

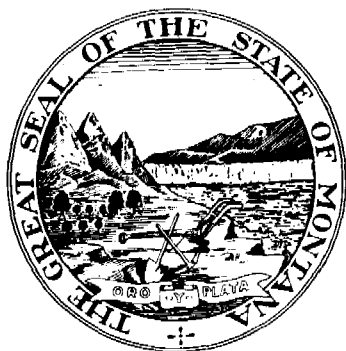
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## MONTANA ADMINISTRATIVE REGISTER

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1999 ISSUE NO. 16  
AUGUST 26, 1999  
PAGES 1782-1848



## MONTANA ADMINISTRATIVE REGISTER

### ISSUE NO. 16

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are found at the back 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 Administrative Rules Bureau at (406) 444-2055.

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BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment )	NOTICE OF PROPOSED
of ARM 17.24.303, 17.24.304, )	AMENDMENT
17.24.404, 17.24.405, )	
17.24.416, 17.24.518, )	
17.24.520, 17.24.623, )	
17.24.639, 17.24.645, )	NO PUBLIC HEARING
17.24.718, 17.24.724, )	CONTEMPLATED
17.24.815, 17.24.901, )	
17.24.924, 17.24.932, )	
17.24.1108, 17.24.1226, and )	
17.24.1261 pertaining to coal )	
and uranium mining )	
organizational changes )	(Coal and Uranium)

TO: All Concerned Persons

1. On October 12, 1999, the Board proposes to amend ARM 17.24.303, 17.24.304, 17.24.404, 17.24.405, 17.24.416, 17.24.518, 17.24.520, 17.24.623, 17.24.639, 17.24.645, 17.24.718, 17.24.724, 17.24.815, 17.24.901, 17.24.924, 17.24.932, 17.24.1108, 17.24.1226, and 17.24.1261.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5 p.m., on September 13, 1999, to advise us of the nature of the accommodation you need. Please contact the Board at P.O. Box 200901, Helena, Montana, 59620-0901; phone (406) 444-2544; fax (406) 444-4386.

3. The rules proposed to be amended provide as follows. Matter to be stricken is interlined and matter to be added is underlined.

17.24.303. LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION Each application must contain, in any format prescribed by the department, the following information:

(1) through (14) remain the same.

(15)(a) whenever the private mineral estate to be strip mined has been severed from the private surface estate, an applicant shall also submit:

(a) remains the same, but is renumbered (i).

(i) remains the same but is renumbered (ii)(A).

(ii) remains the same, but is renumbered (B).

(15)(b) through (24) remain the same.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-222, MCA

17.24.304. BASELINE INFORMATION: ENVIRONMENTAL RESOURCES

The following environmental resources information must also be included as part of an application for a strip or underground mining permit:

(1) through (6) remain the same.

(7) ~~(a)~~ a detailed description of all overburden and mineral materials (all materials other than soil) that will be handled during mining or backfilling operations. The description must include:

(a) through (e) remain the same, but are renumbered (i) through (v).

(f) remains the same but is renumbered (b).

(8) through (12) remain the same.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-222, MCA

17.24.404 REVIEW OF APPLICATION (1) remains the same.

(2) ~~(a)~~ If the application is not acceptable, the department shall notify the applicant in writing, setting forth the reasons why it is not acceptable.

~~(a)~~ The department may propose modifications, delete areas, or reject the entire application. All items not identified as unacceptable are presumed acceptable.

(b) through (6) remain the same.

(7) ~~(a)~~ If, based on available information concerning federal and state failure-to-abate cessation orders, unabated federal and state imminent harm cessation orders, delinquent civil penalties issued pursuant to 30 USC 1268, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violation of federal and state laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any strip or underground coal mining operation, the department determines that issuance of the permit is prohibited pursuant to 82-4-227(11), MCA, the department may-

~~(a)~~ issue the permit only upon a showing that the applicant or person who either owns or controls the applicant or is owned or controlled by the applicant has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the violation.

(b) through (10) remain the same.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-226, 82-4-231, MCA

17.24.405 FINDINGS AND NOTICE OF DECISION (1) through (7) remain the same.

(8) ~~(a)~~ If the department decides to approve the application, it shall:

(a) and (b) remain the same, but are renumbered (i) and (ii).

~~(a)~~ ~~(iii)~~ if, after reconsideration pursuant to (i) above, the department determines that permit issuance is not

prohibited, require that the applicant file the required performance bond or provide other equivalent guarantee, ~~and~~ ~~(d)~~ (b) Upon submission of bond or guarantee, the department shall grant the permit, revision, or amendment.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-226, 82-4-231, MCA

17.24.416 PERMIT RENEWAL (1) through (3) remain the same.

(4) (a) The department shall, upon the basis of application for renewal and completion of all procedures required under this rule, issue a renewal of a permit, unless it is established and written findings by the department are made that:

(a) through (d) remain the same, but are renumbered (i) through (iv).

(d) (i) and (ii) remain the same, but are renumbered (iv) (A) and (B).

(e) through (h) remain the same, but are renumbered (v) through (viii).

(5) through (8) remain the same, but are renumbered (4) (b), (c), (d) and (5).

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-221, 82-4-226, MCA

17.24.518 BUFFER ZONES (1) All mining activities, including highwall reduction and related reclamation, must cease at ~~least~~ least 100 feet from a property line, permanent structure, unmineable or unreclaimable steep or precipitous terrain, or any area determined by the department to be of unique scenic, historical, cultural, or other unique value. If special values or problems are encountered, the department may modify buffer zone requirements.

AUTH: 82-4-204, MCA

IMP: 82-4-227, MCA

17.24.520 THICK OVERBURDEN AND DISPOSAL OF EXCESS SPOIL

(1) through (3) (j) (ii) remain the same.

(iii) (A) The certified report on the drainage system and protective filters must include color photographs taken during and after construction, but before underdrains are covered with excess spoil. If the underdrain system is constructed in phases, each phase must be certified separately.

~~(A)~~ (B) Whenever excess durable rock spoil is placed in single or multiple lifts such that the underdrain system is constructed simultaneously with excess spoil placement by the natural segregation of dumped materials, in accordance with ~~(3) (j) (iv)~~ below, color photographs of the underdrain must be taken as the underdrain system is being formed.

(B) remains the same, but is renumbered (C).

(3) (j) (iv) through (o) remain the same.

AUTH: 82-4-204, MCA

IMP: 82-4-231, MCA

17.24.623 BLASTING SCHEDULE (1)(a) The operator shall publish a blasting schedule at least 10 days, but not more than 20 days, before beginning a blasting program in which blasts that use more than 5 pounds of explosive or blasting agent are detonated. The blasting schedule must be published once in a newspaper of general circulation in the locality of the blasting site.

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

(2) and (3) remain the same.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-231, MCA

17.24.639 SEDIMENTATION PONDS AND OTHER TREATMENT FACILITIES (1) remains the same.

(2)(a) Sedimentation ponds must provide the required theoretical detention time adequate to meet effluent limitations described in ARM 17.24.633 and for the water inflow or runoff entering the pond from a 10-year, 24-hour precipitation event (design event), plus the average inflow from the underground mine if applicable.

~~(a)~~ "Theoretical detention time" is the average time that the design flow is detained in the pond and is further defined as the time difference between the centroid of the inflow hydrograph and the centroid of the outflow hydrograph for the design event. Runoff diverted under ARM 17.24.635 through 17.24.637 away from the disturbed drainage areas and not passed through the sedimentation pond need not be considered in sedimentation pond design. In determining the runoff volume, the characteristics of the mine site, reclamation procedures, and on site sediment control practices shall be considered. Sedimentation ponds must provide a theoretical detention time of not less than 24 hours, or any higher amount required by the department, except as provided below.

(b) through (14) remain the same.

(15)(a) The placing and spreading of embankment material must be started at the lowest point of the foundation. The embankment must be brought up in horizontal layers of such thickness as is required to facilitate compaction and meet the design requirements of this rule. A lift must not be placed on the previous layer until the density as specified in the design approved by the department has been achieved throughout the previous layer.

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

(16) through (21) remain the same.

(22)(a) Each pond must be designed and inspected regularly during construction under the supervision of, and certified after construction by, a qualified registered

professional engineer experienced in the construction of impoundments.

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

(23) remains the same.

(24) (a) Sedimentation ponds and other treatment facilities must not be removed:

(a) through (c) remain the same, but are renumbered (i) through (iii).

(d) and (e) remain the same, but are renumbered (b) and (c).

(25) through (27) remain the same.

AUTH: 82-4-204, MCA

IMP: 82-4-231, MCA

17.24.645 GROUND WATER MONITORING (1) through (4) remain the same.

(5) Ground water monitoring must proceed through mining and continue until phase IV bond release. The department may allow modification of the monitoring requirements, except those required by the Montana pollutant discharge elimination system permit, including the parameters covered and sampling frequency, if the operator or the department demonstrates, using the monitoring data obtained under this ~~section~~ rule, that:

(a) (i) the operation has minimized disturbance to the hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area;

(i) and (ii) remain the same, but are renumbered (ii) and (iii);

(b) through (8) remain the same.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-231, 82-4-232, MCA

17.24.718 SOIL AMENDMENTS AND OTHER MANAGEMENT TECHNIQUES (1) remains the same.

(2) An operator shall use any other means necessary to insure the establishment ~~if~~ of a diverse and permanent vegetative cover, including irrigation, management, fencing, or other measures as approved by the department.

AUTH: 82-4-204, MCA

IMP: 82-4-233, 82-4-235, MCA

17.24.724 USE OF REVEGETATION COMPARISON STANDARDS

(1) and (2) remain the same.

(3) (a) Reference areas must be managed such that they are in at least a "good" range condition, as defined by the US natural resources conservation service. When this required range condition has been achieved, the reference area must be grazed at an approved level.



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

(4) (a) Revegetated areas and reference areas, when appropriate, must be grazed at an approved level for at least 2 years during the last 5 years of responsibility for vegetative establishment.

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

(5) remains the same.

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-233, 82-4-235, MCA

17.24.815 PRIME FARMLANDS: REVEGETATION (1) through (2) (d) remain the same.

(e) (i) revegetation success on prime farmlands must be determined upon the basis of a comparison of actual crop production on the disturbed area and the crop production on reference areas meeting the following requirements:

(i) through (iii) remain the same, but are renumbered (A) through (C).

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

(i) and (ii) remain the same, but are renumbered (A) and (B).

~~+~~ (iii) under either procedure in ~~(e)~~ (2) (e) (i) or ~~(f)~~ (ii) above, crop production of the reference area or the target yield must be adjusted, as necessary, with the concurrence of the Montana state office of the US natural resources conservation service, for:

(i) and (ii) remain the same, but are renumbered (A) and (B).

(h) through (j) remain the same, but are renumbered (f) through (h).

AUTH: 82-4-204, MCA

IMP: 82-4-227, 82-4-232, MCA

17.24.901 GENERAL APPLICATION AND REVIEW REQUIREMENTS

(1) (a) and (b) remain the same.

(c) (i) a complete subsidence control plan for the proposed operation which must include:

(i) through (vii) remain the same, but are renumbered (A) through (G).

(vii) (A) and (B) remain the same, but are renumbered (I) and (II).

(d) and (e) remain the same, but are renumbered (ii) and (iii).

(i) remains the same, but is renumbered (A).

(A) through (C) remain the same, but are renumbered (I) through (III).

(ii) remains the same, but is renumbered (B).

(A) through (D) remain the same, but are renumbered (I) through (IV).

(iii) remains the same, but is renumbered (C).

- (A) and (B) remain the same, but are renumbered (I) and (II).  
(iv) remains the same, but is renumbered (D).  
(f) through (j) remain the same, but are renumbered (d) through (h).  
(2) remains the same.

AUTH: 82-4-204, 82-4-205, MCA  
IMP: 82-4-222, MCA

17.24.924 DISPOSAL OF UNDERGROUND DEVELOPMENT WASTE: GENERAL REQUIREMENTS (1) through (17) remain the same.

(18) (a) A qualified registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, shall inspect each structure during construction. The professional engineer or specialist must be experienced in the construction of earth and waste structures.

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

(19) and (20) remain the same.

AUTH: 82-4-204, 82-4-205, 82-4-231, MCA  
IMP: 82-4-227, 82-4-231, 82-4-232, 82-4-233, MCA

17.24.932 DISPOSAL OF COAL PROCESSING WASTE (1) through (4) remain the same.

(5) (a) All coal processing waste disposal areas must be inspected, on behalf of the operator, by a qualified and registered professional engineer, in accordance with ARM 17.24.924 and the additional requirements of this section.

~~(a)~~ (b) Inspection must occur at least quarterly, beginning within 7 days after the preparation of the disposal area begins, and be made in accordance with the same critical construction period schedule as contained in ARM 17.24.924(18) ~~(a)~~ (b). The department may require more frequent inspection based upon an evaluation of the potential danger to the health or safety of the public and the potential harm to land, air and water resources.

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

(6) through (10) remain the same.

AUTH: 82-4-204, 82-4-205, 82-4-231, MCA  
IMP: 82-4-227, 82-4-231, 82-4-232, 82-4-233, MCA

17.24.1108 BONDING: CERTIFICATES OF DEPOSIT (1) The department may not accept an individual certificate for a denomination in excess of \$100,000, or maximum insurable amount as determined by FDIC ~~and FSLIC~~.

(2) through (4) remain the same.

AUTH: 82-4-204, 82-4-205, MCA  
IMP: 82-4-223, 82-4-232, 82-4-235, MCA

17.24.1226 SMALL OPERATOR ASSISTANCE PROGRAM:  
QUALIFICATION OF LABORATORIES, CONSULTANTS, AND CONTRACTORS

(1) remains the same.

(2)(a) To qualify for designation a firm shall demonstrate that it:

(a) through (g) remain the same, but are renumbered (i) through (vii).

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

AUTH: 82-4-204, 82-4-205, MCA

IMP: 82-4-221, MCA

17.24.1261 CERTIFICATION OF BLASTERS (1)(a) A person seeking certification as a blaster shall submit to the department an application on a form provided by the department.

~~(a)~~ The applicant shall include a verifiable statement that he has successfully completed a training course, provided by the department, the operator, or other person, meeting the requirements of ARM 17.24.1262~~(2)~~(1) and incorporating the training manual prepared by the department.

(b) through (5) remain the same.

AUTH: 82-4-204(4), 82-4-205(7), 82-4-231 (10)(e), MCA

IMP: 82-4-231(10)(e), MCA

4. Organizational problems were created in the current Coal and Uranium rules in the rule notice of November 1998. Most of the proposed changes in the proposed rule notice are for the purpose of correcting these problems. Although the changes were not meant to make any substantive change in the rules, the regrouping of certain paragraphs caused by some of the re-earmarking make the rules confusing and could change the meaning of a rule or at least create an ambiguity that could be used by a permittee to avoid compliance with a requirement.

Several nonearmarking amendments are also proposed. The proposed amendment to ARM 17.24.932(5)(b) is necessary to change a cross-reference to a re-earmarked rule provision. The proposed changes in ARM 17.24.518 and 17.24.718 are simple grammatical corrections. The change in ARM 17.24.1108 is to update the name of one of the agencies responsible for determining maximum insurable amounts of certificates of deposit for bonds. The cross-reference change in ARM 17.24.1261(1)(a) is needed because of changes in ARM 17.24.1262 adopted from the November 1998 rule notice.

5. Concerned persons may submit their data, views or arguments concerning the proposed adoption in writing to the Board of Environmental Review, P.O. Box 200901, Helena, MT 59620-0901, no later than September 23, 1999. To be guaranteed consideration, the comments must be postmarked on or before that date. Written data, views or arguments may

also be submitted electronically via email addressed to Leona Holm, Board Secretary, at "lholm@state.mt.us", no later than 5 p.m. September 23, 1999.

6. If persons who are directly affected by the proposed amendments wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Board of Environmental Review, P.O. Box 200901, Helena, MT 59620-0901. A written request for hearing must be postmarked no later than 5:00 p.m., September 23, 1999. Written data, views or arguments may also be submitted electronically via email addressed to Leona Holm, Board Secretary, at "lholm@state.mt.us", no later than 5 p.m. September 23, 1999.

7. If the Board receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 1 person based on fewer than 20 regulated mines.

BOARD OF ENVIRONMENTAL REVIEW

by: Joe Gerbase  
JOE GERBASE, Chairperson

Reviewed by:

John F. North  
John F. North, Rule Reviewer

Certified to the Secretary of State August 16, 1999.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the adoption )	NOTICE OF PROPOSED ADOPTION
of new rules I through IV )	
pertaining to payment of )	NO PUBLIC HEARING
certain abandoned vehicle )	CONTEMPLATED
removal charges )	
)	(SOLID WASTE)

TO: All Concerned Persons

1. On September 27, 1999, the Department proposes to adopt the above new rules pertaining to payment of certain abandoned vehicle removal charges.

2. The Department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5 p.m., September 13, 1999, to advise us of the nature of the accommodation you need. Please contact the Department at P.O. Box 200901, Helena, Montana, 59620-0901; phone (406) 444-2544; fax (406) 444-4386.

3. The proposed new rules provide as follows:

NEW RULE I REIMBURSEMENT OF HIRED ABANDONED VEHICLE REMOVAL CHARGES (1) The sheriff of each county and the chief of police of each city shall designate one or more persons within their agencies as authorized representatives for the purpose of submission of claims for reimbursement of hired removal costs.

(2) Upon hiring a hired vehicle remover, the authorized law enforcement agency representative may submit to the department a request for the reimbursement provided for in 75-10-503, MCA, or may authorize the hired vehicle remover to submit a claim for payment directly to the hired vehicle remover.

AUTH: 75-10-503, MCA

IMP: 75-10-532, MCA

NEW RULE II DISTRICT DESIGNATION AND CLAIM SUBMITTAL

(1) The state is divided into 3 districts:

(a) District 1 consists of Big Horn; Carter; Custer; Daniels; Dawson; Fallon; Garfield; McCone; Phillips; Powder River; Prairie; Richland; Roosevelt; Rosebud; Sheridan; Treasure; Yellowstone; Valley; and Wibaux counties;

(b) District 2 consists of Blaine; Broadwater; Cascade; Chouteau; Carbon; Fergus; Gallatin; Golden Valley; Hill; Judith Basin; Liberty; Meagher; Musselshell; Park; Petroleum; Stillwater; Sweet Grass; and Wheatland counties; and

(c) District 3 consists of Beaverhead; Deer Lodge; Flathead; Glacier; Granite; Jefferson; Lake; Lewis and Clark;

Lincoln; Madison; Mineral; Missoula; Pondera; Powell; Ravalli; Sanders; Silver Bow; Teton; and Toole counties.

(2) To assure prompt payment of claims, hired vehicle removers shall submit claims to the department on the following schedule:

(a) Hired vehicle removers located within District 1 shall submit claims in January, April, July, and October;

(b) Hired vehicle removers located within District 2 shall submit claims in February, May, August, and November; and

(c) Hired vehicle removers located within District 3 shall submit claims in March, June, September, and December.

AUTH: 75-10-503, MCA

IMP: 75-10-532, MCA

NEW RULE III PAYMENT REQUESTS (1) Payment requests shall consist of:

(a) the hired vehicle remover's standard billing document; and

(b) a completed authorization to remove the vehicle and request for reimbursement for each vehicle for which a claim for payment is made. The authorization and request must be on a form provided by the department.

(2) The authorization to tow and request for reimbursement form must be signed by a representative designated pursuant to [Rule I]. If the form is not signed, the form must be considered incomplete and payment must be denied. The claim may be resubmitted.

(3) The department shall pay each claim at the flat rate of \$70.00 per vehicle removed.

(4) When a vehicle is sold pursuant to 61-12-404, MCA, the sheriff or the police department must notify the department and identify the vehicle sold.

(5) Each hired vehicle remover is encouraged to report to the department all abandoned vehicles hauled, even if no claim for payment is submitted.

(6) Proceeds from the sale of a vehicle at a sheriff's sale pursuant to 61-12-407(2), MCA, must be used to reimburse the department for the hired removal charge paid by the department.

(7) If an abandoned vehicle is reclaimed by the owner and the hired vehicle remover has received payment from the department for the hauling charge, the hired vehicle remover shall reimburse the department the paid removal charge.

(8) If a hired vehicle remover fails to report to the department that an owner has reclaimed an abandoned vehicle or fails to make a reimbursement required by (7), the department may declare the hired vehicle remover to be ineligible for future reimbursements for removal costs.

AUTH: 75-10-503, MCA

IMP: 75-10-532, MCA

NEW RULE IV FUNDING ALLOCATION (1) Funding available to the law enforcement agencies within a county for a fiscal year must be allocated based on 85% of the funding appropriated by the legislature for vehicle removal reimbursement during that fiscal year divided by the number of registered vehicles in the state and multiplied by the number of registered vehicles in that county. Funding from the county allocation is available to the sheriff's office and city police departments located within the boundaries of the county. The department shall deny a claim if the county's funding allocation for the fiscal year in which the removal occurred is located has been exhausted. The claim may not be resubmitted except pursuant to (2).

(2) Fifteen percent of the legislatively appropriated funding for each fiscal year must be used as a contingency fund to be allocated on an "as needed" basis for extraordinary vehicle removal efforts. Whenever there is a need for additional funding to support higher than allocated funding levels, the law enforcement agency may request supplemental funding from the contingency fund.

(3) If the law enforcement agencies within a county do not use that county's full allocation, the unused portion of the allocation may be reapportioned as part of the contingency fund established in (2).

AUTH: 75-10-503, MCA  
IMP: 75-10-532, MCA

4. Chapter 513, Laws of 1999, (Senate Bill 166), directs the Department of Environmental Quality to implement a program to reimburse local law enforcement agencies for the cost of the hired removal of abandoned vehicles and to adopt rules establishing both the procedures and the rate of payment for reimbursing the hired removal cost for certain abandoned vehicles. These rules are proposed to meet this legislative rulemaking requirement.

The rules provide for a flat rate of reimbursement. The Department could also have provided for payment at the remover's customary cost up to a certain limit. The Department rejected this approach because the information necessary to establish the limit is not available.

Rule III provides that the rate of reimbursement is \$70.00 per vehicle removed. The Department chose this amount because it is the average towing charge the Department incurs on a statewide basis. The Department considered providing for reimbursement on a county by county basis at the rate of the customary charge within each county, but it rejected this approach because it would have provided for inequitable reimbursement between counties.

The Department also considered providing for reimbursement solely to the law enforcement agencies rather than to the law enforcement agency or the removers at the law

enforcement agency's discretion. The Department rejected the former approach because it is less cost effective than direct payment to removers. If the Department reimburses law enforcement agencies, those agencies are required to write a check or warrant to the remover. This requires the processing of two government warrants instead of one. The department therefore decided to authorize law enforcement agencies to provide for direct reimbursement. Because a law enforcement agency may have reasons for requesting reimbursement to the agency, the proposed rule also allows law enforcement agencies this option.

The amounts available for reimbursement of vehicle removers are \$190,090 for fiscal year 2000 (July 1, 1999, to June 30, 2000) and \$190,090 for fiscal year 2001 (July 1, 2000, to June 30, 2001). Any of Montana's 56 counties and 129 cities may seek reimbursement under the proposed rules. The Department estimates that there are approximately 247 vehicle removers in the state.

5. Concerned persons may submit their data, views or arguments concerning the proposed adoption in writing to Debbie G. Allen, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, Montana, 59620-0901, no later than September 23, 1999. To be guaranteed consideration, the comments must be postmarked on or before that date. Written data, views or arguments may also be submitted electronically via email addressed to Debbie G. Allen, Paralegal, at "dallen@state.mt.us", no later than 5 p.m. September 23, 1999.

6. If persons who are directly affected by the proposed adoption wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Debbie G. Allen, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901. A written request for hearing must be postmarked on or before September 23, 1999. A written request for hearing may also be submitted electronically via email addressed to Debbie G. Allen, Paralegal, at "dallen@state.mt.us", no later than 5 p.m. September 23, 1999.

7. If the Board receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25 persons based on 246 towing companies on the MV-5 listing.



Reviewed by:

DEPARTMENT OF ENVIRONMENTAL QUALITY

John F. North  
John F. North  
Rule Reviewer

by: Mark A. Simonich  
MARK A. SIMONICH, Director

Certified to the Secretary of State August 16, 1999.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the repeal	)	NOTICE OF PROPOSED REPEAL
of ARM 36.12.801 through	)	
36.12.808 pertaining to new	)	NO PUBLIC HEARING
appropriation verification	)	CONTEMPLATED
procedures.	)	

TO: All Concerned Persons

1. On September 25, 1999, the Department of Natural Resources and Conservation proposes to repeal ARM 36.12.801 through 36.12.808 pertaining to new appropriation verification procedures.

2. The Department of Natural Resources and Conservation 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 no later than 5:00 p.m. on September 3, 1999, to advise us of the nature of the accommodation that you need. Please contact Shannon Kirby, Department of Natural Resources and Conservation, 1625 11th Avenue, P.O. Box 201601, Helena, MT 59620-1601, telephone 406-444-2074, fax 406-444-2684.

3. ARM 36.12.801 through 36.12.808, the rules proposed to be repealed, are on pages 36-2001 through 36-2005 of the Administrative Rules of Montana.

AUTH: 2-4-201, MCA

IMP: 85-2-314, 85-2-315, 85-2-402, MCA

4. The repeal of ARM 36.12.801 through 36.12.808 is proposed to eliminate unnecessary rules. Amendments to 85-2-315, MCA, in 1991 and 1993 removed the requirement of a site investigation to verify permits. Since the thrust of the rules is to delineate the site investigation process and to integrate the site investigation with subsequent process to revoke or modify permits, and because the process requirements for revocation and modification are already stated in 85-2-314, MCA, the rules are either obsolete or redundant.

5. Concerned persons may submit their data, views or arguments concerning the proposed repeal in writing to Shaunda Hildebrand, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, Montana 59620-1601. Any comments must be received no later than September 23, 1999.

6. If persons who are directly affected by the proposed repeal wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request

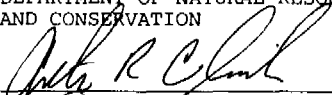
for a hearing and submit this request along with any written comments they have to Shaunda Hildebrand, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT 59620-1601. A written request for hearing must be received no later than September 23, 1999.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 800 persons based on the 8000 who hold permits that require the filing of a notification of completion.

8. The Department of Natural Resources and Conservation 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 mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources or combination thereof. Such written request may be mailed or delivered to the Department of Natural Resources and Conservation, 1625 11th Avenue, P.O. Box 201601, Helena, MT 59620-1601, faxed to the office at (406) 444-2684, or may be made by completing a request form at any rules hearing held by the Department of Natural Resources and Conservation.

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

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

  
ARTHUR R. CLINCH, DIRECTOR

  
DONALD D. MACINTYRE, RULE REVIEWER

Certified to the Secretary of State August 16, 1999.

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

In the matter of the proposed	)	NOTICE OF PUBLIC HEARING
amendment of ARM 37.80.201,	)	ON PROPOSED AMENDMENT
37.80.202, 37.80.206,	)	
37.80.315 and 37.80.501	)	
pertaining to child care	)	
subsidy programs	)	

TO: All Interested Persons

1. On September 17, 1999, at 10:00 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services 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 request an accommodation, contact the department no later than 5:00 p.m. on September 13, 1999, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@state.mt.us.

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.80.201. ELIGIBILITY OF PARENTS FOR PAYMENT (1) In addition to other requirements, to be eligible for payments under this subchapter, each parent (or other adult who is included in the calculation of family size) in the household must be working a minimum of 60 hours each month; two parent families must work a total of 120 hours per month, with any combination of work hours. This work requirement does not apply to FAIM families, teen parent families attending high school or an equivalency program and working families experiencing short-term medical emergencies. Non-FAIM parents may receive benefits under this subchapter to cover child care while at training if one or both parents (or other adult who is included in the calculation of family size) in the household are employed. If the parent(s) educational program requires a temporary full time field experience, such as student teaching or a clinical practicum, the work requirement may be temporarily waived during the field experience. Hours worked under a work study grant shall be counted in meeting the work requirement if income is earned, or if the cash equivalent of benefits received is counted as income for purposes of computing the benefit amount

under the sliding scale in ARM 37.80.202.

(2) and (3) remain the same.

(4) The parents may apply for certification/recertification under this subchapter at the nearest child care resource and referral agency, local county office of human services or office of public welfare. Child care resource and referral agencies are located in Billings, Bozeman, Butte, Glasgow, Great Falls, Helena, Kalispell, Miles City, Havre, Glendive, Lewistown and Missoula. Following completion and submission of all applicable forms, the child care resource and referral agency, for non-FAIM cases, will approve or deny the application. FAIM cases will be approved or denied by the (WoRC) operator or ~~FAIM coordinator~~ office of public assistance case manager in cooperation with the child care resource and referral agency. If approved, the parents will be certified eligible for benefits under this subchapter according to the sliding scale in ARM 37.80.202. The parents must obtain eligibility recertification every 3 6 months or as designated by their worker.

(5) through (5)(c) remain the same.

(d) non-FAIM families experiencing unemployment, due to good cause reason (ARM 46.18.136(5)) may elect to extend child care benefits until the end of the month following the job loss. Extended child care benefits will be determined by the availability of funds.

(i) families must request the extension within 10 days of beginning unemployment;

(ii) the usual child care schedule will continue during the extension; and

(iii) families must use the extension of child care benefits to seek employment.

(6) through (9)(b) remain the same.

AUTH: Sec. 40-4-234, 52-2-704 and 53-4-212, MCA

IMP: Sec. 52-2-704, 52-2-713, 52-2-721, 52-2-722, 52-2-723, 52-2-731, 53-2-201, 53-4-211, 53-4-601 and 53-4-611, MCA

37.80.202 INCOME ELIGIBILITY AND COPAYMENTS (1) through (5) remain the same.

(6) Each family eligible under this subchapter may receive benefits covering hours/days of child care for all eligible children in the household. ~~For purposes of calculating copayments only, a maximum of one child is counted as residing in the household. Family size is one factor in determining the amount of copayment.~~

(7) remains the same.

(8) Parents are solely responsible for paying or making arrangements to pay the copayment ~~and any balance necessary to meet the contract rate to the provider.~~ Parents failing to pay or make arrangements to pay copayments ~~and any balance necessary to meet the contract rate to their provider~~ may be decertified for benefits under this subchapter.

(9) through (9)(c) remain the same.

(10) Reports under (9) of this rule must be made to the

child care resource and referral agency, or if a FAIM family, to the WORC operator or FAIM coordinator office of public assistance case manager certifying eligibility for the parents. The certifying child care resource and referral agency, WORC operator or FAIM office of public assistance case manager may act to change, reduce, or deny benefits under this subchapter based on information received from the parents or from any source.

The child care sliding fee scale chart that appears on ARM page 37-17801, remains the same.

AUTH: Sec. 52-2-704 and 53-4-212, MCA

IMP: Sec. 52-2-704, 52-2-713, 52-2-721, 52-2-722, 52-2-723, 52-2-731, 53-2-201, 53-4-211, 53-4-212, 53-4-601 and 53-4-611, MCA

37.80.206 CERTIFIED ENROLLMENT (1) ~~Certified enrollment means that child care facility operator, upon completing a form, may charge on a monthly basis rather than on a daily basis. The form is signed by the parents and the facility operator and submitted to the child care resource and referral agency.~~

~~(1)(2) Certified enrollment of children in a child care facility is possible through the use of a form obtainable at any child care resource and referral agency. Certified enrollment is intended to assist families to pay child care facilities requiring payment in obtaining a more stable income by charging for days when a child is temporarily absent.~~

~~(3) through (3)(b) remain the same but are renumbered (2) through (2)(b).~~

~~(e) Certified enrollment shall begin with the first day of the billing month following the initial day of child care services.~~

~~(d) children shall be re-enrolled at 6 month intervals.~~

~~(e) spaces are not to be reserved for children absent for a period of 2 weeks (10 working days) or more for any reason.~~

(c) A child care provider shall not claim certified enrollment for more than 10 consecutive working days.

~~(3)(f) through (f)(ii) remain the same but are renumbered (2)(d) through (d)(ii).~~

AUTH: Sec. 52-2-704, MCA

IMP: Sec. 52-2-704, MCA

37.80.315 COPY OF CONTRACT FOR SERVICES RIGHTS AND RESPONSIBILITIES AGREEMENT (1) In addition to certification requirements, providers must sign a rights and responsibilities agreement under this subchapter along with the parent and a department representative, enter into a contract with parents for payment under this subchapter on the form provided by the department. The minimum agreed terms filled in on the form must be sufficient to verify selection of the provider by the parents and indicate that the provider is willing to provide the child care services. Once the contract is executed by the parents and

~~the provider, a copy must be delivered to the child care resource and referral agency processing certification for the provider.~~

AUTH: Sec. 52-2-704, MCA

IMP: Sec. 52-2-704, 52-2-713, 52-2-721, 52-2-722, 52-2-723 and 52-2-731, MCA

37.80.501. TERMINATION OF CHILD CARE SERVICES

(1) Payments for child care will be terminated in the following situations and upon written notification mailed 10 days prior to the effective date to the recipient and the child care facility 10 days prior to the effective date of the action:

(a) when the child care resource and referral agency disapproves the reevaluation recertification plan at 3 months;

(1)(b) through (4) remain the same.

(5) The department is not responsible for notice obligations between parents and child care providers when they modify or terminate child care arrangements.

AUTH: Sec. 52-2-704, MCA

IMP: Sec. 52-2-704, MCA

3. The Montana Department of Public Health and Human Services Early Childhood Services Bureau, with the help of the State Child Care Advisory Council have operated child care subsidy programs for two years under the State Plan for Montana's Child Care and Development Fund. Public input, from those experienced with the program, has provided a basis for these minor revisions in the State plan. The proposed rule changes have added additional services to stabilize care arrangements for children, their providers and their families.

Most of this rule change primarily consists of house keeping issues, thus no options were considered except leaving the rules as they currently read. However, ARM 37.80.201, on length of time between recertification did require that options be considered when the State Child Care Advisory Council recommended extending the child care certification plan to six months from the current three months (ARM 37.80.201). Some suggested extending eligibility up to two years to match Head Start eligibility periods. Council members chose not to establish separate eligibility standards for Head Start families. The Department believes two year eligibility does not meet the standards required by the Child Care and Development Fund, considering the current experience with participants reporting changes that affect their eligibility for child care subsidies. Six months was selected to increase the stability of family participation while considering the possibility of incurring larger overpayment situations with families.

The following information describes the proposed changes to each rule and why the proposed changes are necessary:

The addition to ARM 37.80.201(1) expands educational opportunities by providing a temporary exception to the work requirement during a temporary full time field experience required to complete a degree. This change is necessary because student teaching or clinical practicum education requirements created barriers to families attempting to finish their education while trying to maintain the work requirement. The change is also necessary to increase the opportunity for families to leave public assistance.

The addition to ARM 37.80.201(1) lengthens the standard child care certification plan to six months as discussed above. This change is also necessary as it will reduce paperwork requirements and stabilize the family's copayment. The change is necessary to reduce the frequency of ineligibility.

The additions to ARM 37.80.201(5) (d) provides a grace period for families who lose employment; and thereby lose eligibility for child care benefits. This change is necessary so parents will have the option of extending child care benefits to the end of the month following their unemployment. This is also necessary to provide a stable environment for the children and support the parent's effort in looking for work.

The changes to ARM 37.80.202(6) replace old language to explain that family size is one factor built in to the child care sliding fee scale. This change is necessary to avoid confusion as to the factors which will be considered.

The deletions from ARM 37.80.202(8) remove the eligibility requirement that families be current in the over-and-above fees to be eligible for child care subsidies. This change is necessary because over-and-above fees, which may be outlined in an agreement between the parent and the provider, are not an issue for the state. Complaints of this type are time consuming for staff and inappropriately place child care resource and referral agencies and the State in the role of small claims agent. This rule change is also necessary to clarify the role of the State in providing child care assistance.

The deletions from ARM 37.80.206(1) through (3) remove the waiting period and reduce the paperwork requirements for certified enrollment. This change is necessary because certified enrollment is intended to assist child care facilities in obtaining a more stable income by charging for days when a child is temporarily absent. The manual tracking system for certified enrollment days has been replaced by the Montana Automated Child Care [Computer] System, rendering the paperwork and waiting period unnecessary.

The changes to ARM 37.80.315(1) remove the need for a child care contract designed by the State and replaces it with an educational document which defines the rights and responsibilities of parents and child care providers who choose



to participate in the State child care subsidy program. The rule change is necessary to clarify these roles and to remove the state from the role of contractor in child care arrangements.

The changes to ARM 37.80.501(1) update language describing the termination notice process. The State will continue to mail notice ten days prior to the effective date. The change is necessary, however, to more accurately describe the current notice process.

The addition to ARM 37.80.501(5) clarifies the State's role in providing termination notice. This change is necessary because in the event the State terminates benefits, the State is obligated to notify. However, if a parent or provider modifies child care arrangements, the state is not responsible for issuing notice. The change is also necessary to clearly define the role of the State in this matter.

4. Interested 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 Kathy Munson, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than September 23, 1999. Data, views or arguments may also be submitted by facsimile (406) 444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

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

  
Rule Reviewer

  
Director, Public Health and  
Human Services

Certified to the Secretary of State August 16, 1999.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment )	NOTICE OF AMENDMENT
of ARM 17.40.203, pertaining )	
to wastewater operator )	
certification rules )	(WATER QUALITY)

TO: All Concerned Persons

1. On July 1, 1999, the Department of Environmental Quality published notice of the proposed amendment to ARM 17.40.203 pertaining to wastewater operation certification at page 1494 of the 1999 Montana Administrative Register, Issue No. 13.
2. The Department has amended ARM 17.40.203 as proposed.
3. No comments or testimony were received.

DEPARTMENT OF ENVIRONMENTAL QUALITY

by: Curt Chisholm  
CURT CHISHOLM, Deputy Director

Reviewed by:

John F. North  
John F. North, Rule Reviewer

Certified to the Secretary of State August 16, 1999.

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

In the matter of the repeal            )  
of ARM 20.11.111 pertaining            )  
to state facility                        )  
reimbursement                          )

NOTICE OF REPEAL

TO: All Interested Persons

1. On July 1, 1999, the Department of Public Health and Human Services published notice of the proposed repeal of the above-stated rule at page 1502 of the 1999 Montana Administrative Register, issue number 13.

2. The Department has repealed ARM 20.11.111 as proposed.

3. No comments or testimony were received.

*Dawn Silva*  
Rule Reviewer

*Lauri Plummer*  
Director, Public Health and  
Human Services

Certified to the Secretary of State August 16, 1999.

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

In the matter of the adoption	)	CORRECTED NOTICE OF
of Rules I through XLI and	)	ADOPTION AND AMENDMENT
the amendment of rules	)	
37.37.105, 37.37.303,	)	
46.2.202, 46.12.202,	)	
46.12.204, 46.12.501,	)	
46.12.502, 46.12.502A,	)	
46.12.506, 46.12.507,	)	
46.12.508, 46.12.509,	)	
46.12.509A, 46.12.514,	)	
46.12.516, 46.12.517,	)	
46.12.570, 46.12.1708,	)	
46.12.1713, 46.12.1902,	)	
46.12.4810, 46.12.5007,	)	
46.20.103, 46.20.106,	)	
46.20.110, 46.20.114,	)	
46.20.117, 46.20.120,	)	
46.20.123 and 46.20.126	)	
pertaining to coverage and	)	
reimbursement of mental	)	
health services for medicaid	)	
eligible and certain other	)	
low income individuals	)	

TO: All Interested Persons

1. On April 22, 1999, the Department of Public Health and Human Services published notice of the proposed adoption and amendment of the above-stated rules at page 723 of the 1999 Montana Administrative Register, issue number 8, and on June 17, 1999, notice of the adoption and amendment on page 1301 of the 1999 Montana Administrative Register, issue number 12, pertaining to coverage and reimbursement of mental health services for medicaid eligible and certain other low income individuals.

2. This corrected notice is being filed to correct errors in ARM 46.12.501, 46.12.508, 46.12.516, 46.12.517, 46.12.1921, 46.20.103, 46.20.110 and 46.20.114.

3. The rules are corrected as follows:

46.12.501 SERVICES PROVIDED (1) through (1)(ah) remain as adopted.

(2) Individuals who are recipients of assistance in the pathways, community services or job supplement components of the families achieving independence in Montana (FAIM) project and who are 21 years of age or older and all recipients of AFDC-related medical assistance only who are participating in the FAIM project and are 21 years of age or older will receive basic

medicaid benefits, except that pregnant women will be entitled to all services specified in (1)(a) through (1)(~~aa~~) (ah) of this rule. Basic medicaid benefits are the services specified in (1)(a) through (1)(~~aa~~) (ah) of this rule except the following:  
(2)(a) through (3)(b)(ii) remain as adopted.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

46.12.508 OUTPATIENT HOSPITAL SERVICES, REIMBURSEMENT

(1) The department will reimburse for outpatient hospital services compensable under the Montana medicaid program as provided in this ~~section~~ rule.

(2) through (12) remain as adopted.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-113 and 53-6-141, MCA

46.12.516 EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT SERVICES (EPSDT), MEDICAL AND OTHER SERVICES

(1) through (2)(k) remain as adopted.

(1) The therapeutic portion of medically necessary therapeutic family care treatment is covered for recipients with a primary diagnosis of serious emotional disturbance (SED) as defined in ARM ~~46-12-1942~~ 46.12.1941, or with both an emotional disturbance and a developmental disability, if the treatment is ordered by a licensed physician, licensed psychologist, masters level licensed clinical social worker (MSW) or a licensed professional counselor (LPC), and prior-authorized by the department or its designee according to the provisions of ARM 46.12.502B.

(2)(1)(i) through (3) remain as adopted.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

46.12.517 EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT SERVICES (EPSDT), REIMBURSEMENT

(1) through (8) remain as adopted.

~~(3)~~ (9) A service for which a fee is not set in or determinable through the EPSDT provider manual, ARM 46.12.502A or 46.12.2003 is reimbursed at a fee negotiated in advance of the provision of the service. A service provided before there is a negotiated fee is reimbursed at an amount determined by the department.

~~(4)~~ (10) Information regarding current reimbursement or copies of fee schedules for EPSDT services may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Medicaid Services Bureau, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-113 and 53-6-116, MCA

46.12.1921 CASE MANAGEMENT SERVICES FOR ADULTS WITH SEVERE DISABLING MENTAL ILLNESS, ELIGIBILITY (1) through (2)(b)(i)(A) remain as adopted.

(B) the person has a DSM-IV diagnosis of schizophrenic disorder (295); other psychotic disorder (295.40, 295.70, 297.1, 297.3, 298.9, 293.81, 293.82); mood disorder (296.2x, 296.3x, 296.40, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90, 301.13, ~~193.83~~ 293.83); amnestic disorder (294.0, 294.8); disorder due to a general medical condition (310.1); or pervasive developmental disorder not otherwise specified (299.80) when not accompanied by mental retardation; or

(2)(b)(i)(C) through (2)(b)(ii)(D) remain as adopted.

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

IMP: 53-6-101, MCA

46.20.103 MENTAL HEALTH SERVICES PLAN, DEFINITIONS (1) through (15)(b)(i)(A) remain as adopted.

(B) the person has a DSM-IV diagnosis of schizophrenic disorder (295); other psychotic disorder (295.40, 295.70, 297.1, 297.3, 298.9, 293.81, 293.82); mood disorder (296.2x, 296.3x, 296.40, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90, 301.13, ~~193.83~~ 293.83); amnestic disorder (294.0, 294.8); disorder due to a general medical condition (310.1); or pervasive developmental disorder not otherwise specified (299.80) when not accompanied by mental retardation; or

(15)(b)(i)(C) through (18) remain as adopted.

AUTH: Sec. 41-3-1103, 52-1-103, 53-2-201, 53-6-113, 53-6-131 and 53-6-701, MCA

IMP: Sec. 41-3-1103, 52-1-103, 53-1-601, 53-1-602, 53-2-201, 53-6-101, 53-6-113, 53-6-116, 53-6-117, 53-6-131, 53-6-701, 53-6-705, 53-21-139 and 53-21-202, MCA

46.20.110 MENTAL HEALTH SERVICES PLAN, PROVIDER PARTICIPATION (1) through (4)(d)(iii) remain as adopted.

(5)~~(a)~~ An enrolled provider has no right to an administrative review or fair hearing as provided in ARM 46.2.201, et seq., 46.12.307, 46.12.409, 46.12.509A, 46.12.1268 or any other department rule for:

~~(i)~~ (a) a determination by the department or its agent that a particular service, item or treatment is not medically necessary;

~~(ii)~~ (b) a denial of approval, authorization, certification or coverage of a service available from the provider or provided by the provider to a member; or

~~(iii)~~ (c) any other issues related to the provider agreement, the provision of services to recipients or the plan, except as specifically permitted by this subchapter.

~~(b)~~ (6) An enrolled provider shall be provided an opportunity for administrative review and fair hearing as provided in ARM Title 46, chapter 2, subchapter 2 to contest a denial of correct payment by the department to the provider for a service provided to a member if:

~~(4)~~ (a) the department has determined that the particular service, including the amount, duration and frequency of the service, is medically necessary for the member to treat a covered diagnosis and has authorized the particular service for the member according to applicable requirements; and

~~(4)~~ (b) the department has determined that the member is eligible for the plan according to the requirements of ARM 46.20.106.

~~(6)~~ (7) For purposes of applying the provisions of any medicaid rule as required by this subchapter, references in the medicaid rule to "medicaid" or the "Montana medicaid program" or similar references, shall be deemed to apply to the plan as the context permits.

AUTH: Sec. 2-4-201, 41-3-1103, 53-2-201, 53-6-113, MCA  
IMP: Sec. 2-4-201, 41-3-1103, 53-1-601, 53-2-201, 53-6-113, 53-6-116, 53-6-701, 53-6-705 and 53-21-202, MCA

46.20.114 MENTAL HEALTH SERVICES PLAN, COVERED SERVICES

(1) through (10)(a)(ii) remain as adopted.

(iii) a member who is a forensic patient, as specified in

~~(8)~~ (7)(a), admitted to the Montana state hospital; or

(10)(a)(iv) through (11)(a)(ii) remain as adopted.

AUTH: Sec. 41-3-1103, 52-1-103, 53-2-201, 53-6-113, 53-6-131 and 53-6-706, MCA

IMP: Sec. 41-3-1103, 52-1-103, 53-1-405, 53-1-601, 53-1-602, 53-2-201, 53-6-101, 53-6-113, 53-6-116, 53-6-701, 53-6-705, 53-6-706, 53-21-139 and 53-21-202, MCA

4. The corrections noted in this notice are the result of inadvertent errors made by the Department in the previous rulemaking notices. They are minor changes that had been overlooked by the Department as a result of changes made in the adoption notice.

The internal cite reference to subsection (1) in ARM 46.12.501(2) has been corrected. Additional services had been added under (1) and the internal reference in subsection (2) needed to be changed to include those additional services.

The term 'section' has been replaced with 'rule' in ARM 46.12.508(1) as section is outdated terminology that the Department has not used in years.

The Department inadvertently cited the wrong rule in ARM 46.12.516(2)(1). ARM 46.12.1941 actually contains the definition for serious emotional disturbance (SED), not 46.12.1942. This cite has been corrected.


The Department added text to ARM 46.12.517 in its proposal notice and renumbered the existing (3) and (4) to (6) and (7). On the adoption notice the Department inserted additional language and numbered the additional text (6) through (8), but

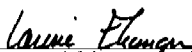
neglected to renumber the existing subsections that had been renumbered to (6) and (7), resulting in two subsections (6) and (7). The Department is renumbering the original two subsections to (9) and (10) in order to correct the numbering problem. The replacement pages that were submitted for 6/30/99 did not show the correct numbering.

ARM 46.12.1921(2)(b)(i)(B) and 46.20.103(15)(b)(i)(B) list the same lists of diagnosis codes. They both contain the same typo. The diagnosis code 193.83 should actually be 293.83 and has been corrected to reflect that.

ARM 46.20.110 contained a numbering error and this notice has corrected this error. Finally, material had been shifted in ARM 46.20.114 and the Department missed changing the internal reference from subsection (8) to (7) when that subsection was renumbered.

5. All other rule changes adopted and amended remain the same.

  
Rule Reviewer

  
Director, Public Health and  
Human Services

Certified to the Secretary of State August 16, 1999.



**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.

**Business and Labor Interim Committee:**

- ▶ Department of Agriculture;
- ▶ Department of Commerce;
- ▶ Department of Labor and Industry;
- ▶ Department of Livestock;
- ▶ Department of Public Service Regulation; and
- ▶ Office of the State Auditor and Insurance Commissioner.

**Education 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, Justice, and Indian Affairs Interim Committee:**

- ▶ Department of Corrections; and
- ▶ Department of Justice.

**Revenue and Taxation Interim Committee:**

- ▶ Department of Revenue; and
- ▶ Department of Transportation.

**State Administration, Public Retirement Systems, 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 PO 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) 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      | 1. Consult ARM topical index.                 |
| Subject    | Update the rule by checking the accumulative  |
| Matter     | 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 which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 1999. This table includes those rules adopted during the period July 1, 1999 through September 30, 1999 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 1999, 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 1998 and 1999 Montana Administrative Registers.

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

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- 8.18.407 Fee Schedule, p. 441, 1200

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8.24.409 Fee Schedule, p. 445, 1122

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8.39.508 and other rules - Licensure--Renewal - Guide or Professional Guide License - Safety Provisions - Standards for Outfitters, Guides and Professional Guides - Unprofessional Conduct and Misconduct, p. 241, 809

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8.48.1105 Fee Schedule, p. 457

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- 8.58.301 and other rules - Definitions - Applications - Fees - Inactive Licenses - Trust Account Requirements - Continuing Education - Grounds for License Discipline - General License Administration Requirements - Pre-licensing Education - License Renewal - Inactive Licenses-Reactivation - Continuing Property Management Education - Trust Account Requirements for Property Management - Grounds for License Discipline for Property Management Licensees - Foreign Land Sales Practices Act, p. 24, 405

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## BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in July 1999, appear. Vacancies scheduled to appear from September 1, 1999, through November 30, 1999, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of August 3, 1999.

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

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Aging Advisory Council (Public Health and Human Services)			
Ms. Mary Alice Rehbein	Governor	reappointed	7/18/1999
Lambert			7/18/2002
Qualifications (if required):	public member		
Ms. Pauline Nikolaissen	Governor	reappointed	7/18/1999
Kalispell			7/18/2002
Qualifications (if required):	public member		
Ms. Dorothea C. Neath	Governor	reappointed	7/18/1999
Helena			7/18/2002
Qualifications (if required):	public member		
Mr. Wilbur Swenson	Governor	Thomson	7/18/1999
Havre			7/18/2002
Qualifications (if required):	public member		
Agricultural Heritage Commission (Agriculture)			
Mr. Charles M. Jarecki	Speaker of the House	not listed	7/21/1999
Polson			7/21/2001
Qualifications (if required):	appointed by the Speaker of the House		
Mr. Paul Gatzemeier	President of the Senate	not listed	7/21/1999
Butte			7/21/2001
Qualifications (if required):	appointed by the President of the Senate		
Agriculture Development Council (Agriculture)			
Mr. Everett Snortland	Governor	reappointed	7/1/1999
Conrad			7/1/2002
Qualifications (if required):	actively engaged in agriculture		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeded</u>	<u>Appointment/End Date</u>
Agriculture Development Council (Agriculture) cont.			
Mr. Robert Hanson	Governor	Burke	7/1/1999
White Sulphur Springs			7/1/2002
Qualifications (if required):	actively engaged in agriculture		
Ms. Susan Lake	Governor	Swanz	7/1/1999
Ronan			7/1/2002
Qualifications (if required):	actively engaged in agriculture		
Board of Barbers (Commerce)			
Ms. Monica Eisenzimer	Governor	reappointed	7/26/1999
Columbia Falls			7/1/2002
Qualifications (if required):	practicing barber		
Ms. Delores Lund	Governor	Fisher	7/26/1999
Reserve			7/1/2002
Qualifications (if required):	public member		
Board of Cosmetology (Commerce)			
Mr. John Reichelt	Governor	not listed	7/1/1999
Billings			7/1/2003
Qualifications (if required):	licensed cosmetologist		
Board of Funeral Services (Commerce)			
Mr. David G. Fulkerson	Governor	reappointed	7/1/1999
Plentywood			7/1/2004
Qualifications (if required):	licensed mortician		
Board of Nursing Home Administrators (Commerce)			
Mr. Fred Patten	Governor	Jockers	7/12/1999
Helena			5/28/2004
Qualifications (if required):	public member over the age of 55		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Pharmacy (Commerce)			
Mr. Albert A. (Tony) Fisher	Governor	Baumgartner	7/1/1999
Billings			7/1/2004
Qualifications (if required):	licensed pharmacist		
Board of Physical Therapy Examiners (Commerce)			
Mr. Jeff Swift	Governor	Pallister	7/1/1999
Great Falls			7/1/2002
Qualifications (if required):	licensed physical therapist		
Board of Plumbers (Commerce)			
Ms. Jo Hawkins	Governor	reappointed	7/28/1999
Helena			5/4/2003
Qualifications (if required):	public member		
Mr. Greg Butts	Governor	reappointed	7/28/1999
Helena			5/4/2003
Qualifications (if required):	sanitary engineer		
Mr. Robert Metcalf	Governor	Kent	7/28/1999
Bozeman			5/4/2003
Qualifications (if required):	journeyman plumber		
Mr. Stephen Nelson	Governor	Nault	7/28/1999
Great Falls			5/4/2003
Qualifications (if required):	master plumber		
Mr. Elver Madsen	Governor	Lazure	7/28/1999
East Helena			5/4/2003
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

Appointee	Appointed by	Succeeds	Appointment/End Date
Board of Private Security Patrol Officers and Investigation (Commerce)			
Mr. Donald R. Houghton	Governor	Boyer	7/20/1999
Bozeman			8/1/2002
Qualifications (if required):	representative of the Peace Officers Standards and Training Advisory Council		
Board of Public Accountants (Commerce)			
Mr. Patrick Hanley	Governor	Ammondson	7/1/1999
Billings			7/1/2004
Qualifications (if required):	certified public accountant		
Board of Radiologic Technologists (Commerce)			
Ms. Debbie Sanford	Governor	reappointed	7/1/1999
Lewistown			7/1/2002
Qualifications (if required):	permit holder		
Ms. Cynthia L. Smith-Finch	Governor	reappointed	7/1/1999
Billings			7/1/2002
Qualifications (if required):	radiologic technologist		
Mr. Alan Sevier	Governor	reappointed	7/1/1999
Glendive			7/1/2002
Qualifications (if required):	public member		
Dr. Martin Kurland	Governor	Yutani	7/1/1999
Glasgow			7/1/2002
Qualifications (if required):	licensed radiologist		
Board of Regents of Higher Education (Education)			
Mr. Jeremy Fritz	Governor	Cunningham	7/1/1999
Bozeman			6/30/2000
Qualifications (if required):	student representative		



BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Sanitarians (Commerce)</b>			
Mr. John Shea	Governor	reappointed	7/1/1999
Missoula			7/1/2002
Qualifications (if required):	public member		
<b>Board of Veterinary Medicine (Commerce)</b>			
Dr. John Smith	Governor	Smith	7/31/1999
Three Forks			7/31/2004
Qualifications (if required):	licensed veterinarian		
<b>Community Services Advisory Council (Governor)</b>			
Ms. Sherry Stevens Wulf	Governor	not listed	7/1/1999
Kalispell			7/1/2002
Qualifications (if required):	representative of non-profit organizations		
<b>Ms. Norma Bixby</b>	Governor	not listed	7/1/1999
Lame Deer			7/1/2002
Qualifications (if required):	representative of tribal government		
<b>Mr. Bob Maffit</b>	Governor	not listed	7/1/1999
Helena			7/1/2002
Qualifications (if required):	representative of the disabled community		
<b>Ms. Bea Ann Malichar</b>	Governor	not listed	7/1/1999
Billings			7/1/2002
Qualifications (if required):	representative of aging human services		
<b>Ms. Kathie Bailey</b>	Governor	Krenzler	7/1/1999
Lewistown			7/1/2001
Qualifications (if required):	representative of local government		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Community Services Advisory Council (Governor) cont.			
Major John Walsh	Governor	Cusker	7/1/1999
Helena			7/1/2000
Qualifications (if required):	representative of the Department of Military Affairs		
Ms. Jan Kalgaard	Governor	Downey	7/1/1999
Helena			7/1/2000
Qualifications (if required):	representative of youth human services		
Mr. Jeffrey Shapiro	Governor	not listed	7/1/1999
Great Falls			7/1/2002
Qualifications (if required):	representative of the private sector		
Mr. John Allen	Governor	not listed	7/1/1999
Helena			7/1/2002
Qualifications (if required):	representative of the Corporation for National Service		
Ms. Nan LeFebvre	Governor	not listed	7/1/1999
Helena			7/1/2002
Qualifications (if required):	representative of the Director of Department of Public Health and Human Services		
Family Education Savings Program Oversight Committee (Higher Education)			
Ms. Sarah Kelly	Governor	not listed	7/1/1999
Helena			7/1/2003
Qualifications (if required):	public member		
Governor's Local Coal Impact Review Council (Commerce)			
Mr. Alan Evans	Governor	not listed	7/13/1999
Roundup			6/30/2001
Qualifications (if required):	member of the Coal Board		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

Appointee	Appointed by	Succeeds	Appointment/End Date
Governor's Local Coal Impact Review Council (Commerce) cont.			
Sen. Mack Cole	Governor	not listed	7/13/1999
Hysham			6/30/2001
Qualifications (if required):	state senator from a coal impact area		
Rep. Lila V. Taylor	Governor	not listed	7/13/1999
Busby			6/30/2001
Qualifications (if required):	state representative from a coal impact area		
Mr. Robert W. Cope	Governor	not listed	7/13/1999
Colstrip			6/30/2001
Qualifications (if required):	representative of the coal industry		
Mr. Tony Ritter	Governor	not listed	7/13/1999
Decker			6/30/2001
Qualifications (if required):	representative of the coal industry		
Commissioner John Pretty On Top	Governor	not listed	7/13/1999
Hardin			6/30/2001
Qualifications (if required):	county commissioner from a coal impact area		
Commissioner Joan Stahl	Governor	not listed	7/13/1999
Forsyth			6/30/2001
Qualifications (if required):	county commissioner from a coal impact area		
Mr. Larry Vandersloot	Governor	not listed	7/13/1999
Hardin			6/30/2001
Qualifications (if required):	representative of a city within a coal impact area		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Local Coal Impact Review Council (Commerce) cont.			
Mayor John Williams	Governor	not listed	7/13/1999
Colstrip			6/30/2001
Qualifications (if required):	representative of a city within a coal impact area		
Mr. Rusty Rokita	Governor	not listed	7/13/1999
Hardin			6/30/2001
Qualifications (if required):	public member		
Historical Society Board of Trustees (Historical Society)			
Ms. Lee Rostad	Governor	reappointed	7/1/1999
Martinsdale			7/1/2004
Qualifications (if required):	public member		
Mr. Ed Henrich	Governor	reappointed	7/1/1999
Anaconda			7/1/2004
Qualifications (if required):	public member		
Mr. James Utterback	Governor	McDaniel	7/1/1999
Helena			7/1/2004
Qualifications (if required):	public member		
Interim Court Funding and Structure Committee (Administration)			
Judge Kenneth Roger Neill	Governor	not listed	7/14/1999
Belt			6/30/2001
Qualifications (if required):	representing the Montana Judges Association		
Mr. Mike Hutchin	Governor	not listed	7/14/1999
Poison			6/30/2001
Qualifications (if required):	representing counties		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Interim Court Funding and Structure Committee (Administration) cont.			
Mr. Jim Nugent	Governor	not listed	7/14/1999
Missoula			6/30/2001
Qualifications (if required):	representing cities and towns		
Judge Kevin Hart	Governor	not listed	7/14/1999
Anaconda			6/30/2001
Qualifications (if required):	representing the Montana magistrates		
Ms. Lori Maloney	Governor	not listed	7/14/1999
Butte			6/30/2001
Qualifications (if required):	representing clerks of court		
Interim Local Government Funding and Structure Committee (Administration)			
Ms. Sue Olson	Governor	not listed	7/14/1999
Roundup			6/30/2001
Qualifications (if required):	representing counties		
Ms. Mary Bryson	Governor	not listed	7/14/1999
Helena			6/30/2001
Qualifications (if required):	representing the state executive branch of government		
Mr. John Lawton	Governor	not listed	7/14/1999
Great Falls			6/30/2001
Qualifications (if required):	representing cities and towns		
Mr. Harold Blattie	Governor	not listed	7/14/1999
Columbus			6/30/2001
Qualifications (if required):	representing counties		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Interim Local Government Funding and Structure Committee (Administration) cont.			
Ms. Susan M. Nicosia	Governor	not listed	7/14/1999
Columbia Falls			6/30/2001
Qualifications (if required):	representing cities and towns		
Ms. Patricia Cook	Governor	not listed	7/14/1999
Polson			6/30/2001
Qualifications (if required):	representing county treasurers		
Judicial Standards Commission (Justice)			
Judge Ed McLean	Chief Justice	not listed	7/1/1999
Missoula			6/30/2003
Qualifications (if required):	none specified		
Ms. Patty Jo Henthorn	Governor	reappointed	7/1/1999
Big Timber			7/1/2003
Qualifications (if required):	public member		
Microbusiness Advisory Council (Commerce)			
Mr. Richard C. King	Governor	reappointed	7/12/1999
Havre			6/30/2003
Qualifications (if required):	representing experts in revolving loan funds administration		
Mr. Duane Kurokawa	Governor	reappointed	7/12/1999
Wolf Point			6/30/2003
Qualifications (if required):	representing the banking industry and Congressional District 2		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Microbusiness Advisory Council (Commerce) cont.			
Mr. Stephen Mehring	Governor	reappointed	7/12/1999
Great Falls			6/30/2003
Qualifications (if required):	representing revolving loan funds and Congressional District 2		
Ms. Billie Lee	Governor	reappointed	7/12/1999
Ronan			6/30/2003
Qualifications (if required):	representing small cities and Congressional District 1		
Ms. Candace Eide	Governor	reappointed	7/12/1999
Glendive			6/30/2003
Qualifications (if required):	representing low income populations and Congressional District 2		
Mr. Pat McDermott	Governor	Sherman	7/12/1999
Ramsay			6/30/2000
Qualifications (if required):	representing cities over 15,000		
Ms. Renata Schroepel	Governor	Hollenback	7/12/1999
Libby			6/30/2003
Qualifications (if required):	representing cities under 15,000		
Ms. Karyn Brown	Governor	Dahl	7/12/1999
Plevna			6/30/2003
Qualifications (if required):	representing microbusiness owners and cities under 15,000		
Montana Agricultural Heritage	Commission (Agriculture)		
Mr. Dennis L. DeVries	Governor	not listed	7/30/1999
Polson			6/30/2003
Qualifications (if required):	member of a conservation district board of supervisors		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

Appointee	Appointed by	Succeeds	Appointment/End Date
Montana Agricultural Heritage Commission (Agriculture) cont.			
Mr. Jack Dietrich	Governor	not listed	7/30/1999
Billings			6/30/2003
Qualifications (if required):	representative of a regional or statewide land trust		
Mr. Chris King	Governor	not listed	7/30/1999
Winnett			6/30/2003
Qualifications (if required):	rancher active in a regional or local agricultural organization		
Mr. Bob Dompier	Governor	not listed	7/30/1999
Great Falls			6/30/2002
Qualifications (if required):	representative of a tourism industry organization		
Mr. Ken Maki	Governor	not listed	7/30/1999
Great Falls			6/30/2003
Qualifications (if required):	rancher active in a state agricultural organization		
Mr. Randy Smith	Governor	not listed	7/30/1999
Glen			6/30/2003
Qualifications (if required):	rancher active in a regional or local agricultural organization		
Mr. Thorn Liechty	Governor	not listed	7/30/1999
Evato			6/30/2003
Qualifications (if required):	forest landowner		
Ms. Cece Reiner	Governor	not listed	7/30/1999
Bozeman			6/30/2002
Qualifications (if required):	representative of real estate or building industry organization		



BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

Appointee	Appointed by	Succeeded	Appointment/End Date
Montana Agricultural Heritage Commission (Agriculture) cont.			
Mr. Steve Luebeck	Governor	not listed	7/30/1999
Butte			6/30/2003
Qualifications (if required):	representative of a regional or statewide conservation organization		
Mr. Art Neill	Governor	not listed	7/30/1999
Whitehall			6/30/2003
Qualifications (if required):	representative of a regional or statewide conservation organization		
Montana Grass Conservation Commission (Natural Resources and Conservation)			
Mr. Gary Unruh	Governor	not listed	7/20/1999
Chinook			7/1/2002
Qualifications (if required):	grazing district director		
Ms. Sandra Brown	Governor	not listed	7/20/1999
Terry			7/1/2002
Qualifications (if required):	public member		
Mr. Bill Loehding	Governor	not listed	7/20/1999
Ekalaka			7/1/2002
Qualifications (if required):	grazing district preference holder		
Mr. Dewayne Ozark	Governor	not listed	7/20/1999
Glasgow			7/1/2002
Qualifications (if required):	grazing district preference holder		
Mr. Phil Hill	Governor	not listed	7/20/1999
Mosby			7/1/2002
Qualifications (if required):	grazing district director		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Mint Committee (Agriculture)			
Mr. John Ficken	Governor	not listed	7/21/1999
Kalispell			7/1/2002
Qualifications (if required):	mint grower		
Noxious Weed Authority Advisory Council (Agriculture)			
Rep. Bob Gilbert	Director	not listed	7/30/1999
Sidney			7/30/2001
Qualifications (if required):	Montana Weed Control Association		
Rep. Robert Thoft	Director	not listed	7/30/1999
Stevensville			7/30/2001
Qualifications (if required):	biological research and control		
Mr. Jim Squires	Director	not listed	7/30/1999
Glendive			7/30/2001
Qualifications (if required):	agriculture crop production		
Ms. Linda Ellison	Director	not listed	7/30/1999
Bozeman			7/30/2001
Qualifications (if required):	sportsman/wildlife group		
Mr. Charles M. Jarecki	Director	not listed	7/30/1999
Polson			7/30/2001
Qualifications (if required):	at-large member		
Mr. W. Ralph Peck	Director	not listed	7/30/1999
Helena			7/30/2001
Qualifications (if required):	Director of Department of Agriculture		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

Appointee	Appointed by	Succeeds	Appointment/End Date
Noxious Weed Authority Advisory Council (Agriculture) cont.			
Mr. Bob Uilom	Director	not listed	7/30/1999
Billings			7/30/2001
Qualifications (if required): herbicide dealer and applicator			
Ms. Nancy Thuesen	Director	not listed	7/30/1999
Reserve			7/30/2001
Qualifications (if required): consumer group			
Mr. Stephen Roth	Director	not listed	7/30/1999
Big Sandy			7/30/2001
Qualifications (if required): livestock production			
Mr. W. Jack Erickson	Director	not listed	7/30/1999
Silver Bow			7/30/2001
Qualifications (if required): western county representative			
Mr. Jerry Weber	Director	not listed	7/30/1999
Joliet			7/30/2001
Qualifications (if required): eastern county representative			
Peace Officers Standards and Training Advisory Council (Justice)			
Captain Bill Dove	Governor	Lerum	7/22/1999
Bozeman			2/13/2000
Qualifications (if required): representing the Montana Police Protective Association			
Col. Bert Obert	Governor	not listed	7/22/1999
Helena			2/13/2000
Qualifications (if required): representing the Montana Highway Patrol			

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Petroleum Tank Release Compensation Board (Environmental Quality)			
Ms. Linda Cockhill	Governor	not listed	7/19/1999
Helena			6/30/2002
Qualifications (if required):	representing the financial or banking industry		
Mr. Burl French	Governor	Dotson	7/19/1999
Kalispell			6/30/2001
Qualifications (if required):	representative of the petroleum services industry		
Mr. Lee Bruner	Governor	not listed	7/19/1999
Butte			6/30/2002
Qualifications (if required):	an attorney		
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks)			
Rep. Paul Clark	Governor	Swanson	7/27/1999
Trout Creek			6/30/2002
Qualifications (if required):	legislator		
Mr. Verle Rademacher	Governor	reappointed	7/27/1999
White Sulphur Springs			6/30/2002
Qualifications (if required):	hunter		
Mr. David Simpson	Governor	Dascher	7/27/1999
Hardin			6/30/2002
Qualifications (if required):	Fish, Wildlife, and Parks Commissioner		
Mr. Lonnie McCurdie	Governor	reappointed	7/27/1999
Conrad			6/30/2002
Qualifications (if required):	hunter		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks) cont.			
Ms. Connie Lord	Governor	Cole	7/27/1999
Philipsburg			6/30/2002
Qualifications (if required): landowner			
Mr. Tom Hougén	Governor	reappointed	7/27/1999
Meistone			6/30/2002
Qualifications (if required): landowner			
Sen. Walter L. McNutt	Governor	Hertel	7/27/1999
Sidney			6/30/2002
Qualifications (if required): legislator			
Mr. Cecil Noble	Governor	reappointed	7/27/1999
Kalispell			6/30/2002
Qualifications (if required): outfitter			
Mr. Lee Gustafson	Governor	reappointed	7/27/1999
Billings			6/30/2002
Qualifications (if required): hunter			
Mr. Ray Marxer	Governor	reappointed	7/27/1999
Dillon			6/30/2002
Qualifications (if required): landowner			
Mr. John Wilkinson	Governor	reappointed	7/27/1999
Miles City			6/30/2002
Qualifications (if required): outfitter			

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks) cont.			
Mr. Tommy Billing	Governor	Kelly	7/27/1999
Jordan			6/30/2002
Qualifications (if required):	landowner		
Mr. Leland Blatter	Governor	Carroccia	7/27/1999
Nashua			6/30/2002
Qualifications (if required):	landowner		
Mr. Daniel Dart	Governor	Roth	7/27/1999
Laurel			6/30/2002
Qualifications (if required):	hunter		
Ms. Mavis Lorenz	Governor	not listed	7/27/1999
Missoula			6/30/2002
Qualifications (if required):	hunter		
Private Security Patrol Officers and Investigation Board (Commerce)			
Mr. Donald R. Houghton	Governor	Boyer	7/20/1999
Bozeman			8/1/2002
Qualifications (if required):	representative of the Peace Officers Standards and Training Advisory Council		
State Banking Board (Commerce)			
Mr. Max Agather	Governor	Tucker	7/22/1999
Kalispell			7/1/2002
Qualifications (if required):	public member		
Mr. Wayne Edwards	Governor	Baxter	7/22/1999
Denton			7/1/2002
Qualifications (if required):	state bank officer in a smaller bank		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Electrical Board (Commerce)			
Mr. Ron Van Diest	Governor	not listed	7/1/1999
East Helena			7/1/2004
Qualifications (if required):	licensed electrician		
State Emergency Response Commission (Military Affairs)			
Mr. Craig B. Palmer	Governor	Yaeger	7/6/1999
Helena			8/10/1999
Qualifications (if required):	representing the Department of Justice and state law enforcement		
Mr. Brent Erickson	Governor	Keim	7/6/1999
Helena			8/10/1999
Qualifications (if required):	representing a railroad company		
Mr. Mick Robinson	Governor	Malcolm	7/6/1999
Helena			8/10/1999
Qualifications (if required):	representing the Governor's Office		
Ms. Bonnie Rouse	Governor	Barton	7/6/1999
Helena			8/10/1999
Qualifications (if required):	representing the public		
Ms. Carole Raymond	Governor	Keim	7/6/1999
Forsyth			8/10/1999
Qualifications (if required):	representing local emergency medical responders		
State Workforce Investment Board (Labor and Industry)			
Sen. Dale Berry	Governor	Thomas	7/13/1999
Hamilton			0/0/0
Qualifications (if required):	state senator		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Summitnet Executive Council (Administration)			
Ms. Lois A. Menzies	Governor	not listed	7/1/1999
Helena			7/1/2001
Qualifications (if required):	Director of the Department of Administration		
Mr. William Salisbury	Governor	not listed	7/1/1999
Helena			7/1/2001
Qualifications (if required):	state agency representative		
Mr. Scott Buswell	Governor	not listed	7/1/1999
Helena			7/1/2001
Qualifications (if required):	representative of the Office of Public Instruction		
Commissioner Janet Kelly	Governor	not listed	7/1/1999
Miles City			7/1/2001
Qualifications (if required):	local government representative		
Mr. Richard A. Crofts	Governor	not listed	7/1/1999
Helena			7/1/2001
Qualifications (if required):	Commissioner of Higher Education		
Ms. Mary Bryson	Governor	not listed	7/1/1999
Helena			7/1/2001
Qualifications (if required):	state agency representative		
Ms. Karen Strege	Governor	not listed	7/1/1999
Helena			7/1/2001
Qualifications (if required):	state agency representative		



BOARD AND COUNCIL APPOINTEES FROM JULY, 1999

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Tourism Advisory Council (Commerce)			
Mr. Carl Kochman	Governor	reappointed	7/1/1999
Great Falls			7/1/2002
Qualifications (if required):	representing Russell Country		
Mr. Kelly Flynn	Governor	reappointed	7/1/1999
Townsend			7/1/2002
Qualifications (if required):	representing Gold West Country and outfitters		
Mr. Bob Dompier	Governor	reappointed	7/1/1999
Great Falls			7/1/2002
Qualifications (if required):	representing innkeepers		
Ms. Lynda Bourque	Governor	not listed	7/1/1999
Billings			7/1/2002
Qualifications (if required):	representative of Custer Country		
Ms. A. Ramona Holt	Governor	Baker	7/1/1999
Lolo			7/1/2002
Qualifications (if required):	representing Glacier Country		
Ms. Michele Reese	Governor	McRae	7/1/1999
Whitefish			7/1/2002
Qualifications (if required):	representing Glacier Country		

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 1999 through NOVEMBER 30, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Alternative Health Care (Commerce)</b> Dr. Kathleen Stevens, Billings Qualifications (if required): medical doctor	Governor	9/1/1999
Dr. Nancy Dunne-Boggs, Missoula Qualifications (if required): naturopath	Governor	9/1/1999
<b>Board of Medical Examiners (Commerce)</b> Dr. Lawrence McEvoy, Clancy Qualifications (if required): doctor/surgeon	Governor	9/1/1999
Dr. Faust Alvarez, Helena Qualifications (if required): doctor	Governor	9/1/1999
<b>Board of Outfitters (Commerce)</b> Mr. Kenneth Greslin, Broadus Qualifications (if required): licensed outfitter in District 5	Governor	10/1/1999
Ms. Rita Orr, Libby Qualifications (if required): public member	Governor	10/1/1999
Ms. Beate Galda, Helena Qualifications (if required): representing the Department of Fish, Wildlife, and Parks	Governor	10/1/1999
<b>Board of Psychologists (Commerce)</b> Dr. Paul Silverman, Missoula Qualifications (if required): licensed psychologist engaged in teaching of psychology	Governor	9/1/1999
<b>Historical Preservation Review Board (Historical Society)</b> Mr. David Johns, Butte Qualifications (if required): public member	Governor	10/1/1999

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 1999 through NOVEMBER 30, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Historical Preservation Review Board (Historical Society) cont. Mr. Don Wetzel, Billings Qualifications (if required): public member	Governor	10/1/1999
Mr. Chris King, Winnett Qualifications (if required): public member	Governor	10/1/1999
Lewis and Clark Bicentennial Commission (Historical Society) Mr. Darrell Kipp, Browning Qualifications (if required): enrolled member of a Montana Indian Tribe	Governor	10/1/1999
Ms. Teresa Korpela, Great Falls Qualifications (if required): public member	Governor	10/1/1999
Ms. Betty Stone, Glasgow Qualifications (if required): public member	Governor	10/1/1999
Montana Geographic Information Council (Administration) Ms. Lois A. Menzies, Helena Qualifications (if required): Director of the Department of Administration	Governor	9/9/1999
Ms. Mary Bryson, Helena Qualifications (if required): Director of a state agency	Governor	9/9/1999
Ms. Karen Strega, Helena Qualifications (if required): State Librarian	Governor	9/9/1999
Mr. Jon Sesso, Butte Qualifications (if required): representative of local government	Governor	9/9/1999

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 1999 through NOVEMBER 30, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Geographic Information Council (Administration) cont.		
Mr. Harold Blattie, Columbus	Governor	9/9/1999
Qualifications (if required): representative of local government		
Mr. Steve Hellenthal, Billings	Governor	9/9/1999
Qualifications (if required): representative of local government		
Mr. Lance Clappitt, Denver, CO	Governor	9/9/1999
Qualifications (if required): federal representative		
Mr. Dan Mates, Billings	Governor	9/9/1999
Qualifications (if required): federal representative		
Mr. Dan Sullivan, Butte	Governor	9/9/1999
Qualifications (if required): representative of public utilities		
Mr. Stuart Blundell, Helena	Governor	9/9/1999
Qualifications (if required): representative of private business active in land information systems		
Mr. Steve Fourstar, Billings	Governor	9/9/1999
Qualifications (if required): representative of Native American Tribes of Montana		
Mr. Richard Aspinall, Bozeman	Governor	9/9/1999
Qualifications (if required): representative of the University System		
Mr. Chris Smith, Helena	Governor	9/9/1999
Qualifications (if required): designee of a director of a state agency		

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 1999 through NOVEMBER 30, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Geographic Information Council (Administration) cont. Ms. Pam Case, Missoula Qualifications (if required): federal representative	Governor	9/9/1999
Montana Public Safety Communications Council (Administration) Ms. Lois A. Menzies, Helena Qualifications (if required): Director of the Department of Administration	Governor	11/13/1999
Mr. Dennis M. Taylor, Helena Qualifications (if required): representative of local government	Governor	11/13/1999
Sheriff Bill Slaughter, Bozeman Qualifications (if required): representative of law enforcement and Sheriffs and Peace Officers Association	Governor	11/13/1999
Mr. Lloyd Jackson, Pablo Qualifications (if required): tribal representative	Governor	11/13/1999
Mr. Mike Meldahl, Butte Qualifications (if required): representative of Montana Power Company and other private utilities	Governor	11/13/1999
Mr. Michael J. Griffith, Helena Qualifications (if required): representative of county government operations of Montana	Governor	11/13/1999
Mr. William S. Strizich, Great Falls Qualifications (if required): representative of the federal government	Governor	11/13/1999
Mr. John Blacker, Helena Qualifications (if required): representative of state government	Governor	11/13/1999

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 1999 through NOVEMBER 30, 1999

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Public Safety Communications Council (Administration) cont.		
Mr. Larry Fasbender, Helena	Governor	11/13/1999
Qualifications (if required): representative of state government		
Mr. Bob Jones, Great Falls	Governor	11/13/1999
Qualifications (if required): representative of law enforcement and Association of Chiefs of Police		
Mr. Drew Dawson, Helena	Governor	11/13/1999
Qualifications (if required): representative of the emergency medical services community		
Mr. William Jameson, Bozeman	Governor	11/13/1999
Qualifications (if required): representative of citizens at large		
Mr. Scott Waldron, Frenchtown	Governor	11/13/1999
Qualifications (if required): representative of fire protection services		
Ms. Anita Parkin, Superior	Governor	11/13/1999
Qualifications (if required): representative of the 9-1-1 community		
Small Business Compliance Assistance Advisory Council (Environmental Quality)		
Ms. Sandy Newton, Jefferson City	Governor	10/1/1999
Qualifications (if required): public member		
Ms. Karen Williams, Helena	Governor	10/1/1999
Qualifications (if required): public member		
Water and Wastewater Operators Advisory Council (Environmental Quality)		
Dr. Carol Reifschneider, Havre	Governor	10/16/1999
Qualifications (if required): faculty member of a university		