

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 23

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

LIVESTOCK, Department of, Title 32

32-13-238 Notice of Proposed Amendment - Brand Mortgages - Renewal Requirements - Placement of Digits - Brand Ownership and Transfer - Sale of Branded Livestock - Change in Brand Recording - Equine Breed Registry Mark - Freeze Branding - Recording and Transferring of Brands - Rerecording of Brands - Brand Inspection - County Line Grazing Permits - Import Transportation Permit - Livestock Market Releases - Sheep Permit - Domestic Bison Permit - Duration of Permits. No Public Hearing Contemplated. 2268-2277

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-659 Notice of Public Hearing on Proposed Adoption and Amendment - Adoption of Federal Statutes for Guardianship. 2278-2285

37-660 Notice of Proposed Amendment - HEDIS Components of Quality Assessment Activities. No Public Hearing Contemplated. 2286-2291

REVENUE, Department of, Title 42

42-2-902 Notice of Public Hearing on Proposed Adoption - Debt Collection Services Provided on Behalf of Other Agencies. 2292-2297

42-2-903 Notice of Public Hearing on Proposed Amendment - Distilleries. 2298-2307

RULE ADOPTION SECTION

LIVESTOCK, Department of, Title 32

32-13-240 Notice of Amendment - Definitions - Additional Requirements for Cattle - Special Requirements for Goats - Rabies - Alternative Livestock. 2308

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-647 Notice of Amendment - Order of Selection Revision and Catchphrase Change in the Vocational Rehabilitation Program. 2309

37-650 Notice of Amendment - Medicaid Inpatient Hospital Services. 2310

37-651 Notice of Amendment - 1915(i) Home and Community-based Services (HCBS) State Plan Program for Youth With Serious Emotional Disturbance. 2311

REVENUE, Department of, Title 42

42-2-896 Notice of Amendment - Wine Importation and Licensee Reporting Requirements. 2312-2314

42-2-897 (Board of Review) Notice of Adoption - Electronic Submission of Documents Through the Business Licensing Portal. 2315

42-2-898 Notice of Amendment - Trended Depreciation Schedules for Valuing Property. 2316-2317

SECRETARY OF STATE, Office of, Title 44

44-2-193 (Commissioner of Political Practices) Notice of Amendment - Limitations on Individual and Political Party Contributions. 2318-2319

44-2-194 (Commissioner of Political Practices) Notice of Amendment - Limitations on Receipts From Political Committees to Legislative Candidates. 2320

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 2321-2322

How to Use ARM and MAR. 2323

Accumulative Table. 2324-2331

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.15.601, 32.15.602,)	AMENDMENT
32.18.104, 32.18.105, 32.18.106,)	
32.18.107, 32.18.108, 32.18.109,)	NO PUBLIC HEARING
32.18.110, 32.18.111, 32.18.201,)	CONTEMPLATED
32.18.202, 32.18.203, 32.18.204,)	
32.18.205, 32.18.207, and 32.22.103)	
pertaining to brand mortgages,)	
renewal requirements, placement of)	
digits, brand ownership and transfer,)	
sale of branded livestock, change in)	
brand recording, equine breed)	
registry mark, freeze branding,)	
recording and transferring of brands,)	
rerecording of brands, brand)	
inspection, county line grazing)	
permits, import transportation permit,)	
livestock market releases, sheep)	
permit, domestic bison permit, and)	
duration of permits)	

1. On January 15, 2014, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on January 2, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

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

32.15.601 FEES FOR FILING NOTICES REGARDING SECURITY
AGREEMENTS BRAND MORTGAGES ~~(1) Every person filing notice of a security agreement, assignment, renewal or satisfaction pursuant to 81-8-301, MCA, must pay a fee of \$25.00 for each brand listed. The fee shall be paid by check or money order made payable to the department of livestock. No filing with the department may be processed without the fee first being paid.~~

(1) A brand mortgage (lien) covering branded livestock must be filed with the Department of Livestock.

(a) Brand mortgages apply to cattle with Montana brands only.
(b) A brand mortgage may be referred to as a notice of security agreement or lien on branded livestock.

(2) A fee must be paid to the department by every person filing a brand mortgage, assignment, renewal, or termination for each brand listed.

(3) There are two ways to file a brand mortgage:

(a) All brand owners of the brand sign the brand mortgage papers; or

(b) by Writ of Execution directing the mortgage be placed on the brand to enable the department to comply with a court order.

(4) A notice of continuation (assignment) signed by the new brand owners, and the filing fee must be sent to the department to complete a name change on a brand mortgage.

(5) A notice of termination plus the filing fee must be filed with the department immediately upon satisfaction to terminate a brand mortgage.

AUTH: 81-8-301, 81-8-304, MCA

IMP: 81-8-301, 81-8-304, MCA

32.15.602 RENEWAL REQUIREMENTS (1) ~~No filings of notice of security agreement, assignment or renewal are valid for more than five years after the date of filing unless a renewal notice has been filed with the department not more than six months before nor more than 60 days after the fifth anniversary of the filing of such notice.~~ Brand mortgages and assignments must be renewed every five years commencing on January 1, 1983 and every five years thereafter.

(2) Renewal requirements are:

(i) a completed notice of continuation of brand mortgage; and

(ii) the appropriate filing fee paid to the department.

(3) The mortgage will be terminated if not renewed prior to the deadline.

AUTH: 81-8-301, 81-8-304, MCA

IMP: 81-8-301, 81-8-304, MCA

32.18.104 PLACEMENT OF DIGITS (1) and (2) remain the same.

(3) Anyone wanting to use a five-digit system or the symbol system may write to the Department of Livestock, Brands Enforcement Division, P. O. Box 202001, Helena, Montana 59620-2001. ~~The Department of Livestock Brands Enforcement Division will then describe to them individually~~ , for an individual description of how they are to be used.

AUTH: 81-1-102, MCA

IMP: 81-1-102, MCA

32.18.105 BRAND OWNERSHIP AND TRANSFER (1) remains the same.

(2) Multiple Names may be recorded in the following manner only: "x and y", or "x or y";

(a) The designation "and/or" is not acceptable.

(a) A brand recorded in "x and y" designates tenants in common.

~~(b) A brand recorded in "x or y" designates joint tenancy with right of survivorship.~~

(3) A brand may be transferred only if the signatures of all recorded owners ~~or their assignees~~ appear on the transfer regardless if "and" or "or" is between the names.

(4) A corporation, LLC, or trust must be registered with the office of the Montana Secretary of State to own a brand in the name of the organization.

AUTH: 81-1-102, MCA
IMP: 81-1-102, 81-3-102, 81-3-103, MCA

32.18.106 SALE OF BRANDED LIVESTOCK (1) Except as provided in (3), ownership of livestock bearing a brand recorded in "x and y" may be transferred only if the transfer bears the signatures of all recorded owners or their designated assigns.

(2) Except as provided in (3), ownership of livestock bearing a brand recorded in "x or y" may be transferred if the transfer bears the signature of one recorded owner or ~~his~~ their designated assigns.

(3) Recorded owner(s) of a brand may designate on the records of the department any person(s) who may transfer livestock bearing the brand of the recorded owner(s).

(a) Such designations are valid only if signed by all recorded owners of the brand at the time of the designation.

AUTH: 81-1-102, MCA
IMP: 81-1-102, 81-3-105, MCA

32.18.107 CHANGE IN BRAND RECORDING (1) Once the department has begun processing a recording of a brand, any changes proposed ~~in~~ to the original application will be considered a new application and an additional ~~recording fee of \$200~~ will be charged.

~~(a) the fee for rerecording of a brand or mark will remain at \$100.~~

AUTH: 81-1-102, MCA
IMP: 81-1-102, 81-3-107, MCA

32.18.108 EQUINE BREED REGISTRY MARK (1) A nationally or internationally recognized equine breed registry mark made on equine animals to designate a specific equine breed shall not be recorded as a brand, but may be recognized for breed identification purposes.

(a) Any official equine breed organization, association, or registry's designated registry mark is acceptable for placement on an equine animal located in or brought into Montana.

(2) An equine breed registry mark is not proof of ownership, but merely identification of breed.

~~(a) All equine animal owners must comply with 81-3-102, MCA, and ARM 32.18.101 on~~ Montana ownership branding statutes and rules.

(3) remains the same.

AUTH: 81-1-102, ~~81-3-202~~, MCA
IMP: 81-1-102, MCA

32.18.109 FREEZE BRANDING (1) remains the same.

- (a) ~~all~~ freeze brands must be registered by ~~the owner~~ with the department;
- (b) remains the same.
- (c) ~~the department will only issue a freeze brand that is~~ must be identical in design and location to the owner's hot iron brand;
- (d) and (e) remain the same.
- (f) ~~cattle freeze brands cannot be owned without a hot iron certificate brand that is identical in design and location to the owner's hot iron brand;~~
- (g) remains the same but is renumbered (f).

AUTH: 81-1-102, MCA
IMP: 81-1-102, MCA

32.18.110 RECORDING AND TRANSFERRING OF BRANDS (1) Brand fees are set by the Board of Livestock and All Montana brands must be issued through the Department of Livestock brand recording office.

- ~~(2) Brand fees are set by the Board of Livestock as authorized by state statute.~~
- (3) and (3)(a) remain the same but are renumbered (2) and (2)(a).
- ~~(i) Mailed, e-mailed, or faxed applications will be processed in the order in which they are received.~~
- ~~(ii) Walk-in applications will be processed on a first come, first served basis.~~
- ~~(4) (3) The refund policy is as follows:~~
 - (a) and (b) remain the same.
- (5) and (5)(a) remain the same but are renumbered (4) and (4)(a).
- (b) check for conflicts; ~~in the order listed on the application:~~
 - ~~(i) the applicant must list ideas for brands in preferential order;~~
 - ~~(ii) the first brand on the application that does not have any conflicts with existing brands will be issued to the applicant.~~
- (c) issue an available brand, and/or ~~communicate results to the applicant:~~
 - ~~(i) if none of the applicant's submissions are available, the brand recorder may check a similar brand for conflicts and offer it as an alternative option;~~
 - ~~(ii) (i) if the available option was not on the original application, The applicant must accept or decline the offered alternative option in writing within ten working days of the date on the option letter;~~
 - ~~(iii) the applicant will have ten working days from the date of the offer letter to accept the offered available option.~~
 - ~~(iv) (ii) If the applicant's reply is received after the ten working day offer deadline it will be considered a new application, and must be rechecked for conflicts, and will require an additional \$200 new brand fee.~~
- ~~(6) (5) All bBrand transfer requests must be submitted with the appropriate required fee, to the brand recording office and:~~

~~(a) completion of the completed request for transfer (located on the reverse side of the official brand certificate) which must include the notarized signatures of all the original owners as listed on the front of the official brand certificate;~~

~~(b) if the original owner of the transferring brand is deceased;:~~

~~(i) a copy of the death certificate; and~~

~~(ii) appropriate documentation (i.e., personal representative or executor paperwork) must be provided to complete the transfer;~~

~~(c) the new owner names must be listed exactly as they will appear on the new certificate to be issued upon completion of the transfer process;~~

~~(d) the brand owner name on applications and transfer must consist of individuals or entities with documentable proof of identity:~~

~~(i) individuals must use legal names;~~

~~(ii) businesses and trusts must be registered with the Montana Secretary of State's office.~~

~~(e) where multiple individuals or entities appear on a brand owner name, either "and" or "or" must be used between owner names;~~

~~(i) no other notation or description is allowed (ex: DBA, hyphens, commas, parenthesis, in care of, "and/or").~~

~~(c) removal of a deceased person's name from a brand held in joint ownership with right of survivorship shall require:~~

~~(i) a copy of the death certificate; and~~

~~(ii) the required fee from the surviving owner(s).~~

~~(f) transfer fees apply as per ARM 32.18.107;~~

~~(f)(i) remains the same but is renumbered (d).~~

~~(7) remains the same but is renumbered (6).~~

~~(8) (7) Changes to image, species, or position require submission of a new brand application and an additional \$200 the required fee.~~

~~(9) (8) Notwithstanding any other provision or policy, a A brand will not be held or checked for conflicts by phone.~~

~~(10) All forms or model letters issued for purposes of recording brands or clarifying brand recording requirements are considered part of the brand rules and practices of the Board of Livestock.~~

~~(11) The Department of Livestock, as one of its primary services to the livestock industry, provides easily recognizable brands to prospective livestock owners.~~

~~(a) Departmental employees, having continual access to brand books and being acquainted with the communities in which they live and work, generally have advance opportunity to acquire desirable brands.~~

~~(b) Considering the service the department provides, employees shall not take unfair advantage of this opportunity:~~

~~(i) employees may not record more than three brands at any time;~~

~~(ii) employees may not record brands by phone;~~

~~(iii) employees may not record for others in any manner;~~

~~(iv) employees may not record any brand which has not been available for recording less than sixty days; and~~

~~(v) employees attempting to circumvent these rules are subject to disciplinary action.~~

AUTH: 81-1-102, 81-3-104, 81-3-106, MCA
IMP: 81-1-102, 81-3-107, MCA

32.18.111 RERECORDING OF BRANDS (1) Rerecording of brands is required each tenth year after 1921 ~~per 81-3-104, MCA.~~

(a) The rerecord fee is ~~\$100 per brand~~ set by the Board of Livestock.

~~(i) Brand owners requesting transfer while rerecording their brand shall be charged a separate \$100 for the completion of the transfer.~~

~~(b) Between January and June of each rerecord year the department shall publish a notice to the effect that the year is a rerecord year for brands, in a newspaper in each county.~~

~~(c) The department shall mail to each recorded brand holder a similar notice addressed to the person at the last address shown in department records.~~

~~(i) Said notice shall advise the brand holder of the rerecord deadline and that no brand continues of record unless rerecorded prior to designated deadline.~~

~~(ii) A brand not originally rerecorded with the department by 12 midnight on December 31 of the rerecord year is not of record in the department.~~

~~(d) A former brand holder who has failed to rerecord in the preceding rerecord year and has therefore dropped the brand must reapply and submit the \$200 application fee.~~

(b) Rerecord applications and fees must be received in the brand recorder office by midnight on December 31 of the rerecord year.

(i) There is no grace period.

(2) Brands not rerecorded within the rerecord year are considered dropped by the brand owner and are no longer of record in the department.

(a) A former brand holder who failed to rerecord in the preceding rerecord year and wants the brand back must reapply and submit the required fee.

(i) Such reapplication must be treated as a new brand application and is subject to all applicable new brand restrictions and fees.

(3) Brand owners requesting transfer while rerecording their brand shall be charged a separate transfer fee.

AUTH: 81-1-102, MCA
IMP: 81-1-102, 81-3-107, MCA

32.18.201 PRESENTATION OF LIVESTOCK FOR BRAND INSPECTION
~~--LENGTH OF TIME INSPECTION EFFECTIVE~~ (1) All livestock presented to a state stock inspector or a deputy stock inspector for a brand inspection must be inspected during daylight hours.

(a) No livestock may be inspected while on vehicles except only when:

(i) the inspector can safely read all marks and brands; and

(ii) such the animals are on an open truck or in a horse trailer.

(2) Such an The inspection shall permit the movement of livestock from the place of inspection immediately to the destination shown on the inspection certificate.

(a) No dDiversion or off-loading of the livestock will be permitted is not

allowed without further inspection, ~~except:~~

- (i) except for purposes of feed or water, ; and
- (ii) provided only if there is no livestock at ~~such a~~ the off-loading place with which the livestock on the vehicle can mix or mingle.
- (3) The inspection certificate shall permit the movement of livestock identified thereon for no more than 36 hours after time of issue.

AUTH: 81-3-202, MCA
IMP: 81-2-203, 81-3-211, 81-3-213, 81-3-214, MCA

32.18.202 REQUIREMENTS FOR OBTAINING COUNTY LINE GRAZING PERMITS (1) Livestock moved under a county line grazing permit issued pursuant to ~~81-3-211, MCA,~~ must be hot iron branded with a Montana brand recorded in ~~Montana~~ to the owner of the livestock.

(2) A grazing association may impose conditions ~~to be placed~~ on such permits including a requirement that livestock be individually inspected prior to entering or leaving the common grazing area.

AUTH: 81-3-202, MCA
IMP: 81-3-211, MCA

32.18.203 IMPORT TRANSPORTATION PERMIT

- (1) Import Transportation permits ~~authorized by 81-3-214, MCA,~~ shall:
- (a) be valid only on livestock moved from a county outside of Montana into an adjacent county within Montana only once. ; and
 - (b) allow one movement per permit.

AUTH: 81-3-202, MCA
IMP: 81-3-214, MCA

32.18.204 LIVESTOCK MARKET RELEASES -DURATION AND CIRCUMSTANCES UNDER WHICH DIVERSION ALLOWED (1) ~~Neither a licensed livestock market, nor a person having possession or control of livestock consigned to a Montana licensed livestock market may remove livestock from the market until the release required by section 81-3-211 (3), MCA has been issued. The release shall describe the livestock for which it is issued by sex, brand, breed, and number and is valid for 36 hours after the release is issued. Diversion from the destination shown on the release may not occur until the person making the diversion has obtained either a brand inspection or an appropriate transportation permit authorizing movement of the livestock to the new destination.~~

(1) Livestock consigned to a Montana licensed livestock market may be removed by either the market or a person having possession or control of the consigned livestock only after obtaining a market release issued by a Montana Department of Livestock inspector.

(a) The release shall describe the livestock for which it is issued by sex, brand, and breed.

(b) The permit is valid for 36 hours after the release is issued.

(2) Diversion from the destination shown on the release is not allowed unless the person making the diversion has obtained either:

(a) a brand inspection; or

(b) an appropriate transportation permit authorizing movement of the livestock to the new destination.

AUTH: 81-3-202, MCA

IMP: 81-3-211, MCA

32.18.205 SHEEP PERMIT BEFORE REMOVAL FROM COUNTY OR STATE (1) ~~In any county of the state of Montana where the department of livestock must issue permits for sheep before removal from that county or state, as provided for in section 81-5-112, MCA, any person removing or causing to be removed from the county or state any sheep or lambs must first obtain from a state stock inspector or deputy state stock inspector, a permit for removal. Removal of sheep or lambs from any Montana county or from the state requires a permit issued by a Department of Livestock state or deputy state stock inspector prior to movement.~~

~~(a) The permit must be issued on an approved Department of Livestock, Brands Enforcement Division department form.~~

~~(b) The owner or his their agent must sign the permit and certify as to:~~

~~(i) approximate number and the description; and~~

~~(ii) brands or marks, breed, and color.~~

~~(b) (2) Department of Livestock, Brands Enforcement Division form shall, w/When used for a sheep permit, the form shall show destination within or out of the state of Montana.~~

~~(2) (3) For those sheep leaving an auction market, An the owner's account of sale purchase sheet shall constitute a sheep permit ~~for those sheep leaving an auction market.~~~~

~~(3) (4) For show purposes only within the state of Montana, Aan annual sheep permit ~~for show purposes only within the state of Montana~~ is required.~~

~~(4) (5) For grazing purposes only, Aa sheep permit may be issued ~~for grazing purposes only~~, allowing the movement of sheep from one county to an adjoining county. ~~The sheep grazing permit shall be issued under the following terms:~~~~

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

~~(5) (6) A state stock inspector may enter any premises ~~where~~ to which sheep have been transported and inspect:~~

~~(a) any sheep moved under any sheep permit; and~~

~~(b) ~~as well as~~ any sheep with which the transported sheep have commingled.~~

AUTH: 81-5-202, MCA

IMP: 81-5-112, MCA

32.18.207 DOMESTIC BISON PERMIT BEFORE REMOVAL FROM COUNTY OR STATE (1) ~~In any county of the state of Montana where the Department of Livestock must issue permits for domestic bison before removal from that county or state, as provided for in 81-5-112, MCA, any person removing or causing to be removed from the county or state any domestic bison must first obtain~~

~~from a state stock inspector or deputy state stock inspector, a permit for removal. Removal of domestic bison from any Montana county or from the state requires a permit issued by a Department of Livestock state or deputy state stock inspector prior to movement.~~

~~(a) The permit must be issued on an approved Department of Livestock, Brands Enforcement Division form.~~

~~(b) The owner or his their agent must sign the permit and certify as to approximate number and the description.~~

~~(c) The department form shall, when used for a domestic bison permit, show destination within or out of the state of Montana.~~

~~(d) For those domestic bison leaving an auction market, An the owner's account of sale purchase sheet shall constitute a domestic bison permit for these domestic bison leaving an auction market.~~

AUTH: 81-5-202, MCA
IMP: 81-5-112, MCA

32.22.103 DURATION OF PERMITS -FEE (1) Aerial hunting Ppermits will be valid for a 12-month period from February 1 through January 31.

~~(a) Permittees must renew their permit each year as provided in ARM 32.22.102;~~

~~(b) and (c) remain the same.~~

~~(2) The fee for permits will be \$50 per year or part of a year.~~

~~(a) remains the same but is renumbered (2).~~

AUTH: 81-7-502, MCA
IMP: ~~81-7-503, 81-7-502, MCA~~

REASON: The department is amending the above-stated rules for clarification and to eliminate redundancy in citations and fees. No fees have been added or changed; however, specific fees located in Chapter 2, Subchapter 4 have been deleted in other subchapters to avoid the possibility of two different fees for the same services.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., January 15, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., January 15, 2014.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are

directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

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

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

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

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

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ George H. Harris
George H. Harris
Rule Reviewer

Certified to the Secretary of State December 2, 2013

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

In the matter of the adoption of New)
Rule I and the amendment of ARM)
37.5.304, 37.50.1101, 37.50.1102,)
and 37.50.1103 pertaining to the)
adoption of federal statutes for)
guardianship)

NOTICE OF PUBLIC HEARING ON
PROPOSED ADOPTION AND
AMENDMENT

TO: All Concerned Persons

1. On January 2, 2014, at 1:30 p.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, at Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on December 26, 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, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

NEW RULE I GUARDIANSHIP SUBSIDY: FAIR HEARING PROCEDURES

(1) Any person aggrieved by a department determination denying, reducing, terminating, or failing to act upon a guardianship subsidy request within one year of the request may request a hearing as provided in ARM 37.5.304, 37.5.307, 37.5.313, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.

AUTH: 2-4-201, 41-3-444, 52-2-603, MCA

IMP: 41-3-444, 52-2-603, MCA

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

37.5.304 DEFINITIONS For purposes of this subchapter, unless the context requires otherwise, the following definitions apply:

- (1) "Adverse action" means:
 - (a) through (n) remain the same.
 - (o) a determination by the department regarding a pharmaceutical

manufacturer's rebate due under ARM Title 37, chapter 86, subchapter 11; or
(p) a department determination denying, reducing, terminating, or failing to act upon a guardianship subsidy request within one year of the request as provided in ARM Title 37, chapter 5, subchapter 11; or

(p) remains the same, but is renumbered (q).

(i) through (13) remain the same.

AUTH: 2-4-201, 41-3-208, 41-3-444, 50-53-103, 52-2-111, 52-2-603, 52-2-622, 52-2-704, 53-2-201, 53-2-606, 53-4-212, 53-6-111, 53-6-113, 53-7-102, 53-20-305, MCA

IMP: 41-3-202, 41-3-208, 41-3-444, 50-53-101, 50-53-102, 50-53-103, 50-53-104, 50-53-106, 50-53-107, 52-2-603, 52-2-704, 52-2-726, 53-2-201, 53-2-606, 53-6-101, 53-6-107, 53-6-111, 53-6-113, 53-20-305, MCA

37.50.1101 GUARDIANSHIP AND HOME APPROVAL (1) In order to be approved as a guardian pursuant to 41-3-444, MCA, the prospective guardian and the home of the prospective guardian must meet the requirements set forth for youth foster homes requirements contained in ARM ~~37.97.1001, 37.97.1002, 37.97.1006, 37.97.1011, 37.97.1013, 37.97.1014, 37.97.1016, 37.97.1018, and 37.97.1019~~ 37.51.210, 37.51.216, 37.51.301, 37.51.305, 37.51.306, 37.51.307, 37.51.310, 37.51.311, 37.51.601, 37.51.602, 37.51.608, 37.51.609, 37.51.801, 37.51.802, 37.51.805, 37.51.806, 37.51.810, 37.51.815, 37.51.820, 37.51.825, 37.51.826, 37.51.901, 37.51.902, 37.51.1001, 37.51.1401, 37.51.1404, and 37.51.1405.

(2) remains the same.

(3) A written assessment of the prospective guardian and home of the prospective guardian ~~shall~~ must be completed. The assessment must include a determination that the prospective guardian and home of the prospective guardian meet the requirements of this rule. The assessment must demonstrate the appropriateness of the proposed guardian to become the legal custodian for a specific child. Factors to be considered in determining the appropriateness of the proposed guardian include the proposed guardian's ~~acceptance of the child's cultural, racial and religious heritage;~~ knowledge of the child's history, including placement and ~~less history~~ history of trauma and the potential effect on the child's development and future functioning; understanding and acceptance of the continued role of the child's birth family; understanding and acceptance of the powers and duties of a guardian; and the desire of the prospective guardian to become the child's guardian.

(4) If the child for whom guardianship is being considered is 12 years of age or older, the child must be consulted regarding the plan for guardianship.

(5) The entry of a decree of guardianship terminates the custody of the department and the involvement of the department except to the extent necessary to administer any financial subsidy.

AUTH: ~~41-3-4403~~, 52-2-603, MCA

IMP: ~~41-3-424~~, 41-3-444, 52-2-603, MCA

37.50.1102 STATE-SUBSIDIZED GUARDIANSHIP (1) remains the same.

(2) Subsidized guardianship payments may be made to the guardian of an eligible child when:

(a) the child meets the guardianship criteria found in ~~41-3-421~~ 41-3-444, MCA;

(b) through (e) remain the same.

(3) Monthly payments and medical coverage as provided under Montana Medicaid programs may be provided under a subsidized guardianship agreement. A child in a subsidized guardianship arrangement is not eligible for the foster care support services as provided for in ARM 37.50.501, 37.50.502, 37.50.505, 37.50.506, 37.50.510 through 37.50.511, 37.50.512, 37.50.520, 37.50.521, and 37.50.525.

(4) through (6) remain the same.

(7) The subsidized guardianship agreement ~~shall~~ will be terminated:

(a) if the guardian resigns the guardianship;

(b) if the guardianship is revoked by the court; or

(c) if the department determines that the subsidy is not being used to support the child; or

(d) when the child reaches age 18.

(8) The subsidy may continue until the child reaches the age of 19 if the child is a full-time student in a secondary school and is reasonably expected to obtain a secondary-school diploma or its equivalent on or before the month of the child's 19th birthday.

AUTH: ~~41-3-1103~~, 41-3-444, 52-2-603, MCA

IMP: ~~41-3-421~~, 41-3-444, 52-2-603, MCA

37.50.1103 FEDERALLY SUBSIDIZED GUARDIANSHIP (1) Under a ~~child welfare demonstration project awarded the Title IV-E State Plan, Guardianship Assistance Program, approved by the federal United States Department of Health and Human Services (HHS), the department is authorized to utilize federal funds to pay guardianship subsidy on behalf of children who meet the requirements established under the terms and conditions of the demonstration project Title IV-E State Plan, Guardianship Assistance Program, July 16, 2013. The terms and conditions contract between approved by the federal Department of Health and Human Services HHS and the department is hereby are adopted and incorporated by reference. Copies of the contract Title IV-E State Plan, Guardianship Assistance Program may be obtained on the department's web site at <http://www.dphhs.mt.gov> www.dphhs.mt.gov/cfsd/ or from the Department of Public Health and Human Services, Child and Family Services Division, 1400 Broadway, P.O. Box 8005, Helena, MT 59620-8005.~~

(2) Federally subsidized guardianship payments may be made to the guardian of an eligible child when:

(a) the prospective guardian meets the definition of a "kinship guardian" as established in the Title IV-E State Plan, Guardianship Assistance Program terms and conditions;

(b) the requirements of ARM 37.51.1101 are met; and

~~(a)(c)~~ the requirements established under the demonstration project Title IV-E State Plan, Guardianship Assistance Program terms and conditions and the requirements of ARM 37.50.1102~~(2)(b)(1)~~ through ~~(7)(6)~~ are met.

~~(3) Children who meet the eligibility requirements established under the demonstration project will be randomly assigned to a service group or a control group. Title IV-E nonrecurring costs that are directly related to obtaining legal guardianship may not exceed \$2000.~~

~~(4) Only children assigned to the service group will be eligible to receive federally subsidized guardianship payments. The subsidized guardianship agreement will be terminated:~~

~~(a) if the guardian resigns the guardianship;~~

~~(b) if the guardianship is revoked by the court;~~

~~(c) if the department determines that the subsidy is not being used to support the child; or~~

~~(d) when the child reaches age 18.~~

~~(5) The department must make an annual visit to the home of each child receiving a federally subsidized guardianship.~~

AUTH: ~~41-3-1103~~, 52-2-603, MCA

IMP: ~~41-3-421~~, 41-3-444, 52-2-603, MCA

5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to adopt New Rule I and amend ARM 37.5.304, 37.50.1101, 37.50.1102, and 37.50.1103, pertaining to the adoption of federal statutes for guardianship in order to comply with the Federal Guardianship Assistance Program. These rule changes are necessary to comply with the provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351 (the Fostering Connections Act) found in 42 USC 671 and 673. Since the department was approved to administer the Federal Guardianship Assistance Program in May 23, 2010, the rules need to incorporate provisions of the Fostering Connections Act.

New Rule I

New Rule I provides fair hearing opportunities and incorporates federal requirements. In order to receive grants for federally subsidized guardianships, states are required to provide fair hearing rights under 42 USC 671(a)(12) and 45 CFR 205.10 for the denial of a guardianship subsidy or when a state agency has not acted upon a subsidy "with reasonable promptness."

The department chose one year as the time period that would exceed "reasonable promptness." Normally, there are no delays in allocating guardianship subsidies, but there have been instances when more time is needed to negotiate the correct subsidy amount based on the child's needs.

ARM 37.5.304

The department is proposing to add a definition to this rule for adverse action to include department decisions on guardianship subsidies. This change is necessary in order to clarify that a fair hearing is available.

ARM 37.50.1101

The department is proposing to update (1) to reflect the most current administrative rules for Youth Foster Homes. ARM 37.97.1001 through 37.97.1019 were repealed in 2006 and renumbered as ARM 37.51.301 through 37.51.1405. The department added ARM 37.51.210 and 37.51.216 because they provide disqualification criteria based on child protective service and criminal background checks. The background standards apply to guardians receiving federal subsidies pursuant to 42 USC 671(a)(20).

The department proposes to remove from (3) the phrase "acceptance of the child's cultural, racial and religious heritage" as it conflicts with the Multiethnic Placement Act of 1994 (MEPA/IEAP), Public Law 103-382, found in 42 USC 671(a)(18) and 45 CFR 1355.38. The federal law does not allow the department to consider a child's race, ethnicity, religion, and national origin when assessing a family's ability to provide a child with a permanent home. Exceptions exist for children subject to the federal Indian Child Welfare Act of 1978, 25 USC 1901 et seq. Also in (3), the term "loss history" has been changed to "history of trauma" to reflect current language.

New Section (4) incorporates the federal requirement found in 42 USC 673(a)(4)(d)(3)(A)(i)(iv) where a child, 14 years of age and older, must be consulted regarding the guardianship plan. A child's involvement in planning his or her permanent home is considered paramount to the success and stability of the placement. Instead of age 14, however, the department believes that the age of consultation should be 12 years of age, which is consistent with the age of consent for a child in adoption found in 42-2-301(6) and 42-4-303(2), MCA.

ARM 37.50.1102

The department is proposing to update (2) to reflect the most current guardianship statute. Section 41-3-421, MCA, currently referenced in (2), was renumbered as 41-3-444, MCA, in 2001.

Subsection (7) reflects the fact that the department serves children up to the age of 18. The definition of a "child" in 41-3-102(7), MCA, is "any person under 18 years of age." The department is currently able to continue foster care payments for children who turn 18 while in care but are still enrolled in secondary education. Limiting the age creates a barrier to guardianship for some families and as a result, permanency for these children. Research indicates that due to the delays caused by the trauma these children experience early on, very few of our children are able to accomplish completion of their secondary education by their 18th birthday. The department recommends that the child's age be extended to age 19 for state-subsidized

guardianships for purposes of retaining financial eligibility while completing their secondary education.

ARM 37.50.1103

The department proposes to eliminate current (1) through (5) because they pertain to the Federal Guardianship Demonstration Project which expired in December, 2009. The new language included in the Title IV-E State Plan provides the current requirements under the Fostering Connections Act to qualify for federally subsidized guardianships. These guardianships are restricted to relatives or other persons that may be considered the child's kin.

Section (1) establishes the federal guidelines summarized in the Title IV-E State Plan Guardianship Assistance Program that was approved by United States Department of Health and Human Services in May 2010.

In (2)(a), federal law does not define a kinship guardian; however, the law instructed individual states to devise their own definitions and obtain federal approval. The department's definition mirrors 52-2-602, MCA, which provides a broad definition of kinship to include not only extended family, but also godparents, member of the child's tribe, and those persons to whom a child or his family have had a significant emotional tie that existed previous to the department's involvement.

In proposed (2)(b) and (c), the prospective kinship guardian must meet the department's rules for youth foster care licensing and determine the prospective guardian's ability and willingness to provide a long-term commitment to the children placed in their home as stated in ARM 37.50.1101 as established in the Title IV-E State Plan and 42 USC 671, and per the requirements in ARM 37.50.1101 and the state subsidy guidelines in ARM 37.50.1102. These are also required in 42 USC 671.

Section (3) allows the department to pay for any nonrecurring expenses associated with establishing a Title IV-E guardianship. For instance, a prospective guardian may incur legal expenses that occur only once. Nonrecurring expenses are limited to \$2000 under 42 USC 673(d)(i)(B)(iv). Nonrecurring expenses are limited to Title IV-E guardianships.

Finally, (4) includes criteria for terminating a subsidized guardianship agreement. Federally subsidized guardianships are limited to children under 18 years of age as stated in 42 USC 673(a)(4)(A)(i).

Fiscal Impact

There will be minimal fiscal impact regarding the rule revisions. The extension of age for the child's eligibility to age 19 as revised in proposed ARM 37.50.1102(7) may increase fiscal costs slightly. The ability to extend to age 19, however, is allowed only for state-subsidized subsidies which involves a small number of youth.

The anticipated costs are as follows:

In fiscal year (FY) 2012 (7/1/11 through 6/30/12), 21 youth aged out of their guardian's care. Of these 21 in care, only one was state-subsidized. No request for extension was received.

In FY 2013 (7/1/12 through 6/30/13), 19 youth aged out of their guardian's care. Of these 19 in care, five were state-subsidized. No request for extension was received.

In FY 2014 (7/1/13 through 6/30/14), it is anticipated that 14 youth will age out of care. Of these 14, five are state-subsidized. We have had one request to extend the subsidy past the youth's 18th birthday. If the request is granted, the impact is calculated at \$19.19 per day for the allowable 365 days totaling \$7004.35 for this child while he remains in secondary education. This is compared with the cost of this same aged child remaining under foster care at \$21.56 per day for 365 days at \$7869.40 for that same fiscal year. If this rule is amended, the department could have five youth this fiscal year with subsidies extended past their 18th birthday. The total amount of cost would be \$35,021, compared to foster care payments of \$39,347 if these children remained in foster care.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., January 9, 2014.

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

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

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

web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

/s/ Mark Prichard
Mark Prichard
Rule Reviewer

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

Certified to the Secretary of State December 2, 2013.

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.108.507 pertaining to HEDIS) AMENDMENT
components of quality assessment)
activities) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On January 13, 2014, the Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on January 2, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.108.507 COMPONENTS OF QUALITY ASSESSMENT ACTIVITIES

(1) Annually, the health carrier shall evaluate its quality assessment activities by using the following HEDIS ~~year 2013~~ 2014 measures:

(a) through (3) remain the same.

(4) The department adopts and incorporates by reference the HEDIS ~~year 2013~~ 2014 measures for the categories listed in (1)(a) through (e). The HEDIS ~~year 2013~~ 2014 measures are developed by the National Committee for Quality Assurance and provide a standardized mechanism for measuring and comparing the quality of services offered by managed care health plans. Copies of HEDIS ~~2013~~ 2014 measures are available from the National Committee for Quality Assurance, 1100 13th St. NW, Suite 1000, Washington, D.C. 20005 or on the Internet at www.ncqa.org.

AUTH: 33-36-105, MCA

IMP: 33-36-105, 33-36-302, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.108.507 to update the healthcare effectiveness data and information set (HEDIS).

The Managed Care Plan Network Adequacy and Quality Assurance Act (Title 33, Chapter 36, MCA) establishes standards for health carriers offering managed care plans and the implementation of quality assurance standards in administrative rules. ARM 37.108.501 through 521 were adopted in 2001 to establish mechanisms for the department to evaluate quality assurance activities of health carriers providing managed care plans in Montana. ARM 37.108.507 requires health carriers to report their quality assessment activities to the department using HEDIS measures, nationally utilized measures that are updated annually. Since the HEDIS standards change somewhat every year, the rule must also be updated annually to reflect the current year's measures and ensure that national comparisons are possible, since the other states will also be using the same updated measures.

The department is proposing to delete the word "year" from (1) and (4) to be consistent with the National Committee for Quality Assurance usage when referring to their performance measure tool known as HEDIS.

The option of not updating the HEDIS measure was considered and rejected because these are national quality measures which allow comparison among health plans. If the measures are not kept current, this function is lost.

The changes from adopted 2013 measures to the proposed 2014 measures are indicated below:

Changes to HEDIS 2014

- (1) Childhood Immunization Status
 - (a) Removed coding tables and replaced all coding table references with value set references.
 - (2) Breast Cancer Screening
 - (a) Removed coding tables and replaced all coding table references with value set references.
 - (b) Revised the continuous enrollment time frame.
 - (c) Revised the age criterion to women 50–74 years of age.
 - (d) Revised the numerator time frame.
 - (3) Cervical Cancer Screening
 - (a) Removed coding tables and replaced all coding table references with value set references.
 - (b) Added the hybrid reporting method for commercial plans.
 - (c) Added steps to allow for two appropriate screening methods of cervical cancer screening: cervical cytology performed every three years in women 21–64 years of age and cervical cytology/HPV co-testing performed every five years in women 30–64 years of age.
 - (4) Comprehensive Diabetes Care

- (a) Removed coding tables and replaced all coding table references with value set references.
 - (b) Added canagliflozin to the description of "Sodium glucose cotransporter 2 (SGLT2) inhibitor" in Table CDC-A.
 - (c) Clarified requirements for using the HbA1c Level 7.0–9.0 Value Set for the HbA1c Control (<8.0%) indicator.
 - (d) Clarified hybrid requirements for the HbA1c Control indicators.
 - (e) Clarified medical record documentation requirements for a negative retinal or dilated eye exam.
 - (f) Clarified that a finding (e.g., normal, within normal limits) is acceptable for the LDL-C Screening indicator.
 - (g) Clarified hybrid requirements for the LDL-C Control (<100 mg/dL) indicator.
 - (h) Clarified step 2 of the numerator for BP Control indicators in the *Hybrid Specifications* to state when a BP reading is not compliant.
 - (i) Clarified in the "Note" section that organizations must use the most recent result for indicators that require it, regardless of data source.
- (5) HEDIS/Consumer Assessment of Health Plan Survey (CAHPS) Health Plan Survey 5.0H, Adult Version
- (a) This measure is collected using survey methodology. Detailed specifications and summary of changes are contained in HEDIS 2014, Volume 3: Specifications for Survey Measures.

Corrections, policy changes and clarifications to HEDIS 2014, Volume 2, Technical Specifications

Updated Random Number Table for Measures using the Hybrid Method

- (1) Childhood Immunization Status
 - (a) Administrative Specification—Exclusion (optional): Any particular vaccine
 - (i) Replace the two bullets with the following text:
Anaphylactic reaction to the vaccine or its components (Anaphylactic Reaction Due To Vaccination Value Set).
Anaphylactic reaction to the vaccine or its components (Anaphylactic Reaction Due To Serum Value Set), with a date of service prior to October 1, 2011.
- (2) Breast Cancer Screening
 - (a) Eligible Population—Allowable gap
 - (i) Replace the text in this section with the following text:
No more than one gap in enrollment of up to 45 days for each full calendar year of continuous enrollment (i.e., the measurement year and the year prior to the measurement year). To determine continuous enrollment for a Medicaid beneficiary for whom enrollment is verified monthly, the member may not have more than a 1-month gap in coverage during each full calendar year of continuous enrollment (i.e., the measurement year and the year prior to the measurement year).
No gaps in enrollment are allowed from October 1 two years prior to the measurement year through December 31 two years prior to the measurement year.
- (3) Cervical Cancer Screening

(a) Administrative Specification—Numerator

(i) Replace the text in step 2 with the following text:

From the women who did not meet step 1 criteria, identify women 30–64 years of age as of December 31 of the measurement year who had cervical cytology (Cervical Cytology Value Set) and a human papillomavirus (HPV) test (HPV Tests Value Set) with service dates four or less days apart during the measurement year or the four years prior to the measurement year and who were 30 years or older on the date of both tests.

(b) Hybrid Specification—Denominator

(i) Replace the first sentence with the following text:

A systematic sample drawn from the eligible population.

(c) Hybrid Specification—Numerator—*Medical record*

(i) Replace the first paragraph in step 2 with the following text:

From the women who did not meet step 1 criteria, identify the number of women 30–64 years of age as of December 31 of the measurement year who had cervical cytology and an HPV test on the same date of service during the measurement year or the four years prior to the measurement year and who were 30 years or older as of the date of testing. Documentation in the medical record must include both of the following:

(A) A note indicating the date when the cervical cytology and the HPV test were performed. The cervical cytology and HPV test must be from the same data source.

(B) The results or findings.

(4) Comprehensive Diabetes Care

(a) Administrative Specification—Required exclusions for HbA1c Control <7% for a Selected Population indicator

(i) Replace the second bullet with the following text:

CABG. Members discharged for CABG (CABG Value Set) during the measurement year or the year prior to the measurement year. Use both facility and professional claims to identify CABG and include inpatient claims only.

(b) Administrative Specification—Medical Attention for Nephropathy

(i) In the eighth bullet, replace the reference to "microalbumin" with "macroalbumin."

(c) Administrative Specification—BP Control <140/90 mm Hg

(i) In the first paragraph, replace "Outpatient Visit Value Set" with "Outpatient Value Set."

(d) Monitoring for Diabetic Nephropathy—Step 1

(i) Replace text in the diagram with the following text:

Is there documentation of ESRD, chronic or acute renal failure, renal insufficiency, diabetic nephropathy, dialysis or renal transplant?

5. The department intends to apply these rules retroactively to January 1, 2014. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: 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 January 9, 2014. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kenneth Mordan at the above address no later than 5:00 p.m., January 9, 2014.

8. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be one based on the two health insurance providers affected by this rule change.

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

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

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

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

/s/ Francis X. Clinch
Francis X. Clinch
Rule Reviewer

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

Certified to the Secretary of State December 2, 2013.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New)
Rules I through IX regarding debt) NOTICE OF PUBLIC HEARING ON
collection services provided on behalf) PROPOSED ADOPTION
of other agencies)

TO: All Concerned Persons

1. On January 7, 2014, at 2 p.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed adoption of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on December 30, 2013. Please contact Laurie Logan, Department of Revenue, Director's Office, PO Box 7701, Helena, Montana 59604-7701; telephone 406.444.7905; fax 406.444.3696; or e-mail lalogan@mt.gov.

3. The proposed new rules do not replace or modify any section currently found in the Administrative Rules of Montana. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS The following definitions apply to terms found in this subchapter:

(1) "Collection methods" means any action taken in an attempt to collect on a debt, including but not limited to making a demand for payment, issuing collection notices, obtaining a judgment, and levying wages and bank accounts.

(2) "Criteria for uncollectibility" means the agency's written standards stating the collection methods that must occur in order for the agency to determine that the debt is uncollectible.

(3) "Unliquidated debt" means a debt where the amount is unassessed, unsettled, or disputed.

(4) "Write off" means to remove the debt from accounts receivable.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-101, 17-4-104, 17-4-105, 17-4-106, 17-4-107, 17-4-108, MCA

REASONABLE NECESSITY: Proposed New Rule I defines the terms used in the new chapter that will be added into ARM Title 42, which will house the new rules being proposed in this notice regarding the debt collection services the Department of Revenue provides for other agencies. The inclusion of this proposed new rule will

add clarity.

NEW RULE II AGENCY'S SUBMISSION OF DEBTS TO DEPARTMENT

(1) Prior to submitting any debt to the department for collection services, the agency shall:

(a) enter into a memorandum of understanding with the department addressing debt collection services; and

(b) establish criteria for uncollectibility and provide that criteria to the department.

(2) The agency shall not submit to the department any unliquidated debts.

(3) The agency must have followed its internal policies and procedures regarding debtor notification and dispute resolution on any debts it submits to the department.

(4) To submit a debt to the department, the agency shall certify the amount of the debt and that the debt is uncollectible in accordance with the agency's criteria for uncollectibility.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-104, 17-4-109, MCA

REASONABLE NECESSITY: Proposed New Rule II sets forth the requirements an agency must meet prior to turning a debt over to the department for collection services. The submitting agency is required to have created and complied with its criteria for determining that a debt is uncollectible. The memorandum of understanding between the department and the submitting agency will provide the detailed steps for both agencies to follow and allow for the submitting agency to attest to its adherence to the criteria.

NEW RULE III DEPARTMENT'S REVIEW OF SUBMITTED ACCOUNTS

(1) The department will only accept a debt for collection services if the department determines that the submitting agency has met its criteria for uncollectibility, unless the agency is exempted from this requirement under 17-4-105, MCA. The department will notify the agency of its acceptance or rejection of the debt for collection services.

(2) If the department determines that a submitting agency has not met its criteria for uncollectibility, the department may return the debt to that agency.

(3) Upon the department's request, the submitting agency shall submit all relevant evidence regarding a debt, including but not limited to documentation of the collection methods undertaken by the agency and any information that substantiates the debt.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-104, MCA

REASONABLE NECESSITY: Proposed New Rule III sets forth the process the department will use to review and make determinations relative to debts being submitted for collection services. The department has a statutory duty to evaluate

whether the submitting agency has met its criteria for uncollectibility. This proposed rule clarifies that upon making this determination, the department will notify the submitting agency whether it has accepted the debt for collection services. The proposed new rule also clarifies that the department has the authority to request documentation from the submitting agency in order to review any debt that the agency is submitting for collection services.

NEW RULE IV TRANSFER OF DEBTS TO DEPARTMENT (1) Upon the department's acceptance of a debt for collection services, the debt is transferred to the department.

(2) Once a debt has been transferred to the department, the submitting agency shall:

- (a) write off the debt;
- (b) cease all collection activities on the debt;
- (c) forward to the department any payment received by the agency; and
- (d) update the department with any information received relating to the debt, including notification that the debtor filed for bankruptcy or has new contact information.

(3) If the submitting agency receives payment on a debt that has been collected in full, the agency shall refund the overpayment to the debtor.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-104, 17-4-105, MCA

REASONABLE NECESSITY: Proposed New Rule IV sets forth the process for transferring a debt from an agency to the department. The rule also describes the actions an agency must undertake on a debt after it has been transferred to the department. The proposed rule further sets forth the steps the submitting agency must take should it receive payments from or new information about the debtor after transferring and writing off the debt.

NEW RULE V DEBTOR APPEALS ON VALIDITY OF TRANSFER (1) The department shall notify the debtor that another agency has transferred the debt to the department for collection services. The notice of transfer shall identify the debt and provide:

- (a) a statement that the department intends to undertake collection activities;
- (b) payment information;
- (c) the department's contact information, including phone number and mailing address; and
- (d) the debtor's appeal rights as set forth in (2).

(2) To request a hearing before the department on whether the transfer of the debt from the agency to the department was valid, the debtor must submit a written request stating the basis of the debtor's objection within 30 days of the date on the notice of transfer. Failure to timely submit a written request shall be deemed an admission that the debtor agrees that the debt stated in the notice of transfer is due and owing.

(3) The department shall not make any determination regarding the validity of

the underlying debt. If the debtor's objection to the debt transfer includes a challenge to the validity of the underlying debt, the department may return the debt to the submitting agency. The debtor is not entitled to a hearing on the validity of the debt if the debt has been the subject matter of any proceeding to determine the validity of the debt and a decision made as a result of that proceeding has become final.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-105, MCA

REASONABLE NECESSITY: Proposed New Rule V informs the public of the process the department will use to notify a debtor when a debt has been transferred to the department for collection services. The proposed rule further explains the opportunity a debtor shall have to request a hearing concerning the validity of the debt transfer and the time period in which the debtor must make this request.

Because the validity of the underlying debt has already been attested to by the submitting agency, as set forth in proposed New Rule II, proposed (3) of this rule limits the scope of the debtor's objection to only the validity of the transfer of the debt to the department for collection, not to the validity of the debt itself. Any challenges to the validity of the debt must be resolved by the submitting agency, not by the department.

NEW RULE VI DEBTOR APPEALS ON DEPARTMENT'S COLLECTIONS

(1) The department shall notify the debtor when it identifies funds that may be subject to offset. The notice shall:

- (a) identify the debt and the funds held;
- (b) state that the department will hold the funds for 30 days pending receipt of a hearing request;
- (c) inform the debtor of the right to request a hearing on the potential offset of the funds held;
- (d) provide the department's contact information, including phone number and mailing address; and
- (e) identify the methods for filing an objection to the offset.

(2) To request a hearing on the potential offset of the funds held, the debtor must submit a written request to the department stating the basis of the debtor's objection within 30 days of the date on the notice of offset.

(3) If the 30 days provided for in (2) expire without the debtor requesting a hearing, the department will apply the held funds to the debt.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-105, MCA

REASONABLE NECESSITY: Proposed New Rule VI informs the public of the process that the department will use to notify a debtor when funds have been identified that may be used to satisfy a debt held by the state. The proposed new rule provides the specific information the department will include in its notice to the debtor regarding the debtor's opportunity to request a hearing to address the

application of the held funds to the debt. The proposed new rule further sets out the requirements for requesting a hearing and the amount of time the debtor has to do so.

NEW RULE VII APPEAL HEARINGS (1) Hearings on debts owed to an agency other than the Department of Public Health and Human Services will be conducted by the department. Such hearings will be conducted pursuant to 15-1-211, MCA, and ARM 42.2.613 through 42.2.621.

(2) Hearings on debts owed to the Department of Public Health and Human Services will be conducted by that agency.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 15-1-211, 17-4-105, MCA

REASONABLE NECESSITY: Proposed New Rule VII informs the public of how the hearings on transferred debts will be conducted. The proposed new rule further explains that the Department of Public Health and Human Services, rather than the Department of Revenue, conducts hearings on its transferred debt.

NEW RULE VIII WRITE OFF OF AGENCY DEBT BY DEPARTMENT

(1) Upon determining that a transferred debt is uncollectible or that the cost of continued collection activities would exceed the amount of debt, the department shall write off the debt and cease collection activities.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-107, MCA

REASONABLE NECESSITY: Proposed New Rule VIII describes when the department will write off a debt that has been transferred to it for collection services if deemed uncollectible or cost prohibitive to pursue.

NEW RULE IX COLLECTION SERVICES FEE (1) The department shall collect a service fee for the cost of collections. Any payment the department receives will first be applied to the collections service fee and then to the transferred debt. Any payment the submitting agency receives on a transferred debt is also subject to the collections service fee.

AUTH: 15-1-201, 17-4-110, MCA

IMP: 17-4-103, 17-4-106, MCA

REASONABLE NECESSITY: Proposed New Rule IX describes the collection services fee that the department will charge for the cost of collection services and the manner in which payments will be applied. It also clarifies that all payments, even those received by the submitting agency, are subject to the collection services fee.

4. Concerned persons may submit their data, views, or arguments, either

orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, PO Box 7701, Helena, Montana 59604-7701; telephone 406.444.7905; fax 406.444.3696; or e-mail lalogan@mt.gov and must be received no later than January 13, 2014.

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

6. An electronic copy of this notice is available on the department's web site at revenue.mt.gov. It can be found by selecting the "Administrative Rules" link in the left hand column of the homepage under the "Public Meetings" heading. 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 4 above or faxed to the office at 406.444.3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor of House Bill 168, L. 1999, Betty Lou Kasten, was notified by regular mail on November 5, 2013.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the proposed new rules contained in this notice will not significantly and directly impact small businesses.

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Director of Revenue

Certified to Secretary of State December 2, 2013

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 42.13.111, 42.13.802, 42.13.803,) PROPOSED AMENDMENT
42.13.804, 42.13.805, and 42.13.806)
regarding distilleries)

TO: All Concerned Persons

1. On January 13, 2014, at 10:30 a.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on January 3, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, PO Box 7701, Helena, Montana 59604-7701; telephone 406.444.7905; fax 406.444.3696; or e-mail lalogan@mt.gov.

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

42.13.111 DEFINITIONS The following definitions apply to this subchapter:

(1) and (2) remain the same.

(3) "Contract packaging" means blending, bottling, packing, and/or filling of a distilled spirits product by a domestic distilled spirits plant for another distilled spirits plant.

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

(5) "Distilled at the microdistillery" means the process of vaporization and subsequent condensation of a beverage containing ethyl alcohol that occurs at the licensed premises.

(6) "Distilled spirits" means alcoholic beverages that contain ethyl alcohol and generally are the result of distillation of fermented materials. Examples include whiskey, gin, vodka, cordials, liqueurs, and flavored brandies. Distilled spirits do not include alcoholic beverages that are defined as beer or wine by the Montana Alcoholic Beverage Code.

(7) "Distilled spirits plant" means a plant at which distilled spirits are manufactured, produced, aged, stored, packaged, or bottled.

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

(9) "Microdistillery" means a distillery located in Montana that produces 25,000 gallons or less of liquor annually.

(5) remains the same, but is renumbered (10).

~~(6)~~(11) "Patio/deck" means a specific area designated on a floor plan which shall be completely enclosed by at least a 3-foot fence or wall, immediately adjacent to and accessible from inside the licensed premises an outdoor area that is part of the licensed premises, specifically designated on a floor plan, with a perimeter barrier and immediately adjacent to, and accessible from, the indoor portion of the licensed premises.

(12) "Perimeter barrier" means a barrier enclosing the perimeter of the patio/deck portion of a licensed premises, which defines the boundary of the licensed premises in a way that:

(a) clearly marks for patrons, licensees, licensees' employees, investigators, local law enforcement, and the general public where consumption of alcohol is allowed;

(b) impedes access to the service areas by underage persons or others who may attempt to enter the premises without the licensee's knowledge; and

(c) consists of a fence or wall at least three feet high, or an alternative barrier that accomplishes the same purposes and is approved by the department. A perimeter barrier may be with or without entrances from the parking lot, sidewalk, or other areas beyond the patio/deck regardless of whether those areas beyond the licensed premises are land or water. In the case of a patio/deck which abuts a river, lake, or other body of water, the edge of the water may serve as a portion of the perimeter barrier, subject to department approval.

(7) and (8) remain the same, but are renumbered (13) and (14).

~~(9)~~(15) "Premises" means one building or a specific portion or portions of one building as described on the floor plan, identified by a unique address and approved by the department. The premises shall contain all service areas used by the licensee and the licensee's patrons and those service areas in which the licensee operates outside of and attached to the licensed building and to which patrons are permitted free access from the building. Premises includes a patio/deck.

(10) through (14) remain the same, but are renumbered (16) through (20).

AUTH: 16-1-303, 16-1-424, 16-9-1009, MCA

IMP: 16-1-424, 16-3-302, 16-3-311, 16-4-312, 16-4-404, 16-4-406, 16-4-1001, 16-4-1002, 16-4-1003, 16-4-1004, 16-4-1005, 16-4-1006, 16-4-1007, 16-4-1008, 16-6-104, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.13.111 to include new definitions and amend some existing definitions. New definitions are necessary to provide further clarification for terms that are used in subsequent rules in chapter 13. The additional definitions will better inform the industry and the public regarding the subject matter.

The definition of "patio/deck" is proposed to be amended to more closely mirror the definition in ARM 42.12.106. Creating continuity between the two rules will reduce confusion.

42.13.802 DOMESTIC DISTILLERIES (1) ~~Every distillery must report to the department, on a form prescribed by the department, the following information:~~

~~(a) the cost of the product per case price FOB Helena, Montana that the~~

distillery intends to sell to the department;

~~(b) the quantities of liquor shipped to the department; and~~

~~(c) the total number of proof gallons manufactured, distilled, rectified, bottled, or processed and sold nationwide. The department may issue a domestic distillery license to a person holding a federal basic permit for a distilled spirits plant.~~

~~(2) The department will generate a posted price from the distillery's case cost. The posted price shall include excise and license taxes as provided in Title 16, part 4, MCA, rounded to the nearest nickel increment. The department shall advise the distillery of the per bottle tax amount. All domestic distilleries must meet the premises suitability requirements in ARM 42.12.122 and 42.12.139. A domestic distillery's premises may include more than one building if the land on which the buildings are located is contiguous and the licensee has complete control over and possessory interest in the property.~~

~~(3) The distillery shall collect the tax for any retail sale made directly to the consumer. A domestic distillery licensee shall maintain records documenting its business operations including, but not limited to, the production, storage, and processing of liquor on the premises.~~

~~(4) The posted price will remain the price until a revised form is submitted and approved by the department. A revised quote for regular listed products shall be submitted not less than 60 days prior to the effective date of the department's quarterly price book. A domestic distillery may qualify as a microdistillery to sell liquor it produces at the microdistillery's sample room for on- or off-premises consumption if it distills 25,000 gallons or less of liquor annually at the microdistillery and meets the requirements in ARM 42.13.805.~~

AUTH: 16-1-303, 16-1-424, MCA

IMP: 16-1-404, 16-4-311, 16-4-312, 16-4-501, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.13.802 to better inform the industry about the requirements for obtaining a domestic distillery license.

The language proposed to be stricken from (1) through (4) will be relocated within ARM 42.13.803, 42.13.804, and 42.13.805, as appropriate. The proposed amendments will place related content together within these rules to better inform the industry.

The proposed new language in (1) clarifies to whom the department may issue a domestic distillery license. This will better inform the industry and public that certain federal permitting is required.

The proposed new language in (2) cites the specific suitability requirements that must be met in order to be considered for licensure. The department further proposes to amend this rule to allow for the manufacturing premises to include more than one building provided it meets certain requirements. Storage of product, whether for aging purposes or preparation of shipment, requires space which is not always available at the distillery. Allowing for additional buildings to be included on the premises, provided they are contiguous and the licensee has complete control over and possessory interest in the property, will mirror federal laws related to distilled spirit plants.

The proposed new language in (3) better informs the industry that certain documents must be maintained. Documentation is needed to ensure the licensee is compliant with state laws and rules.

The proposed new language in (4) is intended to enhance the licensee's understanding on the requirements that must be met in order to qualify as a microdistillery. These proposed amendments are intended to help educate the industry and ensure they stay compliant with state laws.

The department further proposes to add the term "domestic" to the title to clarify that the rule applies only to distilleries located in Montana. The proposed amendment to the title is intended to enhance understanding and reduce confusion.

42.13.803 DOMESTIC DISTILLERIES - PRODUCT PRICING (1) The department will provide each distillery with a standard quotation and specification form to report the necessary information for each product the distillery desires to sell in Montana.

(2) remains the same.

(3) The distillery will provide the department with the total number of proof gallons manufactured, distilled, rectified, bottled, or processed, and sold nationwide to determine the distillery's tax and mark-up brackets.

~~(3)~~(4) The department will:

(a) generate the posted price per bottle from the distillery's case cost; and. The posted price includes the distillery's case cost delivered to Helena, Montana, the department's current freight rate to agency liquor stores, the state's mark-up, liquor excise tax and liquor license tax, rounded to the nearest five-cent increment.

~~(b) notify the distillery of the posted price per bottle.~~

~~(4) The distillery may not sell the product below the posted price.~~

(5) and (6) remain the same.

~~(7) The department will notify the distillery of the liquor excise and liquor license tax per bottle.~~

AUTH: 16-1-303, 16-1-424, MCA

IMP: 16-1-404, 16-4-311, 16-4-312, 16-4-501, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.13.803 to enhance the industry's understanding with regard to the pricing of distilled spirits.

The proposed amendment to the title strikes the term "domestic" because (1) through (6) apply to all distilleries, not just domestic distilleries. The proposed amendment is intended to reduce confusion and increase understanding within the industry.

Section (1) is proposed to be amended to reflect that for tax purposes and to establish the product's posted price, a standard price quotation form is needed for each product intended to be sold in the state, including products that will only be sold at the distillery. The proposed amendments will help to ensure that the proper amounts are being reported and paid.

Section (3) is language the department is proposing to strike from ARM

42.13.802, and relocate into this rule, as the number of proof gallons the distillery reports is a component of the pricing structure.

The department is proposing to amend (4) to include the elements that generate the posted price per bottle. The proposed amendments are intended to enhance understanding within the industry by adding more transparency into the pricing formula that is used.

The department further proposes to strike (4) and (7) from this rule and incorporate the language into ARM 42.13.804. As proposed to be amended, ARM 42.13.804 is the more appropriate location for the subject matter.

42.13.804 DOMESTIC MICRODISTILLERY - MONTHLY REPORTS TAX RETURN (1) Each ~~distillery~~ microdistillery shall electronically file with the department a monthly ~~tax report~~ Excise and License Tax Return, as required by 16-1-424, MCA, ~~showing reporting~~ the following information:

(a) ~~the total number of proof gallons manufactured, distilled, rectified, bottled, or processed and sold nationwide during the current calendar year~~ preceding calendar month to verify the distillery qualifies as a microdistillery based on its production level;

(b) ~~the total amount of liquor provided to consumers~~ number of bottles transferred to the sample room for on-premises consumption with or without charge at the distillery; and

(c) ~~the total number of bottles sold to consumers at retail for off-premises consumption;~~ and

(d) ~~the total amount of liquor excise tax and liquor license tax due for the month being reported.~~

(2) All product provided to a consumer by the microdistillery must have a standard quotation and specification form on file with the department. If no form is provided to the department or, at the department's discretion, if the form provided is or appears to be incomplete or inaccurate, the department may determine the per-bottle liquor excise tax and liquor license tax that the distillery must pay. The liquor excise tax and liquor license tax will be determined by using the higher of:

(a) the retail selling price set by the microdistillery as the posted price; or

(b) an average cost for products within the same category and size by other domestic distilleries that sell product to the department.

(3) The department will notify the microdistillery of the posted price per bottle, the per-bottle liquor excise tax, and the liquor license tax amounts as determined in (2).

~~(2)(4)~~ (4) The form return must be accompanied by payment of the tax pursuant to 16-1-424, MCA, on or before the 15th day of each month for liquor sold during the previous month.

AUTH: 16-1-303, 16-1-424, MCA

IMP: 16-1-404, 16-1-424, 16-4-311, 16-4-312, 16-4-501, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.13.804 to enhance the microdistillery licensee's understanding of their tax obligation for sales that occur at the distillery.

The proposed amendment to the title will change the reference from "distilleries" to "microdistilleries" and replace the word "reports" with "tax return" to better reflect the content of the rule. A tax return is required for sales that occur at a microdistillery. Distilleries that do not meet the requirements to be a microdistillery are prohibited from selling product to anyone other than the department, whether for on- or off-premises consumption. Specifying "microdistilleries" in the title will reduce confusion as to who must submit a monthly tax return.

The department is proposing to amend (1) by referencing the name of the tax return to be filed. This will reduce any confusion that exists within the industry. An amendment is also being proposed to require the microdistillery to file the tax return electronically. The department developed a user-friendly, on-line tax return for microdistilleries to report and pay their taxes. Filing electronically is fast, convenient, and secure.

Section (1)(a) is proposed to be amended to create continuity with 16-4-310, MCA. In order to be a microdistillery, the distillery must distill less than 25,000 gallons of liquor annually. Requiring the distillery to report the amount of liquor distilled on the premises will ensure it meets the microdistillery requirement and will help ensure a level playing field amongst other licensed distilleries.

Section (1)(b) is proposed to be amended to designate how the microdistillery is required to report the amount of liquor provided for on-premises consumption within their sample room. This will reduce existing confusion within the industry.

Section (1)(d) is proposed to be added because reporting the tax is the responsibility of the microdistillery for sales that occur at the premises per 16-1-424, MCA.

The department is proposing to add new (2) to ensure microdistilleries calculate and pay the correct amount of tax for product sold. The amount of tax per bottle is derived from the case price filed with the department. If the microdistillery fails to submit a price filing or submits an unreasonable price filing, the proposed rules enable the department to generate an accurate tax amount based on either the retail selling price or pricing from similar Montana distilled products. This proposal will ensure all distilleries pay the correct amount of tax and will help eliminate the potential for any distilleries trying to circumvent their tax obligation.

Section (3) is language the department is proposing to strike from ARM 42.13.803 and relocate into this rule, as it directly correlates with the monthly tax return.

The department also proposes to add a missing implementing citation.

42.13.805 DOMESTIC DISTILLERY - SAMPLES MICRODISTILLERY
SAMPLE ROOMS (1) ~~Product samples may only be provided in the A~~
~~microdistillery may have one sample room as shown on the floor plan which has~~
~~been submitted and approved by the department to provide consumers with samples~~
~~of liquor products that the microdistillery produced at its licensed premises.~~

(2) The sample room must be located on the licensed premises and cannot
be used for providing samples until approved by the department.

(3) All liquor products provided to a consumer for on- or off-premises
consumption in the sample room must have been produced at the microdistillery.
For a product to be considered as having been produced at the microdistillery, the

following criteria must be met:

(a) as measured by proof gallons on a monthly basis, at least 90 percent of the aggregate amount of liquor provided for on- and off-premises consumption in the sample room must have been distilled at the microdistillery; and

(b) all liquor transferred into the sample room for on- or off-premises consumption must contain alcohol that was distilled at the microdistillery.

(4) Any microdistillery that is licensed and has a department-approved sample room as of March 1, 2014, has until October 1, 2015, to come into compliance with (3)(a). Any such microdistillery that does not meet (3)(a) shall, at a minimum, maintain the percentage it has as of March 1, 2014, until October 1, 2015.

(5) Prior to providing any liquor product to consumers in its sample room, a microdistillery shall notify the department of the percentage of alcohol in each proof gallon of the product that is distilled at the microdistillery. The microdistillery shall also notify the department of any changes to these percentages prior to providing the changed product to consumers. For example, if half the alcohol in a product (as measured by proof gallons) was distilled at the microdistillery, while the other half was produced elsewhere, the microdistillery would report that the product contains liquor that is 50 percent distilled at the microdistillery.

~~(2)(6)~~ A domestic distillery microdistillery is not a retail licensee as defined in 16-4-201, MCA.

~~(3)(7)~~ A sample room may include a deck or patio patio/deck, as long as the deck or patio is immediately adjacent to the distillery sample room and can only be accessed from the distillery. The deck or patio must be enclosed in such a manner as to restrict its access and view from the general public on the street or sidewalk if it has the required perimeter barrier, as defined in ARM 42.13.111, and is in compliance with fire safety regulations.

AUTH: 16-1-303, MCA

IMP: 16-4-310, 16-4-312, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.13.805 to add clarification with regard to microdistillery sample rooms.

The proposed amendment to the title will better reflect the content of the rule as amended. Sample rooms are only allowed if the distillery meets the requirements to be a microdistillery. Amending the title will reduce confusion as to which type of distillery is permitted to have a sample room. The proposed amendments to renumbered (6) will make reference to microdistilleries rather than domestic distilleries as well.

Section (1) is proposed to be amended to add clarity and enhance understanding within the industry that only one sample room is permissible per microdistillery, and that liquor samples offered at the sample room must have been produced on the premises pursuant to 16-4-310, MCA. The stricken language in (1) pertaining to sample room approval by the department has been moved to (2).

New (2) is being proposed to inform the industry that sample rooms must be located on the premises of the microdistillery and that use of the sample room cannot commence until approved by the department. This will help ensure industry compliance.

New (3) is being proposed to inform the industry as to the types of liquor products that are allowed to be sold in a microdistillery's sample room because administrative ambiguity exists in the use of imported bulk spirits by microdistilleries and necessitates administrative rules. The added clarification is intended to ensure that all microdistilleries located in Montana operate under the same regulations while still maintaining the intent of the 2005 Legislature. Proposed new (4) provides additional detail for complying with (3), and new (5) provides the necessary reporting requirements.

Section (7) is proposed to be amended to be consistent throughout the industry relative to the requirements for a "patio/deck." The proposed amendment is intended to mirror ARM 42.12.106, which defines "patio/deck" for on-premises retail establishments, to create consistency within the rules and to reduce any confusion within the industry or the general public.

The department further proposes to update the implementing citations to include the statute that describes the term "produces."

42.13.806 USE OF OUTSOURCED ALCOHOL DISTILLED SPIRITS IN THE MANUFACTURING OF DISTILLED SPIRITS

~~(1) A distillery or microdistillery licensed by the department and located in Montana may import bulk distilled spirits that uses alcohol from another distilled spirits plant in order to distill, rectify, blend, or manufacture its own alcoholic beverages is required to request by requesting such products through the department on a form supplied by the department. The distillery may only use the acquired distilled spirits:~~

- ~~(a) to distill, rectify, blend, or manufacture its own distilled spirits; or~~
- ~~(b) for contract packaging purposes.~~

~~(2) A distillery or microdistillery may only obtain alcohol distilled spirits from sources authorized by the federal government, such as an entity that holds a basic permit or industrial permit.~~

~~(3) The department will process the request and notify the distilled spirits plant, specified by the distillery or microdistillery, of the quantities, proof, types, and sizes of alcohol distilled spirits to be delivered to the distillery or microdistillery.~~

~~(4) The distillery or microdistillery may not bottle and sell alcohol acquired from the distilled spirits plant without using it in their own distilling, rectifying, blending, or manufacturing process first.~~

~~(5) The distillery or microdistillery must keep all alcohol distilled spirits acquired from a another distilled spirits plant on the licensed premises at the distillery and the distilled spirits may not resell, transfer, or give away the alcohol. A distillery or microdistillery must receive preapproval from the department to destroy or otherwise dispose of any alcohol distilled spirits the distillery or microdistillery acquired from another distilled spirits plant.~~

~~(6)~~(5) A distillery or microdistillery must document and maintain records at their its place of business of for all alcohol distilled spirits acquired from a another distilled spirits plant and document how it was used. The department may make an examination of any such distillery or microdistillery's records as it pertains to this section at any time.

AUTH: 16-1-303, MCA

IMP: 16-1-401, 16-1-404, 16-3-214, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.13.806 to provide clarification on the use of outsourced distilled spirits obtained from another distilled spirits plant.

The proposed amendment to the title will reduce confusion by appropriately referencing distilled spirits rather than the more broad term of alcohol. The statute allows for the importation of bulk distilled spirits; however, other forms of alcohol are not permissible under 16-1-401, and 16-1-404, MCA.

Throughout the rule, references to microdistilleries are proposed to be stricken. The department proposes these amendments as the use of outsourced distilled spirits applies to all distilleries. However, microdistilleries are permitted to sell in their sample room only products that were distilled on their premises and meet the requirements of ARM 42.13.805.

Section (1) is proposed to be further amended to allow for contract packaging and is defined in ARM 42.13.111. Contract packaging is permissible by federal law. Amending the rule to allow contract bottling creates consistency with federal and state law.

Sections (4) and (5) are proposed to be blended together to enhance readability and understanding, and (6) is proposed to be renumbered and amended to require distilleries to maintain records on how they used the acquired outsourced distilled spirits. Maintaining records will ensure distillery compliance relative to how the final product can be sold and to whom.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, PO Box 7701, Helena, Montana 59604-7701; telephone 406.444.7905; fax 406.444.3696; or e-mail lalogan@mt.gov and must be received no later than January 20, 2014.

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

6. An electronic copy of this notice is available on the department's web site at www.revenue.mt.gov. It can be found by selecting the "Administrative Rules" link in the left hand column of the homepage under the "Public Meetings" heading. 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which

includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 4 above or faxed to the office at 406.444.3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary sponsor of HB 517, L. 2005, Representative Brady Wiseman, was notified by regular mail on August 8, 2013, and subsequently notified by regular mail on November 20, 2013.

9. The department complied with the requirements of 2-4-111, MCA, and determined that the proposed amendments to the rules contained in this notice will not significantly and directly impact small businesses. There are fewer than 15 microdistilleries in Montana, and most are already in compliance with the rules as proposed to be amended.

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Director of Revenue

Certified to Secretary of State December 2, 2013

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 32.3.201 definitions; 32.3.212)	
additional requirements for cattle;)	
32.3.214 special requirements for)	
goats; 32.3.1201, 32.3.1202,)	
32.3.1203, 32.3.1204, 32.3.1205,)	
32.3.1206, 32.3.1207 rabies;)	
32.4.1302 alternative livestock)	

TO: All Concerned Persons

1. On October 31, 2013, the Department of Livestock published MAR Notice No. 32-13-240 regarding the proposed amendment of the above-stated rules at page 1901 of the 2013 Montana Administrative Register, Issue Number 20.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

BY: /s/ Christian Mackay
 Christian Mackay
 Executive Officer
 Board of Livestock
 Department of Livestock

BY: /s/ George H. Harris
 George H. Harris
 Rule Reviewer

Certified to the Secretary of State December 2, 2013

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.30.111, 37.30.1001, and)
37.30.1002 pertaining to order of)
selection revision and catchphrase)
change in the vocational rehabilitation)
program)

TO: All Concerned Persons

1. On September 19, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-647 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1663 of the 2013 Montana Administrative Register, Issue Number 18.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

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

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

Certified to the Secretary of State December 2, 2013.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.86.2925 and 37.86.2928)
pertaining to Medicaid inpatient)
hospital services)

TO: All Concerned Persons

1. On October 17, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-650 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1794 of the 2013 Montana Administrative Register, Issue Number 19.

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

3. The department 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 comment was received stating support for the department's proposal to distribute federal Disproportionate Share Hospital (DSH) funds to eligible hospitals within federal payment limitations.

RESPONSE #1: The department thanks the commenter for their support of the rule.

4. These rule amendments are effective January 1, 2014.

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

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

Certified to the Secretary of State December 2, 2013.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.87.1313 pertaining to 1915(i))
home and community-based services)
(HCBS) state plan program for youth)
with serious emotional disturbance)

TO: All Concerned Persons

1. On October 17, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-651 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1798 of the 2013 Montana Administrative Register, Issue Number 19.

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

3. No comments or testimony were received.

4. The department intends to apply this amended rule retroactively to October 1, 2013. A retroactive application of the amended rule does not result in a negative impact to any affected party.

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

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

Certified to the Secretary of State December 2, 2013.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.13.401, 42.13.402, and)
42.13.404 relating to wine importation)
and licensee reporting requirements)

TO: All Concerned Persons

1. On October 17, 2013, the department published MAR Notice Number 42-2-896 regarding the proposed amendment of the above-stated rules at page 1801 of the 2013 Montana Administrative Register, Issue Number 19.

2. On November 12, 2013, a public hearing was held to consider the proposed amendments. Abigail St. Lawrence, of the Wine Institute, and Kristi Blazer, of the Montana Beer and Wine Distributors Association, appeared and testified at the hearing. Both groups also submitted written comments. The oral and written comments received are summarized as follows, along with the department's responses:

COMMENT NO. 1: Abigail St. Lawrence, representing the Wine Institute, appeared and testified at the hearing in support of the written comments provided by Katie Jacoy, Western Counsel for the Wine Institute.

Ms. Jacoy commented that the Wine Institute is a public policy association representing 813 California wineries of all sizes and that they appreciate the opportunity to provide comments on the regulatory changes advocated in favor of House Bill 402, L. 2013. Ms. Jacoy further commented that the Wine Institute finds that the proposed rule changes comply with the intent of the statutory language and thanks the department's Liquor Control Division for all of its efforts to make the application process clear and streamlined. Ms. Jacoy added that if any issues arise with its member wineries, they hope to work with the department for acceptable resolutions.

RESPONSE NO. 1: The department thanks both Ms. St. Lawrence and Ms. Jacoy of the Wine Institute for their support of the proposed rule amendments. The department appreciates its positive working relationship with the Wine Institute and its interest in complying with Montana's alcoholic beverage laws and rules.

COMMENT NO. 2: Kristi Blazer, representing the Montana Beer and Wine Distributors Association (MBWDA), appeared and testified at the hearing and also followed up her testimony by submitting supplementary written comments. Ms. Blazer stated that the MBWDA does not have any real problem with the proposed rules, but comments that the fees charged are insufficient to support any meaningful enforcement of the law.

Ms. Blazer commented that the MBWDA originally opposed House Bill 402, but then took a sideline position, only because the amount of wine currently being

directly shipped to consumers in the United States seemed like a small amount. In Europe and possibly other countries, the percentage of wine purchased through direct shipment is greater. With more and more consumers turning to the Internet, the percentage of direct shipment of wine in the United States could increase.

Ms. Blazer stated that the MBWDA takes very seriously the role of assisting the department with regulation enforcement and firmly believes that a strong three-tier system of distribution for both beer and wine is the best possible means of assuring that alcohol laws are obeyed and enforced. The MBWDA also believes that alcohol is a unique product and must be regulated; it is quite different to order a bottle of wine over the Internet than to order a DVD or a book because alcohol has the potential to be used in a way that often harms society.

Ms. Blazer commented that the MBWDA remains concerned that the new system of direct shipment of wine to consumers is on the "honor system," and is largely unenforceable. While apparently the system called the connoisseur's license was not perhaps being enforced, that system at least had some checks and balances should enforcement become necessary. For example, records of wineries and connoisseurs could be cross-checked and any inconsistencies could result in an audit.

Ms. Blazer stated that, with respect to the proposed regulatory changes, the MBWDA is hopeful that this is only a start and that additional rules will be proposed to add some measure of enforceability to the law. To that end, the MBWDA has sent an e-mail question to other beer and wine distributor associations in states that allow direct shipment for the purpose of gathering all ideas as to what, if anything, has worked in other states, to aid in the enforcement of direct shipment laws, such as checking on licensure of wineries, checking for the direct shipment endorsement to see that limits on amounts of wine are being followed, checking to see that the age 21 restrictions are strongly enforced, and checking to see that state alcohol taxes are paid by the participating wineries. When the MBWDA obtains any helpful information, it will be shared with the department in an effort to make the direct shipment law more enforceable.

Ms. Blazer commented that the MBWDA appreciates the good work of the department and this opportunity to comment, and stated that the department has always listened to the concerns of the MBWDA and that they look forward to working together again on this important project.

RESPONSE NO. 2: The department thanks Ms. Blazer for attending the hearing and for providing additional written comments.

Ms. Blazer's concern that the fees charged are insufficient to properly enforce the law is noted. House Bill 402 specifically created the direct shipment endorsement for a cost of \$50 per winery. The department is unable to collect any additional fees above what is allowed by statute.

Ms. Blazer states that the MBWDA is concerned that the direct shipment of wine to consumers is largely unenforceable and on the honor system. The department understands this concern. The department is encouraged by the number of wineries that have already applied for the direct shipment endorsement. More than 300 wineries have applied and are required to monthly report their shipments of table wine to consumers. The department is actively seeking

additional ways to educate the industry on the alcoholic beverage laws and rules within Montana. Together with partners such as the Wine Institute and the MBWDA, the department is confident that the industry will abide by the new legislation.

Ms. Blazer further states that the MBWDA is currently researching other states that allow the direct shipment of wine to consumers to learn about the enforcement efforts conducted in those states. The department appreciates the MBWDA's interest and thoroughness on the subject and would consider any information the association is able to provide.

The department thanks Ms. Blazer and the MBWDA for their belief in the three-tier system. The department values the relationship it has with the MBWDA and looks forward to working with them on any future concerns.

3. As presented at the hearing, in order to include a reference to areas that table wine cannot be directly shipped to due to local ordinances, the department is further amending ARM 42.13.401 as follows, new matter underlined:

42.13.401 IMPORTATION OF WINE (1) through (4) remain as proposed.

(5) A winery must comply with all laws of the United States, Montana, Tribes, and local jurisdictions pertaining to the sale and shipment of alcoholic beverages, and may not ship table wine to any address in Montana where local or Tribal law prohibits the purchase or receipt of alcoholic beverages.

(5) remains as proposed, but is renumbered (6).

4. Therefore, the department amends ARM 42.13.401 as shown above and amends ARM 42.13.402 and 42.13.404 as proposed.

5. An electronic copy of this notice is available on the department's web site, revenue.mt.gov. In the left hand column under Quick Links, select "Laws and Rules," then "Rules" and then "Adoption Notices." 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Director of Revenue

Certified to Secretary of State December 2, 2013

BEFORE THE BOARD OF REVIEW
DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I relating to the electronic)
submission of documents through the)
business licensing portal)

TO: All Concerned Persons

1. On October 17, 2013, the department published MAR Notice Number 42-2-897 regarding the proposed adoption of the above-stated rule at page 1806 of the 2013 Montana Administrative Register, Issue Number 19. The Board of Review was properly involved with the drafting of the new rule and in agreement with the proposed rulemaking action contained in the notice. Although the department does provide the administrative functions for the board, the notice of public hearing should have been filed as being before the Board of Review rather than as before the Department of Revenue. This subsequent notice of adoption contains the correct heading and signature title.

2. A public hearing was held on November 12, 2013, to consider the proposed adoption. No one appeared at the hearing to testify and no written comments were received. Therefore, the board adopts New Rule I (42.8.106) as proposed.

3. An electronic copy of this notice is available on the department's web site, revenue.mt.gov. In the left hand column under Quick Links, select "Laws and Rules," then "Rules" and then "Adoption Notices." 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Chairman

Certified to Secretary of State December 2, 2013

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.21.113, 42.21.123,)
42.21.131, 42.21.137, 42.21.138,)
42.21.139, 42.21.140, 42.21.151,)
42.21.153, 42.21.155, and 42.22.1311)
relating to the trended depreciation)
schedules for valuing property)

TO: All Concerned Persons

1. On October 31, 2013, the department published MAR Notice Number 42-2-898 regarding the proposed amendment of the above-stated rules at page 1958 of the 2013 Montana Administrative Register, Issue Number 20.

2. A public hearing was held on November 21, 2013, to consider the proposed amendments. No one appeared at the hearing to testify and no comments were received.

3. Therefore, the department amends ARM 42.21.113, 42.21.131, 42.21.137, 42.21.138, 42.21.139, 42.21.140, 42.21.151, 42.21.153, 42.21.155, and 42.22.1311 as proposed; and corrects a subsection reference error by amending ARM 42.21.123 as follows, stricken matter interlined, new matter underlined:

42.21.123 FARM MACHINERY AND EQUIPMENT (1) and (2) remain as proposed.

(3) For all farm machinery and equipment that cannot be valued under ~~(4)~~(2), the department has developed a manual to value the equipment. This manual will be used in conjunction with the depreciation schedule in (5) when valuing farm equipment and machinery. The purpose of the manual developed by the department is to arrive at values which approximate average wholesale value. The department's farm machinery manual is hereby incorporated by reference. Customers can contact the department to obtain copies.

(4) through (10) remain as proposed.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-138, 15-6-207, 15-6-219, MCA

4. An electronic copy of this notice is available on the department's web site, revenue.mt.gov. In the left hand column under Quick Links, select 'Laws and Rules,' then 'Rules' and then 'Adoption Notices.' 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. While

the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Director of Revenue

Certified to Secretary of State December 2, 2013

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
44.10.338 pertaining to limitations on)
individual and political party)
contributions)

TO: All Concerned Persons

1. On October 17, 2013, the Commissioner of Political Practices published MAR Notice No. 44-2-193 pertaining to the proposed amendment of the above-stated rule at page 1809 of the 2013 Montana Administrative Register, Issue Number 19.

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

44.10.338 LIMITATIONS ON INDIVIDUAL AND POLITICAL PARTY CONTRIBUTIONS (1) Pursuant to the operation specified in 13-37-216, MCA, limits on total combined contributions by a political committee or from ~~by~~ individuals to candidates are as follows:

(a) ~~a~~ candidates filed jointly for governor and lieutenant governor may receive no more than \$650;

(b) a candidate for other statewide office may receive no more than \$320;

(c) a candidate for all other public offices may receive no more than \$170.

(2) Pursuant to the operation specified in 13-37-216, MCA, limits on total combined contributions from political party committees to candidates are as follows:

(a) ~~a~~ candidates filed jointly for governor and lieutenant governor may receive no more than \$23,350;

(b) a candidate for other statewide offices may receive no more than \$8450;

(c) a candidate for Public Service Commission may receive no more than \$3350;

(d) a candidate for senate may receive no more than \$1350;

(e) a candidate for all other public offices may receive no more than \$850.

(3) Pursuant to 13-37-216 and 13-37-218, MCA, in-kind contributions must be included in computing these limitation totals.

AUTH: 13-37-216, MCA

IMP: 13-37-216, 13-37-218, ~~15-30-101(8)~~, MCA

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

COMMENT 1: I notice that 15-30-101 was taken out of 44-2-194 as a statute being implemented. I was wondering if there is any reason you are leaving it in the other notice, 44-2-193? Off the top of my head, I don't see why the definition of a "Foreign C Corporation would be needed for this statute, and in any event, that the statute reference is no longer valid.

RESPONSE 1: The comment is well taken and the reference to 15-30-101, MCA, is deleted from the proposed rule as a clerical error.

COMMENT 2: It appears in subsection (3) in rule 44.10.338 (MAR 44-2-193) should probably reference 13-37-216 (rather than 13-37-218), since 13-37-216(5) specifically relates to in-kind contributions received by candidates and given by political committees, individuals, and political parties in the amounts referenced by this rule. The reference to in-kind contributions in 13-37-218 are for aggregate political committee receipts.

RESPONSE 2: In-kind contributions from PACs to a candidate apply to both the individual donation and aggregate PAC limits, see 13-37-216(5) and 13-37-218, MCA. For the sake of clarity, we have added the internal reference to 13-37-216, MCA, as a correction of deficiencies in sections implemented.

COMMENT 3: The comment period in paragraph 4 is listed as being open until Nov. 18th, but the notice states that the rule is to be amended on Nov. 16th. Since the notice states that comments will be taken until the 18th, could the Commissioner wait until the 19th to amend the rule?

RESPONSE 3: The comment is well taken, and the Commissioner kept the comment period open until November 18, and will amend the rule no sooner than November 19 in recognition of the clerical error.

/s/ Jaime MacNaughton
Jaime MacNaughton
Rule Reviewer

/s/ Jonathan R. Motl
Jonathan R. Motl
Commissioner

Certified to the Secretary of State November 26, 2013.

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 44.10.331 pertaining to)
limitations on receipts from political)
committees to legislative candidates)

TO: All Concerned Persons

1. On October 17, 2013, the Commissioner of Political Practices published MAR Notice No. 44-2-194 pertaining to the proposed amendment of the above-stated rule at page 1812 of the 2013 Montana Administrative Register, Issue Number 19.

2. The department has amended the rule as proposed.

3. No comments or testimony were received.

/s/ Jaime MacNaughton
Jaime MacNaughton
Rule Reviewer

/s/ Jonathan R. Motl
Jonathan R. Motl
Commissioner

Certified to the Secretary of State November 26, 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 September 30, 2013. This table includes those rules adopted during the period October 1, 2013, through December 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 September 30, 2013, 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 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

2.21.1931	and other rules - VEBA Plan, p. 296, 1083
2.21.3103	Payroll Rules, p. 1644, 2233
2.59.1001	and other rule - Merger Application Procedures, p. 1375, 1817
2.59.1401	and other rules - Title Lending, p. 2204
2.59.1701	and other rules - Definition of Origination of a Mortgage Loan - Certificate of Bona Fide Not-For-Profit Entity - State-Specific Prelicensing Education - When an Application Is Deemed Abandoned - Definitions - Proof of Experience - Standardized Forms - Reinstatement of Licenses - Reporting Forms for Mortgage Servicers - Licensing Exemptions - Mortgage Loan Originator Testing - Written Exemption Form, p. 1866

(Montana Public Employees' Retirement Board)

I-III	Criteria to Be Used by the Board's Actuary to Obtain Information Related to PERS, Its Amortization Period, Its Funding Status, Its Future GABA Rates, and Its Actuarial Equivalent Factors, p. 1466, 2069
2.43.1501	and other rules - Operation of the Retirement Systems and Plans Administered by the Montana Public Employees' Retirement Board, p. 1749, 2240
2.43.2110	Calculation of Highest Average Compensation or Final Average Compensation, p. 1735, 2235

- 2.43.2114 and other rule - Establishing a Process for the Payment on Employer Contributions on Behalf of Working Retirees, Including Independent Contractors and Other Workers in PERS-Covered Positions, p. 1161, 1519
- 2.43.2114 and other rule - Required Employer Reports Regarding Employer Contributions Paid on Behalf of University Employees Who Elect to Participate in the Optional Retirement Program Rather Than in the Public Employees' Retirement System, p. 1470, 2070
- 2.43.2114 and other rules - Name Change of the Montana University System Optional Retirement Program, p. 1741, 2237
- 2.43.2115 and other rules - Operation of the Retirement Systems and Plans Administered by the Montana Public Employees' Retirement Board, p. 1738, 2236
- 2.43.2318 and other rule - Guaranteed Annual Benefit Adjustment Coverage - PERS, SRS, and GWPORS, p. 1746, 2238
- 2.43.3502 and other rule - Investment Policy Statement - Defined Contribution Retirement Plan - 457 Deferred Compensation Plan, p. 1165, 1815
- 2.43.5101 Adoption of Deferred Compensation Plan Document and Trust Agreement, p. 1732, 2234

(State Compensation Insurance Fund)

- 2.55.320 and other rule - Classifications of Employments - The Individual Loss Sensitive Dividend Distribution Plan, p. 2200

(State Banking Board)

- I-VII Applications for Shell Banks, p. 1383, 1818

AGRICULTURE, Department of, Title 4

- 4.5.112 Noxious Weed Management Advisory Council Member Terms, p. 737, 1176
- 4.5.206 and other rules - Modification of the Noxious Weed Priority 1A Category Statement - Changing the Priority Category of Dyer's Woad, Flowering Rush, Eurasian Watermilfoil, and Curlyleaf Pondweed, p. 2014
- 4.5.313 Noxious Weed Seed Free Forage Fees, p. 1395, 2071
- 4.12.1308 Exterior Plant Health Quarantine for Japanese Beetle, p. 739, 983, 1432
- 4.12.1405 and other rules - Plant Inspection Certificate and Survey Costs Fees and Civil Penalties, p. 1399

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

- I-V Patient-Centered Medical Homes, p. 1414, 1686
- 6.6.507B and other rules - Medicare Supplements, p. 1228, 1819
- 6.6.3702 and other rules - Reporting by Holding Company Systems, p. 1755

6.10.705 Composition of the Committee, p. 1168, 1824

COMMERCE, Department of, Title 8

- I-IV Implementation of the Montana Indian Language Preservation Pilot Program, p. 891, 1331
- 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, 1178
- 8.94.3727 Administration of the 2013-2014 Federal Community Development Block Grant (CDBG) Program, p. 1646, 2074
- 8.94.3814 Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 889, 1330
- 8.97.801 and other rules - Montana Capital Companies, p. 744, 1181
- 8.99.511 Microbusiness Finance Program, p. 2209
- 8.99.801 and other rules - Implementation of the Primary Sector Workforce Training Grant Program, p. 747, 1182
- 8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 750, 1183

EDUCATION, Department of, Title 10

(Montana State Library)

- 2.12.301 and other rules - Montana Land Information Act, p. 1880

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.8.702 and other rules - Primitive Fishing Access Sites, p. 1565, 2242

(Fish and Wildlife Commission)

- I State Land Access Tax Credit, p. 2212
- 12.9.1301 and other rules - Gray Wolf Management, p. 1886

(Fish, Wildlife and Parks Commission)

- I Salvage Permits, p. 1300, 2077
- 12.11.501 and other rules - Recreational Use on Lake Alva, Harpers Lake, and Lake Marshall, p. 755, 1563

ENVIRONMENTAL QUALITY, Department of, Title 17

- I-VIII Infectious Waste, p. 1419, 1825
- 17.36.802 and other rule - Fee Schedules – Changes in Subdivision, p. 1474, 1827
- 17.50.301 State Solid Waste Management - Resource Recovery Plan, p. 465, 1439
- 17.56.201 and other rule - Performance Standards for New UST Systems - Upgrading of Existing UST Systems, p. 1428, 1826

(Board of Environmental Review)

17.30.702 and other rules - Department Circular DEQ-4, p. 2529, 90, 895, 2081

TRANSPORTATION, Department of, Title 18

18.5.101 and other rules - Highway Approaches, p. 985, 1442

18.6.202 and other rules - Community Welcome To Signs, p. 2018

18.8.414 and other rules - Motor Carrier Services, p. 759, 1184

JUSTICE, Department of, Title 23

I-IV Chrome for Kids Motorcycle License Plates, p. 1000

23.3.129 and other rules - Collection and Verification of Social Security Numbers for Drivers' Licenses and Identification Cards, p. 996

23.3.505 and other rule - Type 2 Endorsements for Commercial Motor Vehicle Operators, p. 2024

23.12.401 and other rules - Fire Safety - Fireworks - Uniform Fire Code - Equipment Approval, p. 897, 1338, 1832

23.12.601 Fire Safety and Fireworks and Uniform Fire Code, p. 2027

23.16.102 and other rules - Large-Stakes Card Game Tournaments - Small-Stakes Card Game Tournaments - Grounds for Denial of Gambling License - Permit or Authorization - Confiscation of Temporary Dealer License - Card Game Tournament Rules - How to Acquire the Official Montana Poker Rule Book - Player Restrictions - Dealer Restrictions - House Players - Operation of the Games – Table Stakes - Betting - Posting of Rules and Pot Limits - Definitions - Sports Pool Cards - Maximum Price of Sports Pool Chances - Determination of Sports Pool Winners – Prizes - Authorized Sports Pool Prize Value - Sports Tab Game Conduct - Maximum Price of Sports Tab - Sports Tab Game Prize Value - Sports Tab Game Seller Record Keeping Requirements –Decal Inventories - Quarterly Reporting Requirements - Reporting Frequency for Approved Tier I Automated Accounting Systems - General Software Specifications for Video Gambling Machines - Testing Fees - Repairing Machines – Approval - Casino Night Prizes - Web Site Address Access to Forms, p. 1302, 1606

23.16.1822 and other rule - Increase in Video Gambling Machine Permit Fees, p. 904, 1340

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. 1649

24.17.107 and other rule - Prevailing Wage Rates – Districts for Public Works Projects, p. 1479, 1977

24.29.1401A and other rules - Medical Services Rules for Workers' Compensation Matters, p. 557, 1185

24.351.215 and other rules - License Fee Schedule - Split Weighing Allowed, p. 1004, 1984

(Board of Personnel Appeals)

24.26.697 and other rule - Stay of an Informal Investigation, p. 2030

(Board of Chiropractors)

24.126.301 and other rules - Definitions - Inactive Status - Continuing Education, p. 809, 1982

(State Electrical Board)

24.141.405 Fee Schedule, p. 907, 1524

(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, 1191

24.147.2101 Continuing Education Requirements, p. 1894

(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, 1688

24.154.301 and other rules - Definitions - Supervised Work Experience - Unprofessional Conduct, p. 2215

(Board of Medical Examiners)

24.156.603 Applications for Licensure, p. 576, 1695

24.156.615 and other rules - Renewals - License Categories - Reactivation of License, p. 1897

(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, 1609

(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, 1527

(Board of Real Estate Appraisers)

I AMC Audit Rules, p. 580, 1201

(Board of Realty Regulation)

24.210.401 and other rule - Fee Schedule, p. 773, 1533

24.210.426 and other rules - Trust Account Requirements - Internet Advertising Rules - General License Administration Requirements, p. 508, 1621

(Board of Speech-Language Pathologists and Audiologists)

24.222.701 and other rules - Supervisor Responsibility - Schedule of Supervision - Functions of Aides or Assistants - Unprofessional Conduct - Functions of Audiology Aides or Assistants, p. 909, 1833

(Board of Veterinary Medicine)

24.225.401 Fee Schedule, p. 814, 1171, 1443

24.225.410 and other rules - Record-keeping Standards - Inspection and Sanitation - Continuing Education - Unprofessional Conduct, p. 2220

LIVESTOCK, Department of, Title 32

32.2.403 Diagnostic Laboratory Fees, p. 917, 1341

32.2.405 and other rules - Miscellaneous Fees - Change in Brand Recording - Recording and Transferring of Brands - Rerecording of Brands, p. 927, 1342, 1845

32.3.201 and other rule - Definitions - Additional Requirements for Cattle, p. 777, 1343

32.3.201 and other rules - Official Trichomoniasis Testing and Certification Requirements - Reporting Trichomoniasis - Movement of Animals From Test-Positive Herds - Epidemiological Investigation - Exposed Herd Notification - Common Grazing and Grazing Associations - Penalties, p. 1008, 1446, 1624

32.3.201 and other rules - Definitions - Additional Requirements for Cattle - Special Requirements for Goats - Rabies - Alternative Livestock, p. 1901

32.3.214 Special Requirements for Goats, p. 1493, 1846

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36.12.101 and other rules - Water Right Combined Appropriation, p. 1496, 2145

36.12.102 and other rules - Water Right Permitting, p. 931, 1344

36.25.128 and other rules - Cabinsite Lease Site Sales, p. 1783

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I Supports for Community Working and Living Waiver Program, p. 780, 1697
- I-XI Licensure Requirements for Outpatient Centers for Surgical Services, p. 945, 1626
- 37.12.401 Laboratory Testing Fees, p. 2227
- 37.30.111 and other rules - Order of Selection Revision and Catchphrase Change in the Vocational Rehabilitation Program, p. 1663
- 37.34.201 and other rules - Eligibility, p. 1574, 2034
- 37.34.301 and other rules - Placement Determinations, p. 1570
- 37.34.901 and other rules - Medicaid Home and Community-Based Services Program, p. 1906
- 37.34.901 and other rules - Medicaid Home and Community-Based Service Program for Individuals With Developmental Disabilities, p. 593, 1347
- 37.34.2003 Discontinuation of Services, p. 332, 1009
- 37.34.2101 and other rules - Developmental Disabilities Program Staffing, p. 249, 1173, 1499, 1847
- 37.34.3001 and other rules - Reimbursement for Services, p. 608, 818, 1212
- 37.40.307 and other rules - Nursing Facility Reimbursement, p. 616, 820, 1103
- 37.40.705 and other rules - Revision of Fee Schedules for Medicaid Provider Rates, p. 621, 824, 1111, 1215
- 37.57.102 and other rules - Update of Children's Special Health Services, p. 1050, 1449
- 37.59.101 and other rules - Update of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), p. 1501, 1852
- 37.70.107 and other rules - Low Income Energy Assistance Program (LIEAP) for the 2013-2014 Heating Season, p. 2050
- 37.79.304 and other rule - Healthy Montana Kids, p. 1025, 1698
- 37.81.304 and other rule - Maximum Big Sky Rx Premium Change, p. 2036
- 37.85.105 and other rule - Medicaid Pharmacy Unit Dose Prescription Fee, p. 1579, 1661, 2151
- 37.86.2925 and other rule - Medicaid Inpatient Hospital Services, p. 1794
- 37.86.3607 Case Management Services for Persons With Developmental Disabilities, p. 605, 816, 1210
- 37.86.5101 and other rules - Passport to Health, p. 1016, 1447
- 37.86.5111 Passport to Health Program, p. 2047
- 37.87.701 and other rules - Home Support Services and Medicaid Mental Health Services for Youth Authorization Requirements, p. 1667, 2153
- 37.87.1202 and other rules - Psychiatric Residential Treatment Facility (PRTF) Services, p. 583, 1988
- 37.87.1202 and other rules - Psychiatric Residential Treatment Facility (PRTF) Services, p. 1948
- 37.87.1313 1915(i) Home and Community-Based Services (HCBS) State Plan Program for Youth With Serious Emotional Disturbance, p. 1798
- 37.87.2203 Non-Medicaid Services Program, p. 1677, 2160

- 37.104.101 and other rules - Emergency Medical Services (EMS), p. 2039
- 37.106.301 and other rules - Minimum Standards for All Health Care Facilities, p. 1029, 2146

PUBLIC SERVICE REGULATION, Department of, Title 38

- I-VII Simplified Regulatory Options for Small Water and Sewer Utilities, p. 1583
- 38.2.5031 Public Utility Executive Compensation, p. 1680
- 38.5.1902 Qualifying Facilities, p. 827, 2161
- 38.5.2202 and other rule - Pipeline Safety, p. 2230

REVENUE, Department of, Title 42

- I Alternative Office Hours in County Offices, p. 1055, 2168
- I Electronic Submission of Documents Through the Business Licensing Portal, p. 1806
- 42.4.301 Residential Property Tax Credits, p. 959, 1450
- 42.11.245 Liquor Advertising, p. 2060
- 42.13.401 and other rules - Wine Importation and Licensee Reporting Requirements, p. 1801
- 42.18.124 Clarification of Valuation Periods, p. 2062
- 42.20.102 Applications for Property Tax Exemptions, p. 2064
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1958
- 42.21.116 and other rules - Personal Property Valuation, p. 1591

SECRETARY OF STATE, Office of, Title 44

- 1.2.419 Scheduled Dates for the 2014 Montana Administrative Register, p. 1683, 2179
- 1.3.307 Rulemaking Notice Requirements, p. 1517, 1853
- 1.3.309 Rulemaking Notice Requirements, p. 1077, 1537
- 44.3.1101 and other rules - Elections, p. 1059, 1628, 1699
- 44.3.2405 and other rules - Montana Absent Uniformed Services and Overseas Voter Act, p. 1071, 1700
- 44.5.115 Filing Fees for Limited Liability Companies, p. 1080, 1701
- 44.6.111 and other rules - Fees Charged by the Business Services Division - Output Relating to the Farm Bill Master List, p. 522, 1119
- 44.10.331 Limitations on Receipts From Political Committees to Legislative Candidates, p. 1812
- 44.10.338 Limitations on Individual and Political Party Contributions, p. 1809
- 44.14.304 Fees Charged by Records and Information Management, p. 1327, 1631