

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

CORRECTIONS, Department of, Title 20

20-9-56 Notice of Public Hearing on Proposed Amendment and Repeal - Parole and Release of Youth. 802-808

LABOR AND INDUSTRY, Department of, Title 24

24-126-33 (Board of Chiropractors) Notice of Public Hearing on Proposed Amendment - Definitions - Inactive Status - Continuing Education. 809-813

24-225-36 (Board of Veterinary Medicine) Notice of Public Hearing on Proposed Amendment - Fee Schedule. 814-815

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-633 Amended Notice of Public Hearing on Proposed Amendment - Case Management Services for Persons With Developmental Disabilities. 816-817

37-634 Amended Notice of Public Hearing on Proposed Amendment and Repeal - Reimbursement for Services. 818-819

37-635 Amended Notice of Public Hearing on Proposed Amendment - Nursing Facility Reimbursement. 820-823

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37, continued

37-636 Amended Notice of Public Hearing on Proposed Adoption and Amendment - Revision of Fee Schedules for Medicaid Provider Rates. 824-826

PUBLIC SERVICE REGULATION, Department of, Title 38

38-5-218 Notice of Public Hearing on Proposed Amendment - Qualifying Facilities. 827-829

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-43-477 (Montana Public Employees' Retirement Board) Notice of Amendment - Definitions - Required Employer Reports - Payment of Estimated Benefits - Return to Covered Employment by PERS, SRS, or FURS - Retiree Report - Death Payments - Survivor Benefits - Optional Retirement Benefits. 830-831

COMMERCE, Department of, Title 8

8-94-108 Notice of Adoption - Administration of the 2015 Biennium Treasure State Endowment Program - Emergency Grants. 832

8-94-109 Notice of Adoption - Administration of the 2015 Biennium Treasure State Endowment Program - Planning Grants. 833

8-94-110 Notice of Amendment - Administration of the 2013-2014 Federal Community Development Block Grant (CDBG) Program. 834

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-388 Notice of Adoption - Temporary Emergency Rule Closing the Harry Morgan Fishing Access Site in Powell County. 835-836

12-389 Notice of Adoption - Temporary Emergency Rule Closing the Woodside Bridge Fishing Access Site in Ravalli County. 837-838

TRANSPORTATION, Department of, Title 18

18-140 Notice of Amendment - Motor Carrier Services. 839-840

LABOR AND INDUSTRY, Department of, Title 24

24-29-270 Notice of Amendment and Repeal - Workers' Compensation. 841-842

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee.	843-844
How to Use ARM and MAR.	845
Accumulative Table.	846-854
Boards and Councils Appointees.	855-861
Vacancies on Boards and Councils.	862-888

BEFORE THE DEPARTMENT OF CORRECTIONS
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
20.9.701, 20.9.703, 20.9.705,) PROPOSED AMENDMENT AND
20.9.706 and 20.9.707 and the repeal) REPEAL
of 20.9.702 and 20.9.704 pertaining)
to the parole and release of youth)

TO: All Concerned Persons

1. On June 14, 2013, at 10:00 a.m., the Department of Corrections will hold a public hearing in Room 3-65 of 5 South Last Chance Gulch, at Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Corrections 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 Corrections no later than 5:00 p.m. on June 12, 2013, to advise us of the nature of the accommodation that you need. Please contact Mr. Jeff Christofferson, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-6551; fax (406) 444-6495; or e-mail Jchristofferson@mt.gov.

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

20.9.701 PAROLE OF YOUTH FROM A STATE YOUTH CORRECTIONAL FACILITY DEFINITIONS For the purposes of this subchapter, the following definitions apply:

(1) "Assigned juvenile parole officer" means the officer whom the Youth Services Division assigns to monitor the youth who enters a state youth correctional facility.

~~(1)~~ (2) "Department" means the ~~d~~Department of ~~e~~Corrections as authorized in 2-15-2301, MCA.

~~(2)~~ (3) "Discharge" means formal action taken by the department to relieve ~~the state~~ both the department and the youth court of jurisdiction over a youthful offender who has been committed to department custody.

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

~~(4)~~ (5) "Length of stay" means the length of time between admission to the facility and the tentative parole date established for a youthful offender by the length of stay committee based on the length of stay guidelines a youth is incarcerated in a state youth correctional facility.

~~(5)~~ "Length of stay committee" means the ~~youth correctional facility committee appointed by the facility superintendent that establishes a length of stay and determines a tentative parole date for each youthful offender upon the offender's admission into the facility.~~

~~(6) "Length of stay guidelines" means the factors established by department/facility policy and approved by the department director by which a youth's length of stay is determined.~~

~~(7) (6) "Parole" means release of a youthful offender from a state youth correctional facility to the community, a department program subject to supervision of the department.~~

~~(8) (7) "Release" means the act of allowing the youth to leave the youth correctional facility to juvenile parole. "Parole date" means the date that a youthful offender may be paroled from a facility as determined by the length of stay committee.~~

~~(9) (8) "Secure facility emergency release" is a release granted by the superintendent of a secure facility state youth correctional facility because as a result of the population of the facility has exceeded the rated capacity of the facility.~~

~~(10) (9) "Youth parole agreement" means a document containing the terms and conditions of the youthful offender's release on parole.~~

~~(11) "Youthful offender" means a person under the age of 18 who has been adjudicated in a Montana youth court.~~

AUTH: 52-5-102, MCA

IMP: 52-5-102, MCA

REASON: Changes in definitions were made to conform to current practice, statutory requirements, and to allow the facilities some flexibility to determine the length of stay.

~~20.9.703 DUTIES OF LENGTH OF STAY COMMITTEE (1) The length of stay committee's duties are as follows:~~

~~(a) to establish each youth's length of stay within 30 days of a youth's arrival at the facility;~~

~~(b) to determine a youth's tentative parole date; and~~

~~(c) to review each youth's final parole date at least 10 days in advance of the youth's parole The youth correctional facility will determine a tentative length of stay for each youth who enters the facility. The length of stay establishes the tentative date upon which the facility will release the youth because the youth is suitable for and will be placed on juvenile parole.~~

~~(2) If the committee denies a youth parole, it must:~~

~~(a) list the reasons for the denial; and~~

~~(b) identify conditions to be met for reconsideration of parole The facility will determine the tentative length of stay within the first 30 days the youth is admitted to the facility. The facility will inform the youth, the youth's parents or guardians, and the assigned juvenile parole officer of the length of stay the facility has established and the tentative release date.~~

~~(3) If the committee is unable to reach agreement on the parole of a youthful offender, a vote must be taken. To determine the initial tentative length of stay the facility may consider any criteria deemed important, including but not limited to the following:~~

(a) ~~The committee member representing community corrections will have one vote, and the facility will have one vote.~~ category of criminal offense or offenses the youth has committed; i.e., violent offense, crime against the person, property crime, sex offense, or misdemeanor offense;

(b) ~~If the vote is tied, the decision regarding parole of the youthful offender must be made by the department director~~ the number of offenses for which the youth has been adjudicated;

(c) the youth's treatment needs; and

(d) the recommendations of the youth court.

(4) No less than quarterly, facility staff will reevaluate the length of stay for each youth at the youth's progress reviews.

(a) Facility staff may change the length of stay for the youth based on the youth's progress through the program and the youth's progress in treatment.

(b) If the facility changes the length of stay and tentative release date, staff will inform the youth, the youth's parents or guardians, and the assigned juvenile parole officer.

AUTH: 52-5-102, 52-5-111, 52-5-126, 52-5-127, MCA
IMP: 41-5-1513, 41-5-1522, 52-5-101, 52-5-102, MCA

REASON: The tentative length of stay determination should provide the youth with the concrete steps necessary to reach the goal of release. While the determination will be based on the circumstances that cause the youth to be committed to the facility, it will be changed to meet the individual youth's performance.

20.9.705 POLICIES AND PROCEDURES (1) Each facility must have written ~~policies and procedures that governing~~ length of stay. The procedures must be based upon department policy and approved by the department director Youth Services Division administrator.

(2) The length of stay procedures must which provide for the following:

(a) ~~a means of determining length of stay so that youthful offenders with similar delinquency histories and similar offenses will receive similar lengths of stay;~~

(b) a youth has incentives for youthful offenders to maximize demonstrate opportunities for positive change so youth can shorten the assigned length of stay;

(c) the criteria the facility uses to establish a tentative length of stay are consistent, fair, and objective criteria upon which to base parole release recommendations; and

(d) the facility may take into consideration discretion in individual cases based on aggravating or mitigating factors which demonstrate the necessity of a longer or shorter length of stay.

~~(2)~~ (3) When a youth is granted a release to juvenile parole, Each facility procedures must require a youth to sign a youth parole agreement that containing:

(a) a statement of the terms and conditions of the youthful offender's release, including a list of the acts that, if committed by the offender youth, could result in the youth offender's return to the facility;

(b) a statement that if the department ~~or any person~~ alleges any violation of the terms and conditions of the agreement, the youthful offender is entitled to a

hearing as provided for in 52-5-129, MCA, before the department may returning the youth to the facility; and

(c) the youth's signature.

AUTH: 52-5-102, MCA

IMP: 52-5-102, 52-5-126, 52-5-129, MCA

REASON: The length of stay procedures, and the methodology for applying those procedures, must be implemented transparently. While the length of stay will be based on the individual youth, it must be free from charges of bias or favoritism. Further, each youth must understand determination should provide the youth with the concrete steps necessary to reach the goal of release. While the determination will be based on the circumstances that caused the youth to be committed to the facility, it will be changed to recognize the individual youth's performance.

20.9.706 EMERGENCY RELEASE BY SUPERINTENDENT

DETERMINATION OF CAPACITY AND ALTERNATE PLACEMENT (1) Annually, the department will determine the capacity for each state youth correctional facility. Each year when the department has determined the facility capacities, it will notify all district courts, sheriffs, and youth courts in the state of the capacity of each facility.

(2) When the population of a youth correctional facility exceeds its rated established capacity, the superintendent has the authority to release certain eligible youthful offenders from the facility pursuant to facility policy, with notice to the community corrections division of the department department director may declare that the facility has exceeded its capacity and stop admissions to the facility. If the director stops admissions to the facility, the department will notify each district court, sheriff, and youth court that the facility will not accept admissions until the population of the facility is less than the established capacity.

(3) During any time the department stops admissions to a facility, the department will find alternative placements for youth whom the courts commit to the department. Before the department places a youth in an alternative placement, it will inform the court that committed the youth and seek approval for the alternative placement. The department may not make the alternative placement without approval of the committing court.

AUTH: 52-5-102, 52-5-105, MCA

IMP: 41-5-355, 52-5-101, 52-5-102, MCA

REASON: The department can only provide custody, assessment, care, supervision, treatment, education, habilitation, and work and skill development for youths in correctional facilities up to a specific ratio of staff to youth. Once this ratio is exceeded, the department's ability to perform its duties drops sharply. In order to best serve the needs of the youth of Montana, the department must therefore limit the number of youth in facilities. However, simply releasing a youth is not likely to be in accordance with the court's commitment. The department will therefore work to find an alternate placement that supports the court's intent.

20.9.707 RELEASE, SUPERVISION STATUS CHANGE, AND DISCHARGE OF YOUTHFUL OFFENDER

~~(1) The department will release a youth from a youth correctional facility when If a youthful offender is on parole status it is the responsibility of the juvenile parole officer to submit a "request for discharge" to the community corrections administrator or designee when:~~

~~(a) the youth has spent the maximum amount of time in a youth correctional facility pursuant to 41-5-1522, MCA the youth has attained age 18;~~

~~(b) the department places the youth on juvenile parole pursuant to a parole agreement the court order committing the youth to the department has expired; or~~

~~(c) the youth court order remands the youth back to youth court supervision once the adjudication to the department is completed the youth is being prosecuted in criminal court as an adult; or~~

~~(d) the youth is appropriate for discharge because the youth has met all the conditions of his/her parole agreement and has responded positively to programming.~~

~~(2) The department will change the supervision status of a youth when If a youthful offender is residing in a state youth correctional facility it is the responsibility of the facility caseworker to submit a "request for discharge" to the facility superintendent or designee when:~~

~~(a) the youth is transferred to supervision by adult probation/parole as a result of a transfer pursuant to 41-5-208, MCA the youth as attained age 18; or~~

~~(b) the youth is no longer under the jurisdiction of the youth court, and will be supervised under an extended jurisdiction adjudication the court order committing the youth to the department has expired;~~

~~(c) the youth is being prosecuted in criminal court as an adult; or~~

~~(d) the youth has served the maximum period of confinement pursuant to 41-5-1522, MCA.~~

~~(3) The department will notify the youth court, in writing, that the department is releasing a youth from a youth correctional facility and inform the youth court of the date of release The community corrections administrator or facility superintendent will review the request for discharge and forward the request to the department director for approval or disapproval.~~

~~(4) The Department of Corrections will discharge a youth from department custody and supervision if The department director may approve or deny the request for discharge. If the director approves the request, the director will sign the request, and distribute copies of the signed request for discharge to:~~

~~(a) the youth has fulfilled the obligations of juvenile parole as established and assessed by the department the administrator or designee of the community corrections division, or the superintendent of the appropriate state youth correctional facility;~~

~~(b) the youth has reached 18 years of age and the court order does not remand back to youth court for continued supervision to age 21 the youth court probation office; and or~~

~~(c) the dispositional order that committed the youth to the department has expired because the order committed the youth for age certain the youth's juvenile parole officer.~~

(5) In reaching the decision to discharge a youth from department custody and supervision, the department will consider the recommendations of the youth court as expressed in the dispositional order ~~The victim notification requirements of 41-5-1416, MCA, must be fulfilled if the victim has provided the department with a current address and telephone number.~~

(6) A discharge from the department terminates the jurisdiction of the youth court. The department will notify the youth court, in writing, when it discharges a youth from department custody or supervision ~~If the director denies the request for discharge, the director will return it to the community corrections administrator or appropriate superintendent stating the reasons for disapproval.~~

(7) At least four weeks before a youth leaves a youth correctional facility, the department will notify any victims of a felony offense that have requested notification of the youth's release or discharge from the facility. Notification will be made in writing or by whatever other means the victim has specified ~~The director may not deny discharge of a youth that has attained the age of 18. The department may not pay for the care, custody or supervision of any delinquent youth that has attained age 18.~~

AUTH: 52-5-102, MCA

IMP: 41-5-205, 41-5-1416, 41-5-1513 ~~41-5-1516, 41-5-1522, 46-24-213, 52-5-126, MCA~~

REASON: The changes above have been made to align the rule with the statutes it implements, and to conform to victim notification requirements.

The department proposes to repeal the following rules:

20.9.702 MEMBERSHIP OF LENGTH OF STAY COMMITTEE

AUTH: 52-5-102, MCA

IMP: 52-5-102, MCA

REASON: The removal of the length of stay committee streamlines the process of developing a comprehensive assessment of youths, their offenses, and their treatment or other needs.

20.9.704 LENGTH OF STAY COMMITTEE DECISIONS

AUTH: 52-5-102, MCA

IMP: 52-5-102, MCA

REASON: The length of stay committee has been replaced by the length of stay determination mechanism and corresponding procedures.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Jeff Christofferson, Department of Corrections, 5 South Last Chance

Gulch, Helena, Montana, 59620; telephone (406) 444-6551; fax (406) 444-6495; or e-mail jchristofferson@mt.gov, and must be received no later than 5:00 p.m., June 21, 2013.

5. Benjamin Reed, Department of Corrections, has been designated to preside over and conduct this hearing.

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

7. 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.

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

/s/ Benjamin Reed
Benjamin Reed
Rule Reviewer

/s/ Mike Batista
Mike Batista
Director
Department of Corrections

Certified to the Secretary of State May 13, 2013.

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

In the matter of the amendment of)
ARM 24.126.301 definitions,)
24.126.701 inactive status, and)
24.126.2103 and 24.126.2105)
continuing education)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 13, 2013, at 2:00 p.m., a public hearing will be held in room 471, 301 South Park Avenue, 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 Board of Chiropractors (board) no later than 5:00 p.m., on June 7, 2013, to advise us of the nature of the accommodation that you need. Please contact Dennis Clark, Board of Chiropractors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdcchi@mt.gov.

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

24.126.301 DEFINITIONS (1) remains the same.

(2) "Diagnostic x-ray" as used in 37-12-104, MCA, shall mean any recognized form of diagnostic imaging, including, but not limited to, x-ray, CAT scan, and MRI.

(3) through (5) remain the same.

(6) "Physiotherapy" as used in 37-12-104, MCA, shall mean any service, when performed, ~~or ordered to be performed,~~ by any licensee, employing for therapeutic effects, physiological measures, activities, and devices for preventive and therapeutic purposes, physiological agents, including, but not limited to, mechanical devices, heat, air, light, water, electricity, sound, exercise, rehabilitative procedures, massage, and mobilization, when performed for the purpose of diagnosis, evaluation, treatment, and instruction of the human body to detect, assess, correct, alleviate, prevent, and limit physical disability, injury, body malfunction, pain, mental condition by the aforementioned agents, or any other procedure taught in chiropractic colleges for the purpose of preventing, correcting, or alleviating a physiological or mental disability or condition.

AUTH: 37-1-131, 37-1-319, 37-12-201, MCA

IMP: 37-1-131, 37-12-104, 37-12-201, MCA

REASON: The board determined it is reasonably necessary to amend this rule to remain within the scope of the statutes implemented through this rule. In 1990, when the definitions of physiotherapy and diagnostic x-ray were adopted, the reasonable necessity statement indicated the rule was proposed "at the request of the insurance industry for an interpretation to assist in reviews of chiropractic claims." The reasonable necessity further stated that the rule was advisory only and therefore lacked the force of law. The board is amending this rule to strike from the definition of "physiotherapy" the perceived ability of a licensed chiropractor to delegate licensed duties to unlicensed personnel. The board concluded that there exists no statutory provision allowing for this delegation of licensed duties and further notes that such an expansion of the practice of chiropractic would require a statutory change.

The board notes that although adjective or interpretive rules are required under 2-4-308, MCA, to include a statement within the historical notations that the rule is advisory only, but may be a correct interpretation of the law, the statement was only made in the original reasonable necessity and never reprinted in the historical notations of the rule.

24.126.701 INACTIVE STATUS AND CONVERSION TO ACTIVE STATUS

(1) A licensed chiropractor who wishes to retain a license, but who will not be practicing chiropractic in Montana, may obtain an inactive status license upon submission of an application. An individual licensed on inactive status may not practice chiropractic in Montana during the period in which the licensee remains on inactive status.

(2) and (a) remain the same.

(b) proof of completion of ~~42~~ 13 hours of approved continuing education in the year preceding activation.

AUTH: 37-1-131, 37-1-319, 37-12-201, MCA

IMP: 37-1-131, 37-1-319, MCA

REASON: In MAR 24-126-32, the board amended ARM 24.126.2103 and 24.126.2105 to require that licensees obtain an additional hour of continuing education (CE) in professional boundaries or ethics each renewal period. This change became effective February 28, 2012. The board inadvertently missed making the change in this rule and is amending it now to align with the current requirements.

24.126.2103 CONTINUING EDUCATION REQUIREMENTS (1) Beginning with the 2012 renewal, every licensee shall affirm that they have completed a minimum of 13 hours of board-approved continuing education during each renewal period as defined in ARM 24.101.413. All active licensees shall affirm on all subsequent renewal applications that they have attended and successfully completed a minimum of 13 hours of board-approved continuing education in the year period preceding the application for renewal.

(a) Of the 13 hours, no more than two hours can be in the subject area of philosophy and/or practice management. In addition, the board will require each licensee to demonstrate successful completion of a professional boundary and ethics continuing education course.

(b) Of the 13 hours, one hour must be obtained in professional boundaries or ethics. The board will only grant credit for a maximum of one hour in professional boundaries or ethics.

(2) New licensees to the state of Montana have from the date of their original licensure in Montana until the end of their first renewal ~~year~~ period to complete their first 13 hours of continuing education, and shall affirm on their second renewal application that they have attended and successfully completed a minimum of 13 hours of board-approved continuing education during that period.

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

~~(3)~~ (4) An annual random audit of 40 ~~ten~~ percent of active licensees will be conducted to verify compliance of the continuing education requirements.

~~(4)~~ (5) Clock hours of continuing education cannot be accumulated and carried over from one renewal ~~year~~ period to the next renewal ~~year~~ period.

(5) and (6) remain the same, but are renumbered (6) and (7).

~~(7)~~ (8) Any licensee seeking a hardship waiver from their continuing education requirements shall apply to the board, in writing, as soon as possible after the hardship is identified and prior to the close of licensure for that ~~year~~ period. Specific details of the hardship must be included. The board must make a finding that a hardship exists. The waiver may be absolute or conditional.

AUTH: 37-1-319, 37-12-201, MCA

IMP: 37-1-141, 37-1-306, 37-1-319, MCA

REASON: The board is amending this rule to clarify that all new licensees have a full renewal period in which to complete the required continuing education (CE) and do not need to report their CE until the second time they renew, regardless of when they originally become licensed. The board receives questions on new licensee CE constantly, and is changing "year" to "period" to address the perceived confusion. The rule is further amended, reorganized, and renumbered to comply with ARM formatting and punctuation requirements.

24.126.2105 APPROVED CONTINUING EDUCATION (1) and (2) remain the same.

(3) ~~All licensees~~ Licensees can receive two credits for each chiropractic board meeting or regional/national meeting attended in person.

(4) ~~All Licensees~~ can receive a maximum of six credits per year for Internet/online courses, and such courses must meet the same guidelines for continuing education approval in ARM 24.126.2103 and this rule.

(5) and (6) remain the same.

AUTH: 37-1-319, 37-12-201, MCA

IMP: 37-1-141, 37-1-306, 37-1-319, MCA

REASON: The board is amending (3) to allow licensed Montana chiropractors to receive a limited number of hours toward their continuing education (CE) requirement by attending national or regional chiropractic meetings. The board determined that these meetings, like the board's regular meetings, offer relevant educational material, and that licensees should be able to earn up to two credits for attending these meetings in person.

The board determined it is reasonably necessary to amend (4) and specify that licensees may only receive a maximum of six credits toward their annual CE requirement for online or Internet courses. The board acknowledges that online courses can provide good quality professional education, but concluded that it is to the licensees' and public's benefit for licensees to obtain the majority of the required CE through active, in-person courses.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Chiropractors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdchi@mt.gov, and must be received no later than 5:00 p.m., June 21, 2013.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's web site at www.chiropractor.mt.gov. 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.

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

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

8. Darcee L. Moe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF CHIROPRACTORS
SCOTT HANSING, D.C., PRESIDENT

/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 May 13, 2013

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.225.401 fee schedule) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 13, 2013, at 2:00 p.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Veterinary Medicine (board) no later than 5:00 p.m., on June 7, 2013, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrv@mt.gov.

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

24.225.401 FEE SCHEDULE

- (1) remains the same.
- (a) Renewal of license \$~~110~~ 145
- (b) through (2)(b) remain the same.
- (c) Renewal of certification 410 145
- (3) and (a) remain the same.
- (b) Technician renewal 410 145
- (c) remains the same.
- (d) Agency renewal 495 257
- (e) through (5) remain the same.

AUTH: 37-1-134, 37-18-202, 37-18-603, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-18-302, 37-18-603, MCA

REASON: Section 37-1-134, MCA, requires all professional and occupational licensing boards to set and maintain fees commensurate with associated costs. The board is amending this rule by raising renewal fees to meet expected operating costs for salaries and benefits, legal costs, and the scanning and electronic storage of all licensing files. In providing administrative services to the board, the department has determined that unless these renewal fees are increased as proposed, the board will have a negative cash balance and shortage of operating

funds in FY 2014. The board estimates that the proposed fee changes will affect approximately 1056 renewing licensees and result in a \$37,203 increase in annual board revenue.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrvvet@mt.gov, and must be received no later than 5:00 p.m., June 21, 2013.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's web site at www.vet.mt.gov. 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.

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

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

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

BOARD OF VETERINARY MEDICINE
KIM BAKER, PRESIDENT

/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 May 13, 2013

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 37.86.3607 pertaining to case) HEARING ON PROPOSED
management services for persons) AMENDMENT
with developmental disabilities)

TO: All Concerned Persons

1. On April 25, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-633 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 605 of the 2013 Montana Administrative Register, Issue Number 8.

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 May 28, 2013, 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 Department of Public Health and Human Services (the department) is proposing to amend this rulemaking. At the time of the original proposed notice, House Bill 2 (HB2) of the 63rd Montana Legislature was not finalized; therefore, the department was unable to determine the final rates affecting Medicaid reimbursement. For this reason, an amended proposed notice is being filed to advise the public of the correct rates affecting Medicaid reimbursement and to extend the comment period for public comment.

The final rates may be found in Section One, Rates of Reimbursement for the Provision of Developmental Disabilities Case Management Services for Persons with Developmental Disabilities 16 Years of Age or Older or Who Reside in a DD Children's Group Home Manual. A copy of Section One of the manual may be obtained through the Department of Public Health and Human Services, Developmental Services Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 and at <http://www.dphhs.mt.gov/dsd/ddp/ddprateinformation.shtml>.

4. The public comment period has been extended. 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 May

30, 2013. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Cary B. Lund
Rule Reviewer

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

Certified to the Secretary of State May 13, 2013.

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 37.34.3001, 37.34.3002, and) HEARING ON PROPOSED
37.34.3005 and the repeal of ARM) AMENDMENT AND REPEAL
37.34.3006, 37.34.3007, 37.34.3012,)
37.34.3013, and 37.34.3015)
pertaining to reimbursement for)
services)

TO: All Concerned Persons

1. On April 25, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-634 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 608 of the 2013 Montana Administrative Register, Issue Number 8.

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 May 28, 2013, 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 Department of Public Health and Human Services (the department) is proposing to amend this rulemaking. At the time of the original proposed notice, House Bill 2 (HB2) of the 63rd Montana Legislature was not finalized; therefore, the department was unable to determine the final rates affecting Medicaid reimbursement. For this reason, an amended proposed notice is being filed to advise the public of the corrected rates affecting Medicaid reimbursement and to extend the comment period for public comment.

The final rates may be found in Section Two: Rates of Reimbursement for the HCBS 1915(c) 0208, 1037, 0667 Waiver Programs, of the Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures, published effective July 1, 2013. A copy of Section Two of the manual may be obtained through the Department of Public Health and Human Services, Developmental Services Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 and at <http://www.dphhs.mt.gov/dsd/ddp/ddprateinformation.shtml>.

4. The public comment period has been extended. 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 May 30, 2013. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Cary B. Lund
Rule Reviewer

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

Certified to the Secretary of State May 13, 2013.

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 37.40.307, 37.40.325, and) HEARING ON PROPOSED
37.40.361 pertaining to nursing) AMENDMENT
facility reimbursement)

TO: All Concerned Persons

1. On April 25, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-635 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 616 of the 2013 Montana Administrative Register, Issue Number 8.

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 May 28, 2013, 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 Department of Public Health and Human Services (the department) is proposing to amend this rulemaking. At the time of the original notice, House Bill 2 (HB2) of the 63rd Montana Legislature was not finalized; therefore, the department was unable to determine the actual rates affecting Medicaid reimbursement. For this reason, an amended proposed notice is being filed to advise the public of the correct rates affecting Medicaid reimbursement and to extend the comment period for public comment.

Governor Bullock originally proposed and supported a 2% provider rate increase for the department. The Legislature included an additional 2% provider rate increase. The Governor vetoed this additional 2% increase and stated that the original 2% increase was a fair and reasonable increase. The "Statement of Reasonable Necessity" in the proposed notice is being amended in this notice to reflect this decision.

A typographical error was made in ARM 37.40.307 when numbering the rule in the proposed notice. This is being corrected and is included in this amended notice.

4. The rule as proposed to be amended provides as follows:

37.40.307 NURSING FACILITY REIMBURSEMENT (1) and (2) remain as

proposed.

(3) Providers who, as of July 1 of the rate year, have not filed with the department a cost report covering a period of at least six months participation in the Medicaid program in a newly constructed facility shall have a rate set at the statewide median price ~~as computed on September 1, 2012~~. Following a change in provider as defined in ARM 37.40.325, the per diem rate for the new provider shall be set at the previous provider's rate, as if no change in provider had occurred.

(4) through (12) remain as proposed.

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

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

5. The statement of reasonable necessity from the proposed notice dated April 25, 2013 is being amended as follows, new matter underlined, deleted matter interlined:

The Department of Public Health and Human Services (the department) is proposing amendments to ARM 37.40.307, 37.40.325, and 37.40.361, nursing facility services, regarding a 2% increase in Medicaid fees to providers. This increase is mandated by House Bill 2 (HB2) of the 63rd Montana Legislature.

These rules continue the methodology of implementing legislative funding for nursing facility reimbursement; including, updated estimated patient days, patient contribution amounts, and case mix indices (acuity) into the rate calculation for State Fiscal Year (SFY) 2014.

~~The Montana Legislature is still in session as of this date and the department does not have available, at this time, all of the information that will be necessary in order to establish final payment rates for nursing facility providers effective July 1, 2013. The final rates that will be set will be dependent on the funding levels authorized by the 63rd Legislature.~~

The Legislature has provided funding to implement a 2% provider rate increase effective July 1, 2013. ~~In addition to the 2% provider rate increase, the Legislature has provided additional funding for nursing facility providers to be used only to raise nursing facility rates for Medicaid services above the level paid in "fiscal year 2012" and may be used only to augment any other rate increase for nursing facility Medicaid services.~~

Funding will continue to be available to provide for a direct care worker wage increase for nursing facility providers for workers who provide direct care and ancillary services in SFY 2014.

The Legislature continued approval for the use of local county matching funds as a source of additional revenue for nursing facility providers. The Intergovernmental Fund Transfer (IGT) Program maintains access to, and the quality of, nursing facility services, and will be available for SFY 2014.

The department will provide rate sheets to all providers in advance of the rule hearing, for verification purposes and in order to facilitate comments, when final case mix information and Medicaid utilization data and other details necessary to compute accurate reimbursement rates become available. These sheets will distribute the funding available in order to meet the department goals for a price-based system of reimbursement and will incorporate legislative appropriated funding levels.

The department has determined these rates are consistent with efficiency, economy, and quality of care and access to Medicaid services and concluded that the rates are sufficient to enlist enough providers so that care and services under the Montana Medicaid Program are available to the extent that such care and services are available to the general population in the geographic area.

The department administers the Montana Medicaid Program to provide health care to Montana's qualified low income and disabled residents. It is a public assistance program paid for with state and federal funds appropriated to pay health care providers for the covered medical services they deliver to Medicaid clients. The Legislature delegates authority to the department to set the reimbursement rates Montana pays Medicaid providers for Medicaid clients' covered services. See 53-6-106(8) and 53-5-113, MCA.

ARM 37.40.307 and 37.40.361

The department is proposing amendments to ARM 37.40.307 and 37.40.361 pertaining to Medicaid nursing facility services to remove the rate effective date of September 1, 2012 in the reimbursement rule and in the direct care and ancillary services worker wage reimbursement rule and replace them with the term "rate year". This will provide that the department will no longer have to amend these rules to change this effective date in these rule sections annually. The term "rate year" is already defined in ARM 37.40.302(17) in the definitions section to mean, a 12-month period beginning July 1. For example, rate year 2006 means a period corresponding to the SFY July 1, 2005 through June 30, 2006.

ARM 37.40.325

Additionally, the department is proposing to amend (6) to require new Medicaid provider enrollment for any provider change that results in a change in the federal tax identification number.

Fiscal Impact

The proposed amendments, as mandated in House Bill 2 (HB2), to the above-mentioned rules regarding services provided through the Senior and Long Term Care Division will increase provider rates, and are necessary to implement legislative funding for nursing facility reimbursement for SFY 2014.

The Legislature has provided funding to implement a 2% provider rate increase effective July 1, 2013. Total funds for this 2% rate increase are \$2,840,632. ~~In addition to the 2% provider rate increase, the Legislature has provided additional funding for nursing facility providers to be used only to raise nursing facility rates for Medicaid services above the level paid in "fiscal year 2012" and may be used only to augment any other rate increase for nursing facility Medicaid services. This additional provider rate increase totals \$2,957,255.~~

The total state and federal funding available for fiscal year 2014 for rate calculation purposes utilizing the funding in HB2 is currently projected at ~~\$145,540,218~~ \$142,582,963 which is comprised of \$16,694,858 in state special revenue, ~~\$32,395,857~~ \$31,398,375 in state general funds, and ~~\$96,449,503~~ \$94,489,730 in federal funds when the 2% provider rate increases are included. The estimated total funding available for fiscal year 2014 for nursing facility reimbursement is estimated at approximately ~~\$179,065,639~~ \$176,108,384 of combined state funds, federal funds, including \$33,525,421 in patient contributions. These numbers do not include at-risk provider funds or direct care wage funding.

The additional funding for lump-sum payments to providers for direct-care workers and ancillary staff of ~~\$1,344,818~~ \$1,342,827 of general funds and ~~\$2,636,288~~ \$2,638,279 in federal funds for a total appropriation of \$3,981,106 for the nursing facility direct care worker wage program is continued.

The estimated total funding impact of the onetime payments to 'at risk' nonstate governmental providers and other nursing facilities not determined to be 'at risk', has been appropriated at \$22,651,002 in total funds of which \$7,640,183 comes from state special revenue funds and approximately \$15,010,819 comes from federal funding sources.

Anticipated days for state fiscal year 2014 are estimated at 1,060,260 using estimates of caseload adopted by the Legislature. Eighty-one nursing facility providers participated in the Medicaid nursing facility payment program and approximately 4,792 recipients received services in fiscal year 2013 in nursing facilities under Medicaid.

6. The public comment period has been extended. 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 May 30, 2013. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Valerie A. Bashor
Rule Reviewer

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

Certified to the Secretary of State May 13, 2013.

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

In the matter of the adoption of New) AMENDED NOTICE OF PUBLIC
Rules I and II, and the amendment of) HEARING ON PROPOSED
ARM 37.40.705, 37.40.1105,) ADOPTION AND AMENDMENT
37.40.1303, 37.79.102, 37.79.304,)
37.85.105, 37.85.212, 37.86.105,)
37.86.205, 37.86.805, 37.86.1004,)
37.86.1006, 37.86.1105, 37.86.1506,)
37.86.1802, 37.86.1807, 37.86.2005,)
37.86.2206, 37.86.2207, 37.86.2230,)
37.86.2405, 37.86.2505, 37.86.2605,)
37.86.3020, 37.86.3515, 37.86.4010,)
37.86.4205, 37.87.901, 37.87.1303,)
37.87.1313, 37.87.1314, 37.87.1333,)
37.87.2233, 37.88.907, 37.89.125,)
37.89.523, and 37.90.408 pertaining)
to revision of fee schedules for)
Medicaid provider rates)

TO: All Concerned Persons

1. On April 25, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-636 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 621 of the 2013 Montana Administrative Register, Issue Number 8.

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 May 28, 2013, 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 Department of Public Health and Human Services (the department) is proposing to amend this rulemaking. At the time of the original notice, House Bill 2 (HB2) of the 63rd Montana Legislature was not finalized; therefore, the department was unable to determine the actual rates affecting Medicaid reimbursement. For this reason, an amended proposed notice is being filed to advise the public of the correct rates affecting Medicaid reimbursement and to extend the comment period for public comment.

Proposed conversion factor amounts and the by-report percentages have been calculated and are included in the body of this rule amendment. Please note that the calculation of fees for resource-based relative value scale (RBRVS) providers is determined by multiplying the conversion factor amount by the relative value unit. Even though the fees for RBRVS providers are increasing, it is possible that the conversion factor amount will decrease if the relative value unit increases. Subsequently, the conversion factor for allied services providers has decreased.

RBRVS provider rates established for psychiatrists are presently 125% of the rate paid to nonpsychiatrist physicians due to inadequate access to mental health services by Medicaid members. These services will continue to have a favorable provider rate adjustment to address access problems but the favorable provider rate adjustment will be reduced from 125% to 112% to implement the final RBRVS rates for state fiscal year (SFY) 2014 as directed by the Legislature. The department's proposed change remains a positive rate adjustment for psychiatrists in relation to other licensed physicians.

In addition, new information regarding federal sequestration has indicated that Medicaid fee schedules will not be affected by the sequester. Since federal sequestration no longer applies, information regarding the effect of federal sequestration upon Medicaid fee schedules found in the statement of reasonable necessity no longer applies.

A typographical error in ARM 37.85.212 is being corrected. The (3) has been changed to (2) to indicate the correct subsection in ARM 37.85.105.

Copies of the department's SFY 2014 fee schedules are posted at <http://medicaidprovider.hhs.mt.gov> and may be obtained from the Department of Public Health and Human Services, Health Resources Division, 1401 East Lockey, P.O. Box 202951, Helena, MT 59620-2951.

4. The rules as proposed to be amended provide as follows:

37.85.105 EFFECTIVE DATES, CONVERSION FACTORS, POLICY ADJUSTERS, AND COST-TO-CHARGE RATIOS OF MONTANA MEDICAID PROVIDER FEE SCHEDULES (1) remains as proposed.

(2) The department adopts and incorporates by reference, the resource-based relative value scale (RBRVS) reimbursement methodology for specific providers as described in ARM 37.85.212 on the date stated.

(a) remains as proposed.

(b) Fee schedules are effective July 1, 2013. The conversion factor for physician services is ~~\$31.86~~ \$34.32. The conversion factor for allied services is ~~\$23.11~~ \$23.08. The conversion factor for mental health services is ~~\$22.84~~ \$24.29. The conversion factor for anesthesia services is ~~\$27.55~~ \$28.10.

(c) remains as proposed.

(d) The by-report rate is effective July 1, 2013 and is ~~46%~~ 44% of the provider's usual and customary charges.

- (e) remains as proposed.
- (f) Psychiatrists receive a ~~125%~~ 112% provider rate of reimbursement adjustment to the reimbursement of physicians effective July 1, 2013.
- (g) through (6) remain as proposed.

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

37.85.212 RESOURCE-BASED RELATIVE VALUE SCALE (RBRVS) REIMBURSEMENT FOR SPECIFIED PROVIDER TYPES (1) through (11) remain as proposed.

(12) Subject to the provisions of (12)(a), when billed with a modifier, payment for procedures established under the provisions of (7) is a percentage of the rate established for the procedures.

(a) The methodology to determine the specific percent for each modifier is as follows:

(i) and (ii) remain as proposed.

(iii) The department's list of the specific percents for the modifiers used by Medicaid is adopted and incorporated by reference. A copy of the list is available on the department's web site at:

<http://medicaidprovider.hhs.mt.gov/pdf/manuals/physician.pdf>. The effective date and amounts are as provided in ARM 37.85.105~~(3)~~(2).

(13) and (14) remain as proposed.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-125, MCA

5. The public comment period has been extended. 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 May 30, 2013. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ John Koch
Rule Reviewer

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

Certified to the Secretary of State May 13, 2013.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 38.5.1902 pertaining to) PROPOSED AMENDMENT
qualifying facilities)

TO: All Concerned Persons

1. On June 24, 2013, at 10:00 a.m., the Department of Public Service Regulation will hold a public hearing in the Bollinger Room at 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Service Regulation 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 Service Regulation no later than 5:00 p.m. on June 17, 2013, to advise us of the nature of the accommodation that you need. Please contact Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service/etc (406) 444-4212; or e-mail asolem@mt.gov.

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

38.5.1902 GENERAL PROVISIONS (1) through (4) remain the same.

(5) All purchases and sales of electric power between a utility and a qualifying facility shall be accomplished according to the terms of a written contract between the parties or in accordance with the standard tariff provisions as approved by the commission. A long-term contract for purchases and sales of energy and capacity between a utility and a qualifying facility greater than ~~40MW~~ 100KW in size shall be contingent upon selection of the qualifying facility by a utility through ~~an all-source~~ a competitive solicitation conducted in accordance with the provisions of ARM 38.5.2001 through 38.5.2012. Between competitive solicitations, purchases, and sales of energy and capacity between a utility and a qualifying facility greater than ~~40MW~~ 100KW in size shall be accomplished in accordance with negotiation of a short-term written contract. The utility shall recompute the short-term and long-term standard tariffed avoided cost rates following ~~public review and comment on each submission of its~~ least cost plan filing, ARM 38.5.2001 through 38.5.2012, or procurement plan filing, ARM 38.5.8201 through 38.5.8229. ~~The recomputed avoided cost rates should reflect any amendments to the plan due to the comments of the commission and the public.~~ If the qualifying facility is not selected, or does not participate, in the first available competitive solicitation, purchases and sales of energy and capacity shall continue only according to the terms of a newly negotiated short-term written contract. Long-term contracts for purchases and sales of energy

and capacity between a utility and a qualifying facility ~~40MW~~ 100KW or less may be accomplished according to standard tariffed rates as approved by the commission. The contract shall specify:

(a) through (j) remain the same.

(6) All purchases and sales of electric power between a utility and a qualifying facility shall be compatible with the goal of the commission's integrated least cost resource planning and acquisition guidelines, ARM 38.5.2001 through 38.5.2012, and the commission's procurement plan guidelines, ARM 38.5.8201 through 38.5.8229.

(7) A qualifying facility that entered into a contract with a utility prior to July 1, 2013 will not be subject to the 100 KW size limitation for the purpose of obtaining a new or extended contract.

AUTH: 69-3-103, MCA

IMP: 69-3-102, MCA

REASON: Pursuant to the Public Utility Regulatory Policies Act of 1978 regulations issued by the Federal Energy Regulatory Commission, state commissions are required to set rates for purchases from small qualifying facilities that are equal to the avoided cost of the utility. 18 C.F.R. § 292.304. State commissions have the discretion to increase or decrease the limit on design capacity but may not set the design capacity below 100KW. 18 C.F.R. § 292.304(c)(1) and (2). The commission has adopted and incorporated these federal regulations in its administrative rules. ARM 38.5.1901.

Amendment to ARM 38.5.1902 is reasonably necessary because certain provisions exceed the minimum requirements under federal and/or state laws and the rule needs to be updated for economic and public policy reasons.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; or e-mail asolem@mt.gov, and must be received no later than 5:00 p.m., June 28, 2013.

5. The commission, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

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

7. 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.

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

/s/ JUSTIN KRASKE
Justin Kraske
Rule Reviewer

/s/ W. A. (BILL) GALLAGHER
W. A. (Bill) Gallagher
Chairman
Public Service Regulation

Certified to the Secretary of State May 13, 2013.

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

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 2.43.1302, 2.43.2114,)	
2.43.2607, 2.43.2608, and 2.43.2902)	
pertaining to definitions, required)	
employer reports, payment of)	
estimated benefits, return to covered)	
employment by PERS, SRS, or)	
FURS retiree report, and death)	
payments, survivor benefits and)	
optional retirement benefits)	

TO: All Concerned Persons

1. On March 28, 2013 the Montana Public Employees' Retirement Board published MAR Notice No. 2-43-477 pertaining to the proposed amendment of the above-stated rules at page 348 of the 2013 Montana Administrative Register, Issue Number 6.

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

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

COMMENT #1: One commenter inquired if on-line reports, specifically payroll reports, needed to be sent in as hard copy reports.

RESPONSE #1: The rule is directed to e-mail and fax filings of applications and other forms. It does not apply to web reporting.

COMMENT #2: One commenter asked for clarification regarding original documents filed by members or employers. They have received employment verification forms from MPERA in the past and have just scanned the document back to us. If the rule is requiring original signatures, she is suggesting that we only accept original employment verification documents.

RESPONSE #2: The intent of the rule is to allow individuals to submit documents by fax or e-mail in order to meet filing deadlines. When the original is received, the processing of the form or application will begin. The process that the commenter is referring to for employers to verify employment dates of members has been changed to accommodate web reporting through the employer's regular reporting process which does not require an original signature because of employer verification incorporated in that process.

/s/ Melanie Symons
Melanie Symons
Rule Reviewer

/s/ Scott Moore
Scott Moore
President
Public Employees' Retirement Board

Certified to the Secretary of State May 13, 2013.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to the administration)
of the 2015 Biennium Treasure State)
Endowment Program – Emergency)
Grants)

TO: All Concerned Persons

1. On March 28, 2013, the Department of Commerce published MAR Notice No. 8-94-108 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 353 of the 2013 Montana Administrative Register, Issue Number 6.

2. The department has adopted the above-stated rule as proposed: New Rule I (8.94.3816).

3. No comments or testimony were received.

/s/ KELLY A. LYNCH
KELLY A. LYNCH
Rule Reviewer

/s/ MEG O'LEARY
MEG O'LEARY
Director
Department of Commerce

Certified to the Secretary of State May 9, 2013.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to the administration)
of the 2015 Biennium Treasure State)
Endowment Program – Planning)
Grants)

TO: All Concerned Persons

1. On March 28, 2013, the Department of Commerce published MAR Notice No. 8-94-109 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 355 of the 2013 Montana Administrative Register, Issue Number 6.
2. The department has adopted the above-stated rule as proposed: New Rule I (8.94.3817).
3. No comments or testimony were received.

/s/ KELLY A. LYNCH
KELLY A. LYNCH
Rule Reviewer

/s/ MEG O'LEARY
MEG O'LEARY
Director
Department of Commerce

Certified to the Secretary of State May 9, 2013.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 8.94.3727 pertaining to the)
administration of the 2013-2014)
Federal Community Development)
Block Grant (CDBG) Program)

TO: All Concerned Persons

1. On April 11, 2013, the Department of Commerce published MAR Notice No. 8-94-110 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 462 of the 2013 Montana Administrative Register, Issue Number 7.

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

3. No comments or testimony were received.

/s/ KELLY A. LYNCH
KELLY A. LYNCH
Rule Reviewer

/s/ MEG O'LEARY
MEG O'LEARY
Director
Department of Commerce

Certified to the Secretary of State May 10, 2013.

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

In the matter of the adoption of a)
temporary emergency rule closing the) NOTICE OF ADOPTION OF A
Harry Morgan Fishing Access Site in) TEMPORARY EMERGENCY RULE
Powell County)

TO: All Concerned Persons

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

(a) The North Fork of the Blackfoot River is flooding into the Harry Morgan Fishing Access Site (FAS).

(b) Persons recreating in the flooded portion of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water around trees.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 10 of the 2013 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 7, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective May 10, 2013 when this rule notice is filed with the Secretary of State.

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

RULE I HARRY MORGAN FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Harry Morgan Fishing Access Site is located in Powell County.

(2) Portions of the Harry Morgan Fishing Access Site are closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the

extent and duration of the flooding in the area. Signs restricting use of the fishing access site will be removed when the rule is no longer effective.

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

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

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jessica Snyder, Legal Unit, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 454-5845; fax (406) 761-8477; or e-mail jesssnyder@mt.gov. Any comments must be received no later than June 21, 2013.

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

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

<u>/s/ Susan W. Daly</u>	<u>/s/ Zach Zipfel</u>
Susan W. Daly, Acting Director	Zach Zipfel
Department of Fish, Wildlife and Parks	Rule Reviewer

Certified to the Secretary of State May 10, 2013.

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

In the matter of the adoption of a)
temporary emergency rule closing the) NOTICE OF ADOPTION OF A
Woodside Bridge Fishing Access Site) TEMPORARY EMERGENCY RULE
in Ravalli County)

TO: All Concerned Persons

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

- (a) The Bitterroot River is flooding into the Woodside Bridge Fishing Access Site (FAS).
- (b) Persons recreating in the flooded portion of the FAS are at risk of:
 - (i) drowning due to unexpected changes to topography obscured by flood waters; or
 - (ii) drowning due to swift current created by flood water around trees.
- (c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 10 of the 2013 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 7, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective May 13, 2013 when this rule notice is filed with the Secretary of State.

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

- RULE I WOODSIDE BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Woodside Bridge Fishing Access Site is located in Ravalli County.
- (2) Portions of the Woodside Bridge Fishing Access Site are closed to all public occupation and recreation as signed.
 - (3) This rule is effective as long as water is flooding the fishing access site.
 - (4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the

extent and duration of the flooding in the area. Signs restricting use of the fishing access site will be removed when the rule is no longer effective.

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

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

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jessica Snyder, Legal Unit, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 454-5845; fax (406) 761-8477; or e-mail jesssnyder@mt.gov. Any comments must be received no later than June 21, 2013.

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

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

/s/ Mike Volesky

Mike Volesky, Deputy Director
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel
Rule Reviewer

Certified to the Secretary of State May 13, 2013.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
18.8.510A, pertaining to motor carrier)
services)

TO: All Concerned Persons

1. On March 28, 2013 the Department of Transportation published MAR Notice No. 18-140 pertaining to the proposed amendment of the above-stated rule at page 362 of the 2013 Montana Administrative Register, Issue Number 6.

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

3. The department has thoroughly considered the comments received. The department received one comment letter. A summary of the comments received in this letter and the department's responses are as follows:

COMMENT #1: One comment was received stating the proposed amendment would create a danger to both the loads and the general public. The comment stated that most states require certification and flagger licenses, which must be renewed every five years. The comment stated it would be in the best interests of the State of Montana to adhere to nationwide standards and certifications. The comment stated it is not in the interest of public safety to allow any escort vehicle accompanying oversize loads that has not been properly trained, certified and insured. The comment stated that many of the drivers who work the Bakken oil fields may hold a Class A CDL, but many of them do not have road experience and do not know how to react in emergency situations. The comment further stated a person who is not properly trained to work in an escort capacity does not know the proper procedures for stopping traffic, directing traffic around an oversize load, or communicating via the CB with other trucks who need to be informed that an oversize load is approaching. The comment concluded that more safety enforcement is necessary in the Bakken oil field area, including Sidney, Jordan, Circle, Highway 200, and Highway 16 as oil field companies transport loads across these roads.

RESPONSE #1: The department acknowledges the concerns but notes the current rule notice did not propose a certification program, therefore this type of program is outside the scope of this rule notice. Instead, the department will consider the pros and cons of a certification program and may include this in a future administrative rule proposal. The department may consider a program that recognizes another state's program or possibly a multistate agreement.

COMMENT #2: One comment was received stating that vehicles over 10,000 lbs., utility vehicles, or mechanics trucks are not appropriate flag vehicles, as the general public does not recognize them as escort vehicles. The comment stated the

proposed rule amendment seems to indicate that a semi truck may also be used as flag vehicle. The comment stated that regardless of flashing lights or oversize signs, the general public barely recognizes escort vehicles, nor do they respect the job the escort is there to perform, i.e., ensure the safety of the public. The comment further stated that the rule should not allow any other vehicle than a passenger vehicle or pickup with absolutely no service bodies, mechanics trucks or vehicles up to 26,000 lbs. to be allowed to be used as an escort vehicle.

RESPONSE #2: The department acknowledges the concerns, but notes the proposed rule amendments already included requirements to address the comment's concerns including: vehicles must be owned or contracted by the permittee; limited size of utility box; unobstructed lights and signs; and removal of signs when vehicle is not being operated as a flag vehicle.

COMMENT #3: One comment was received stating the proposed rule amendment, which would allow a flag vehicle to pull a trailer, is dangerous. The comment stated a vehicle pulling a trailer does not have the capability of the quick defensive moves sometimes required from an escort in order to avert an accident. The comment stated it also makes it more difficult for passing traffic to get around an oversized load. The comment stated the general public seems not to recognize that there is not always room to pass an oversize load safely in certain places, in particular on two lane roads. The comment further stated that pulling a trailer can also distract a driver and make them unaware of the potential danger to the public and the load. The comment concluded that flag vehicles should not be allowed to pull trailers.

RESPONSE #3: The department notes the current rule language already allows a flag vehicle to pull a trailer, as this was added to the rule in the 1990s. This language was not proposed for amendment in this rule notice, and is therefore outside the scope of this rule notice.

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

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

Certified to the Secretary of State May 13, 2013.

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

In the matter of the amendment of) NOTICE OF AMENDMENT AND
24.29.201, 24.29.801, 24.29.804,) REPEAL
24.29.1201, 24.29.1202, 24.29.1203,)
24.29.1404, 24.29.1702, 24.29.1721)
and 24.29.3802 and the repeal of)
24.29.1204 pertaining to workers')
compensation)

TO: All Concerned Persons

1. On March 28, 2013, the Department of Labor and Industry (department) published MAR Notice No. 24-29-270 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 369 of the 2013 Montana Administrative Register, Issue Number 6.

2. The department has amended the following rules as proposed: ARM 24.29.801, 24.29.1201, 24.29.1202, 24.29.1203, 24.29.1702, 24.29.1721, and 24.29.3802.

3. The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

24.29.804 EXAMINERS AND THIRD-PARTY ADMINISTRATORS IN MONTANA (1) All workers' compensation and occupational disease claims filed pursuant to the Montana Workers' Compensation Act and Occupational Disease Acts must be adjusted by a person in Montana. For the purposes of this rule, a claim is deemed to be "adjusted by a person in Montana" if the person who can determine entitlement to benefits, authorize payment of all benefits due, manage the claim and has authority to settle the claim, maintains an office that is located in Montana and adjusts Montana claims from that office. The office may be in the examiner's personal residence located in Montana. The sole use of a mail box or mail drop located in Montana does not constitute maintaining an office in Montana.

(2) An insurer must maintain the documents related to each claim filed with the insurer under the Montana Workers' Compensation Act or Occupational Disease Acts at the office of the person adjusting the claim in Montana until the claim is settled. The documents may either be original documents, or duplicates of the original documents, and must be maintained in a manner which allows the documents to be retrieved from that office and copied at the request of the claimant or the department. Settled claim files stored outside of the examiner's office must be made available by the insurer within 48 hours of a request for a file. Electronic or optically imaged documents are permitted by this rule.

(3) through (6) remain as proposed.

AUTH: 39-71-107, 39-71-203, MCA
IMP: 39-71-105, 39-71-107, MCA

4. The department is not proceeding with the amendments to ARM 24.29.201 and 24.29.1404.

5. The department has repealed the following rule as proposed: ARM 24.29.1204.

6. The department has thoroughly considered the single comment received. A summary of the comment received and the department's response is as follows:

COMMENT #1: The Montana State Fund (MSF) generally supported the proposed amendments, but noted that striking reference to the Occupational Disease Act in ARM 24.29.804 would be problematic since MSF continues to administer claims filed pursuant to both the Montana Workers' Compensation and Occupation Disease acts. MSF recommended that the department not remove the reference to the Occupational Disease Act from ARM 24.29.804.

RESPONSE #1: The department agrees with the comment and is amending ARM 24.29.804 to retain the reference. For the same reasons, the department also determined it is necessary to retain references to the Occupational Disease Act in ARM 24.29.201 and 24.29.1404 and is not proceeding with the proposed amendments to these two rules.

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

/s/ Pam Bucy
Pam Bucy
Commissioner of Labor
Department of Labor and Industry

Certified to the Secretary of State May 13, 2013

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.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2012. This table includes those rules adopted during the period January 1, 2013, through March 31, 2013, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2012, 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 2012/2013 Montana Administrative Register.

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

ADMINISTRATION, Department of, Title 2

- 2.6.202 and other rules - State Vehicle Use, p. 1897, 2595
- 2.21.1931 and other rules - VEBA Plan, p. 296
- 2.21.4022 and other rule - Equal Employment Opportunity - Nondiscrimination - Harassment Prevention, p. 2292, 110
- 2.59.104 Semiannual Assessment for Banks, p. 241, 667
- 2.59.302 Schedule of Charges for Consumer Loans, p. 235, 666
- 2.59.1728 and other rule - Written Exemption Form for Requesting a Mortgage Licensing Exemption, p. 1805, 48
- 2.60.203 Application Procedure for a Certificate of Authorization for a State-Chartered Bank, p. 244, 668

(Montana Public Employees' Retirement Board)

- 2.43.1302 and other rules - Definitions - Required Employer Reports - Payment of Estimated Benefits - Return to Covered Employment by PERS, SRS, or FURS Retiree Report - Death Payments - Survivor Benefits - Optional Retirement Benefits, p. 348

(State Compensation Insurance Fund)

- 2.55.320 and other rule - Classifications of Employments - Construction Industry Premium Credit Program, p. 2427, 211

(Burial Preservation Board)

2.65.102 and other rules - Repatriation of Human Skeletal Remains - Funerary Objects - Human Skeletal Remains - Burial Site Protection, p. 308, 785

AGRICULTURE, Department of, Title 4

4.5.112 Noxious Weed Management Advisory Council Member Terms, p. 737
4.6.202 Annual Potato Assessment, p. 1, 264
4.10.202 and other rules - Aerial Applicator, p. 1652, 2185
4.12.1308 Exterior Plant Health Quarantine for Japanese Beetle, p. 739

STATE AUDITOR, Title 6

6.6.2403 Group Coordination of Benefits, p. 2296, 669
6.6.5201 and other rules - Small Business Health Insurance - Purchasing Pool - Tax Credit - Premium Assistance - Premium Incentive Payments, p. 111

COMMERCE, Department of, Title 8

I Administration of the 2015 Biennium Treasure State Endowment Program - Emergency Grants, p. 353
I Administration of the 2015 Biennium Treasure State Endowment Program - Planning Grants, p. 355
I-IX Movie and TV Industries - Related Media-Tax Incentive, p. 77, 335
8.2.501 and other rule - Administration of the 2015 Biennium Quality Schools Grant Program-Planning Grants - Administration of the 2015 Biennium Quality Schools Grant Program - Emergency Grants, p. 741
8.94.3727 Administration of the 2011-2012 Federal Community Development Block Grant (CDBG) Program, p. 2102, 2597
8.94.3727 Administration of the 2013-2014 Federal Community Development Block Grant (CDBG) Program, p. 462
8.97.801 and other rules - Montana Capital Companies, p. 744
8.99.801 and other rules - Implementation of the Primary Sector Workforce Training Grant Program, p. 747
8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 2231, 2598
8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 750

EDUCATION, Department of, Title 10

(Board of Public Education)

10.55.601 and other rules - Accreditation Standards, p. 1401, 1553, 2042
10.55.701 and other rules - Accreditation Standards, p. 357
10.56.101 Assessment, p. 1440, 2057
10.64.301 School Bus Requirements, p. 82, 411

10.66.101 and other rules - Adult Education - High School Level Tests of General Education Development (GED), p. 84, 412

FISH, WILDLIFE AND PARKS, Department of, Title 12

I Shooting Preserve Applications, p. 2105, 2602

(Fish, Wildlife and Parks Commission)

I Deer Licenses Separated From Nonresident Big Game Combination Licenses, p. 1022, 1841

I-III License Auctions and Lotteries, p. 1024, 1842

12.11.501 and other rules - Recreational Use on Echo Lake, Abbott Lake, and Peterson Lake, p. 3

12.11.501 and other rules - Recreational Use on Lake Alva, Harpers Lake, and Lake Marshall, p. 755

ENVIRONMENTAL QUALITY, Department of, Title 17

17.50.301 State Solid Waste Management - Resource Recovery Plan, p. 465

17.53.105 Incorporation by Reference, p. 554

(Board of Environmental Review)

I Water Quality - Nutrient Trading, p. 1902, 2605

17.8.102 Incorporation by Reference of Current Federal Regulations - Other Materials Into Air Quality Rules, p. 1554, 2603

17.8.801 and other rule - Air Quality - Definitions - Review of Major Stationary Sources and Major Modifications--Source Applicability - Exemptions, p. 1098, 2058

17.24.645 and other rules - Reclamation - Water Quality - Subdivisions - CECRA - Underground Storage Tanks - Department Circular DEQ-7 - Definitions - Incorporations by Reference - C-3 Classification Standards - General Treatment Standards - General Prohibitions - Water-Use Classification - Descriptions for Ponds and Reservoirs Constructed for Disposal of Coal Bed Methane Water - G-1 Classification Standards, p. 1103, 2060

17.30.702 and other rules - Department Circular DEQ-4, p. 2529, 90

17.30.1001 and other rules - Water Quality - Subdivisions/On-Site Subsurface Wastewater Treatment - Public Water and Sewage System Requirements - Solid Waste Management - Definitions - Exclusions From Permit Requirements - Subdivisions - Wastewater Treatment Systems - Plans for the Public Water Supply or Wastewater System - Fees - Operation and Maintenance Requirements for Land Application or Incorporation of Septage - Grease Trap Waste - Incorporation by Reference, p. 1169, 2067

17.30.1304 and other rules - Montana Pollutant Discharge Elimination System Permits - Permit Exclusions - Application Requirements - Incorporations by Reference, p. 1556, 2604

- 17.30.1330 and other rules - Concentrated Animal Feeding Operations - General Permits - Additional Conditions Applicable to Specific Categories of MPDES Permits - Modification or Revocation - Reissuance of Permits - Minor Modification of Permits - Technical Standards for Concentrated Animal Feeding Operation, p. 2510, 529
- 17.36.340 and other rule - Lot Sizes: Exemptions and Exclusions, p. 2299, 265
- 17.38.106 and other rule - Public Water and Sewage System Requirements - Fees - Significant Deficiency, p. 1906, 2237, 212
- 17.85.103 and other rules - Definitions - Eligible Projects - Eligible Applicants - Application Procedure - Application Evaluation Procedure - Environmental Review and Compliance With Applicable State Law - Applications and Results Public - Loan Terms and Conditions and Reports - Accounting, p. 92, 670

TRANSPORTATION, Department of, Title 18

- 18.6.402 and other rules - Motorist Information Signs, p. 1912, 2459
- 18.8.414 and other rules - Motor Carrier Services, p. 759
- 18.8.510A Motor Carrier Services, p. 362
- 18.8.512 and other rule - Motor Carrier Services, p. 365
- 18.8.519 Wreckers and Tow Vehicle Requirements, p. 204, 535

CORRECTIONS, Department of, Title 20

- 20.7.801 and other rules - Eastmont Chemical Dependency Treatment Center, p. 2239, 2377
- 20.9.101 and other rules - Youth Placement Committees, p. 2243, 51
- 20.9.103 and other rules - Youth Placement Committees, p. 1587, 1843

LABOR AND INDUSTRY, Department of, Title 24

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

- 24.11.204 and other rules - Unemployment Insurance, p. 2534, 102, 413
- 24.17.127 Prevailing Wage Rates for Public Works Projects, p. 2254, 114
- 24.29.201 and other rules - Workers' Compensation, p. 369
- 24.29.1401A and other rules - Medical Services Rules for Workers' Compensation Matters, p. 557
- 24.101.413 and other rules - Renewal Dates and Requirements - Boiler Operating Engineer Licensure - Licensure of Elevator Contractors, Inspectors, and Mechanics - National Electrical Code - Elevator Code - Boiler Safety - Definitions - Tag-Out and Lock-Out - Stop Orders - Elevator Licensing - Elevator Inspection and Variances, p. 1932, 52

(Board of Athletic Trainers)

24.118.402 and other rules - Fee Schedule - Applications - Renewals, p. 1312, 2378

(Board of Clinical Laboratory Science Practitioners)

24.129.2101 Continuing Education Requirements, p. 1316, 2611

(Board of Funeral Service)

24.147.402 and other rules - Mortician Application - Inspections - Examination - Federal Trade Commission Regulations - Licensing - Sanitary Standards - Disclosure Statement on Embalming - Transfer or Sale of Mortuary License - Continuing Education Requirements - Sponsors - Unprofessional Conduct - Mortuary Branch Establishment - Continuing Education Definitions - Conditional Permission to Practice - Renewal of Cemetery License - Branch Facility - Complaint Filing, p. 382

(Licensed Addiction Counselors Program)

24.154.301 and other rules - Fee Schedule - Education Requirements - Application Procedures - Supervised Work Experience - Nonresident Counselor Services - Renewals - Continuing Education - Unprofessional Conduct - Complaint Procedure - Licensure by Endorsement - Inactive Status and Conversion - Supervision - Certification - Examinations, p. 468

(Board of Medical Examiners)

24.156.603 Applications for Licensure, p. 576

24.156.618 and other rules - Testing Requirement - Reporting Obligations, p. 1319, 2464

24.156.2701 and other rules - Emergency Medical Technicians - Endorsement Application - Continuing Education Requirements - Post-Course Requirements - Obligation to Report to the Board - Complaints, p. 1809, 120

(Board of Nursing)

24.159.301 and other rules - Definitions - Advanced Practice Registered Nurses - Biennial Continuing Education Credits - Practice and Competence Development - Standards Related to APRNs, p. 490

(Board of Outfitters)

24.101.413 and other rules - Renewal Dates - Requirements - Fees - Outfitter Records - NCHU Categories - Transfers - Records - Renewals - Incomplete Outfitter and Guide License Application - Guide to Hunter Ratio - Provisional Guide License, p. 2107, 2304, 671

(Board of Physical Therapy Examiners)

I Treatments Performed Exclusively by the Physical Therapist, p. 6

(Board of Private Alternative Adolescent Residential or Outdoor Programs)
24.181.301 and other rule - Amendment - Definitions - Renewals, p. 2310, 208

(Board of Professional Engineers and Professional Land Surveyors)
24.183.1001 and other rules - Form of Corner Records - Uniform Standards for
Certificates of Survey - Uniform Standards for Final Subdivision Plats,
p. 1716, 2113, 673

(Board of Public Accountants)
24.201.301 and other rules - Definitions - Discreditable Acts - Alternatives -
Exemptions - Renewals - Peer Review Programs - Statement by
Permit Holders - Filing of Reports - Profession Monitoring Program
Reviews - Enforcement, p. 763

(Board of Real Estate Appraisers)
I AMC Audit Rules, p. 580
24.207.501 and other rules - Examination - Qualifying Education Requirements -
Trainee Requirements - Mentor Requirements - Continuing Education
Noncompliance - Complaints Involving Appraisal Management
Companies, p. 1591, 2614

(Board of Realty Regulation)
24.210.401 and other rule - Fee Schedule, p. 773
24.210.426 and other rules - Trust Account Requirements - Internet Advertising
Rules - General License Administration Requirements, p. 508

(Board of Social Work Examiners and Professional Counselors)
I Minimum Qualification Standards for Licensees to Conduct
Psychological Assessments, p. 1655, 2129
24.219.401 and other rules - Fee Schedule, p. 1829, 2467

LIVESTOCK, Department of, Title 32

32.2.403 Diagnostic Laboratory Fees, p. 1445, 2068
32.2.405 and other rules - Testing Within the DSA, - Department of Livestock
Miscellaneous Fees - Hot Iron Brands Required - Freeze Branding -
Aerial Hunting - Identification - Identification Methodology, p. 2543,
538
32.2.405 and other rules - Department of Livestock Miscellaneous Fees -
Official Trichomoniasis Testing - Certification Requirements - Hot Iron
Brands Required - Freeze Branding - Recording and Transferring of
Brands, p. 514
32.3.201 and other rule - Definitions - Additional Requirements for Cattle, p. 777
32.3.212 Additional Requirements for Cattle, p. 1462, 2069
32.4.201 and other rules - Identification of, Inspection of, Importation of
Alternative Livestock - Transport Within and Into Montana - Definitions
- Requirements for Mandatory Surveillance of Montana Alternative

Livestock Cervidae for Chronic Wasting Disease - Alternative
Livestock Monitored Herd Status for Chronic Wasting Disease - Import
Requirements for Cervids, p. 104, 414

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

I-VIII State-Owned Navigable Waterways, p. 1225, 1597, 2475
36.12.101 and other rules - Water Right Permitting, p. 1465, 2071
36.14.102 and other rules - Dam Safety - Permitting, p. 1234, 1844
36.21.415 Board of Water Well Contractors' Fees, p. 324, 787

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

I Supports for Community Working and Living Waiver Program, p. 780
I Mandatory Cross Reporting to Law Enforcement of Crimes Against
Children, p. 1832
I-III Home and Community-Based Services (HCBS) State Plan Program,
p. 1509, 1733, 128
I-IV Alternatives to Out-of-State Placement for At-Risk Youths, p. 1737,
2192
I-IV Documentation for Admission to Montana State Hospital, p. 1835,
2379
I-IV Discontinuation of Services, p. 1978, 2622
I-VI Targeted Case Management Services for Substance Use Disorders,
p. 2320, 269
I-XI Licensing of Specialty Hospitals, p. 1598, 54
I-XXXIII Medicaid Home and Community Services Children's Autism Program,
p. 1489, 1731, 2085
37.30.101 and other rules - Updates to the Disability Transitions Program, p. 326,
408, 789
37.34.101 and other rules - Developmental Disabilities Program - Regional
Councils - Accreditation, p. 2435, 165
37.34.901 and other rules - Medicaid Home and Community-Based Service
Program for Individuals With Developmental Disabilities, p. 593
37.34.1101 and other rules - Plan of Care, p. 1983, 143
37.34.1401 and other rules - Positive Behavior Support, p. 1741, 2617
37.34.1501 and other rules - Incident Reporting, p. 1994, 148, 213
37.34.2003 Discontinuation of Services, p. 332
37.34.2101 and other rules - Developmental Disabilities Program Staffing, p. 249
37.34.2301 and other rules - Residential Facility Screening, p. 2140, 2630
37.34.3001 and other rules - Reimbursement for Services, p. 608
37.36.604 Updating the Federal Poverty Index for the Montana
Telecommunications Access Program, p. 2327, 247, 788
37.40.307 and other rules - Nursing Facility Reimbursement, p. 616
37.40.705 and other rules - Revision of Fee Schedules for Medicaid Provider
Rates, p. 621
37.50.901 Interstate Compact on the Placement of Children, p. 1966, 2493

- 37.70.406 and other rules - Annual Update to LIEAP, p. 2314, 61
- 37.78.102 Incorporating TANF Manual, p. 2145, 60
- 37.79.101 and other rules - Healthy Montana Kids Coverage Group of the Healthy Montana Kids Plan, p. 2566, 214
- 37.81.304 Maximum Big Sky RX Premium Change, p. 1975, 2495
- 37.85.105 and other rules - Medicaid Inpatient Hospital Services, p. 258, 686
- 37.85.207 and other rules - Primary Care Service Enhanced Reimbursement - Birth Attendant Services, p. 2131, 2625
- 37.86.805 and other rules - Durable Medical Equipment and Hearing Aids, p. 1970, 2494
- 37.86.2401 and other rule - Specialized Nonemergency Medical Transportation, p. 1756, 2278
- 37.86.3607 Case Management Services for Persons With Developmental Disabilities, p. 605
- 37.87.102 and other rules - Psychiatric Residential Treatment Facility (PRTF), p. 2258, 270
- 37.87.703 and other rules - Therapeutic Family Care - Therapeutic Foster Care, p. 2442, 166
- 37.87.901 and other rule - Children's Mental Health Utilization Review Manual - Fee Schedule, p. 2431, 164
- 37.87.903 Changing Prior Authorization Requirements - Adopting a New Utilization Review Manual, p. 1609, 2086
- 37.87.1202 and other rules - Psychiatric Residential Treatment Facility (PRTF) Services, p. 583
- 37.87.1303 and other rules - Home and Community-Based Services (HCBS) for Youth With Serious Emotional Disturbance, p. 1514, 1735, 2186
- 37.87.1503 and other rules - Children's Mental Health Services Plan (CMHSP), p. 254, 685
- 37.87.2202 and other rules - Non-Medicaid Respite Care Services, p. 1338, 1659, 2274
- 37.87.2205 Children's Mental Health Non-Medicaid Respite, p. 2456, 175
- 37.106.1902 and other rules - Comprehensive School and Community Treatment Program (CSCT), p. 2551, 415
- 37.108.507 Healthcare Effectiveness Data and Information Set (HEDIS) Measures, p. 9, 336
- 37.112.103 and other rules - Body Art and Cosmetics, p. 2264, 156
- 37.114.101 and other rules - Communicable Disease Control, p. 14, 518

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.2.5031 Public Utility Executive Compensation, p. 409
- 38.5.2202 and other rule - Pipeline Safety, p. 2330, 62

REVENUE, Department of, Title 42

- 42.4.104 and other rules - Tax Credits, p. 2347, 216
- 42.5.201 and other rules - Electronic Payment - Return Filing, p. 2588, 222

- 42.9.101 and other rules - Pass-Through Entities, p. 2578, 428
- 42.11.105 and other rules - Liquor Stores - Vendors - Licensees - Distilleries, p. 2333, 176
- 42.11.301 and other rules - Operating Agency Liquor Stores, p. 2149, 2631
- 42.12.101 and other rules - Liquor License Application General Regulation - Premises Suitability Requirements, p. 961, 1846
- 42.13.201 and other rules - Product Approval for Beer, Wine, and Hard Cider Products, p. 2178, 2646
- 42.15.107 and other rules - Income Tax, p. 2339, 178
- 42.17.111 and other rules - Withholding and Estimated Tax Payments, p. 2029, 2640
- 42.18.122 and other rules - Montana Reappraisal Plan, p. 2165, 2641
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1999, 2496
- 42.25.501 and other rules - Natural Resource Taxes, p. 2366, 180

SECRETARY OF STATE, Office of, Title 44

- I Delegated Authority for the Disposal of Public Records, p. 45, 337
- 1.2.419 Scheduled Dates for the 2013 Montana Administrative Register, p. 1759, 2039, 2384
- 44.6.111 and other rules - Fees Charged by the Business Services Division - Output Relating to the Farm Bill Master List, p. 522

(Commissioner of Political Practices)

- 44.12.204 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2593, 182

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 April 2013 appear. Vacancies scheduled to appear from June 1, 2013, through August 31, 2013, 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 May 1, 2013.

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 APRIL 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Aeronautics (Governor)			
Rep. Walter L. McNutt Sidney	Governor	McKenna	4/12/2013 1/1/2017
Qualifications (if required): member of the Montana Chamber of Commerce			
Board of Architects and Landscape Architects (Governor)			
Ms. Janet Cornish Billings	Governor	reappointed	4/12/2013 3/27/2016
Qualifications (if required): Public Representative			
Ms. Shelly Engler Bozeman	Governor	reappointed	4/12/2013 3/27/2016
Qualifications (if required): Landscape Architect			
Ms. Maire O'Neill Bozeman	Governor	reappointed	4/12/2013 3/27/2016
Qualifications (if required): MSU School of Architects			
Mr. Nathan Steiner Billings	Governor	Thuesen	4/12/2013 3/27/2016
Qualifications (if required): Landscape Architect			
Board of Clinical Laboratory Science Practitioners (Labor and Industry)			
Ms. Alison Mizner Kalispell	Governor	reappointed	4/16/2013 4/16/2017
Qualifications (if required): Clinical Laboratory Practitioner			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Medical Examiners (Governor)			
Mrs. Ana Diaz Billings	Governor	Sheehy	4/12/2013 9/1/2013
Qualifications (if required): Public Representative			
Board of Pardons and Parole (Administration)			
Mr. Michael McGinley Dillon	Governor	Porter	4/1/2013 4/1/2018
Qualifications (if required): Public Representative			
Ms. Sheena Wilson Helena	Governor	Halpin	4/1/2013 4/1/2018
Qualifications (if required): Retired Public Employee			
Board of Public Assistance (Governor)			
Ms. Amy D. Christensen Helena	Governor	reappointed	4/19/2013 1/1/2017
Qualifications (if required): an Attorney			
Ms. Laura John Missoula	Governor	Sorensen	4/19/2013 1/1/2017
Qualifications (if required): Public Representative			
Board of Respiratory Care Practitioners (Governor)			
Mr. Leonard Bates Great Falls	Governor	reappointed	4/12/2013 1/1/2017
Qualifications (if required): Respiratory Care Practitioner			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Respiratory Care Practitioners (Governor) cont.			
Ms. Maria Clemons Libby	Governor	Carney	4/12/2013 1/1/2017
Qualifications (if required): Public Representative			
Mr. Rusty Davies Billings	Governor	reappointed	4/12/2013 1/1/2017
Qualifications (if required): Respiratory Care Practitioner with a Pulmonary Function Specialty			
Mr. Tony Jay Miller Joplin	Governor	reappointed	4/12/2013 1/1/2017
Qualifications (if required): Respiratory Care Practitioner			
Greater Sage Grouse Habitat Conservation Advisory Council (Governor)			
Mr. Paul Callahan Missoula	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Energy, Mining and Power Transmission			
Rep. Pat Connell Hamilton	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Legislature			
Ms. Janet Ellis Helena	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Conservation and Sportsmen			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Greater Sage Grouse Habitat Conservation Advisory Council (Governor) cont.			
Rep. Gary Forrester Billings	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Energy, Mining and Power Transmission			
Mr. Jay Gore Missoula	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Conservation and Sportsmen			
Mr. Robert Lee Forsyth	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Agriculture and Local Government			
Mr. Glenn Marx Helena	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Conservation and Sportsmen			
Rep. Bill McChesney Miles City	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Legislature			
Rep. Ray Shaw Sheridan	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Legislature			
Mr. Carl Wambolt Bozeman	Governor	not listed	4/26/2013 1/31/2014
Qualifications (if required): Agriculture and Ranching			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Hail Insurance Board (Agriculture)			
Mr. Jim Schillinger Baker	Governor	reappointed	4/18/2013 4/18/2016
Qualifications (if required): Public Representative			
Montana Arts Council (Governor)			
Ms. Karen Bohlinger Helena	Governor	Schlepp	4/12/2013 2/2/2018
Qualifications (if required): Public Representative			
Mr. Corwin Clairmont Ronan	Governor	reappointed	4/12/2013 2/2/2018
Qualifications (if required): Public Representative			
Mr. Thomas Cordingley Helena	Governor	Linder	4/12/2013 2/2/2018
Qualifications (if required): Public Representative			
Mr. Rick Johnson Kalispell	Governor	Chism	4/12/2013 4/19/2014
Qualifications (if required): nominated by an Adolescent Treatment Program			
Ms. Arlene Parisot Helena	Governor	reappointed	4/12/2013 2/2/2018
Qualifications (if required): Public Representative			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Arts Council (Governor) cont. Mr. Jason Jay Pyette Havre Qualifications (if required): Public Representative	Governor	Parsons	4/12/2013 2/2/2018

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Advisory Council on State Workforce Development and Planning (Administration) Sen. Mike Cooney, Helena Qualifications (if required): recommended by Keith Kelly	Governor	6/30/2013
Mr. Tim Reardon, Helena Qualifications (if required): none specified	Governor	6/30/2013
Director Dore Schwinden, Helena Qualifications (if required): none specified	Governor	6/30/2013
Director Mike Ferriter, Helena Qualifications (if required): none specified	Governor	6/30/2013
Director Janet Kelly, Helena Qualifications (if required): none specified	Governor	6/30/2013
Ms. Madalyn Quinlan, Helena Qualifications (if required): recommended by Denise Juneau	Governor	6/30/2013
Ms. Amy Sassano, Helena Qualifications (if required): none specified	Governor	6/30/2013
Mr. Tim Burton, Helena Qualifications (if required): representing agencies of other elected officials	Governor	6/30/2013
Mr. Tom Livers, Helena Qualifications (if required): none specified	Governor	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Advisory Council on State Workforce Development and Planning (Administration) cont. Mr. Dick Clark, Helena Qualifications (if required): representing statewide IT interests	Governor	6/30/2013
Ms. Lesa Evers, Helena Qualifications (if required): none specified	Governor	6/30/2013
Ms. Jane Smilie, PO Box 202951 Qualifications (if required): recommended by Anna Whiting-Sorrell	Governor	6/30/2013
Mr. Alan Peura, Helena Qualifications (if required): recommended by Dan Bucks	Governor	6/30/2013
Ms. Arlynn "Arni" Fishbaugh, Helena Qualifications (if required): representing small agencies	Governor	6/30/2013
Aging Advisory Council (Public Health and Human Services) Ms. Betty Aye, Broadus Qualifications (if required): public representative	Governor	7/18/2013
Ms. Connie Bremner, Browning Qualifications (if required): public representative	Governor	7/18/2013
Mr. Alex Ward, Helena Qualifications (if required): public representative	Governor	7/18/2013
Ms. Cecelia (C.A.) Buckley, Great Falls Qualifications (if required): public representative	Governor	7/18/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Agriculture Development Council (Agriculture) Mr. Ervin Schlemmer, Joliet Qualifications (if required): agriculture producer</p>	Governor	7/1/2013
<p>Mr. Verges Ageson, Gilford Qualifications (if required): agriculture producer</p>	Governor	7/1/2013
<p>Board of Banking (Administration) Ms. Evelyn Casterline, Vida Qualifications (if required): public representative</p>	Governor	7/1/2013
<p>Mr. Kenneth M. Walsh, Twin Bridges Qualifications (if required): national bank officer of a medium sized bank</p>	Governor	7/1/2013
<p>Board of Funeral Service (Labor and Industry) Mr. William Cronin, Havre Qualifications (if required): mortician</p>	Governor	7/1/2013
<p>Board of Hearing Aid Dispensers (Labor and Industry) Mr. Gene W. Bukowski, Billings Qualifications (if required): hearing aid dispenser with a master's degree and national certification</p>	Governor	7/1/2013
<p>Board of Nursing (Labor & Industry) Ms. Barbara Lundemo, Sidney Qualifications (if required): advanced practice registered nurse</p>	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Pharmacy (Labor and Industry) Ms. Frances Carlson, Great Falls Qualifications (if required): public representative</p>	Governor	7/1/2013
<p>Ms. Rebekah Matovich, Billings Qualifications (if required): pharmacy technician</p>	Governor	7/1/2013
<p>Board of Physical Therapy Examiners (Labor and Industry) Ms. Robin Peterson Smith, Billings Qualifications (if required): physical therapist</p>	Governor	7/1/2013
<p>Board of Private Security (Labor and Industry) Mr. Mark Chaput, Billings Qualifications (if required): representative of an electronic security company</p>	Governor	8/1/2013
<p>Board of Public Accountants (Labor and Industry) Mr. Rick Reisig, Great Falls Qualifications (if required): Certified Public Accountant</p>	Governor	7/1/2013
<p>Ms. Linda Harris, Absarokee Qualifications (if required): Certified Public Accountant</p>	Governor	7/1/2013
<p>Board of Radiologic Technologists (Labor and Industry) Mr. Mike Nielsen, Billings Qualifications (if required): radiologic technician/radiology practitioner assistant</p>	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Sanitarians (Labor and Industry) Mr. James Zabrocki, Miles City Qualifications (if required): sanitarian</p>	Governor	7/1/2013
<p>Board of Veterans' Affairs (Military Affairs) General John Walsh, Helena Qualifications (if required): Adjutant General</p>	Governor	8/1/2013
<p>Mr. Keith Heavyrunner, Browning Qualifications (if required): veteran and resident of Region 3</p>	Governor	8/1/2013
<p>Ms. Jennifer Perez Cole, Helena Qualifications (if required): director of the Office of Indian Affairs</p>	Governor	8/1/2013
<p>Mr. Byron Erickson, Helena Qualifications (if required): U.S. Department of Labor Representative</p>	Governor	8/1/2013
<p>Board of Veterinary Medicine (Labor and Industry) Dr. Jean Lindley, Miles City Qualifications (if required): veterinarian</p>	Governor	7/31/2013
<p>Board of Water Well Contractors (Natural Resources and Conservation) Mr. Pat Byrne, Great Falls Qualifications (if required): water well contractor</p>	Governor	7/1/2013
<p>Burial Preservation Board (Administration) Mr. Robert P. Four Star, Poplar Qualifications (if required): representative of the Fort Peck Tribes</p>	Governor	8/22/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Burial Preservation Board (Administration) cont. Mr. Steve Platt, Helena Qualifications (if required): representative of the State Historic Preservation Office	Governor	8/22/2013
Mr. John Murray, Browning Qualifications (if required): representative of the Blackfeet Tribe	Governor	8/22/2013
Mr. Reuben Mathias, Pablo Qualifications (if required): representative of the Salish-Kootenai Tribes (Flathead)	Governor	8/22/2013
Ms. Marilyn Silva, Miles City Qualifications (if required): public representative	Governor	8/22/2013
Ms. Skye Gilham, Browning Qualifications (if required): physical anthropologist	Governor	8/22/2013
Chief Water Judge (not listed) Mr. C. Bruce Loble, Bozeman Qualifications (if required): none specified	Chief Justice	6/30/2013
Commission on Practice of the Supreme Court (Supreme Court) Mr. Jon Oldenburg, Lewistown Qualifications (if required): none specified	elected	6/25/2013
Community Service Commission (Labor & Industry) Director Keith Kelly, Helena Qualifications (if required): agency representative	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Community Service Commission (Labor & Industry) cont. Mr. Doug Braun, Billings Qualifications (if required): representative of organized labor</p>	Governor	7/1/2013
<p>Ms. Kimberly Miske, Wibaux Qualifications (if required): representative of local government</p>	Governor	7/1/2013
<p>Mr. Austin Lyle, Helena Qualifications (if required): youth representative</p>	Governor	7/1/2013
<p>Mr. Adam Vauthier, Anaconda Qualifications (if required): representative of a non-profit organization</p>	Governor	7/1/2013
<p>Ms. Stefani Hicswa, Miles City Qualifications (if required): representative of a national service program</p>	Governor	7/1/2013
<p>District Court Council (District Court) Judge Robert L. Dusty Deschamps III, Missoula Qualifications (if required): nominated</p>	District Court	7/1/2013
<p>Economic Development Advisory Council (Commerce) Mr. Jim Smitham, Butte Qualifications (if required): public representative</p>	Governor	7/23/2013
<p>Mr. Paul Tuss, Havre Qualifications (if required): public representative</p>	Governor	7/23/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Economic Development Advisory Council (Commerce) cont. Mr. Brodie Cooney, Missoula Qualifications (if required): public representative</p>	Governor	7/23/2013
<p>Mr. Alan Ekblad, Great Falls Qualifications (if required): public representative</p>	Governor	7/23/2013
<p>Electrical Board (Labor and Industry) Mr. Jack Fisher, Butte Qualifications (if required): licensed electrician</p>	Governor	7/1/2013
<p>Electronic Government Advisory Council (Administration) Director Mary Sexton, Helena Qualifications (if required): agency representative</p>	Governor	6/18/2013
<p>Mr. Land Tawney, Missoula Qualifications (if required): public representative</p>	Governor	6/18/2013
<p>Mr. Christian Mackay, Helena Qualifications (if required): agency representative</p>	Governor	6/18/2013
<p>Ms. Karen Harrison, Lolo Qualifications (if required): public representative</p>	Governor	6/18/2013
<p>Commissioner Andy Hunthausen, Helena Qualifications (if required): local government official</p>	Governor	6/18/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Family Education Savings Oversight Committee (Commissioner of Higher Education) Mr. Jon Satre, Helena Qualifications (if required): public representative</p>	Governor	7/1/2013
<p>Mr. Robert W. Minto Jr., Missoula Qualifications (if required): public representative</p>	Governor	7/1/2013
<p>Future Fisheries Review Panel (Fish, Wildlife and Parks Department) Mr. Corey Fisher, Missoula Qualifications (if required): licensed angler</p>	Governor	7/1/2013
<p>Mr. Rick Arnold, Bozeman Qualifications (if required): licensed angler</p>	Governor	7/1/2013
<p>Mr. Gary Frank, Missoula Qualifications (if required): silviculturist</p>	Governor	7/1/2013
<p>Ms. Ann Schwend, Helena Qualifications (if required): Conservation District representative</p>	Governor	7/1/2013
<p>Mr. William Gavin, Bozeman Qualifications (if required): restoration professional</p>	Governor	7/1/2013
<p>Mr. Levi Luoma, Red Lodge Qualifications (if required): high school student</p>	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Grant Review Committee (Commerce) Mr. John Cech, Billings Qualifications (if required): representative of a two-year postsecondary institution</p>	Governor	6/30/2013
<p>Ms. Karen Byrnes, Butte Qualifications (if required): private sector economic development</p>	Governor	6/30/2013
<p>Ms. Linda Kindrick, Clancy Qualifications (if required): representative of private sector economic development</p>	Governor	6/30/2013
<p>Historical Society Board of Trustees (Historical Society) Clerk Ed Smith, Helena Qualifications (if required): public member</p>	Governor	7/1/2013
<p>Information Technology Managers Advisory Council (Administration) Ms. Margaret Kauska, Helena Qualifications (if required): none specified</p>	Director	6/30/2013
<p>Judicial Standards Commission (Justice) Mr. Victor F. Valgenti, Missoula Qualifications (if required): none specified</p>	Supreme Court	6/30/2013
<p>Judge Gary L. Day, Miles City Qualifications (if required): none specified</p>	elected	6/30/2013
<p>Mr. John Murphy, Great Falls Qualifications (if required): public representative</p>	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) Director Dan Bucks, Helena Qualifications (if required): agency representative	Governor	6/30/2013
Mr. Tim Reardon, Helena Qualifications (if required): agency representative	Governor	6/30/2013
Mr. Lance Clampitt, Bozeman Qualifications (if required): representative of the U.S. Interior Department	Governor	6/30/2013
Mr. Art Pembroke, Helena Qualifications (if required): local government representative	Governor	6/30/2013
Director Richard Opper, Helena Qualifications (if required): agency representative	Governor	6/30/2013
Ms. Catherine Maynard, Bozeman Qualifications (if required): representative of the U.S. Agriculture Department	Governor	6/30/2013
Mr. Ken Wall, Missoula Qualifications (if required): private sector representative	Governor	6/30/2013
Ms. Annette Cabrera, Billings Qualifications (if required): local government representative	Governor	6/30/2013
Ms. Christiane von Reichert, Missoula Qualifications (if required): university representative	Governor	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) cont. Mr. Rudy Cicon, Chester Qualifications (if required): land surveyor	Governor	6/30/2013
Rep. Sue Malek, Missoula Qualifications (if required): agency representative	Governor	6/30/2013
BLM James D. Claflin, Billings Qualifications (if required): representative of the U.S. Interior Department	Governor	6/30/2013
Mr. Warren Fahner, Troy Qualifications (if required): local government representative	Governor	6/30/2013
Mr. Dennis McCarthy, Kalispell Qualifications (if required): representative of the U.S. Agriculture Department	Governor	6/30/2013
Mr. Fred Gifford, Helena Qualifications (if required): private sector representative	Governor	6/30/2013
Mr. Johnny Doney, Poplar Qualifications (if required): tribal government representative	Governor	6/30/2013
Ms. Linda Vance, Helena Qualifications (if required): GIS professional	Governor	6/30/2013
Ms. Wendy Thingelstad, Polson Qualifications (if required): GIS professional	Governor	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Medical Home Working Group (State Auditor) Mr. John Hoffland, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Deborah Agnew, Billings Qualifications (if required): none specified	State Auditor	8/21/2013
Ms. Paula Block, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Doug Carr, Billings Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Paul Cook, Billings Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Janice Gomersall, Missoula Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Jonathan Griffin, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Ms. Kristin Juliar, Bozeman Qualifications (if required): none specified	State Auditor	8/21/2013
Ms. Carol Kelley, Bozeman Qualifications (if required): none specified	State Auditor	8/21/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Medical Home Working Group (State Auditor) cont. Mr. Jay Larson, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Ms. Kirsten Mailloux, Billings Qualifications (if required): none specified	State Auditor	8/21/2013
Mr. Bob Olson, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Fred Olson, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Mr. Bill Pfingsten, Bozeman Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Tom Roberts, Missoula Qualifications (if required): none specified	State Auditor	8/21/2013
Ms. Bernadette Roy, Missoula Qualifications (if required): none specified	State Auditor	8/21/2013
Dr. Rob Stenger, Great Falls Qualifications (if required): none specified	State Auditor	8/21/2013
Ms. Claudia Stephens, Billings Qualifications (if required): none specified	State Auditor	8/21/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Medical Home Working Group (State Auditor) cont. Ms. Lisa Wilson, Missoula Qualifications (if required): none specified	State Auditor	8/21/2013
Mr. Rick Yearry, Helena Qualifications (if required): none specified	State Auditor	8/21/2013
Mental Disabilities Board of Visitors (Governor) Ms. Lin Olson, Helena Qualifications (if required): family member of a consumer of developmental disability services	Governor	7/1/2013
Ms. Betty N. Cooper, Heart Butte Qualifications (if required): mental health treatment professional	Governor	7/1/2013
Ms. Patricia Harant, Helena Qualifications (if required): consumer of mental health services	Governor	7/1/2013
Mint Committee (Agriculture) Mr. Kenneth W. Smith, Kalispell Qualifications (if required): mint grower	Governor	7/1/2013
Montana Historical Society Board of Trustees (Historical Society) Ms. Sharon Lincoln, Billings Qualifications (if required): public member	Governor	7/1/2013
Ms. Janene Caywood, Missoula Qualifications (if required): archeologist	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Noxious Weed Management Advisory Council (Agriculture)		
Mr. Jack Eddie, Dillon Qualifications (if required): representative of the Montana Weed Control Association	Director	6/30/2013
Mr. Jim Olivarez, Missoula Qualifications (if required): representative of consumer group	Director	6/30/2013
Mr. Todd Wagner, Glasgow Qualifications (if required): Agriculture crop production representative	Director	6/30/2013
Mr. Jim Story, Corvallis Qualifications (if required): Biological Research and Control representative	Director	6/30/2013
Mr. Jim Gordon, Huntley Qualifications (if required): Herbicide dealer/applicator representative	Director	6/30/2013
Ms. Margie Edsall, Sheridan Qualifications (if required): Western Montana counties representative	Director	6/30/2013
Mr. Kurt Myllymaki, Stanford Qualifications (if required): Consumer group representative	Director	6/30/2013
Mr. Dick Zoanni, Sidney Qualifications (if required): Eastern Montana counties representative	Director	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Montana Potato Commodity Committee (Agriculture) Mr. Brad Haidle, Fallon Qualifications (if required): none specified</p>	Director	6/25/2013
<p>Mr. Pat Fleming, Pablo Qualifications (if required): none specified</p>	Director	6/25/2013
<p>Montana Wheat and Barley Committee (Agriculture) Mr. Chris Kolstad, Ledger Qualifications (if required): wheat and/or barley producer in District 3</p>	Governor	8/20/2013
<p>Mr. Randy Hinebauch, Conrad Qualifications (if required): wheat and/or barley producer in District 2</p>	Governor	8/20/2013
<p>Motorcycle Safety Advisory Commission (Commissioner of Higher Education) Mr. Carl Lawson, Missoula Qualifications (if required): cycle group member</p>	Governor	7/1/2013
<p>Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Roger A. Noble, Kalispell Qualifications (if required): independent petroleum marketing industry representative</p>	Governor	6/30/2013
<p>Mr. Karl Hertel, Moore Qualifications (if required): insurance industry representative</p>	Governor	6/30/2013
<p>Mr. Jerry M. Breen, Choteau Qualifications (if required): independent petroleum marketing industry representative</p>	Governor	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Poet Laureate (Montana Arts Council) Ms. Sheryl Noethe, Missoula Qualifications (if required): Montana poet	Governor	8/1/2013
Postsecondary Scholarship Advisory Council (Governor) Ms. Connie Wittak, Flaxville Qualifications (if required): having experience in secondary education	Governor	6/20/2013
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks Department) Rep. Bob Ream, Helena Qualifications (if required): Fish, Wildlife and Parks Commissioner	Governor	7/1/2013
Mr. Jack Billingsley, Glasgow Qualifications (if required): outfitter	Governor	7/1/2013
Commissioner Chris King, Winnett Qualifications (if required): landowner	Governor	7/1/2013
Ms. Kathy Hadley, Deer Lodge Qualifications (if required): landowner	Governor	7/1/2013
Mr. Mike Penfold, Billings Qualifications (if required): sportsperson	Governor	7/1/2013
Mr. Joe Cohenour, East Helena Qualifications (if required): sportsperson	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks Department) cont. Mr. Alex Nixon, Roberts Qualifications (if required): outfitter	Governor	7/1/2013
Professional Engineers and Land Surveyors (Labor and Industry) Mr. John Neil, Great Falls Qualifications (if required): licensed civil engineer	Governor	7/1/2013
Mr. Tom Heinecke, Kalispell Qualifications (if required): licensed mechanical engineer	Governor	7/1/2013
Public Defender Commission (Administration) Mr. Richard Gillespie, Helena Qualifications (if required): an attorney nominated by the Montana State Bar who represents criminal defense lawyers	Governor	7/1/2013
Mr. William Snell, Billings Qualifications (if required): employee of an organization providing addictive behavior counseling	Governor	7/1/2013
Ms. Margaret Novak, Chester Qualifications (if required): member of an organization advocating on behalf of indigent persons	Governor	7/1/2013
Mr. Alfred F. Avignone, Bozeman Qualifications (if required): attorney nominated by the Montana Supreme Court	Governor	7/1/2013
Mr. Brian Gallik, Bozeman Qualifications (if required): Attorney nominated by the Montana Supreme Court	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Research and Commercialization Technology Board (Commerce) Mr. Jim Davison, Anaconda Qualifications (if required): public representative	Governor	7/1/2013
State Tribal Economic Development Commission (Commerce) Mr. Roger "Sassy" Running Crane, Browning Qualifications (if required): Blackfeet Tribe member	Governor	6/30/2013
Ms. Cheryl Reevis, Browning Qualifications (if required): Blackfeet Tribe alternate	Governor	6/30/2013
State Workforce Investment Board (Labor and Industry) Mr. Mike Grove, Helena Qualifications (if required): private sector representative	Governor	7/1/2013
Director Keith Kelly, Helena Qualifications (if required): veteran and a public sector representative	Governor	7/1/2013
Mr. Robert Miller, Dillon Qualifications (if required): section 166 representative	Governor	7/1/2013
Commissioner Connie Eissinger, Brockway Qualifications (if required): private sector representative	Governor	7/1/2013
Director Dore Schwinden, Helena Qualifications (if required): public sector representative	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Evan Barrett, Butte Qualifications (if required): Governor's representative	Governor	7/1/2013
Mr. Michael McGinley, Dillon Qualifications (if required): county commissioner	Governor	7/1/2013
Senator Sherm Anderson, Deer Lodge Qualifications (if required): private sector representative	Governor	7/1/2013
Ms. Linda Woods, Darby Qualifications (if required): public sector representative	Governor	7/1/2013
Mr. Jeff Rupp, Bozeman Qualifications (if required): public sector representative	Governor	7/1/2013
Mr. John Cech, Billings Qualifications (if required): public sector representative	Governor	7/1/2013
Mr. Dave Crum, Great Falls Qualifications (if required): private sector representative	Governor	7/1/2013
Ms. Martina Copps, Broadus Qualifications (if required): private sector representative	Governor	7/1/2013
Mr. Thomas Curry, Billings Qualifications (if required): labor representative	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Michael DesRosier, Browning Qualifications (if required): county commissioner	Governor	7/1/2013
Mr. Kirk Hammerquist, Kalispell Qualifications (if required): private sector representative	Governor	7/1/2013
Ms. Jacquie Helt, Missoula Qualifications (if required): labor representative	Governor	7/1/2013
Ms. Maureen Kenneally, Butte Qualifications (if required): private sector representative	Governor	7/1/2013
Mr. Alan Skari, Chester Qualifications (if required): private sector representative	Governor	7/1/2013
Mrs. Sandi Miller, Helena Qualifications (if required): private sector representative	Governor	7/1/2013
Mr. Thomas McKenna, Lewistown Qualifications (if required): private sector representative	Governor	7/1/2013
Ms. Anna Whiting-Sorrell, Helena Qualifications (if required): public sector representative	Governor	7/1/2013
Mr. George Kipp, Browning Qualifications (if required): section 166 representative	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont. Superintendent Denise Juneau, Helena Qualifications (if required): public sector representative	Governor	7/1/2013
Ms. Vicki Judd, Missoula Qualifications (if required): private sector representative	Governor	7/1/2013
Mr. Henry Dykema, Red Lodge Qualifications (if required): private sector representative	Governor	7/1/2013
Mr. John DeMichiei, Roundup Qualifications (if required): private sector representative	Governor	7/1/2013
Mr. Nicholas Kujawa, Butte Qualifications (if required): private sector representative	Governor	7/1/2013
Ms. Tina Bundtrock, Great Falls Qualifications (if required): private sector representative	Governor	7/1/2013
State-Tribal Economic Development Commission (Commerce) Mr. Rodney Miller, Wolf Point Qualifications (if required): representative of the Fort Peck Assiniboine & Sioux Tribes	Governor	6/30/2013
Mr. Forrest Smith, Poplar Qualifications (if required): representative of the Fort Peck Assiniboine & Sioux Tribes	Governor	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Teachers' Retirement Board (Administration) Mr. Scott A. Dubbs, Lewistown Qualifications (if required): administrator/member</p>	Governor	7/1/2013
<p>Telecommunications Access Services for Persons with Disabilities Committee (Public Health and Human Services) Mr. Ron Bibler, Great Falls Qualifications (if required): hearing disabled</p>	Governor	7/1/2013
<p>Ms. Linda Kirkland, Helena Qualifications (if required): agency representative</p>	Governor	7/1/2013
<p>Ms. Chris Caniglia, Helena Qualifications (if required): a non-disabled business person</p>	Governor	7/1/2013
<p>Mr. James Marks, Helena Qualifications (if required): agency representative</p>	Governor	7/1/2013
<p>Tourism Advisory Council (Commerce) Ms. Rhonda Fitzgerald, Whitefish Qualifications (if required): resident of Glacier Country</p>	Governor	7/1/2013
<p>Mr. Stan Ozark, Glasgow Qualifications (if required): resident of Missouri Country</p>	Governor	7/1/2013
<p>Mr. Bill McGladdery, Butte Qualifications (if required): resident of Goldwest Country</p>	Governor	7/1/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Tourism Advisory Council (Commerce) cont. Ms. Michelle Robinson, Billings Qualifications (if required): resident of Custer Country	Governor	7/1/2013
Mr. Dan Austin, Billings Qualifications (if required): resident of Southeast Montana	Governor	7/1/2013
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice) Mr. Jim Kambich, Butte Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Mr. Jon A. Krutar, Helena Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Ms. Tracy Stone-Manning, Missoula Qualifications (if required): Director of the Department of Environmental Quality	Governor	7/31/2013
Director Jeff Hagener, Helena Qualifications (if required): Director of Fish, Wildlife and Parks	Governor	7/31/2013
Director Mary Sexton, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	7/31/2013
Director Richard Opper, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	7/31/2013
Mr. William Rossbach, Missoula Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice) cont.		
Mr. Joe Maurier, Helena Qualifications (if required): Director of the Department of Fish, Wildlife and Parks	Governor	7/31/2013
Mr. Roy O'Connor, Missoula Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Mr. Elton Ringsak, Butte Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Ms. Katherine Eccleston, Anaconda Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Mr. Michael McLean, Anaconda Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Ms. Maureen Connor, Philipsburg Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2013
Director John Tubbs, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	7/31/2013
Water Judge of the Clark Fork River Basin Water Division (District Court)		
Judge Ted Mizner, Anaconda Qualifications (if required): none specified	elected	6/30/2013

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2013 THROUGH AUGUST 31, 2013

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Water Judge of the Lower Missouri River Basin Water Division (District Court) Judge David Cybulski, Plentywood Qualifications (if required): none specified</p>	elected	6/30/2013
<p>Water Judge of the Upper Missouri River Basin Water Division (District Court) Judge Jeffrey Sherlock, Helena Qualifications (if required): none specified</p>	elected	6/30/2013
<p>Water Judge of the Yellowstone River Basin Water Division (District Court) Judge Joe L. Hegel, Forsyth Qualifications (if required): none specified</p>	elected	6/30/2013
<p>Western Interstate Commission for Higher Education (Governor) Ms. Sheila Stearns, Helena Qualifications (if required): representative of higher education</p>	Governor	6/19/2013