: Procedures - Setbacks - Sewage Systems: Agreements and Easements - Existing Systems - Water Supply Systems: Operation and Maintenance, Ownership, Easements, and Agreements - Fee Schedules - Disposition of Fees, p. 2192, 722
- 17.40.201 and other rules - Definitions - Classification Systems - Examinations - Experience and Education - Continuing Education Requirements - Approved Training Providers, p. 1593, 2144
- 17.50.523 Transportation, p. 4, 725
- 17.74.101 and other rules - Occupational Noise - Occupational Air Contaminants, p. 2062, 18

(Board of Environmental Review)

- 17.4.201 and other rules - Procedural Rules - Water Quality - Public Water Supply and Sewage System Requirements - Water Pollution Rules - Radiological Criteria - State and EPA Coordination - Pretreatment - Definitions - Enforcement Actions for Administrative Penalties - Purpose - Enforcement Procedures - Suspended Penalties, p. 2182, 517
- 17.8.334 and other rules - Emission Standards for Existing Aluminum Plants--Startup and Shutdown - Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants - Mercury Allowance Allocations Under Cap and Trade Budget, p. 1809, 512
- 17.8.610 and other rules - Major Open Burning Source Restrictions - Conditional Air Quality Open Burning Permits - Christmas Tree Waste Open Burning Permits - Commercial Film Production Open Burning Permits - Firefighter Training - Conditions for Issuance or Denial of Permit - General Requirements for Air Quality Operating Permit Content, p. 563
- 17.8.818 Averaging Period for the PM-2.5 Significant Monitoring Concentration, p. 801
- 17.24.201 and other rules - Rules and Regulations Governing the Opencut Mining Act, p. 1951, 513
- 17.30.1001 and other rules - Water Quality - Subdivisions/On-Site Subsurface Wastewater Treatment - Public Water and Sewage System Requirements - Solid Waste Management - Definitions - Adoption by Reference - Wastewater Treatment Systems: Technical Requirements - Plans for Public Water Supply or Public Sewage System - Plans for Public Water Supply or Wastewater System -

Incorporation by Reference and Availability of Referenced Documents,  
p. 2188, 1008

TRANSPORTATION, Department of, Title 18

- 18.6.202 Outdoor Advertising Control, p. 381
- 18.8.431 and other rules - Motor Carrier Services, p. 2205, 312
- 18.8.512 Motor Carrier Services, p. 638, 1009

CORRECTIONS, Department of, Title 20

- I Authorization for Probation and Parole Officers to Carry Firearms -  
Firearms Training Requirements - Department Procedures Pertaining  
to Firearms, p. 2211, 462
- I-IV Implementing the Medicaid Rate as the Reimbursement Rate the  
State of Montana Will Pay Health Care Providers for Services  
Provided to Individuals in the Care or Custody of the Department of  
Corrections or the Department of Public Health and Human Services,  
p. 2215, 313

(Board of Pardons and Parole)

- 20.25.101 and other rules - Parole and Executive Clemency, p. 2064, 139

JUSTICE, Department of, Title 23

- 23.16.119 and other rules - Temporary Gambling Authority - Participation in  
Gambling Operations - Sports Pool Design and Operation - Software  
Specifications for Video Poker Machines, p. 569, 886

LABOR AND INDUSTRY, Department of, Title 24

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

- I-III Workforce Development Activities for Montana HELP Act Participants,  
p. 105, 728
- I-IX Reopening of Medical Benefits Automatically Closed in Certain  
Workers' Compensation Claims, p. 2073, 204, 586
- 24.17.103 and other rules - Prevailing Wage Rates for Public Works Projects, p.  
1813, 2271, 140
- 24.29.1433 and other rules - Workers' Compensation Medical Service Fee  
Schedules, p. 641, 1055
- 24.301.146 and other rules - Modifications to the International Building Code  
Applicable to Department and Local Government Code Enforcement -  
Incorporation by Reference of International Swimming Pool and Spa  
Code - Adoption by Reference of ARM 37.111.1115 Review of Plans,  
p. 1619, 19

24.301.301 and other rules - Incorporation by Reference of Uniform Plumbing Code - Fees - Incorporation by Reference of International Wildland-Urban Interface Code (IWUIC), p. 2084, 316

24.301.501 and other rules - Applicability of Statutes and Rules - Definitions - Commercial or Business Occupancy - Third Party Inspections - Reciprocity - Requirements for Data Plate - Application for Review - Plan Review Termination - Quality Control - Changes to Reviewed Plans - Unit Identification - Plan Renewal - Insignias - Fees - Inspections - Certificates - Effective Date - Information Required to Dealer - Application for Approval - Model Manufactured Location - Out-of-State Applicant - Evidence of Review - Discontinuance of Review, p. 276, 887

(Board of Barbers and Cosmetologists)

24.121.301 and other rules - Definitions - Nonroutine Applications - Premises and General Requirements - Licensing - Military Training or Experience - School Operations - Salons/Booth Rental - Disinfecting Agents - Salon Preparation Storage and Handling - Blood Spills, p. 1340, 2034

(Board of Behavioral Health)

I-III Licensees Authorized to Perform Psychological Assessments - Educational Requirements for Performing Psychological Assessments Without Supervision - Licensees Qualified to Supervise Psychological Assessments, p. 1614, 2276

24.154.301 and other rules - Definitions - Fee Schedule - Military Training or Experience - Education Requirement - Application Procedures - Licensure by Endorsement - Supervised Work Experience - Nonresident Licensed Addiction Counselor Services - Inactive Status and Conversion From Inactive to Active Status - Continuing Education Requirements - Continuing Education Procedures and Documentation - Unprofessional Conduct - Supervisor Qualifications - Qualified Treatment Setting - Addiction Counselor Licensure Candidate Application Procedures - Addiction Counselor Licensure Candidate Requirements - Addiction Counselor Licensure Candidate Annual Registration Requirements - Gambling Disorder Education Requirement for Current Licensed Addiction Counselor Licensees - Procedural Rules - Public Participation Rules - Renewals - Complaint Procedure, p. 646

24.219.101 and other rules - Board Organization - Definitions - Fee Schedules - Supervisor Qualifications - LCSW Licensure - LCPC Licensure - LMFT Licensure - Code of Ethics - Screening Panel - Public Participation - LCPC Education Requirements - LMFT Education Requirements - Social Worker Licensure Candidates - Professional Counselor Licensure Candidates - Marriage and Family Therapist Licensure Candidates - Renewals - Complaint Procedure, p. 1991, 221

(Board of Chiropractors)

24.126.411 and other rules - Patient Records Retention - Continuing Education Requirements - Approved Continuing Education - Unprofessional Conduct - Sexual Relations With a Patient and Sexual Misconduct - Board Meetings - Record of Minutes and Hearings - Renewals, p. 270, 733

(Board of Clinical Laboratory Science Practitioners)

24.129.603 and other rules - Licensing, p. 1602, 518

(Board of Funeral Service)

24.147.402 and other rules - Mortician License - Mortuary Transfers, Inspections, and Temporary Permits - Out-of-State Mortician Licensure - Sale of At-Need, Preneed, and Prepaid Funeral Arrangements, p. 1605, 314

(Board of Massage Therapy)

24.155.601 Licensure by Grandfather Clause, p. 1611, 315

(Board of Nursing)

24.159.301 and other rules - Definitions - Purpose - Criteria for Delegation of Nursing Tasks - General Nursing Functions - Parliamentary Authority - Preparation of Licenses - Duplicate or Lost Licenses - Nursing Delegation, p. 497, 1010

(Board of Outfitters)

24.171.401 and other rules - Fees - Outfitter Records - Watercraft Identification - Outfitter Qualifications - Fishing Outfitter Operations Plans - Outfitter Examination - Operations Plans and Amendments - Renewals - Unprofessional Conduct and Misconduct - Transfer of River-Use Days, p. 855

(Board of Physical Therapy Examiners)

24.177.2105 and other rule - Continuing Education - Dry Needling, p. 576

(Board of Public Accountants)

24.201.301 and other rules - Definitions - Fee Schedule - Use of CPA/LPA Designation - Licensing and Examinations - Professional Conduct Rules - Mandatory Peer Review - Renewal and Continuing Education - Complaint Procedures - Firms—Registration - Approved Peer Review Programs and Standards - Fee Abatement - Out-of-State Applicants Continuing Education Requirement, p. 110, 1016

(Board of Radiologic Technologists)

24.204.401 and other rules - Fees - Military Training - Course Requirements for Limited Permit Applicants - Code of Ethics - Renewals, p. 1818, 2274



(Board of Real Estate Appraisers)

- 24.207.101 and other rules - Board Organization - Fees - Definitions - Examination - Application Requirements - Qualifying Experience - Mentor Requirements - Registration and Renewal - Record-Keeping Requirements - Unprofessional Conduct - Renewals, p. 1405, 217
- 24.207.2101 Continuing Education, p. 995

LIVESTOCK, Department of, Title 32

- 32.2.401 and other rules - Feral Swine Mandatory Reporting - Fees - Additional Requirements for Cattle - Semen Shipped Into Montana, p. 2221, 223
- 32.2.406 Licensee Assessments, p. 2017, 6
- 32.2.406 Licensee Assessments to Administer the Milk Inspection and Milk Diagnostic Lab Functions of the Department, p. 998
- 32.3.221 and other rules - Special Requirements for Alternative Livestock as Defined in 87-4-406, MCA - Intrastate Movement of Cattle: Identification - Elk-Red Deer Hybridization Tests - Importation of Alternative Livestock, p. 505, 889
- 32.3.1203 and other rule - Isolation of Rabid or Suspected Rabid Animals - Animal Contacts, p. 863
- 32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 135, 463

(Board of Milk Control)

- I-II Penalties, p. 293, 588
- 32.23.301 Licensee Assessments, p. 2227, 317
- 32.24.506 and other rule - Producer Committee - Pooling Plan Definitions, p. 2230, 319

(Board of Horse Racing)

- 32.28.101 and other rules - Board of Horse Racing, p. 2252

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I East Valley Controlled Groundwater Area, p. 2020, 224
- I Rye Creek Stream Depletion Zone, p. 2235, 297, 890

(Board of Land Commissioners)

- 36.11.432 and other rule - Grizzly Bear Conservation Measures on the Stillwater and Coal Creek State Forest, p. 8, 589
- 36.25.1001 and other rules - Cabin Site Leasing, p. 181, 1020

(Board of Oil and Gas Conservation)

- I Certification of Carbon Sequestration Equipment, p. 1355, 2035
- 36.22.1242 Oil and Gas Privilege and License Tax, p. 866

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-IV Implementing the Medicaid Rate as the Reimbursement Rate the State of Montana Will Pay Health Care Providers for Services Provided to Individuals in the Care or Custody of the Department of Corrections or the Department of Public Health and Human Services, p. 1854, 2313
- I-IX Creating the Montana Achieving a Better Life Experience (ABLE) Program, p. 869
- I-X Implementation of the Montana Health and Economic Livelihood Partnership (HELP) Program, p. 1837, 2294
- 37.8.116 Increasing Certain Fees for Certified Copies of Vital Records, p. 434
- 37.36.604 Updating the Annual Poverty Guidelines for the Montana Telecommunications Access Program, p. 888, 2146
- 37.36.604 Updating Poverty Guidelines to 2016 Levels, p. 1048
- 37.40.301 and other rules - Nursing Facility Reimbursement - Updating Outdated Terms, p. 697, 1071
- 37.40.422 Updating Direct Care Wage Effective Dates and Reimbursement Updates Effective January 1, 2016, p. 2128, 320
- 37.40.801 and other rules - Hospice Reimbursement and Updates, p. 807
- 37.40.830 Updating Hospice Reimbursement Fee Schedules to Reflect New Federal Rates, p. 2024, 20
- 37.57.101 and other rules - Children's Special Health Services Financial Assistance Program, p. 664
- 37.57.102 and other rule - Updating Federal Poverty Guidelines to 2015 Levels and to Align Children's Special Health Services (CSHS) With the Healthy Montana Kids (HMK) Financial Assistance Eligibility Criteria, p. 1130, 2148
- 37.70.107 and other rules - Low Income Assistance Program (LIEAP) Amendments for the 2014-2015 and 2015-2016 Heating Season, p. 1624, 2145
- 37.79.304 and other rule - Healthy Montana Kids (HMK)/CHIP Dental Benefits and Evidence of Coverage, p. 1832, 2292
- 37.80.101 and other rules - Child Care Assistance - Implementation of Required Policy Changes Under the Child Care and Development Block Grant of 2014, p. 1652, 590
- 37.81.304 Updating the Big Sky Rx Maximum Premiums to Match the Federal Monthly Benefit Benchmark, p. 2028, 21
- 37.85.104 and other rule - Revision of Fee Schedules for Medicaid Provider Rates Effective July 1, 2016, p. 669, 804, 1058
- 37.85.105 and other rule - Effective Dates of Montana Medicaid Provider Fee Schedules, p. 1826, 2238, 151
- 37.85.105 and other rule - Montana Medicaid Pharmacy Reimbursement, p. 1043
- 37.85.204 and other rules - Medicaid Program Treatment Limits - Cost-Share Requirements - Medicaid Coverage, p. 409, 829
- 37.85.406 and other rules - Hospitals - Inpatient Hospitals - Rural Health Clinics - Federally Qualified Health Centers, p. 705, 840

- 37.86.101 Updating the Physician-Related Services Provider Manual, p. 1667, 2092
- 37.86.105 and other rules - Changes to Montana Medicaid Pharmacy Reimbursement, p. 684, 1065
- 37.86.1006 Establishment of an Annual Payment Limit for Dental Services Provided Through Medicaid, p. 1859, 2315
- 37.86.2803 and other rules - Addition of Lactation Services to Medicaid Outpatient Hospital Services, p. 1661, 1823, 2289
- 37.86.3503 and other rules - Compliance to ICD-10-CM, p. 1415, 2283
- 37.87.903 Children's Mental Health Bureau Medicaid Services Policy Manual Revisions, p. 817
- 37.87.1201 and other rules - Provider Participation - Program Requirements - Reimbursement Procedures for Psychiatric Residential Treatment Facility (PRTF) Services, p. 985, 1239, 2147
- 37.104.3006 and other rules - Trauma Care Councils and Registry, p. 1001
- 37.106.704 Ten Additional Inpatient Beds Granted by a Waiver Under the Patients and Providers Act of 2008 for Critical Access Hospitals, p. 430, 839
- 37.106.1901 and other rules - Adding a Forensic Mental Health Facility Endorsement to a Licensed Mental Health Center, p. 1424, 144
- 37.107.117 Reduction of Application and Renewal Fees Associated With the Montana Marijuana Act Cardholder Registry, p. 298

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.2.4801 and other rules - Procedural Rules, p. 580, 877
- 38.5.1902 Cogeneration and Small Power Production, p. 1442, 2318
- 38.5.2202 and other rule - Pipeline Safety, p. 2132, 321

REVENUE, Department of, Title 42

- I-III Tax Credits for Contributions to Qualified Education Providers - Student Scholarship Organizations, p. 1682, 2331, 2348
- 42.2.303 and other rule - Meetings With Department Leadership, Information Access, and the Department's Acceptance of Power of Attorney Requests, p. 439, 841
- 42.2.613 and other rules - Uniform Dispute Review Process - Department's Office of Dispute Resolution, p. 442, 510, 1072
- 42.4.2902 and other rules - Tax Credits for Historic Property Preservation, p. 1862, 2362
- 42.9.101 and other rules - Pass-Through Entities, p. 1694, 2152
- 42.11.104 and other rules - Liquor Prices - Vendor Product Representatives and Permits - Samples - Advertising - Unlawful Acts - Inventory Policy (Powdered/Crystalline Liquor Products) - Product Availability - Product Listing - Bailment - State Liquor Warehouse Management, p. 1254, 1671, 2093
- 42.11.301 and other rules - Agency Liquor Stores, p. 1735, 2162

- 42.13.301 and other rules - Distillery Deliveries - Alternating Proprietor on a Manufacturer's Premises - Contract Manufacturing - Storage of Alcoholic Beverages, p. 1727, 2157
- 42.15.108 and other rules - Fiduciaries, Estates, and Trusts, p. 897, 22
- 42.15.214 Resident Military Salary Exclusion, p. 1679, 2325
- 42.18.124 and other rules - Property Valuation Periods - Property Appraiser Certification Requirements, p. 1448, 2040
- 42.19.401 and other rules - Property Tax Assistance Programs, p. 1453, 2041
- 42.20.102 and other rules - Property Classification, Appraisal, Valuation, and Exemptions, p. 1709, 2350
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1866, 2364
- 42.21.158 and other rules - Personal Property Reporting Requirements - Personal Property Taxation Dates - Livestock Reporting - Livestock Per Capita Fee Payments, p. 1673, 2322
- 42.22.101 and other rules - Centrally Assessed Property, p. 1686, 2149
- 42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 456, 736
- 42.25.1801 Crude Oil Pricing - Stripper Well Bonus and Stripper Well Exemption Definitions, p. 301, 735
- 42.29.101 and other rules - Universal System Benefits Programs, p. 13, 712, 894, 1027
- 42.38.102 and other rules - Unclaimed Property, p. 1249, 2036

SECRETARY OF STATE, Office of, Title 44

- 1.2.104 Administrative Rules Services Fees, p. 716
  - 1.2.419 Scheduled Dates for the 2016 Montana Administrative Register, p. 1744, 2097
  - 1.3.307 and other rule - Rulemaking Notice Requirements, p. 1748, 2098
  - 44.2.301 and other rules - Business Services Division Filings and Fees, p. 304, 594
  - 44.5.114 and other rule - Fees Charged by the Business Services Division for the Filing of Annual Reports, p. 2031, 2367
  - 44.5.120 Trademark Fees, p. 1751, 2099
  - 44.5.121 Miscellaneous Fees Charged by the Business Services Division, p. 2241, 200, 519
  - 44.5.131 Rules Governing the Registration of Business/Mark Names, p. 1469, 2042
  - 44.14.301 and other rules - Fees Charged by the Records and Information Management Division, p. 1473, 2043
  - 44.14.312 Fees Charged by the Records and Information Management Division, p. 2089, 90
  - 44.15.101 and other rules - Notaries Public, p. 1358, 1913, 2096
- (Commissioner of Political Practices)
- 44.10.101 and other rules - Campaign Finance Reporting, Disclosure, and Practices, p. 1138, 28, 81