

# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 14

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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BEFORE THE BOARD OF COUNTY PRINTING  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PROPOSED  
ARM 2.67.303 pertaining to minimum ) AMENDMENT  
font size in printing standards )  
) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On August 25, 2014, the Board of County Printing proposes to amend the above-stated rule.

2. The Board of County Printing 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, please contact the board no later than 5:00 p.m. on August 14, 2014, to advise us of the nature of the accommodation that you need. Please contact Angie Gifford, Department of Administration, 1310 East Lockey Avenue, P.O. Box 200110, Helena, MT 59620-1101; telephone (406) 444-0115; fax (406) 444-3039; or e-mail agifford@mt.gov.

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

2.67.303 OFFICIAL MAXIMUM PRICES AND PRINTING STANDARDS

(1) and (2) remain the same.

~~(a) 14 lines of solid seven-point type;~~

(b) through (e) remain the same, but are renumbered (a) through (d).

(3) through (5) remain the same.

~~(a) 10.285 lines of solid seven-point type;~~

(b) through (d) remain the same, but are renumbered (a) through (c).

AUTH: 18-7-404, MCA

IMP: 18-7-411, MCA

STATEMENT OF REASONABLE NECESSITY: The board finds it necessary to remove references to seven-point type in (2)(a) and (5)(a) because seven-point type has proven difficult for the aging population to read in printed legal advertising.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Angie Gifford, Department of Administration, 1310 East Lockey Avenue, P.O. Box 200110, Helena, MT 59620-1101; telephone (406) 444-0115; fax (406) 444-3039; or e-mail agifford@mt.gov, and must be received no later than 5:00 p.m., August 21, 2014.

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 the person listed in 4 above no later than 5:00 p.m., August 21, 2014.

6. If the Board of County Printing receives requests for a public hearing on the proposed action from either 10% 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 greater than 25 persons based on the number of Montana counties.

7. The Board of County Printing 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. 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 person in 4 above or may be made by completing a request form at any rules hearing held by the board.

8. An electronic copy of this proposal notice is available through the Board of County Printing's web site at <http://countyprinting.mt.gov>. The department 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 if a discrepancy exists 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 board 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 board has determined that the proposed rule amendments will not significantly and directly impact small businesses.

By: /s/ Milton Wester  
Milton Wester, Chair  
Board of County Printing

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

Certified to the Secretary of State July 14, 2014.

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

In the matter of the adoption of New ) NOTICE OF PUBLIC HEARING  
Rule I pertaining to Wolf Management )  
Stamps )

TO: All Concerned Persons

1. On June 26, 2014, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-437 pertaining to the proposed adoption of the above-stated rule at page 1318 of the 2014 Montana Administrative Register, Issue Number 12.

2. The notice of proposed agency action is amended as follows because the required number of persons has requested a public hearing.

3. On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 3 Office, 1400 South 19th Avenue, Bozeman, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 4 Office, 4600 Giant Springs Road, Great Falls, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 5 Office, 2300 Lake Elmo Drive, Billings, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 6 Office, 54078 US Highway 2 West, Glasgow, Montana, to consider the proposed adoption of the above-stated rule.

On August 14, 2014 at 6:00 p.m., the department will hold a public hearing at the Fish, Wildlife and Parks Region 7 Office, 352 I-94 Business Loop, Miles City, Montana, to consider the proposed adoption of the above-stated rule.

4. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on August 8, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

5. Concerned persons may submit their data, views, or arguments concerning the proposed action either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Wolf Stamp Comments, Department of Fish, Wildlife and Parks, Communication and Education Division, P.O. Box 200701, Helena, Montana, 59620-0701; fax (406) 444-4952; or e-mail [fwpwld@mt.gov](mailto:fwpwld@mt.gov), and must be received no later than August 22, 2014. Persons who have already submitted comments with respect to MAR Notice No. 12-437 do not need to resubmit comments as the department will respond to those comments when taking final action on the proposed new rule.

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

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

8. An electronic copy of this notice of public hearing 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.

/s/ M. Jeff Hagener

M. Jeff Hagener

Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State July 14, 2014.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

|                                     |   |                             |
|-------------------------------------|---|-----------------------------|
| In the matter of the amendment of   | ) | NOTICE OF PUBLIC HEARING ON |
| ARM 24.301.109 definitions,         | ) | PROPOSED AMENDMENT          |
| 24.301.131, 24.301.154, 24.301.161, | ) |                             |
| 24.301.171 through 24.301.173, and  | ) |                             |
| 24.301.301 incorporation by         | ) |                             |
| reference, 24.301.138 and           | ) |                             |
| 24.301.139 fees, 24.301.142 and     | ) |                             |
| 24.301.146 modifications to the     | ) |                             |
| international building code,        | ) |                             |
| 24.301.361 plumbing permits, and    | ) |                             |
| 24.301.371 plumbing inspections     | ) |                             |

TO: All Concerned Persons

1. On August 14, 2014, at 9:00 a.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 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 department no later than 5:00 p.m., on August 8, 2014, to advise us of the nature of the accommodation that you need. Please contact Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2009; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; e-mail [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov).

3. GENERAL REASONABLE NECESSITY STATEMENT: The following rule notice mainly incorporates amendments necessitated by the publication of new editions to numerous nationally recognized building codes, which have been adopted and incorporated by reference, with stated exceptions. Most of the proposed amendments reflect only renumbering of sections or tables of these updated codes without substantive change to the rule. However, where additional changes are substantive, the reason is reflected following the specific rule.

No significant and direct impact will occur to small businesses as these proposed updated standards and codes are frequently improved, modified, clarified, and renumbered to better reflect activity within the building industry.

Other amendments are made to improve readability of the rules, such as implementing acronyms rather than spelling out the adopted code names and referring to the Department of Labor and Industry as the "department." Following reorganization, the department is amending the bureau's name from the "Bureau of Building and Measurement Standards" to "Building Codes Bureau." Additional changes reflect current ARM formatting rules of the Montana Secretary of State, as well as corrections to spelling, punctuation, grammar choice, and organization.



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

- 24.301.109 DEFINITIONS (1) and (1)(a) remain the same.  
(b) "IBC" means the International Building Code, ~~2009~~ 2012 edition.  
(c) "IMC" means the International Mechanical Code, ~~2009~~ 2012 edition.  
(d) "IFGC" means the International Fuel Gas Code, ~~2009~~ 2012 edition.

AUTH: 50-60-203, MCA  
IMP: 50-60-203, MCA

REASON: The department is updating the edition dates to align with the proposed adoption of the 2012 codes.

- 24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE (1) The department adopts and incorporates by reference the International Building Code, ~~2009~~ 2012 edition, unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).  
(2) and (3) remain the same.

AUTH: 50-60-203, MCA  
IMP: 50-60-203, MCA

REASON: Language in (1) is amended to reflect the department's movement to the 2012 edition of the International Building Code (IBC). The IBC is being updated by the department to stay current on building code standards.

- 24.301.138 CALCULATION OF FEES (1) through (1)(b) remain the same.  
(c) Add a new paragraph to IBC Section 109.2 to read: "Requested Inspection Fee - ~~\$45, provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour~~ \$75.00 per hour, with any portions of an hour rounded up to the next full hour. Travel and per diem ~~will~~ may be charged as per the state of Montana's existing rates for these items."  
(2) ~~A minimum 50 percent of the combined building permit fee and the plan review fee must be paid before a building permit application is reviewed beyond the initial screening.~~ Both the building permit fee and the plan review fee must be paid before a building permit will be issued.  
(3) through (4)(c) remain the same.  
(d) For purposes of modifying the building valuation values derived from the square-foot method calculations of (4)(c), the calculated building valuation shall be multiplied by a factor of ~~0.60~~ 70 to arrive at a final calculated building valuation.  
(e) through (8) remain the same.

TABLE 109.2  
BUILDING PERMIT FEES

| TOTAL VALUATION  | FEE  |
|--|--|
| \$1 to \$500   | \$23.50  |
| \$501 to \$2000  | \$23.50 for first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2000                  |
| \$2001 to \$25,000   | \$69.25 for the first \$2000 plus \$14 for each additional \$1000, or fraction thereof, to and including \$25,000            |
| \$25,001 to \$50,000   | \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1000, or fraction thereof, to and including \$50,000      |
| \$50,001 to \$100,000  | \$643.75 for the first \$50,000 plus \$7 for each additional \$1000, or fraction thereof, to and including \$100,000         |
| \$100,001 to \$500,000   | \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000, or fraction thereof, to and including \$500,000     |
| \$500,001 to \$1,000,000   | \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1000, or fraction thereof, to and including \$1,000,000 |
| \$1,000,001 and up   | \$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1000, or fraction thereof                             |
| <b>Other Inspections and Fees:</b>   |  |
| 1. Inspections outside of normal business hours (minimum charge - two hours)                                     | \$45 <del>75</del> .00 per hour  |
| 2. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)                       | \$45 <del>75</del> .00 per hour  |
| 3. Additional plan review required by changes, additions, or revisions to plans (minimum charge - one-half hour) | \$45 <del>75</del> .00 per hour  |
| 4. For use of outside consultants for plan checking and inspections, or both                                     | Actual costs <sup>1</sup>  |

<sup>1</sup> Actual costs include administrative and overhead costs.

AUTH: 50-60-104, 50-60-203, MCA  
 IMP: 50-60-103, 50-60-104, 50-60-203, MCA

**REASON:** The department is amending (1)(c) and Table 109.2 to reflect the increased costs associated with requested inspection fees. Costs have continued to rise due to fuel increases, labor burden increases, and other costs associated with inspection labor and expenses. Additionally, the department is changing "will" to

"may" on per diem charges to give some flexibility to citizens when considering per diem charges.

The department is amending (2) to implement changes in the department's plan review procedures, making it more convenient and expeditious for the plan review process.

The department is amending (4)(d) to keep pace with the cost of construction in Montana. The changes still reflect a 30 percent reduction off the 2009 construction valuation calculator table adopted by the bureau for calculating construction cost for Montana. The fee changes will affect approximately 30 permit applicants and result in a \$900 increase to revenue.

24.301.139 INVESTIGATION FEES ASSESSED FOR WORK COMMENCING WITHOUT BUILDING PERMIT (1) In accordance with subsection 109.4 of the International Building Code and pursuant to the requirements of fees being commensurate with costs, the department may assess an investigation fee for any work commenced on a building or structure prior to obtaining the required building permits. The investigation fee will be charged on an hourly rate of \$45 75.00 per hour, for every hour, including portions of an hour spent on investigating the work commenced without the proper building permits. This investigation fee shall be in addition to the regular plan review and building permit fee assessed in ARM 24.301.138(1)(a) and (b).

AUTH: 50-60-104, 50-60-203, MCA

IMP: 50-60-103, 50-60-104, 50-60-201, 50-60-203, MCA

REASON: The department is increasing the investigation fees in this rule to reflect the increased costs associated with investigation fees. Costs have continued to rise due to fuel increases, labor burden increases, and other costs associated with investigation labor and expenses.

The fee changes will affect approximately 30 permit applicants and result in a \$900 increase to revenue.

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT PROGRAM (1) through (3) remain the same.

(4) An owner seeking to do work that the owner believes is not subject to a building code requirement shall provide to the department, in writing, either electronically or via the U.S. mail, if in the state's jurisdiction, ~~with~~ any documentation or information that it may reasonably require so that the department may determine whether the work is subject to the building code requirement. The documentation or information provided may be required to be in the form of an affidavit or affirmation.

(5) Subsection 107.1 of the IBC is amended to read as follows: ~~with the addition of the following: "The department requires submittal of two complete sets of construction documents for all projects. This section shall not be construed to require an architect or engineer license. The requirements for who must be licensed to practice architecture or engineering work is governed by Title 37, chapter 65, MCA and Title 37, chapter 67, MCA. The issuance of a building permit does not in~~

any way address the need for licensure by the permit holder or designer." "Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted in one set with each permit application. The construction documents shall be prepared by a registered design professional as required by specific provisions throughout the International Building Code (IBC) as adopted by the department in ARM 24.301.131. The department is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the IBC as adopted by the department."

(6) through (10) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA

REASON: The department is amending (4) to specify that owners must submit written documentation to aid the department in determining if work is subject to a building code requirement. Because the department consistently receives questions in this area, and to ensure the accuracy of the process, the department determined it is reasonably necessary to require written documentation.

Due to technological advancements and the ability to process electronic documents, the department is amending (5) to only require one set of submittals and reduce this unnecessary burden on applicants.

Following questions from the public and professionals, the department is clarifying in (5) that a registered design professional is required when directed by the International Building Code for those provisions adopted by the department. The department has consistently and lawfully required construction documents for privately owned buildings that are open to the public to be prepared by a registered design professional, according to specific provisions throughout the IBC, and is now clarifying this established practice in administrative rule.

The department is also clarifying that the department may waive construction documents when it is found that the nature of the work makes submission unnecessary, as directed by the International Building Code. Although not a new practice, the department determined it is necessary to specify the waiver provisions in rule to address questions and concerns of the public and professionals.

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS (1) through (9) remain the same.

(10) Subsection 903.3.5, Inadequate Water Supply, is amended by addition of the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, 2007 2010 edition (NFPA 13). Under such circumstances, water storage requirements may be

modified by the building official. The modified design shall include sufficient storage onsite to operate the hydraulically remote area for the response time of the local fire department. Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula  $T = 6.5 \text{ minutes (mobilization time)} + 1.7 \text{ minutes/mile } D \text{ (travel time)}$ , where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A reduction in water storage of up to 50 percent, but not less than that required for a 20 minute supply is allowed. All automatic fire sprinkler system designs and components shall be in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be monitored by an approved central station in accordance with NFPA 72, National Fire Alarm Code, 2007 2010 edition."

(11) and (11)(a) remain the same.

(i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, 2007 2010 edition.

(ii) Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less: NFPA 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 2007 2010 edition.

(b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, 2007 2010 edition.

(c) remains the same.

(12) Delete Subsection 903.2.8 and replace with the following:

"1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

"a. ~~46~~ 9 or more transient guests or 8 or more transient guestrooms;

"b. ~~46~~ 9 or more occupants in other than dwelling units;

"c. ~~8~~ 5 or more dwelling units; or

"d. more than 2 stories.

"2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

"3. "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."

"4. "The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

~~(13) Subsection 907.2.8.1, Manual Fire Alarm System, is amended with the addition of the following: "Exception 3: A manual fire alarm system is not required in buildings with five or fewer guestrooms or 10 or fewer guests where the building~~

~~does not exceed two stories in height and is equipped with multiple-station smoke alarms installed in accordance with Subsection 907.2.11."~~

(14) through (31) remain the same, but are renumbered (13) through (30).

~~(32) (31) This section only applies to buildings that fall under the additional provisions of Title 18, MCA. A building must meet the requirements of Title 18, MCA, in addition to the requirements of Title 50, MCA, if it is owned by the state or one of its political subdivisions. The definition of public building in 50-60-101, MCA, does not apply for purposes of this section only, but does apply for purposes of every other section of this rule.~~

(a) The requirement of Title 18, MCA, is as follows: Construction documents for public buildings, owned by the state and its political subdivisions as outlined by 18-2-122, MCA, shall bear the seal of a design professional.

(i) The building official may waive the requirements for a design professional seal for minor projects such as storage sheds and minor renovations, which do not have a direct bearing on the public health and safety.

(ii) ~~In addition, the~~ The requirement for the seal of a design professional may be waived for projects for which documentation has been submitted, including but not limited to, a letter from the attorney for the local jurisdiction where the project is located, which supports a conclusion that the scope of the project does not have the potential to have a direct bearing on public health and safety.

~~(33) The term "public building" as used in 18-2-122, MCA, refers only to the buildings owned by the state and its political subdivisions for the purposes of requiring a design professional's seal, and does not include privately owned buildings as included in the definition of a "public building" in 50-60-101, MCA.~~

(34) and (35) remain the same, but are renumbered (32) and (33).

~~(36) (34)~~ (34) Section 50-60-102, MCA, exempts certain buildings from application of the state building codes. Provisions of the International Building Code shall not be applied in determining whether a building or structure is exempt from the state building codes. For example, fire walls as described in Section ~~705~~ 706 of the International Building Code shall not be used to separate buildings otherwise covered by the state building codes into smaller buildings that would, if alone, be exempted by 50-60-102, MCA.

(37) remains the same, but is renumbered (35).

~~(38) Subsection 903.2.7, condition #4 is deleted and replaced with the following: "A Group M occupancy is used for the display and sale of upholstered furniture which exceeds 2500 square feet of display and sale area."~~

AUTH: 50-60-203, MCA

IMP: 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205,  
MCA

REASON: The department is amending (10) and (11) to reflect newer additions of the NFPA 13, NFPA 13R, NFPA 14, and NFPA 72.

Language in (12) is being amended to reflect lower thresholds in criteria when an automatic sprinkler system is required in group R buildings for the purpose of being more in line with current code. The department plans to zero this modification out completely in the 2017 code cycle.

The department is deleting the provisions of (13) because they are no longer applicable or appropriate to modify the 2012 International Building Code.

The department was informed by numerous members of the public and by the Montana Chapter of the American Institute of Architects that the current language of (33) led people to believe that the work and approval of design professionals was not required for privately owned buildings that are open to the public, such as movie theaters. However, the department has consistently and lawfully required construction documents for privately owned buildings that are open to the public to be prepared by a registered design professional, according to specific provisions throughout the IBC. Therefore, the department is amending (31) and ARM 24.301.142(5), and deleting (33) to clarify that private buildings open to the public are not exempt from the requirements of the IBC. Additionally, it is reasonably necessary to incorporate relevant provisions from deleted (33) into (31) for better organization and clarity.

The department is amending (34) to align with reformatting in the 2012 International Building Code.

The department is deleting (38) because it is no longer applicable or appropriate.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE (1) remains the same.

(2) The Department of Labor and Industry adopts and incorporates by reference the International Residential Code, ~~2006~~ 2012 Edition, referred to as the International Residential Code or IRC.

(3) Chapters 11 through ~~42~~ 14, inclusive, are deleted in their entirety and chapters 16 through 43, inclusive, are deleted in their entirety. Chapter 15, Exhaust Systems, is adopted as an alternative to the International Mechanical Code for exhaust systems only. All other requirements for mechanical systems in detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures, shall be found in the latest adopted edition of the International Mechanical Code.

(4) Subsection R102.7, Existing Structures, is deleted and replaced with the following: "The legal occupancy of any structure existing on the date of this code shall be permitted to continue without change, except as is specifically covered in this code or the legally adopted fire code as administered by the fire authority having jurisdiction."

(4) remains the same, but is renumbered (5).

(6) Subsection 302.2, Townhouses, delete the exception and replace with the following: "A common two-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts, or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the adopted electrical code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."

(7) Subsection 302.2.4, Structural Independence, delete exception number five and replace with the following: "Townhouses separated by a common two-hour fire-resistance-rated wall as provided in Section R302.2."

(8) Subsection 309.5, Fire Sprinklers, is deleted in its entirety.

(5) (9) Subsection R311.5.3.1, Riser Height R311.7.5.1, Risers, is amended to allow a maximum riser height of 8 1/4 inches.

(6) (10) Subsection R311.5.3.2, Tread Depth R311.7.5.2, Treads, is amended to allow a minimum tread depth of nine inches (229 mm).

(11) Subsection 312.1.1, Where Required, delete the first sentence and replace with the following: "Guards shall be located along open-sided walking surfaces, including stairs, ramps, and landings, that are located more than 30 inches measured vertically to the floor or grade below."

(12) Section R313, Automatic Fire Sprinkler Systems, is deleted in its entirety.

(7) remains the same, but is renumbered (13).

(14) Subsection 403.1.6, Foundation Anchorage, is deleted in its entirety and replaced with the following: "Where wood sill and sole plates are supported directly on continuous foundation walls or monolithic slabs with integral footings required by the provisions of this code, they shall be anchored to the foundation in accordance with this section. Cold-formed steel floor and wall framing shall be anchored to the foundation in accordance with Section R505.3.1 or R603.3.1. Wood sole plates at all exterior walls, wood sole plates of braced wall lines at building interiors on monolithic slabs with integral footings and all wood sill plates shall be anchored to the foundation with minimum one-half inch diameter anchor bolts spaced a maximum of six feet on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to the one-half inch diameter anchor bolts. Bolts shall extend a minimum of seven inches into concrete or grouted cells of concrete masonry units. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundations with integral footings that are not part of a braced wall line shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by sections R317 and R318.

Exceptions:

1. Walls 24 inches total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in item 8 of Table R602.3(1).

2. Connections of walls 12 inches total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in item 8 of table R602.3(1)."

(15) Subsection 501.3, Fire Protection of Floors, is deleted in its entirety.

(16) Subsection 602.10, Wall Bracing, delete the first sentence and replace with the following: "Building shall be braced in accordance with this section or, when



applicable, Section R602.12, or the most current version of APA System Report SR-102 as an alternate method.

(17) Subsection 602.10.11, Cripple Wall Bracing, delete the last sentence and replace with the following: "The distance between adjacent edges of braced wall panels shall be 20 feet."

(18) Subsection 703.8, Flashing, delete the first paragraph in its entirety and replace with the following: "Flashing shall be provided in accordance with this section to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Flashing shall extend to the surface of the exterior wall finish or to the water resistive-barrier for drainage and shall be installed at all of the following locations:"

Further, delete Number "1", number "1.1", number "1.2", and number "1.3" in their entirety and replace with the following: "1. Exterior window and door openings."

Number "2" through "7" remain unchanged in Subsection R703.8.

(19) Add new subsection as follows: "R703.8.1, Flashing Materials. Approved flashing materials shall be corrosion-resistant. Self-adhered membranes used as flashing shall comply with AAMA 711. Pan Flashing shall comply with Section R703.8.2. Installation of flashing materials shall be in accordance with Section 703.8.3.

(20) Add new subsection as follows: "R703.8.2, Pan Flashing. Pan Flashing installed at the sill of exterior window and door openings shall comply with this section. Pan Flashing shall be corrosion-resistant and shall be permitted to be pre-manufactured, fabricated, formed, or applied at the job site. Self-adhered membranes complying with AAMA 711 shall be permitted to be used as Pan Flashing. Pan Flashing shall be sealed or sloped in such a manner as to direct water to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage."

(21) Add new subsection as follows: "R703.8.3, Flashing Installation. Installation of flashing materials shall be in accordance with one or more of the following methods:

1. The fenestration manufacturer's installation and flashing instructions.
2. The flashing manufacturer's installation instructions.
3. Flashing details approved by the Building Official.
4. As detailed by a Registered Design Professional."

(8) remains the same, but is renumbered (22).

(9) (23) A copy of the International Residential Code may be obtained from the Department of Labor and Industry, Building Codes Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-201, 50-60-203, MCA

REASON: The department determined it is reasonably necessary to amend (2) to reflect the adoption of the 2012 edition of the International Residential Code (IRC).

Amendments to (3) reflect the department's exclusion of certain chapters and the inclusion of one subsection of chapter 15.

The department is adding (4) to replace existing section language with alternative language commensurate with current statutes.

The addition of (6), (7), and (8) is necessary to modify current code language as stipulated by the Building Codes Advisory Council.

The department is amending (9) and (10) to reflect amendments to sections of the 2012 International Residential Code.

The department is adding (11) and (12) to reflect modifications to various sections and subsections of the IRC.

Sections (14) through (21) are added as modifications cultivated from the Montana building industry and embraced by the Building Codes Advisory Council.

24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE (1) The Department of Labor and Industry adopts and incorporates by reference the International Code Council's International Energy Conservation Code, ~~2009~~ 2012 Edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following amendments:

(a) Subsections C103.1 and R103.1, General, ~~is~~ are deleted and replaced with the following: "With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state, except for owner-occupied, single-family dwelling houses."

(i) remains the same.

(b) Subsections C104.2 and R104.2, Required Approvals, ~~is~~ are deleted in ~~its~~ their entirety when the code is used by the Building Codes Bureau of the Department of Labor and Industry. It remains undeleted and available for use for certified local governments using the code.

(c) Sections C202 and R202, General Definitions, the definition for "Air Barrier" is deleted and replaced with a new definition for "Air Barrier" as follows: "Air Barrier: Material(s) assembled and joined together to provide a barrier to air leakage through and into the building envelope. An air barrier may be a single material or a combination of materials."

(d) Table R402.1.1, INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT, is amending ~~footnote c~~ requirements for climate zone "6" and ~~is~~ adding footnote k as follows: as shown below in the table:

Footnotes: "c." ~~"15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/19" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall.~~

"k." Fenestration U-Factor is 0.33 after January 1, 2010."

| Climate Zone | Fenestration <i>U</i> -Factor(b) | Skylight(b) <i>U</i> -Factor | Glazed Penetration SHGC(b,d) | Ceiling <i>R</i> -Value | Wood Framed Wall <i>R</i> -Value |
|--------------|----------------------------------|------------------------------|------------------------------|-------------------------|----------------------------------|
| 6            | 0.35(k)<br>0.33(l)               | 0.60                         | NR                           | 49                      | 21 or 13+5(h)                    |

| Mass Wall <i>R</i> -Value(i) | Floor <i>R</i> -Value | Basement(c) Wall <i>R</i> -Value | Slab(b) <i>R</i> -Value & Depth | Crawl Space Wall(c) <i>R</i> -Value |
|------------------------------|-----------------------|----------------------------------|---------------------------------|-------------------------------------|
| 15/19                        | 30(g)                 | 15/19                            | 10, 4 ft                        | 10/19                               |

(e) Table R402.1.3, EQUIVALENT *U*-FACTORS, is amending requirements as shown below in the table:

[This table is being inserted.]

| Climate Zone | Fenestration <i>U</i> -Factor | Skylight <i>U</i> -Factor | Ceiling <i>U</i> -Factor | Frame Wall <i>U</i> -Factor      | Mass Wall <i>U</i> -Factor | Floor <i>U</i> -Factor | Basement Wall <i>U</i> -Factor | Crawl Space Wall <i>U</i> -Factor |
|--------------|-------------------------------|---------------------------|--------------------------|----------------------------------|----------------------------|------------------------|--------------------------------|-----------------------------------|
| 6            | 0.32                          | 0.55                      | 0.026                    | <del>0.048</del><br><u>0.054</u> | 0.060                      | 0.033                  | 0.050                          | 0.055                             |

~~(e)~~ (f) Subsection R402.2.2, Ceilings Without Attic Spaces, is deleted and replaced with the following: "Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1, shall be limited to 250 square feet or ten percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the *U*-factor alternative approach in Section 402.1.3, and the total UA alternative in Section 402.1.4."

(f) (g) Subsection R402.2.9, Crawl Space Walls, is deleted and replaced with the following: "As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Temporary crawl space vent openings are allowed during construction for crawl spaces that have insulated crawl space walls. These temporary crawl space vent openings shall be closed, sealed, and insulated to the same R-value of the surrounding crawl space wall insulation once construction is complete and prior to the time that the final building inspection would occur. Crawl space wall insulation shall be permanently fastened to the wall and shall extend downward from the floor, the entire height of the crawl space wall. Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap six inches and be sealed or taped. The edges of the vapor retarder shall extend at least six inches up the stem wall and shall be attached and sealed to the stem wall."

~~(g) (h) Subsection 402.4.2.1 R402.4.1.2, Testing Option, is deleted and replaced with the following: "Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than four air changes per hour (ACH), when tested with a blower door at a pressure of 33.5 psf (50Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding four air changes per hour in Climate Zone 6. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. The requirements of testing found in subsection R402.4.1.2 will not be mandatory until one year following the final adoption of this rule. Buildings or dwelling units issued a building permit by a code official prior to this testing becoming required shall not be required to perform testing under subsection R402.4.1.2. During testing:~~

~~"(i) exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;~~

~~"(ii) dampers shall be closed, but not sealed, including exhaust, intake, makeup air, back draft and flue dampers;~~

~~"(iii) interior doors shall be open;~~

~~"(iv) exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;~~

~~"(v) heating and cooling system(s) shall be turned off;~~

~~"(vi) "B" or "L" vents, combustion air vents, and dryer vents shall be sealed;~~

~~"(vii) HVAC ducts shall not be sealed; and~~

~~"(viii) supply and return registers shall not be sealed."~~

~~(i) Subsection R403.2.2, Sealing (Mandatory). Delete the existing exception under 1. and 2. found beneath, "duct tightness shall be verified by either of the following:" and replace with the following:~~

~~Exception: The duct tightness testing is not required for ducts and air handlers located entirely within the building thermal envelope.~~

~~(j) Subsection R403.2.3, Building Cavities, is deleted in its entirety.~~

~~(k) Subsection R403.4.2, Hot Water Pipe Insulation (Prescriptive), is amended as follows:~~

~~Delete item number 3, delete item number 9, delete Table R403.4.2 and the text, "All remaining piping shall be insulated to at least R-3 or meet the run length requirements of Table R403.4.2."~~

~~(l) Table R405.5.2(1) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS, amend the table as shown below:~~

[This table is being inserted.]

| Building Component           | Standard Reference Design  | Proposed Design  |
|------------------------------|--|--|
| Thermal distribution systems | <p><u>Untested distribution systems:</u><br/>DSE = 0.88</p> <p><u>Tested Ducts: Leakage rate to outside conditioned space as specified Section R403.2.2(1)</u></p> <p><u>Tested duct Location: Conditioned space</u></p> <p><u>Tested duct Insulation: in accordance with Section R403.2.1</u></p> | <p><del>Thermal distribution system efficiency shall be as tested or as specified in Table R405.5.2(2) if not tested. Duct insulation shall be as proposed.</del></p> <p><u>Untested distribution systems:</u><br/>DSE from Table R405.5.2(2)</p> <p><u>Tested Ducts: Tested Leakage rate to outside conditioned space</u></p> <p><u>Duct Location: As proposed</u></p> <p><u>Duct Insulation: As proposed</u></p> |

(h) ~~Table 502.2(1), BUILDING ENVELOPE REQUIREMENTS OPAQUE ASSEMBLIES, is deleted for climate zone "6" and replaced, with all footnotes remaining the same as in the original text of the code, as follows:~~

| Climate Zone                                   | 6<br>All Other | 6<br>Group R |
|--|----------------|--------------|
| Roofs  |                |              |
| Insulation Entirely Above Deck                 | R-20ci         | R-20ci       |
| Metal Buildings (with R-5 Thermal Blocks) a, b | R13+R19        | R-19         |
| Attic and Other                                | R-49           | R-49         |
| Walls, Above Grade                             |                |              |
| Mass   | R-13.3ci       | R-15.2ci     |
| Metal Buildings (b)                            | R-13+R-5.6ci   | R-13+R-5.6ci |
| Metal Framed                                   | R-13+R-7.5ci   | R-13+R-7.5ci |

|                          |                            |                            |
|--------------------------|----------------------------|----------------------------|
| Wood Framed and Other    | R-13+R-7.5ci<br>or<br>R-24 | R-13+R-7.5ci<br>or<br>R-24 |
| Walls, Below Grade       |                            |                            |
| Below Grade Wall (d)     | R-7.5ci                    | R-7.5ci                    |
| Floors                   |                            |                            |
| Mass                     | R-12.5ci                   | R-14.6ci                   |
| Joist/Framing Steel/Wood | R-30                       | R-30(e)                    |
| Slab-on-Grade Floors     |                            |                            |
| Unheated Slabs           | R-10 for 24 in. below      | R-15 for 24 in. below      |
| Heated Slabs             | R-15 for 24 in. below      | R-20 for 48 in. below      |
| Opaque Doors             |                            |                            |
| Swinging                 | U-0.70                     | U-0.50                     |
| Roll-up or sliding       | U-0.50                     | U-0.50                     |

(2) remains the same.

(a) The department encourages owners, design professionals, and builders to voluntarily implement greater levels of energy efficiency in building design and construction than those required by the International Energy Conservation Code. Information regarding voluntary building standards for greater levels of energy efficiency can be obtained from the department by contacting the department at the address listed in (3), by telephone at 406-841-2053, or at the department's web site, <http://mt.gov/dli/bsd/bc/bs> [http://bsd.dli.mt.gov/bc/bs\\_index.asp](http://bsd.dli.mt.gov/bc/bs_index.asp).

(3) remains the same.

AUTH: 50-60-203, 50-60-803, MCA

IMP: 50-60-201, 50-60-203, 50-60-803, MCA

**REASON:** The department is amending (1)(a) through (c) to reflect the adoption of and changes to the 2012 Edition of the International Energy Conservation Code (IECC). It is reasonably necessary to amend (1)(d) to reflect changes in formatting and those stipulated by the Building Codes Advisory Council, and to delete language that is no longer applicable or appropriate.

The department is adding (1)(e) to reflect changes stipulated by the Building Codes Advisory Council.

The department is deleting the former (1)(h) as it is no longer applicable or appropriate and reflects changes instituted by the Building Codes Advisory Council.

The department is amending the new (1)(h) to delete language that is no longer applicable and add new provisions as stipulated by the Building Codes Advisory Council.

It is reasonably necessary to add new sections (1)(i) through (l) to reflect changes instituted by the Building Codes Advisory Council.

The department is amending (2)(a) to accurately reflect the bureau's web site stipulated by the Building Codes Advisory Council.

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE (1) The department adopts and incorporates by reference the International Existing Building Code (IEBC), ~~2009~~ 2012 edition, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

(a) through (4) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-103, 50-60-201, 50-60-203, MCA

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the International Existing Building Code (IEBC).

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) The department adopts and incorporates by reference the International Mechanical Code, ~~2009~~ 2012 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

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

(g) Table 403.3 is amended by the addition of a footnote "i". Footnote "i" is to be referenced in the table at, "Private Dwellings, Single and Multiple". The footnote at the end of the table should be as follows: "i. Every dwelling unit shall have installed a minimum 100 CFM exhaust fan controlled by either an automatic timer or humidistat." Structures built to the provisions of the International Residential Code may provide mechanical ventilation per Section M1507 of the International Residential Code.

(2) through (6) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

REASON: It is reasonably necessary to amend (1) to reflect the adoption of the 2012 edition of the International Mechanical Building Code (IMC).

In response to comments from home builders, the department is amending (1)(g) to provide an option to use the IRC for mechanical ventilation. Noting that the IRC ventilation language is now congruent to the IMC, the department concluded this option should be available.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The department adopts and incorporates by reference the International Fuel Gas Code, ~~2009~~ 2012 edition, published by the International Code

Council, IFGC, unless another edition is specifically stated, together with the following amendments:

(a) through (6) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the International Fuel Gas Code.

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The department adopts and incorporates by reference the Uniform Plumbing Code, ~~2009~~ 2012 edition, unless another edition is specifically stated, together with the following appendix chapters and amendments:

(a) through (c) remain the same.

(d) Subsection ~~103.1.3~~ 103.1.2, is amended with the addition of the following language: The requirements for who must be licensed to perform plumbing work is regulated by Title 37, chapter 69, MCA.

(e) Subsections ~~102.3, 102.4, 102.5,~~ 103.1, 103.2, 103.3, 103.4, 103.5, and 103.6 will be left as is for use by local governments (i.e., municipalities and counties), but will not be used by the department and the state of Montana. For the purposes of enforcement by the department, these subsections are replaced with provisions of Title 50, chapter 60, part 5, MCA.

(i) through (iv) remain the same.

(f) Delete Table ~~No. 1.1~~ 103.4 - PLUMBING PERMIT FEES and replace with the following schedule:

|  |                         |
|--|-------------------------|
| <del>(i)</del> for issuing each permit   | \$30*                   |
| <del>(ii)</del> (i) for each plumbing fixture  | <u>\$10</u>             |
| <del>(iii)</del> (ii) water service - domestic or commercial   | <del>10</del> <u>20</u> |
| <del>(iv)</del> (iii) for each building sewer and each trailer park sewer  | <del>15</del> <u>20</u> |
| <del>(v)</del> (iv) storm drains and storm drainage  | <del>10</del> <u>20</u> |
| <del>(vi)</del> (v) for each water heater ( <u>replacement or new</u> )  | <del>10</del> <u>25</u> |
| <del>(vii)</del> (vi) for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps                               | <del>10</del> <u>30</u> |
| <del>(viii)</del> (vii) for <u>installation</u> , alteration, or repair of water piping and/or water treatment equipment   | <del>10</del> <u>30</u> |
| <del>(ix)</del> (viii) for repair or alteration of drainage or vent piping   | <del>10</del> <u>30</u> |
| <del>(x)</del> (xi) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore  | <del>10</del> <u>30</u> |
| <del>(xi)</del> (x) for <u>each hose bibb</u> , vacuum breakers, or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping | <u>6 each</u>           |
| <del>(A)</del> one to four each  | <del>7</del>            |
| <del>(B)</del> five or more, each  | <del>2</del>            |



|  |              |
|--|--------------|
| <del>(xii)</del> (xi) requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$25 <u>35</u> for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem <del>will</del> <u>may</u> be charged as per the state of Montana's existing rate for these items)   | 65 <u>75</u> |
| <del>(xiii)</del> (xii) reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged)   | 30 <u>45</u> |
| <del>(xiv)</del> (xiii) for each medical gas <u>type/piping system as follows:</u><br>serving one to five inlet(s)/outlet(s) for a specific gas  | 75           |
| (A) oxygen piping  | <u>100</u>   |
| (B) nitrogen piping  | <u>100</u>   |
| (C) medical compressed air piping  | <u>100</u>   |
| (D) nitrous oxide piping   | <u>100</u>   |
| (E) carbon dioxide piping  | <u>100</u>   |
| (F) medical vacuum piping  | <u>100</u>   |
| (G) any other medical gas piping not included above in (A) through (F)   | 100          |
| (H) <u>if total outlets for all gases/vacuum piping exceed 20 outlets, then there is an additional fee for each outlet over 20</u>   | <u>10</u>    |
| <del>(xv)</del> for each additional medical gas piping inlet(s)/outlet(s)  | 40           |
| <del>(xvi)</del> (xiv) for each gray water system (commercial or residential) <del>*except for replacement of water heaters.</del>   | 75 <u>60</u> |
| (g) remains the same.  |              |
| (h) Table 4-4 <del>422.1</del> , Minimum Plumbing Facilities, is deleted and replaced with ARM 24.301.351, Minimum Required Plumbing Fixtures.   |              |
| (i) Subsection <del>508.14</del> <u>507.13</u> , paragraph one is amended to read as follows: "Gas utilization equipment, or any equipment that generates a glow, spark, or flame, in residential garages and in adjacent spaces that open to the garage and are not part of the living space for a dwelling unit shall be installed so that all burners, burner-ignition devices, and heating elements are located not less than 18 inches (450 mm) above the floor unless listed as flammable vapor ignition resistant."   |              |
| (j) Delete Subsection <del>603.3.3</del> <u>603.4.2</u> .  |              |
| (k) Subsection <del>603.4</del> <u>603.2</u> , Approval of Devices or Assemblies, is amended to read as follows: "Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction, so long as those standards are consistent with the intent of this code. All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. If found to be defective or inoperative, the device or assembly shall be repaired or replaced. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction." |              |
| (l) Subsection <del>603.4.10</del> <u>603.5.10</u> , is amended with the addition of the following language: "Boiler feed lines, in single-family dwellings on their own private   |              |

well, may be protected with a dual check valve with intermediate atmospheric vent when a nontoxic transfer fluid is utilized in the boiler."

(m) Subsection 603.5.12, Beverage Dispensers, delete the first sentence and replace with: "Potable water supply to carbonated beverage dispensers or coffee machines that may produce back pressure shall be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022."

~~(m)~~ (n) Subsection ~~604.4~~ 604.0, Materials, is amended to read as follows:

(i) through (iv) remain the same.

(v) Table ~~6-4~~ 604.1 is amended to add the following: "PB is allowed for hot and cold water distribution."

(n) remains the same, but is renumbered (o).

(p) Subsection 605.13.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

~~(o)~~ (q) Subsection 701.1 is amended to read as follows: "Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, Schedule 40 ABS DWV, Schedule 40 ABS DWV cellular core, Schedule 40 PVC DWV, Schedule 40 PVC DWV cellular core, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

"(1) Galvanized wrought iron or galvanized steel pipe shall not be used underground, and it shall be kept at least six inches (152 mm) above ground.

"(2) ABS and PVC DWV piping installations must be installed in accordance with ~~IS 5, IS 9 and Chapter 15,~~ "Firestop Protection for DWV and Stormwater Application." Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the building code standards based on ASTM E-84 and ANSI/UL 723).

"(3) Vitrified clay pipe and fittings shall not be used above ground or where pressurized by a pump or ejector. They shall be kept at least 12 inches (305 mm) below ground.

"(4) Copper tube for drainage and vent piping shall have a weight not less than that of copper drainage tube type DWV."

~~(p)~~ (r) Subsection 610.8, ~~second paragraph last sentence~~, is amended to read as follows: No building supply pipe shall be less than 3/4 inch (19.1 mm) in inside diameter.

~~(q)~~ (s) Subsection ~~701.1.4~~ 701.1 (4), is amended with the addition of the following language: Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube type L.

(r) remains the same, but is renumbered (t).

(u) Subsection 705.7.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

(s) remains the same, but is renumbered (v).

(t) ~~(w)~~ Section ~~708.0, Grade of Horizontal Drainage Piping~~ 708.1, is amended to read as follows: Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than 1/4 of an inch per foot or 2 percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of 1/4 of an inch per foot or 2 percent, any such pipe or piping 2 inches or larger in diameter may have a slope of not less than 1/8 of an inch per foot or 1 percent.

(u) and (v) remain the same, but are renumbered (x) and (y).

(z) Subsection 897.4, Domestic Dishwashing Machine, add exception as follows: "Exception #1: An approved type of indirect waste receptor may be used to receive discharge from domestic dishwashing machines."

(w) remains the same, but is renumbered (aa).

~~(x)~~ (ab) Subsection 906.1, is amended to read as follows: Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than than 12 inches above the roof nor less than 4 one foot from any vertical surface.

(y) through (ad) remain the same, but are renumbered (ac) through (ah).

~~(ae)~~ (ai) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted except for subsections 1303.0, 1304.0, 1305.0, 1306.0, 1307.0, and 1308.0. In lieu of Chapter 13, except for the subsections not deleted, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99C, Gas and Vacuum Systems, 2005 2012 edition, referred to as NFPA 99C Chapters 1 through 5 for the exclusive use as a standard for medical gas and vacuum systems, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99C is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99C may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) remains the same.

AUTH: 50-60-203, 50-60-504, 50-60-508, MCA

IMP: 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA

**REASON:** The department is amending (1) to reflect the adoption of the 2012 edition of the Uniform Plumbing Code (UPC). Sections (1)(d), (e), and (f) are modified to reflect formatting changes in relevant sections and subsections of the UPC.

The department is also amending (1)(f) to adjust fees and ensure they are commensurate with associated costs. The fee increases are necessary because costs have continued to rise including fuel, labor burden, and other costs associated with inspection labor and expenses. The department is decreasing fees due to inefficiencies in online permitting and some aspects of office operations. The

department anticipates a net decrease in annual revenue of approximately \$18,800 and approximately 2,485 persons affected by the fee adjustments.

The department is eliminating (1)(f)(i) because advances in technology and efficiencies have negated the need for an issuance fee. To address confusion among medical gas installers, the department is amending (1)(f)(xiii) to more clearly set forth these fees. The fee formerly at (1)(f)(xv) is also incorporated into the new fee arrangement in (1)(f)(xiii).

The department is amending (1)(f)(x) because these are the top fee items that require voiding or reworking as they are often done incorrectly. It is also reasonably necessary to rework and simplify this fee because the department no longer has the ability to void these fees.

It is reasonably necessary to amend (1)(h) through (l) to reflect formatting changes in the 2012 edition of the UPC.

The department is adding (1)(m) to provide additional health and safety measures for beverage dispensers as embraced by the Building Codes Advisory Council.

Section (1)(n) is being amended to reflect formatting changes in the 2012 edition of the UPC.

It is reasonably necessary to add (1)(p) to reflect changes in industry installation methods as embraced by the Building Codes Advisory Council.

The department is amending subsection "(2) of (1)(q) to reflect changes in the 2012 edition of the UPC.

The department is amending (1)(r) to reflect changes in formatting.

It is reasonably necessary to add (1)(u) to reflect industry changes in the 2012 edition of the UPC.

Section (1)(w) is being amended to reflect changes in formatting.

The department is adding (1)(z) to offer an exception that provides the industry an additional installation method as embraced by the Building Codes Advisory Council.

It is reasonably necessary to amend (1)(ai) to align with changes in formatting and reflect adjustments to the 2012 edition of the National Fire Protection Association's Standard NFPA, which is no longer referred to as NFPA 99C.

24.301.361 PLUMBING PERMITS (1) and (2) remain the same.

(3) The exception to the plumbing permit requirement listed in 50-60-506(4), MCA, for the owner of residential property applies to the owner of a single-family dwelling who does the work on the plumbing installation in the dwelling in which ~~(s)he~~ they will reside. The "homeowner exemption" applies to those dwellings intended for the owner's personal use and not for dwellings built on speculation of resale or intended as rental property.

(4) The exception to permit requirements listed in 50-60-506(5), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract. Maintenance work includes the stopping of leaks in drains, soil, waste, or vent pipe, clearing of stoppages, and repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(5) The applicant shall complete the plumbing application form and designate in the spaces provided the items to be covered by the plumbing permit. ~~The applicant shall sign and return the application to the department along with the check or money order in the full amount of the permit fee.~~

(6) and (7) remain the same.

AUTH: 50-60-203, 50-60-501, 50-60-504, MCA

IMP: 50-60-201, 50-60-504, 50-60-505, 50-60-506, 50-60-507, 50-60-508, MCA

REASON: The department is amending (5) to eliminate unnecessary requirements and facilitate the online application process.

24.301.371 PLUMBING INSPECTIONS (1) and (2) remain the same.

(3) Upon completion of the final inspection and approval of the plumbing work, the department shall, if requested, issue the permit holder a certificate of compliance.

(4) remains the same.

AUTH: 50-60-203, 50-60-504, MCA

IMP: 50-60-510, 50-60-511, MCA

REASON: It is reasonably necessary to amend (3) to clarify that a certificate of compliance is only issued after a final inspection.

5. 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 Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov), and must be received no later than 5:00 p.m., August 22, 2014.

6. An electronic copy of this notice of public hearing is available at [www.buildingcodes.mt.gov](http://www.buildingcodes.mt.gov) (program'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.

7. The department 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 requests may be sent or delivered to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2050; e-mailed to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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 ARM 24.301.109, 24.301.131, 24.301.138, 24.301.139, 24.301.142, 24.301.146, 24.301.154, 24.301.161, 24.301.171, 24.301.172, 24.301.173, 24.301.301, 24.301.361, and 24.301.371 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov).

10. Colleen White, attorney, has been designated to preside over and conduct this hearing.

/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 July 14, 2014

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

|                                   |   |                    |
|-----------------------------------|---|--------------------|
| In the matter of the amendment of | ) | NOTICE OF PROPOSED |
| ARM 37.106.514 pertaining to the  | ) | AMENDMENT          |
| removal of references to          | ) |                    |
| anesthesiologist assistants in    | ) |                    |
| outpatient centers for surgical   | ) | NO PUBLIC HEARING  |
| services                          | ) | CONTEMPLATED       |

TO: All Concerned Persons

1. On August 23, 2014, the Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on August 14, 2014, 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 MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.106.514 ANESTHESIA RISK AND EVALUATION (1) and (2) remain the same.

(3) Anesthesia must be administered only by:

(a) remains the same.

(b) a physician qualified to administer anesthesia; or

(c) a certified registered nurse anesthetist (CRNA); or

~~(d) an anesthesiologist assistant is a person who:~~

~~(i) works under the direction of an anesthesiologist;~~

~~(ii) is in compliance with all applicable requirements of Montana state law, including any licensure requirements the state of Montana imposes on nonphysician anesthetists; and~~

~~(iii) is a graduate of a medical school-based anesthesiologist's assistant educational program that:~~

~~(A) is accredited by the Committee on Allied Health Education and Accreditation; and~~

~~(B) includes approximately two years of specialized basic science and clinical education in anesthesia at a level that builds on a premedical undergraduate science background.~~

~~(e) an anesthesiologist assistant may administer anesthesia when under the direct supervision of an anesthesiologist. The anesthesiologist must be immediately available if needed, meaning:~~

~~(i) the supervising anesthesiologist is physically present in the facility; and~~

~~(ii) is prepared to immediately conduct hands-on intervention if needed.~~

~~(f) a supervised trainee in an approved educational program under the supervision of a licensed anesthesiologist; or~~

~~(g) a trainee who is a physician in training to be an anesthesiologist in a recognized graduate medical education program, or a student in a recognized nurse anesthesia or anesthesiologist assistance education program may administer anesthesia when supervised by the physician performing the operation.~~

(4) remains the same.

AUTH: 50-5-103, MCA

IMP: 50-5-103, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing an amendment to ARM 37.106.514(3)(d). On June 6, 2013, the department published MAR Notice No. 37-637 pertaining to the public hearing on the proposed adoption of licensure requirements for outpatient centers for surgical services.

The department adopted the proposed rules in MAR Notice No. 37-637, including ARM 37.106.514. In drafting the original rules, the department included language relevant to "anesthesiologist assistants" found in ARM 37.106.514(3)(d).

Approximately one week after the official public comment period was over, the department received comment concerning this language.

The original rule included language regarding the need for compliance with all applicable requirements of Montana state law, including any professional licensure requirements, so it was felt that the language as originally written met the legal threshold and the rule was adopted as written. However, due to ongoing concerns about the legalities regarding the licensure of anesthesiologist assistants in Montana, the department proposes to remove from this rule, all references to anesthesiologist assistants and their ability to administer anesthesia in outpatient centers for surgical services.

#### Fiscal Impact:

There is no fiscal impact due to this rulemaking.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on August 21, 2014. Comments may also be faxed to (406) 444-9744 or e-mailed to [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov).



6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kenneth Mordan at the above address no later than 5:00 p.m., August 21, 2014.

7. If the agency receives requests for a public hearing on the proposed action from either 10% 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 "0" persons based on the fact there are no "anesthesiologist assistants" practicing in Montana.

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 5 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 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.

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

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

/s/ Susan Callaghan  
Susan Callaghan  
Rule Reviewer

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

Certified to the Secretary of State July 14, 2014.

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

In the matter of the amendment of ) NOTICE OF PROPOSED  
ARM 37.82.701 pertaining to the ) AMENDMENT  
update of federal poverty level and )  
health coverage status when ) NO PUBLIC HEARING  
determining Plan First eligibility ) CONTEMPLATED

TO: All Concerned Persons

1. On August 23, 2014, the Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on August 14, 2014, 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 MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.82.701 GROUPS COVERED, NONINSTITUTIONALIZED FAMILIES AND CHILDREN (1) Medicaid will be provided to:

(a) through (n) remain the same.

(o) women ages 19 through 44, who have not been otherwise determined eligible for Medicaid under this title, who are able to become pregnant but are not now pregnant, whose household income does not exceed ~~200%~~ 211% of the federal poverty level, ~~and do not have third party insurance coverage for family planning services.~~ Services are limited to those family planning services defined at ARM 37.86.1701 and not covered by third party health coverage. This program is limited to 4,000 women at any given time and is known as Plan First. Plan First will not pay any copay or deductible required by member's third party health coverage.

(2) and (3) remain the same.

AUTH: 53-4-212, 53-4-1105, 53-6-113, MCA

IMP: 53-4-231, 53-4-1104, 53-4-1105, 53-6-101, 53-6-131, 53-6-134, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing to amend ARM 37.82.701. This proposed amendment is necessary to allow women with third party insurance coverage to participate in Plan First. The proposed amendments would be consistent with the federal Patient Protection and Affordable Care Act (ACA), effective January 1, 2014. The Centers for Medicare and Medicaid Services (CMS) instructed states to increase the percentage of the federal poverty level (FPL) used for eligibility, to conform to a new method of income calculation known as Modified Adjusted Gross Income (MAGI). CMS has projected that the increased FPL should not translate to additional costs, as various income disregards used in the past will no longer be used in MAGI calculations.

The department proposes that women who have third party insurance coverage be allowed to participate in Plan First, although Plan First will not pay any copays or deductibles required by the other health coverage. CMS will allow the department to include women with insurance. All claims will be submitted to the other coverage before Montana Medicaid will be responsible for the costs.

The proposed amendments will not negatively affect Plan First recipients or Medicaid Providers.

The proposed change in the method for income calculation for Medicaid programs is standardized and updated by the ACA. This proposal would allow all potentially eligible women to take advantage of this program. This program is designed to minimize the birth costs paid by Montana Medicaid. Insurance coverage for family planning services varies greatly. The enrollment is capped at 4,000 and the program enrollment currently sits at 2,900.

#### ARM 37.82.701:

The department is proposing to amend the FPL from 200% to 211%. The department is proposing to remove language prohibiting women with insurance or health coverage from being eligible.

#### Fiscal Impact:

The proposed rule will not increase benefits to Plan First members or to Montana Medicaid providers. It may change the eligibility requirements for members. Current Plan First enrollment stands at approximately 2,900 out of the 4,000 enrollees authorized by the Centers for Medicare and Medicaid Services (CMS), which provides most of the funding for this program. Montana Medicaid pays for a large percentage of low income births. Pregnancy prevented by this program should decrease overall Montana Medicaid costs. This rule change is expected to be budget neutral.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena

MT 59604-4210, no later than 5:00 p.m. on August 21, 2014. Comments may also be faxed to (406) 444-9744 or e-mailed to [dphslegal@mt.gov](mailto:dphslegal@mt.gov).

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kenneth Mordan at the above address no later than 5:00 p.m., August 21, 2014.

7. If the agency receives requests for a public hearing on the proposed action from either 10% 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 290 persons based on the number of persons currently enrolled in the Plan First program.

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 5 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 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.

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

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

12. The department intends to apply this rule amendment retroactively to July 1, 2014. A retroactive application of the proposed rule amendment does not result in a negative impact to any affected party.

/s/ John C. Koch  
John C. Koch  
Rule Reviewer

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

Certified to the Secretary of State July 14, 2014.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.85.105 pertaining to fee ) PROPOSED AMENDMENT  
schedule revisions for the durable )  
medical equipment program, home )  
and community based services, and )  
personal assistance and self-directed )  
personal assistance services )

TO: All Concerned Persons

1. On August 13, 2014, at 10:00 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 rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on August 6, 2014, 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 amended provides as follows, new matter underlined, deleted matter interlined:

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

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

(a) through (k) remain the same.

(l) Montana Medicaid adopts and incorporates by reference the Region D Supplier Manual which outlines the Medicare coverage criteria for Medicare covered durable medical equipment, local coverage determinations (LCDs), and national coverage determinations (NCDs) as provided in ARM 37.86.1802, effective ~~January~~ October 1, 2014. The prosthetic devices, durable medical equipment, and medical supplies fee schedule, as provided in ARM 37.86.1807, is effective ~~January~~ October 1, 2014.

(m) through (6) remain the same.

AUTH: 53-2-201, 53-6-113, MCA  
IMP: 53-2-201, 53-6-101, 53-6-402, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

##### STATEMENT OF REASONABLE NECESSITY - HEALTH RESOURCES DIVISION

The Health Resources Division of the Department of Public Health and Human Services (the department) is proposing amendments to ARM 37.85.105. The proposed amendments are necessary to reflect the updated fee schedule date due to changes on the fee schedule and to reflect any Medicare coverage criteria changes. They are also necessary to remove noncovered codes from the fee schedule and to adopt Medicare coverage criteria changes since January 1, 2014.

##### ARM 37.85.105

The department is proposing to change the fee schedule effective date and the Medicare coverage criteria effective date as outlined in the Region D Supplier Manual from January 1, 2014 to October 1, 2014 to reflect the change in the fee schedule due to the deletion of noncovered codes and to reflect any changes in coverage criteria. Noncovered codes are being deleted from the existing fee schedule and therefore the fee schedule effective date needs to be changed to reflect the October 1, 2014 effective date of these changes. Also, the effective date of Medicare coverage criteria as outlined in the Region D Supplier Manual is being updated to reflect any changes.

##### Fiscal Impact

This proposed change is budget neutral and will have no fiscal impact. The proposed rule amendments are estimated to effect 391 durable medical equipment (DME) providers and 124,056 Medicaid recipients.

##### STATEMENT OF REASONABLE NECESSITY- SENIOR AND LONG-TERM CARE DIVISION

The department is proposing to amend the provider fee schedules under ARM 37.85.105(4)(a), (c) and (d). The purpose of the proposed fee schedule amendments is to update and set provider rates to take into consideration the Community First Choice state plan programmatic requirements, which were implemented July 1, 2014. These amendments will impact Home and Community Based Services case management provider agencies, and the Personal Assistance Services and Self-directed Personal Assistance Services provider agencies.

The effective date will be retroactive to July 1, 2014 for the Home and Community Based Services for elderly and physically disabled, the Personal Assistance Services, and Self-directed Personal assistance fee schedules changes. The department will provide fee schedules to all case management, personal assistance,

and self-directed personal assistance providers in advance of the rule for verification purposes and in order to facilitate comments when rate information becomes available. These sheets will incorporate the proposed reimbursement adjustment for person-centered planning and coordinated visits that will be implemented as part of the Community First Choice program.

### Fiscal Impact

The fee schedule for Home and Community Based Services for elderly and physically disabled will include a reimbursement adjustment to case management provider rates, which has been projected at \$920,000 in total funds. This funding will impact all Medicaid home and community based waiver physically disabled and elderly recipients and case management providers. The anticipated number of recipients who will receive waiver services in state fiscal year (SFY) 15 is approximately 1,500. The number of case management provider agencies that will be affected is seven.

The fee schedule for Personal Care Services and Self-directed Personal Care Services will include a reimbursement adjustment to provider rates, which has been projected at \$134,000 in total funds. This funding will impact all Medicaid personal assistance service and self-directed personal assistance service recipients and providers. The anticipated number of recipients who will receive personal assistance and self-directed personal assistance services in SFY15 is approximately 175.

5. The department intends to adopt the rule amendments found in ARM 37.85.105(3)(l), for the DME program, effective October 1, 2014.

6. The department intends to apply the rule amendments found in ARM 37.85.105(4)(a), (c) and (d), for the Senior and Long Term Care (SLTC) program, retroactively to July 1, 2014. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: 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 21, 2014.

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

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



program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 7 above or may be made by completing a request form at any rules hearing held by the department.

10. 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.

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

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

/s/ John C. Koch  
John C. Koch  
Rule Reviewer

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

Certified to the Secretary of State July 14, 2014.

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  
37.85.406, 37.86.101, 37.86.105, ) PROPOSED AMENDMENT  
37.86.202, and 37.86.205 pertaining )  
to early elective delivery and ancillary )  
services clarification )

TO: All Concerned Persons

1. On August 13, 2014, 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 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 Department of Public Health and Human Services no later than 5:00 p.m. on August 6, 2014, 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:

37.85.406 BILLING, REIMBURSEMENT, CLAIMS PROCESSING, AND PAYMENT (1) Providers must submit clean claims to Medicaid within the latest of:

(a) remains the same.

(b) six months from the date on the Medicare explanation of benefits approving the service, if the Medicare claim was timely filed and the ~~recipient~~ member was Medicare eligible at the time the Medicare claim was filed; or

(c) through (10) remain the same.

(11) Providers are required to accept, as payment in full, the amount paid by the Montana Medicaid program for a service or item provided to an eligible Medicaid ~~recipient~~ member in accordance with the rules of the department. Providers ~~shall~~ must not seek any payment in addition to or in lieu of the amount paid by the Montana Medicaid program from a ~~recipient~~ member or his representative, except as provided in these rules. A provider may bill a ~~recipient~~ member for the copayments specified in ARM 37.83.826 and 37.85.204 and may bill certain ~~recipients~~ members for amounts above the Medicare deductibles and coinsurance as allowed in ARM 37.83.825.

(a) A provider may bill a ~~recipient~~ member for noncovered services if the

provider has informed the recipient member in advance of providing the services that Medicaid will not cover the services and that the recipient member will be required to pay privately for the services, and if the recipient member has agreed to pay privately for the services. For purposes of (11)(a), noncovered services are services that may not be reimbursed for the particular recipient member by the Montana Medicaid program under any circumstances and covered services are services that may be reimbursed by the Montana Medicaid program for the particular recipient member if all applicable requirements, including medical necessity, are met.

(b) Except as provided in this rule, a provider may not bill a recipient member after Medicaid has denied payment for covered services because the services are not medically necessary for the recipient member.

(i) A provider may bill a recipient member for covered but medically unnecessary services, including services for which Medicaid has denied payment for lack of medical necessity, if the provider specifically informed the recipient member in advance of providing the services that the services are not considered medically necessary under Medicaid criteria, that Medicaid will not pay for the services and that the recipient member will be required to pay privately for the services, and the recipient member has agreed to pay privately for the services. The agreement to pay privately must be based upon definite and specific information given by the provider to the recipient member indicating that the service will not be paid by Medicaid. The provider may not bill the recipient member under this exception when the provider has informed the recipient member only that Medicaid may not pay or where the agreement is contained in a form that the provider routinely requires recipients members to sign.

(ii) An ambulance service provider may bill a recipient member after Medicaid has denied payment for lack of medical necessity.

(c) A provider may not bill a recipient member for services as a private pay patient if, prior to provision of the services, the recipient member informed the provider of Medicaid eligibility, unless, prior to provision of the services, the provider informed the recipient member of its refusal to accept Medicaid and the recipient member agreed to pay privately for the services.

~~(d) In service settings where the recipient is admitted or accepted as a Medicaid recipient by a provider, facility, institution or other entity that arranges provision of services by other or ancillary providers, all other or ancillary providers will be deemed to have accepted the individual as a Medicaid recipient and may not bill the recipient for the services unless, prior to provision of services, the particular provider informed the recipient of its refusal to accept Medicaid and the recipient agreed to pay privately for the services.~~ In service settings where the individual is accepted as a Medicaid member by an arranging provider including, but not limited to, a facility, institution, or other entity that arranges for provision of services by other providers, all other providers performing services for the individual in conjunction with the arranging provider will be deemed to have accepted the individual as a Medicaid member.

(i) The only exception to (d) is if the other provider, prior to providing services, informed the individual of their refusal to accept Medicaid and the individual agreed to pay privately for the services. The other provider may then bill the individual for services.

(e) The provider may not bill a ~~recipient member~~ for services when Medicaid does not pay as a result of the provider's failure to comply with applicable enrollment, prior authorization, billing, or other requirements necessary to obtain payment.

(f) Acceptance of an ~~recipient individual~~ as a Medicaid ~~recipient member~~ applies to all services provided by the provider to the ~~recipient member~~, except as provided in (11)(a) or (b). A provider may not accept Medicaid payment for some covered services but refuse to accept Medicaid for other covered services. Subject to the requirements of ARM 37.85.402(4), a provider may terminate acceptance of Medicaid for a ~~recipient member~~ in accordance with the provider's professional responsibility, by informing the ~~recipient member~~ of the termination and the effect of the termination on provision of and payment for any further services.

(g) If an individual has agreed prior to receipt of services that payment will be made from a source other than Medicaid but later is determined retroactively eligible for Medicaid, the provider may choose to accept the individual as a Medicaid ~~recipient member~~ with respect to the services or to seek payment in accordance with the original payment agreement.

(h) A provider that bills Medicaid for services rendered will be deemed to have accepted the individual as a Medicaid ~~recipient member~~.

(i) Nothing in this rule is intended to permit a provider to refuse to accept an individual as a Medicaid ~~recipient member~~ where the provider is otherwise required by law to accept an individual as a Medicaid ~~recipient member~~.

(12) In the event that a provider of services is entitled to a retroactive increase of payment for services rendered, the provider ~~shall~~ must submit a claim within 180 days of the written notification of the retroactive increase or the provider forfeits any rights to the retroactive increase.

(13) The Montana Medicaid program ~~shall~~ will make payments directly to the individual provider of service unless the individual provider is required, as a condition of his employment, to turn his fees over to his employer.

(a) Exceptions to the above requirement may, at the discretion of the department, be made for transportation and/or per diem costs incurred to enable a ~~recipient member~~ to obtain medically appropriate services.

(14) through (17) remain the same.

(18) Except as otherwise provided in the rules of the department which pertain to the method of determining payment rates for claims of ~~recipients members~~ who have Medicare and Medicaid coverage (cross-over claims), the Medicaid allowed amount for Medicare covered services is:

(a) through (c) remain the same.

(d) for services to ~~recipients members~~ eligible to receive both Medicare and Medicaid benefits, an amount not to exceed the Medicare allowed amount in instances where the Medicaid fee is higher than the Medicare allowable.

(19) through (21) remain the same.

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

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-131, ~~53-6-141~~, 53-6-149, MCA

37.86.101 PHYSICIAN SERVICES, DEFINITIONS (1) "Early elective delivery" means either a nonmedically necessary labor induction or cesarean section that is performed prior to 39 weeks and 0/7 days gestation.

(1) through (7) remain the same, but are renumbered (2) through (8).

AUTH: 53-6-113, MCA

IMP: 53-6-101, 53-6-113, ~~53-6-141~~, MCA

37.86.105 PHYSICIAN SERVICES, REIMBURSEMENT/GENERAL REQUIREMENTS AND MODIFIERS (1) through (8) remain the same.

(9) Effective October 1, 2014, Medicaid reimbursement for child delivery will not be made unless the claim meets the following coding requirements. Claims for child delivery must have one of the following line procedure code modifiers or the line will be denied:

(a) CG-cesarean section/induction prior to 39 weeks;

(b) GK-spontaneous vaginal delivery prior to 39 weeks (noninduced);

(c) KX-vaginal delivery at or after 39 weeks (induced or not induced); or

(d) SC - cesarean section at or after 39 weeks.

(10) Effective October 1, 2014, the department will reduce reimbursement to physicians that perform early elective inductions or cesarean sections prior to 39 weeks and 0/7 days gestation or nonmedically necessary cesarean sections at any gestation by not including the maternity policy adjustor as part of the reimbursement for the service.

(11) Confirmation of weeks gestation must be determined by the American Congress of Obstetricians and Gynecologists guidelines. At least one of the following guideline standards must be met:

(a) fetal heart tones must have been documented for 20 weeks by nonelectronic fetoscope or 30 weeks by Doppler;

(b) 36 weeks since a positive serum or urine pregnancy test that was performed by a reliable laboratory; or

(c) an ultrasound prior to 20 weeks gestation that confirms the gestational age of at least 39 weeks.

(12) If pregnancy care was not initiated prior to 20 weeks gestation, the gestational age may be documented from first day of the last menstrual period (LMP).

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

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

37.86.202 MID-LEVEL PRACTITIONER SERVICES, DEFINITIONS For the purpose of these rules, the following definitions will apply:

(1) through (3) remain the same.

(4) "Early elective delivery" means either a nonmedically necessary labor induction or cesarean section that is performed prior to 39 weeks and 0/7 days gestation.

(4) through (15) remain the same, but are renumbered (5) through (16).

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

37.86.205 MID-LEVEL PRACTITIONER SERVICES, REQUIREMENTS AND REIMBURSEMENT (1) through (10) remain the same.

(11) Effective October 1, 2014, Medicaid reimbursement for child delivery will not be made unless the claim meets the following coding requirements. Claims for child delivery must have one of the following line procedure code modifiers or the line will be denied:

- (a) CG-cesarean section/induction prior to 39 weeks;
- (b) GK-spontaneous vaginal delivery prior to 39 weeks (noninduced);
- (c) KX-vaginal delivery at or after 39 weeks (induced or not induced); or
- (d) SC-cesarean section at or after 39 weeks.

(12) Effective October 1, 2014, the department will reduce reimbursement to mid-level practitioners that perform early elective inductions or cesarean sections prior to 39 weeks and 0/7 days gestation or nonmedically necessary cesarean sections at any gestation by not including the maternity policy adjustor as part of the reimbursement for the service.

(13) Confirmation of weeks gestation must be determined by the American Congress of Obstetricians and Gynecologists guidelines. At least one of the following guideline standards must be met:

- (a) fetal heart tones must have been documented for 20 weeks by nonelectronic fetoscope or 30 weeks by Doppler;
- (b) 36 weeks since a positive serum or urine pregnancy test that was performed by a reliable laboratory; or
- (c) an ultrasound prior to 20 weeks gestation that confirms the gestational age of at least 39 weeks.

(14) If pregnancy care was not initiated prior to 20 weeks gestation, the gestational age may be documented from first day of the last menstrual period (LMP).

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

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing to amend ARM 37.85.406, 37.86.101, 37.86.105, 37.86.202, and 37.86.205. This proposed amendment is necessary protect infants and will result in healthier infants at birth. Supporting 39-week gestations will result in fewer stays in the Neonatal Intensive Care Unit (NICU) and other negative health results from early delivery of the infant. The American Congress of Obstetricians and Gynecologists (ACOG), the National Quality Forum, the Leapfrog Group, the March of Dimes, and the Joint Commission have identified the reduction of early deliveries as a key quality indicator for maternal child health. The proposed amendments will encourage providers to follow federally recommended 39-week gestation policy.

Where applicable, the term "recipients" has been replaced with the term "members" throughout all of the proposed rules in this rulemaking. This is necessary to be consistent with department terminology for those persons receiving Medicaid services.

ARM 37.85.406

The department is proposing an amendment to clarify other provider requirements when services for a Medicaid member are organized by an arranging provider.

ARM 37.86.101 and 37.86.202

The department is proposing to add the definition for the term "early elective delivery."

ARM 37.86.105 and 37.86.205

Elective inductions, cesarean sections, and early deliveries all increase the risks to both mother and infant, and there is no evidence that they confer any health benefits in the absence of medical necessity. Montana Medicaid, as the payer of more than one-third of the births in Montana, is in a key position to contribute to the reduction of elective early deliveries. These proposed amendments are necessary to define these elective deliveries and set the guidelines for reimbursement changes that will protect the health of persons eligible for Montana Medicaid benefits.

Fiscal Impact

No fiscal impact is expected for the proposed amended rules.

5. The department intends to adopt these proposed amendments effective October 1, 2014.

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 21, 2014.

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.

/s/ John C. Koch  
John C. Koch  
Rule Reviewer

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

Certified to the Secretary of State July 14, 2014.



BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 4.13.1001A grain fee schedule )

TO: All Concerned Persons

1. On May 8, 2014, the Department of Agriculture published MAR Notice No. 4-14-220 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 894 of the 2014 Montana Administrative Register, Issue Number 9.
2. The department has amended the above-stated rule 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 July 14, 2014.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 4.12.1224 and 4.12.1229 )  
pertaining to Alfalfa Leaf Cutter Bees )

TO: All Concerned Persons

1. On June 12, 2014, the Department of Agriculture published MAR Notice No. 4-14-221 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1144 of the 2014 Montana Administrative Register, Issue Number 11.

2. The department has amended the above-stated rules 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 July 14, 2014.

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

In the matter of the adoption of New ) NOTICE OF ADOPTION  
Rules I, II, III, IV, and V pertaining to )  
the unauthorized placement of fish )  
into public waters )

TO: All Concerned Persons

1. On January 30, 2014, the Fish and Wildlife Commission (commission) and the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-403 pertaining to public hearings on the proposed adoption of the above-stated rules at page 177 of the 2014 Montana Administrative Register, Issue Number 2.

2. The commission and department have adopted New Rule IV (ARM 12.7.1504) as proposed.

3. The commission and department have adopted the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (12.7.1501) GENERAL PURPOSE (1) As determined by the department, these rules pertain to the department's response to the detection of a species of fish in public waters where the department has not authorized the presence of that species. ~~the placement of live fish into public waters without authorization by the department whether the cause of the placement is known or unknown.~~ These rules are intended to cover all placement of unauthorized species into the public waters, including from outside or inside the state through introduction or transplantation. Unauthorized species refers to include any live fish found placed into public waters without authorization by the department.

(2) The Unauthorized placement of fish into public waters is of significant concern and is likely to have many adverse impacts, including but not limited to:

(a) through (3) remain as proposed.

(4) During efforts to respond to ~~the placement of~~ unauthorized species, the department will endeavor to protect the previously existing fishery and suppress or eradicate the unauthorized species to maintain the existing management objectives for that fishery.

AUTH: 87-5-704, MCA

IMP: 87-5-701, 87-5-704, 87-5-713, 87-5-715, MCA

NEW RULE II (12.7.1502) DEPARTMENT'S INITIAL RESPONSE AND ACTION PLAN (1) through (2)(f) remain as proposed.

(3) To protect existing fisheries, local economies, wildlife enjoyment, and angler opportunities, the department shall attempt eradication or suppression of the

unauthorized species if determined to be practical and necessary based on a risk and feasibility assessment, as set forth in this rule.

(4) remains as proposed.

AUTH: 87-5-704, MCA

IMP: 87-5-701, 87-5-704, 87-5-713, 87-5-715, MCA

NEW RULE III (12.7.1503) MANAGEMENT ACTIONS (1) The department's action plan for responding to a confirmed unauthorized species placement may include, as determined by the department, the following management actions for eradication or suppression:

(a) through (g) remain as proposed.

AUTH: 87-5-704, MCA

IMP: 87-5-701, 87-5-704, 87-5-713, 87-5-715, MCA

NEW RULE V (12.7.1505) REPORTING REQUIREMENTS (1) through (3) remain as proposed.

(4) The electronic repository will be made available to the public.

AUTH: 87-5-704, MCA

IMP: 87-5-701, 87-5-704, 87-5-713, 87-5-715, MCA

4. The commission and department have thoroughly considered the comments and testimony received. A summary of the comments received and the responses are as follows:

Comment 1: Nineteen comments stated "monitoring" should not be considered a management action. Two comments stated the department must be required to take action in response to an illegal introduction. Two comments stated adaptive management should be used up front not just after eradication or suppression efforts.

Response 1: The rules establish risk and feasibility considerations when developing a management action. A public process via the Montana Environmental Policy Act (MEPA) will be initiated prior to suppression or eradication efforts.

Comment 2: Eighteen comments stated information specific to illegally introduced species should be made accessible to the public.

Response 2: The commission and department agree and have added language to New Rule V (ARM 12.7.1505) stating the electronic repository documenting the investigation and subsequent management actions taken will be made available to the public.

Comment 3: Sixteen comments stated all illegal introductions, past and present, should be addressed through this rule.

Response 3: Rules cannot be applied retroactively. The department may develop action plans for illegal introductions that occurred in the past.

Comment 4: Eight comments requested increasing the penalty for people caught illegally introducing fish. One comment stated the rules should address the penalties.

Response 4: Penalties for people caught illegally introducing fish are provided in statute, 87-5-721, MCA, and cannot be changed by rule.

Comment 5: Five comments requested licensed anglers to be consulted before the department makes a decision whether fish should be killed or allowed to remain in the water. Five comments stated any action to remove or kill game fish should be in compliance with MEPA.

Response 5: Any action to suppress or eradicate fish must be in compliance with MEPA which includes a public comment period in which all members of the public, including licensed anglers, can provide comment.

Comment 6: Four comments requested an increase in public awareness efforts.

Response 6: The department is launching new efforts about the dangers and damage resulting from illegally introduced fish including news releases, magazine articles, and printed material. The department has joined with angler groups to provide an enhanced reward program for reporting perpetrators.

Comment 7: Three comments stated waiting twenty years to suppress walleye in Noxon Reservoir was not right.

Response 7: These new rules should prevent this from occurring again. The rules require the department to conduct an initial investigation within 30 days and then prepare an action plan.

Comment 8: Three comments stated people should be held accountable and the department should enforce current laws.

Response 8: The department does its best to apprehend and hold those who are accountable. Under these rules, the department will respond to any reports of an unauthorized species and inform the public regarding the department's response and rationale behind the responses.

Comment 9: Two comments stated the requirement to eradicate or suppress fish does not give the department enough latitude. Two comments stated eradication or suppression of fish may lead to lawsuits.

Response 9: The department and commission adopted New Rule II (ARM 12.7.1502) which includes the risk and feasibility assessment to determine whether

eradication or suppression is practical and necessary. This assessment and other authorities granted to the department may be used in a court of law to defend any lawsuit brought against the department.

Comment 10: Two comments stated the department must be held accountable to the statement that these rules would only apply to new waters found to have illegal introductions.

Response 10: The statement that these comments refer to was made during the public hearings. These comments were stated out of concern that the department would use these rules as a justification to change the management objectives and begin suppressing or eradicating a species that is currently being managed recreationally as a game fish. The department will not use these rules to change the management objectives already developed in the Statewide Fisheries Management Plan, the Fort Peck Management Plan, the Upper Missouri River Reservoirs Management Plan or any other planning effort in which the public has been a participant.

Comment 11: Two comments stated the department needed to reevaluate the policy prohibiting the stocking of walleye west of the Continental Divide.

Response 11: This department policy is a fish management issue and beyond the scope of this rulemaking.

Comment 12: Two comments supported the initial investigation beginning within 30 days and not 20 years.

Response 12: The commission and department appreciate the support.

Comment 13: One comment stated part of the problem comes from escaped species from licensed private ponds.

Response 13: The department and commission agree that this occurs. All species permitted by the department for stocking in private ponds are evaluated for their suitability in waters should they escape.

Comment 14: One comment opposed the option to deny fishing tournaments.

Response 14: The commission and department want to have the option to deny tournaments because allowing tournaments for unauthorized species sends the wrong message about how the department wants the public to view these actions.

Comment 15: One comment stated private ponds should be included in these rules.

Response 15: Private ponds are not included in these rules because the department already has authority under 87-4-603, MCA, to address any threat in private ponds.

Comment 16: One comment stated a timeline needs to be developed for an action plan.

Response 16: A timeline for developing an action plan was not incorporated into these rules because it is not possible to be able to predict when enough information will be collected to make an informed plan.

Comment 17: One comment stated it needed to make clear that management actions might be necessary even when it is not proven that an illegal introduction has occurred.

Response 17: The department and commission agree and have changed New Rule I (ARM 12.7.1501).

Comment 18: One comment requested the elimination of the statute preventing movement of live fish in the Eastern Fishing District.

Response 18: The repeal of statute is outside the scope of this rulemaking authority and requires an act of the state legislature.

Comment 19: One comment stated the proposed management actions don't prevent illegal fish. Instead the management actions penalize legal anglers.

Response 19: Legal anglers will not be affected by these actions.

Comment 20: One comment stated the department should not be evaluating impacts to existing fisheries when developing an action plan.

Response 20: Not considering the impacts on the existing fishery would be against the department's responsibilities.

Comment 21: One comment stated public comment should be taken prior to any adaptive management occurring.

Response 21: The public will be given an opportunity to provide comment during the commission process when it considers any proposed adaptive management.

Comment 22: One comment stated thirty days is not realistic to begin an initial investigation.

Response 22: Responding to an illegal introduction may be critical to stopping the spread of fish. The department and commission believe beginning the initial investigation within thirty days is appropriate.

Comment 23: One comment requested adding an illegally introduced fish could serve as a source population for further introductions to the list of considerations in New Rule II (ARM 12.7.1502).

Response 23: The department and commission recognize the concern and the risk is similar with every illegal introduction. For this reason, it is not necessary to include it on the list of risk factors to evaluate.

Comment 24: One comment stated a specific timeline should be included in New Rule IV (ARM 12.7.1504) instead of "after a reasonable period of time."

Response 24: Adaptive management allows for changes to be made as events happen and impacts become clear. A specific timeline cannot be developed because it is impossible to anticipate how long it will take to study and understand the ramifications of any and all possible management actions.

Comment 25: One person opposed the adoption of the rules.

Response 25: The department and commission appreciate the comment and participation in the rulemaking process. The adoption of the rules is necessary to address the illegal placement of fish.

Comment 26: One comment expressed concern whether the department can afford to respond to illegal introductions.

Response 26: The department and commission recognize the potential for response actions to be expensive and the rules allow for flexibility to make cost-effective choices and the ability to change management actions through the adaptive management.

/s/ M. Jeff Hagener  
Jeff Hagener  
Director  
Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter  
Rebecca Dockter  
Rule Reviewer

/s/ Dan Vermillion  
Dan Vermillion  
Commission Chairman  
Fish and Wildlife Commission

Certified to the Secretary of State July 14, 2014



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

In the matter of the amendment of )  
ARM 24.17.127 pertaining to )  
prevailing wage rates for public works )  
projects )

CORRECTED NOTICE OF  
AMENDMENT

TO: All Concerned Persons

1. On May 8, 2014, the Department of Labor and Industry published MAR Notice No. 24-17-284 regarding the public hearing on the amendment of the above-stated rule on page 912 of the 2014 Montana Administrative Register, Issue No. 9. On July 10, 2014, the department published the notice of amendment on page 1506 of the 2014 Montana Administrative Register, Issue No. 13.

2. In the process of finalizing the Montana Prevailing Wage Rates for Highway Construction Services publication for 2014, following the close of the public comment period, department staff noticed that the Cement Masons/Concrete Finishers rates had been based upon federal rates that became effective in March 2014, rather than those rates which were effective as of September 1, 2013, as required by ARM 24.17.121(2)(b). There was no public comment about the Cement Masons wage rate, and therefore the error was not discovered in response to a comment about the Cement Masons wage rates. Because the proposed rates (shown in the preliminary 2014 rate publication) for the Cement Masons classification are based on a source that is not consistent with ARM 24.17.121, the department believes that it should not adopt the proposed 2014 Cement Mason rates. As provided in ARM 24.17.121(6), rates remain in effect until a revised rate is adopted. As a result, the 2014 Highway Construction wage rate publication shows the rates that remain in effect for Cement Masons, which are the rate that were established in 2013.

/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 July 14, 2014.

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

|                                      |   |                        |
|--------------------------------------|---|------------------------|
| In the matter of the adoption of New | ) | CORRECTED NOTICE OF    |
| Rules I through III and the          | ) | ADOPTION AND AMENDMENT |
| amendment of ARM 37.34.901,          | ) |                        |
| 37.34.902, 37.34.906, 37.34.907,     | ) |                        |
| 37.34.911, 37.34.912, 37.34.913,     | ) |                        |
| 37.34.917, 37.34.918, 37.34.919,     | ) |                        |
| 37.34.925, 37.34.926, 37.34.929,     | ) |                        |
| 37.34.930, 37.34.933, 37.34.934,     | ) |                        |
| 37.34.937, 37.34.938, 37.34.941,     | ) |                        |
| 37.34.942, 37.34.946, 37.34.947,     | ) |                        |
| 37.34.950, 37.34.951, 37.34.954,     | ) |                        |
| 37.34.955, 37.34.956, 37.34.957,     | ) |                        |
| 37.34.960, 37.34.961, 37.34.962,     | ) |                        |
| 37.34.963, 37.34.967, 37.34.968,     | ) |                        |
| 37.34.971, 37.34.972, 37.34.973,     | ) |                        |
| 37.34.974, 37.34.978, 37.34.979,     | ) |                        |
| 37.34.980, 37.34.981, 37.34.985,     | ) |                        |
| 37.34.986, 37.34.987, and 37.34.988  | ) |                        |
| pertaining to Medicaid home and      | ) |                        |
| community-based services program     | ) |                        |

TO: All Concerned Persons

1. On October 31, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-652 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1906 of the 2013 Montana Administrative Register, Issue Number 20. On January 30, 2014, the department published the notice of adoption and amendment at page 220 of the 2014 Montana Administrative Register, Issue Number 2.

2. A citation to Montana Code Annotated in ARM 37.34.963(1) was incorrect. The correct citation is 37-8-102, MCA. The rule, as amended in corrected form, reads as follows, deleted matter interlined, new matter underlined:

37.34.963 0208 MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAM: PRIVATE DUTY NURSING (1) Nursing services are defined in ~~37-18-102, MCA~~ 37-8-102, MCA.

(2) through (5) remain as adopted.

3. The replacement page for this corrected notice was submitted to the Secretary of State on July 14, 2014.

/s/ Cary B. Lund  
Cary B. Lund  
Rule Reviewer

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

Certified to the Secretary of State July 14, 2014.

## **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.

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 March 31, 2014. This table includes those rules adopted during the period April 1, 2014, through June 30, 2014, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2014, this table, and the table of contents of this issue of the MAR.

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 2014 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.

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## BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in June 2014 appear. Vacancies scheduled to appear from August 1, 2014 through October 31, 2014, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of July 1, 2014.

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

**BOARD AND COUNCIL APPOINTEES FROM JUNE 2014**

| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| <b>Board of Barbers and Cosmetologists</b> (Labor and Industry)  |                     |                 |                             |
| Ms. Abigail Coburn<br>Missoula   | Governor            | Gross           | 6/19/2014<br>10/1/2015      |
| Qualifications (if required): Public Representative  |                     |                 |                             |
| <b>Board of Dentistry</b> (Labor and Industry)   |                     |                 |                             |
| Ms. Jennifer Porter<br>Bozeman   | Governor            | Merrick         | 6/5/2014<br>3/29/2017       |
| Qualifications (if required): Dental Hygienist   |                     |                 |                             |
| <b>Board of Nursing Home Administrators</b> (Labor and Industry)   |                     |                 |                             |
| Mr. Loren Hines<br>Butte   | Governor            | reappointed     | 6/5/2014<br>6/1/2019        |
| Qualifications (if required): Profession or Institution Concerned with the Care of chronically Ill and Infirm Aged |                     |                 |                             |
| <b>Board of Personnel Appeals</b> (Labor and Industry)   |                     |                 |                             |
| Mr. Jim Soumas<br>Joliet   | Governor            | Hallfrisch      | 6/5/2014<br>1/1/2015        |
| Qualifications (if required): Labor Unions, Substitute Member  |                     |                 |                             |
| <b>Board of Veterans' Affairs</b> (Military Affairs)   |                     |                 |                             |
| Mr. Dan Bernhardt<br>Helena  | Governor            | Erickson        | 6/5/2014<br>8/1/2017        |
| Qualifications (if required): U.S. Department of Labor Representative  |                     |                 |                             |

**BOARD AND COUNCIL APPOINTEES FROM JUNE 2014**

| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| <b>Commission on Community Service</b> (Governor)                                  |                     |                 |                             |
| Major Lori Chamberlain<br>Fort Harrison  | Governor            | Smith           | 6/5/2014<br>7/1/2015        |
| Qualifications (if required): Agency Representative                                |                     |                 |                             |
| <b>Family Support Services Advisory Council</b> (Public Health and Human Services) |                     |                 |                             |
| Ms. Jennifer Banna<br>Missoula   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Parent Representative                                |                     |                 |                             |
| Ms. Zoe Barnard<br>Helena  | Governor            | not listed      | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Agency Representative                                |                     |                 |                             |
| Ms. Sylvia Danforth<br>Miles City  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Provider Part C                                      |                     |                 |                             |
| Dr. Corey Fish<br>Bozeman  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Health Care Representative                           |                     |                 |                             |
| Ms. Peggy Grimes<br>Missoula   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Experience with Homelessness Advocacy                |                     |                 |                             |

**BOARD AND COUNCIL APPOINTEES FROM JUNE 2014**

| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| <b>Family Support Services Advisory Council (Public Health and Human Services) cont.</b> |                     |                 |                             |
| Ms. Lucy Hart-Paulson<br>Missoula  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Speech Language Therapists Association                     |                     |                 |                             |
| Ms. Ryane Holzwarth<br>Laurel  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Quality Improvement Specialist                             |                     |                 |                             |
| Ms. Caitlin Jensen<br>Helena   | Governor            | Piazzini        | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Agency Representative                                      |                     |                 |                             |
| Ms. Jody Jones<br>Ronan  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Head Start Representative                                  |                     |                 |                             |
| Ms. Debra Kercher<br>Great Falls   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Parent Representative                                      |                     |                 |                             |
| Dr. Christine Lux<br>Bozeman   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Personnel Preparation Representative                       |                     |                 |                             |
| Ms. Novelene Martin<br>Miles City  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Parent Representative                                      |                     |                 |                             |

**BOARD AND COUNCIL APPOINTEES FROM JUNE 2014**

| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| <b>Family Support Services Advisory Council (Public Health and Human Services) cont.</b> |                     |                 |                             |
| Ms. Danni McCarthy<br>Helena   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Office of Public Instruction Representative                |                     |                 |                             |
| Mr. David Munson<br>Helena   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Provider, Part C   |                     |                 |                             |
| Mr. Tim Plaska<br>Helena   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Agency Representative                                      |                     |                 |                             |
| Rep. Jean Price<br>Great Falls   | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): State Legislator   |                     |                 |                             |
| Ms. Heather Racicot<br>Helena  | Governor            | not listed      | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Agency Representative                                      |                     |                 |                             |
| Ms. Norma Zelzer<br>Great Falls  | Governor            | reappointed     | 6/5/2014<br>4/9/2016        |
| Qualifications (if required): Family Support Specialist                                  |                     |                 |                             |

## BOARD AND COUNCIL APPOINTEES FROM JUNE 2014

| <u>Appointee</u>  | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|---|---------------------|-----------------|-----------------------------|
| <b>Future Fisheries Review Panel</b> (Fish, Wildlife and Parks)                       |                     |                 |                             |
| Mr. Joseph Willauer<br>Butte  | Governor            | Arnold          | 6/5/2014<br>7/1/2015        |
| Qualifications (if required): Licensed Angler   |                     |                 |                             |
| <b>Insure Montana Board</b> (State Auditor)   |                     |                 |                             |
| Mr. John Jaksha<br>Butte  | Auditor             | not listed      | 6/30/2014<br>6/30/2016      |
| Qualifications (if required): Commissioner of Securities and Insurance Representative |                     |                 |                             |
| <b>Land Information Advisory Council</b> (Education)                                  |                     |                 |                             |
| Mr. Myron Shield<br>Crow Agency   | Governor            | Doney           | 6/5/2014<br>6/30/2015       |
| Qualifications (if required): Indian Tribal interests                                 |                     |                 |                             |
| <b>Montana Heritage Preservation and Development Commission</b> (Commerce)            |                     |                 |                             |
| Ms. Cynthia Andrus<br>Bozeman   | Governor            | reappointed     | 6/5/2014<br>5/1/2017        |
| Qualifications (if required): Member of Tourism Advisory Council                      |                     |                 |                             |
| Dr. Timothy Lehman<br>Billings  | Governor            | reappointed     | 6/5/2014<br>5/1/2017        |
| Qualifications (if required): Montana Historian                                       |                     |                 |                             |
| Mr. Andy Poole<br>Helena  | Governor            | Lawson          | 6/5/2014<br>5/1/2017        |
| Qualifications (if required): Public At-Large   |                     |                 |                             |



**BOARD AND COUNCIL APPOINTEES FROM JUNE 2014**

| <u>Appointee</u>  | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|---|---------------------|-----------------|-----------------------------|
| <b>Public Employees' Retirement Board (Administration)</b>  |                     |                 |                             |
| Mr. Warren Dupuis<br>Helena   | Governor            | not listed      | 6/5/2014<br>4/1/2019        |
| Qualifications (if required): Active Member of the Public Retirement System, Defined Contribution   |                     |                 |                             |
| Ms. Maggie Peterson<br>Anaconda   | Governor            | Bugni           | 6/5/2014<br>4/1/2019        |
| Qualifications (if required): Experience in Investment Management, Counseling or Financial Planning |                     |                 |                             |
| <b>State Employees Charitable Giving Campaign Advisory Council (Administration)</b>                 |                     |                 |                             |
| Ms. Pamela Carlson<br>Helena  | Governor            | Miller          | 6/5/2014<br>2/18/2015       |
| Qualifications (if required): Federation Representative   |                     |                 |                             |
| <b>State Tribal Economic Development Commission (Commerce)</b>                                      |                     |                 |                             |
| Mr. Garrett Big Leggins<br>Poplar   | Governor            | Miller          | 6/5/2014<br>6/30/2016       |
| Qualifications (if required): Assiniboine and Sioux Tribes Representative                           |                     |                 |                             |
| Rep. Bill Whitehead<br>Wolf Point   | Governor            | Ryan            | 6/5/2014<br>6/30/2016       |
| Qualifications (if required): Assiniboine and Sioux Tribes Alternate                                |                     |                 |                             |
| <b>Youth Justice Council (Justice)</b>  |                     |                 |                             |
| Sheriff Craig Anderson<br>Glendive  | Governor            | reappointed     | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Law Enforcement, Judge, Judiciary                                     |                     |                 |                             |

**BOARD AND COUNCIL APPOINTEES FROM JUNE 2014**

| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| <b>Youth Justice Council (Justice) cont.</b>   |                     |                 |                             |
| Mr. Dave Bailon<br>Kalispell   | Governor            | Dunham          | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Volunteer work with delinquents and potential delinquents                      |                     |                 |                             |
| Ms. Laura Bomboy Singley<br>Lewistown  | Governor            | reappointed     | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Law Enforcement, Judge, Judiciary  |                     |                 |                             |
| Mr. Tim Brurud<br>Havre  | Governor            | reappointed     | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Private Non-Profit Agency  |                     |                 |                             |
| Ms. Anna Fischer<br>East Helena  | Governor            | not listed      | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Under 24, has been or is under the Jurisdiction of the Juvenile Justice System |                     |                 |                             |
| Judge Mary Jane Knisely<br>Billings  | Governor            | Hernandez       | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Law Enforcement, Judge, Judiciary  |                     |                 |                             |
| Mr. Chaz McGurn<br>Helena  | Governor            | reappointed     | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Under 24, has been or is under the Jurisdiction of the Juvenile Justice System |                     |                 |                             |
| Ms. Kelly McIntosh<br>Dillon   | Governor            | Champion        | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Private Non-Profit Agency  |                     |                 |                             |

## BOARD AND COUNCIL APPOINTEES FROM JUNE 2014

| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| <b>Youth Justice Council (Justice) cont.</b>                       |                     |                 |                             |
| Mrs. Michelle Miller<br>Butte                                      | Governor            | Carbonari       | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Competency Addressing Youth Violence |                     |                 |                             |
| Commissioner Laura Obert<br>Townsend                               | Governor            | Tanniehill      | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Local Government                     |                     |                 |                             |
| Mr. Peter Ohman<br>Bozeman   | Governor            | McKenzie        | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Public Agency                        |                     |                 |                             |
| Mr. Randy Shipman<br>Dillon  | Governor            | reappointed     | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Public Agency                        |                     |                 |                             |
| Mr. Adam Stern<br>Livingston                                       | Governor            | reappointed     | 6/19/2014<br>3/1/2016       |
| Qualifications (if required): Local Government                     |                     |                 |                             |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>   | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <b>Alternative Health Care Board</b> (Labor and Industry)<br>Ms. Mary Anne Brown, Great Falls<br>Qualifications (if required): midwife | Governor            | 9/1/2014        |
| Ms. Phyllis Lefohn, Clancy<br>Qualifications (if required): public representative  | Governor            | 9/1/2014        |
| <b>Board of Medical Examiners</b> (Labor and Industry)<br>Dr. Anna Earl, Chester<br>Qualifications (if required): doctor of medicine   | Governor            | 9/1/2014        |
| Dr. Nathan Thomas, Missoula<br>Qualifications (if required): podiatrist  | Governor            | 9/1/2014        |
| Dr. Bruce Hayward, McAllister<br>Qualifications (if required): osteopath   | Governor            | 9/1/2014        |
| <b>Board of Outfitters</b> (Labor and Industry)<br>Rep. Carol Gibson, Billings<br>Qualifications (if required): sportsperson           | Governor            | 10/1/2014       |
| Mr. John R. Redman, Sidney<br>Qualifications (if required): public representative  | Governor            | 10/1/2014       |
| Mr. Tim Linehan, Troy<br>Qualifications (if required): sportsperson  | Governor            | 10/1/2014       |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>   | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <b>Board of Outfitters</b> (Labor and Industry) cont.<br>Mr. Hugo Tureck, Coffee Creek<br>Qualifications (if required): sportsperson                                   | Governor            | 10/1/2014       |
| <b>Board of Private Security</b> (Labor and Industry)<br>Mr. Raymond Murray, Missoula<br>Qualifications (if required): POST representative                             | Governor            | 8/1/2014        |
| Mr. James Thomas, Helena<br>Qualifications (if required): Public Safety Officer Standards and Training Council   | Governor            | 8/1/2014        |
| Ms. Holly Dershem-Bruce, Glendive<br>Qualifications (if required): public representative   | Governor            | 8/1/2014        |
| <b>Board of Psychologists</b> (Labor and Industry)<br>Dr. George Watson, Bozeman<br>Qualifications (if required): private practice psychologist                        | Governor            | 9/1/2014        |
| Dr. Stuart Hall, Missoula<br>Qualifications (if required): psychologist/teacher  | Governor            | 9/1/2014        |
| <b>Board of Veterans' Affairs</b> (Military Affairs)<br>Mr. Michael Hagenlock, Helena<br>Qualifications (if required): Public Health and Human Services Representative | Governor            | 8/1/2014        |
| Ms. Sylvia Beals, Forsyth<br>Qualifications (if required): veteran from Region 4   | Governor            | 8/1/2014        |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>  | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <b>Board of Veterans' Affairs</b> (Military Affairs) cont.<br>Mr. Harry LaFriniere, Florence<br>Qualifications (if required): veteran from Region 1 | Governor            | 8/1/2014        |
| Ms. Mary Creech, Butte<br>Qualifications (if required): veteran from Region 2   | Governor            | 8/1/2014        |
| Mr. Bernard Jacobs, Helena<br>Qualifications (if required): representative of Public Health and Human Services                                      | Governor            | 8/1/2014        |
| Dr. Trena Bonde, Fort Harrison<br>Qualifications (if required): representative of the Department of Military Affairs                                | Governor            | 8/1/2014        |
| <b>Building Codes Council</b> (Labor and Industry)<br>Mr. David Broquist, Great Falls<br>Qualifications (if required): professional engineer        | Governor            | 10/1/2014       |
| Ms. Rhonda Whiting, no city listed<br>Qualifications (if required): none specified  | Governor            | 10/1/2014       |
| Mr. Mick Wonnacott, Butte<br>Qualifications (if required): building contractor industry representative  | Governor            | 10/1/2014       |
| Mr. Mike Seaman, Kalispell<br>Qualifications (if required): manufactured housing industry representative  | Governor            | 10/1/2014       |
| Mr. Rodney N. Driver, Bigfork<br>Qualifications (if required): elevator mechanic  | Governor            | 10/1/2014       |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>  | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <b>Building Codes Council</b> (Labor and Industry) cont.<br>Mr. Allen Lorenz, Helena<br>Qualifications (if required): state fire marshal                            | Governor            | 10/1/2014       |
| Mr. Olaf Stimac, Great Falls<br>Qualifications (if required): representative of the Board of Plumbers   | Governor            | 10/1/2014       |
| Mr. Ronald E. Brothers, Hamilton<br>Qualifications (if required): Public Representative   | Governor            | 10/1/2014       |
| Mr. Ron Bartsch, Montana City<br>Qualifications (if required): home building industry representative  | Governor            | 10/1/2014       |
| Mr. Bill Qualls, East Helena<br>Qualifications (if required): representative of the Board of Electricians   | Governor            | 10/1/2014       |
| Mr. Cody Drew, Circle<br>Qualifications (if required): public member  | Governor            | 10/1/2014       |
| Mr. Jason Fitzgerald, Billings<br>Qualifications (if required): licensed architect  | Governor            | 10/1/2014       |
| Mr. Robert Risk, Bozeman<br>Qualifications (if required): building inspector  | Governor            | 10/1/2014       |
| <b>Burial Preservation Review Board</b> (Administration)<br>Mr. Conrad Fisher, Busby<br>Qualifications (if required): representative of the Northern Cheyenne Tribe | Governor            | 8/22/2014       |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>  | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <b>Burial Preservation Review Board</b> (Administration) cont.  |                     |                 |
| Mr. Morris Belgard, Hays<br>Qualifications (if required): representative of the Fort Belknap Indian Community                       | Governor            | 8/22/2014       |
| Mr. Videl Stump Sr., Box Elder<br>Qualifications (if required): representative of the Chippewa Cree Historic Preservation Committee | Governor            | 8/22/2014       |
| Dr. Ruthann Knudson, Great Falls<br>Qualifications (if required): archaeological association  | Governor            | 8/22/2014       |
| Mr. Terry Bullis, Hardin<br>Qualifications (if required): representative of the Coroners Association                                | Governor            | 8/22/2014       |
| Mr. Henry Anderson, Helena<br>Qualifications (if required): representative of the Little Shell Tribe                                | Governor            | 8/22/2014       |
| Mr. Richard White Clay Sr., Crow Agency<br>Qualifications (if required): representative of the Crow Tribe                           | Governor            | 8/22/2014       |
| <b>Historic Preservation Review Board</b> (Historical Society)  |                     |                 |
| Mr. Jeff Shelden, Lewistown<br>Qualifications (if required): historic architect   | Governor            | 10/1/2014       |
| Ms. Rosalyn LaPier, Missoula<br>Qualifications (if required): historical researcher   | Governor            | 10/1/2014       |
| Mr. Zane Fulbright, Lewistown<br>Qualifications (if required): recognized in the field of historic property administration          | Governor            | 10/1/2014       |



**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>   | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <b>Montana Noxious Weed Seed Free Forage Advisory Council</b> (Agriculture)    |                     |                 |
| Ms. Michelle Miller, Billings  | Director            | 9/17/2014       |
| Qualifications (if required): feed pellets/cube products representative        |                     |                 |
| Ms. Jennifer Cramer, Hysham  | Director            | 9/17/2014       |
| Qualifications (if required): eastern county weed district representative      |                     |                 |
| Mr. Tom Benson, Pablo  | Director            | 9/17/2014       |
| Qualifications (if required): western county weed district representative      |                     |                 |
| Mr. Steve Johns, Helena  | Director            | 9/17/2014       |
| Qualifications (if required): forage producer representative                   |                     |                 |
| <b>Montana Wheat and Barley Committee</b> (Agriculture)                        |                     |                 |
| Mr. Leonard Schock, Vida   | Governor            | 8/20/2014       |
| Qualifications (if required): District 7                                       |                     |                 |
| Mr. Frank Schoonover, Dutton   | Governor            | 8/20/2014       |
| Qualifications (if required): District 4                                       |                     |                 |
| <b>Statewide Independent Living Council</b> (Public Health and Human Services) |                     |                 |
| Ms. Mary Olson, Missoula   | Governor            | 9/26/2014       |
| Qualifications (if required): representing the Small Business Community        |                     |                 |
| <b>Vocational Rehabilitation Council</b> (Public Health and Human Services)    |                     |                 |
| Ms. Shaunda Albert, Pablo  | Governor            | 10/1/2014       |
| Qualifications (if required): Section 121 representative                       |                     |                 |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>  | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <b>Vocational Rehabilitation Council</b> (Public Health and Human Services) cont.                                       |                     |                 |
| Mr. Michael DesRosier, Browning<br>Qualifications (if required): representative of the State Workforce Investment Board | Governor            | 10/1/2014       |
| Ms. Lois McElravy, Missoula<br>Qualifications (if required): representative of the disabilities community               | Governor            | 10/1/2014       |
| Mr. Michael Woods, Billings<br>Qualifications (if required): representative of the disabilities community               | Governor            | 10/1/2014       |
| Mr. John Senn, Billings<br>Qualifications (if required): representative of the disabilities community                   | Governor            | 10/1/2014       |
| Mr. Rick Heitz, Kalispell<br>Qualifications (if required): representative of the disabilities community                 | Governor            | 10/1/2014       |
| Ms. Amy Capolupo, Missoula<br>Qualifications (if required): representative of the disabilities community                | Governor            | 10/1/2014       |
| Ms. Robin Johnson, Great Falls<br>Qualifications (if required): representative of the disabilities community            | Governor            | 10/1/2014       |
| Ms. Prairie Bighorn, Billings<br>Qualifications (if required): business representative                                  | Governor            | 10/1/2014       |
| Ms. Annaliese Gibbs, Billings<br>Qualifications (if required): vocational rehabilitation counselor                      | Governor            | 10/1/2014       |

**VACANCIES ON BOARDS AND COUNCILS -- AUGUST 1, 2014 THROUGH OCTOBER 31, 2014**

| <u>Board/current position holder</u>  | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <b>Vocational Rehabilitation Council</b> (Public Health and Human Services) cont.<br>Mr. Jim Marks, Helena<br>Qualifications (if required): ex-officio representative of the state Vocational Rehabilitation Division | Governor            | 10/1/2014       |
| <b>Water and Wastewater Operators' Advisory Council</b> (Environmental Quality)<br>Mr. Grant Burroughs, Bozeman<br>Qualifications (if required): wastewater plant operator with highest class certificate             | Governor            | 10/16/2014      |