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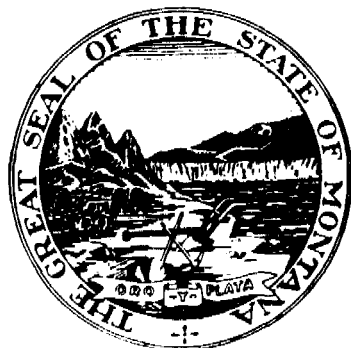
JUN 03 1991

OF MONTANA

**MONTANA
ADMINISTRATIVE
REGISTER**

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JUN 03 1991

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

OF MONTANA

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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 inserted at the back of each register.

TABLE OF CONTENTS

Page Number

NOTICE SECTION

COMMERCE, Department of, Title 8

8-28-36 (Board of Medical Examiners) Notice of Proposed Amendment - Equivalency - EMT - Advanced: Certification. No Public Hearing Contemplated. 764-765

8-80-10 (Financial Division) Notice of Proposed Amendment - Dollar Amounts to Which Consumer Loan Rates are to be Applied. No Public Hearing Contemplated. 766-767

8-86-42 (Board of Milk Control) Notice of Public Hearing on Proposed Amendment - Class I Wholesale Price - Statewide Pool and Quota Plan. 768-771

8-97-35 (Board of Investments) Notice of Public Hearing on Proposed Amendment - Definitions Related to General Requirements for All Investments in Mortgages and Loans - Requirements for All Residential, Commercial, Multi-family, Federally Guaranteed Loans - Economic Development Linked Deposit Programs. 772-775

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

16-2-379 Notice of Public Hearing for Proposed Amendment and Adoption - Water Quality Bureau - Water and Wastewater Operators. 776-779

16-2-380 Notice of Public Hearing on Proposed Amendment and Repeal - Chemistry and Public Health Laboratories - Fees for Laboratory Analyses and Licensure of Laboratories to Perform Drinking Water Analysis. 780-784

JUSTICE, Department of, Title 23

23-5-9 (Division of Forensic Science) Notice of Public Hearing on Proposed Amendment, Repeal and Adoption - Alcohol Analysis.	785-796
---	---------

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

46-2-666 Notice of Public Hearing on Proposed Adoption - Targeted Case Management.	797-811
--	---------

RULE SECTION

AGRICULTURE, Department of, Title 4

NEW	Grading Standards for Hulless Barley.	812
AMD	Fee on All Mint Oil Producers.	813

COMMERCE, Department of, Title 8

AMD	(Board of Athletics) Referees.	814
-----	--------------------------------	-----

FISH, WILDLIFE AND PARKS, Department of, Title 12

NEW	(Fish and Game Commission) Hunting License - Damage Hunt Rules.	815-822
-----	---	---------

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

AMD	AFDC Excluded Earned Income.	823
AMD	Physician Services - Reimbursement/General Requirements - Modifiers.	824

SPECIAL NOTICE AND TABLE SECTION

Functions of the Administrative Code Committee.	825
How to Use ARM and MAR.	826
Accumulative Table.	827-835
Board and Council Appointees.	836-840
Boards, Committees and Advisory Councils Created by the 1991 Legislature.	841-842
Vacancies on Boards and Councils.	843-875

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of rules pertaining) OF 8.28.908 EQUIVALENCY AND
to EMT's) 8.28.1112 EMT - ADVANCED:
) CERTIFICATION NO PUBLIC
HEARING CONTEMPLATED

TO: All Interested Persons:

1. On June 29, 1991, the Board of Medical Examiners proposes to amend the above-stated rules.

2. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

"8.28.908 EQUIVALENCY (1) through (7) will remain the same.

(8) A Montana licensed registered nurse, dentist or a physician's assistant-certified who is certified by the board as an emergency medical technician-basic, an EMT-defibrillation or an EMT-Intermediate may receive certification by the board as an EMT-intermediate or an EMT-paramedic when the person:

(a) demonstrates to the bureau, in a manner approved by the board, that his or her didactic education and clinical experience satisfies the knowledge and skill objectives for the corresponding emergency medical technician-intermediate or emergency medical technician-paramedic course curriculum;

(b) is recommended by the off-line medical director of a EMT-intermediate or advanced life support service which has applied for, or is licensed by, the Montana department of health and environmental sciences;

(c) submits a fee and an application approved by the board; and,

(d) passes a written and practical examination as specified by the board."

Auth: Sec. 50-6-202, 50-6-203, MCA; IMP, Sec. 50-6-203, 50-6-204, 50-6-205, MCA

8.28.1112 EMT - ADVANCED: CERTIFICATION (1) and (1)(a) will remain the same.

(b) either attend and successfully complete an approved advanced EMT program within 2 years of the examination date and participate in all of the required classes and board specified clinical experience, both in-hospital and prehospital, or who comply with 8.28.908(8);

(c) through (f) will remain the same."

Auth: Sec. 50-6-202, 50-6-203, MCA; IMP, Sec. 50-6-203, 50-6-204, 50-6-205, MCA

REASON: These amendments are being proposed to allow qualified persons who have not obtained their education or


training through the programs specified in ARM 8.28.904(2), (17), (18) or (19) to demonstrate their qualifications for certification through alternative methods, and thus enhance the number of persons authorized to provide needed emergency care to the Montana public.

3. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Medical Examiners, Lower Level, 111 North Jackson, Helena, Montana 59620-0407, no later than June 27, 1991.

4. If a person who is directly affected by the proposed amendments wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Medical Examiners, Lower Level, 111 North Jackson, Helena, Montana 59620, no later than June 27, 1991.

5. If the board receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendments, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no 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.

BOARD OF MEDICAL EXAMINERS
JOHN R. JACOBSON, M.D.
PRESIDENT

BY: 
ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, May 20, 1991.

BEFORE THE FINANCIAL DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of a rule pertaining) OF 8.80.307 DOLLAR AMOUNTS
to dollar amounts to which) TO WHICH CONSUMER LOAN RATES
consumer loan rates are to be) ARE TO BE APPLIED
applied)

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On June 29, 1991, the Financial Division proposes to amend the above-stated rule.

2. The proposed amendment of 8.80.307 will read as follows: (new matter underlined, deleted matter interlined)

"8.80.307. DOLLAR AMOUNTS TO WHICH CONSUMER LOAN RATES ARE TO BE APPLIED (1) The dollar amounts in the following statutory sections are changed to the new designated amounts as follows:

<u>Authority</u>	<u>Stated Amount</u>	<u>Changed</u> <u>Designated Amount</u>
Section 32-5-201(4)	\$1,000.00	\$1,300.00 <u>\$1,400.00</u>
Section 32-5-302(3)	\$ 300.00	\$--390.00 <u>\$ 420.00</u>
	\$1,000.00	\$1,300.00 <u>\$1,400.00</u>
	\$2,500.00	\$3,250.00 <u>\$3,500.00</u>
Section 32-5-306(7)	\$ 300.00	\$--390.00 <u>\$ 420.00"</u>

Auth: Sec. 32-5-104, MCA; IMP, Sec. 32-5-104, MCA

REASON: These amendments are needed because section 32-5-104, MCA, mandates that certain dollar amounts in Title 32, chapter 5 be changed from time to time in response to changes in one of the U.S. Consumer Price Indexes, and that the dollar amount changes are to be announced by rule. The reference Consumer Price Index has changed a sufficient amount to require amendments to ARM 8.80.307.

3. Interested persons may submit their data, views or arguments concerning the proposed amendment in writing to the Financial Division, 1520 East 6th, Room 50, Helena, Montana 59620, no later than June 27, 1991.


4. If a person who is directly affected by the proposed amendment wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request with any comments he has to the Financial Division, 1520 East 6th, Room 50, Helena, Montana 59620, no later than June 27, 1991.

5. If the Division receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendment, from the Administrative Code

Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a public 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 2 based on the 17 licensees in Montana.

FINANCIAL DIVISION

BY:


ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, May 20, 1991.

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of proposed	)	NOTICE OF PUBLIC HEARING ON
amendments of Rule 8.86.301	)	PROPOSED AMENDMENTS OF
as it relates to the class I	)	RULES 8.86.301-PRICING RULES
wholesale price; and Rules	)	RULES 8.86.503, 8.86.504
8.86.503, 8.86.504 and	)	AND 8.86.513-QUOTA AND
8.86.513 as they relate to the	)	POOLING RULES
statewide pool and quota plan.)	
	)	DOCKET #9-91

TO: ALL LICENSEES UNDER THE MONTANA MILK CONTROL ACT
(SECTION 81-23-101, MCA, AND FOLLOWING), AND ALL INTERESTED
PERSONS:

1. On Wednesday, July 17, 1991, at 9:00 a.m., or as soon thereafter as interested persons can be heard, a public hearing will be held at the Dept. of Highway's Auditorium, 2701 Prospect Avenue, Helena, Montana. The hearing will continue at said place from day to day thereafter until all interested persons have had a fair opportunity to be heard and to submit data, views or arguments.

2. The hearing will be held at the requests of two separate petitions and on the board's own motion. The petitions were submitted by James T. Harrison, Esq. and Lawrence Cornelius.

3. Mr. Harrison's petition was submitted on behalf of Clover Leaf Dairy, Helena, Montana; Equity Supply, Kalispell, Montana; and Vita Rich Dairy, Havre, Montana. The petition proposes to amend ARM 8.86.301(6)(1). The reasons given for the proposed action is to set prices to schools which are economically and reasonably profitable for distributors. The petitioners assert that the present price structure is resulting in the demise of milk distributors within the state and amendments are needed to insure their survival.

4. Mr. Cornelius proposes amending ARM 8.86.503(1) and 8.86.504(1) and (1)(g)(ii) to permit any new producer to earn permanent quota assignments in ten (10) months or less and to sell quota to other producers who have demonstrated the ability to produce milk without forfeiture, other than that calculated pursuant to ARM 8.86.504(1)(g)(i).

5. The board, on its own motion, proposes to consider amending ARM 8.86.513(1)(d) so there will be adequate funds to make payments out of the settlement fund in a timely and orderly fashion.

6. The Harrison petition proposes amending ARM 8.86.301 as follows: (Full text of the rule is located at pages 8-2539 through 8-2549, Administrative Rules of Montana.)(new matter underlined, deleted matter interlined)

"8.86.301 PRICING RULES

(1)-(6)(k) remains the same.

(1) A special price on low fat milk, and low fat chocolate milk, and homogenized milk in half (1/2) pints purchased by elementary and high schools is hereby established ~~by applying the same differential that is used for pricing whole, homogenized milk to schools and at ninety-two percent (92%) of the regular wholesale price with monthly price announcements amended accordingly.~~

(7)-(14)(b) remains the same."

7. The Cornelius petition proposes amending ARM 8.86.503 and 8.86.504 as follows: (Full text of the rule is located at pages 8-2555 through 8-2567, Administrative Rules of Montana.)(new matter underlined, deleted matter interlined)

"8.86.503 ADDITIONAL ASSIGNMENT TO QUOTA MILK (1) A ~~producer who does not hold quota and has not transferred quota to another person during the preceding year but now has been accepted by a pool plant as a producer shall have a portion of his marketing of milk assigned to quota milk each month in accordance with the following schedule of percentages for the respective months of the year is an eligible producer.~~ A producer who begins producing for a plant during the months of April through August will receive 20% of his milk assigned as quota. Any producer who begins production in any other month will receive 35% of his milk as quota. A producer who has received 35% of his production history as quota will remain at that level for a period of six continuous months. In the seventh month he will be permanently assigned a daily quota equal to 35% of his total production history for the sixth month divided by the number of days in that sixth month.

-PERCENTAGE-TO-BE

~~-----MONTHS-----~~**-----ASSIGNED-TO-QUOTA-MILK**

~~-----April-through-August-----~~**-----20%**

~~-----All-other-months-----~~**-----35%---**

"8.86.504 TRANSFER OF QUOTA (1) Production-history quota Quota is the property of each eligible producer. It may be transferred pursuant to the following terms and conditions:

(a) A quota transfer is defined as a transfer of all or a portion of an eligible producer's ~~production-history~~ quota. Quota transfers must be made in increments of at least one hundred (100) pounds per day or for the entire amount of quota, whichever is less.

(b)-(g)(i) remains the same.

(ii) The transferor's quota, ~~production history, and credit for production, used to determine a production history quota,~~ shall be reduced by the full amount of any transfer plus forfeiture, if any.

(h)-(j) remains the same."

8. The board proposes amending ARM 8.86.513 as follows: (Full text of the rule is located at page 8-2555 through page 8-2567, Administrative Rules of Montana.) (new matter underlined, deleted matter interlined)

"8.86.513 COMPUTATION OF PRICE FOR QUOTA MILK AND EXCESS MILK

(1)-(c) remains the same.

(d) Subtract an amount of money equal to five cents twelve cents per hundredweight of quota milk, and adjust this figure downward (after making the computations under paragraph (2)(e) hereof) as necessary to offset the fractional balance resulting from rounding their quota price. The amount so computed shall be deposited into the pool settlement reserve.

(e) remains the same."

9. Specific factors which the board will take into consideration in these proceedings will include, but not be limited to the following:

(a) The ability and willingness of consumers to purchase.

(b) The cost factors in distributing milk, which shall include among other things, the prices paid by distributors for equipment of all types required to process and market milk and prevailing wage rates in this state.

(c) Cost factors in jobbing milk, which include among other things, raw product and ingredient costs, carton or other packaging costs, processing costs, and that part of general administrative costs of the supplying distributor which may properly be allocated to the handling of milk to the point at which such milk is at the supplying distributor's dock, equipment of all types required to market milk, and prevailing wage rates in this state.

10. In its consideration on the merits of the proposals in this matter, the board takes official notice as facts within its own knowledge of the following:

TABLE A

Comparison of prices for school milk based on current formula versus formula that is proposed.

<u>ITEM--1/2 PINTS</u>	<u>CURRENT PRICE</u>	<u>PROPOSED PRICE</u>
	<u>JUNE 1991</u>	<u>JUNE 1991</u>
Whole Milk	\$.162	\$.179
Choc. Lowfat Milk	\$.159	\$.177
Lowfat Milk	\$.169	\$.186

11. The burden is on the petitioners to prove that their requested amendments would be beneficial to the public and in the public interest.

12. Interested persons may participate and present data, views, or arguments pursuant to section 2-4-302, MCA, either orally or in writing at the hearing or by mailing the same to the Milk Control Bureau, 1520 East Sixth Avenue, Room 50, Helena, MT 59620-0512, no later than July 10, 1991.

13. Mr. Steve Shapiro, Esq., Dept of Commerce, Arcade Bldg., 111 N. Jackson, Helena, 59620, has been appointed as presiding officer and hearing examiner to preside over and conduct the hearing.

14. Authority for the board to take the action and adopt the rules as proposed is in section 81-23-302, MCA. Such rules if adopted in the form as proposed or in a modified form, will implement section 81-23-302, MCA.

MONTANA DEPARTMENT OF COMMERCE

BY: 

Andy J. Poole, Deputy Director

Certified to the Secretary of State May 20, 1991.

BEFORE THE BOARD OF INVESTMENTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed amendment of rules pertaining to definitions related to general requirements for all investments in mortgages and loans; and rules pertaining to requirements for all residential, commercial, multi-family, federally guaranteed loans and economic development linked deposit programs) NOTICE OF PUBLIC HEARING
) ON 8.97.1301 DEFINITIONS;
) 8.97.1403 CONVENTIONAL LOAN PROGRAM - GENERAL REQUIREMENTS; 8.97.1405 CONVENTIONAL LOAN PROGRAM - OFFERING CHECKLIST; 8.97.1407 FHA AND VA LOAN PROGRAMS - OFFERING CHECKLIST; 8.97.1408
) FEDERALLY GUARANTEED LOAN PROGRAMS - GENERAL REQUIREMENTS; 8.97.1410 COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - GENERAL REQUIREMENTS; 8.97.1411 COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - TERMS AND LOAN LIMITS; AND 8.97.1412
) COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - OFFERING CHECKLIST

TO: All Interested Persons:

1. On July 2, 1991, from 9:00 a.m. to 11:00 a.m., a public hearing will be held in the conference room of the Board of Investments, 555 Fuller Avenue, Helena, Montana, to consider the amendment of the above-stated rules.

2. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

"8.97.1301 DEFINITIONS In addition to the definitions set forth in 17-5-1503 and 17-6-302, MCA, the following definitions apply in all sub-chapters contained in Title 8, chapter 97 of these rules:

(1) through (5) will remain the same.

(6) "Commercial loan" means a loan to a business, ~~excluding a loan for operating farms or ranches,~~ with location(s) in Montana or based in Montana, secured by real property, and which may be secured by personal property if funded with coal tax funds.

(7) through (13) is the same.

(a) is a state or federally-chartered bank, savings and loan association, credit union, mortgage company, mortgage servicing company, development credit corporation, investment company, trust company, savings institution, small business investment company, insurance companies, or qualified Montana capital company; and

~~(b) -- maintains an office in Montana; and~~

~~(c) (b) is approved by the board as provided in ARM 8.97.1302. A financial institution that does not maintain an~~

~~office in Montana may be approved, however, to sell or service federally guaranteed loans under these rules.~~

(14) through (38) will remain the same."

Auth: The portion of this rule implementing 17-6-201, MCA, is advisory only but may be a correct interpretation of this section, IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1503, 17-6-201, 17-6-302, MCA

REASON: These amendments will allow the board to purchase loans for operating farms and ranches; will allow another potential lender to access the board's programs; and will allow lenders outside Montana to access the board's programs.

"8.97.1403 CONVENTIONAL LOAN PROGRAM - GENERAL REQUIREMENTS (1) Except as otherwise indicated, the following requirements apply to all conventional loans purchased by the board:

(a) FHLMC underwriting guidelines, with the exception of the maximum dollar limit, will be used in evaluating all conventional loans. The FHLMC underwriting guidelines contain those guidelines and criteria relied upon by the FHLMC when underwriting conventional loans. A copy of the FHLMC underwriting guidelines can be examined or a copy obtained by contacting the board in Helena, Montana. The board's maximum loan to value on an uninsured loan is:

<u>Graduated Scale</u>		<u>Lower of</u>	
\$-20,000--FHLMC-Max	80%	Up to \$250,000	80%
FHLMC-Max--\$200,000	70%	\$250,001-285,000	70%
\$200,000--\$250,000	65%	\$285,001-385,000	65%
\$250,000--\$300,000	60%	\$385,001-500,000	60%
\$300,000--\$500,000*	50%	\$500,001-1,000,000	50%
		<u>*Max mortgage amount is \$500,000</u>	

(b) through (i) will remain the same."

Auth: The portion of this rule implementing 17-6-201, MCA, is advisory only but may be a correct interpretation of this section. IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

REASON: It is much easier to determine the loan-to-value based on the cost/appraisal approach than to use the graduated scale and "back into" the cost/appraisal as is the case with the graduated scale.

"8.97.1405 CONVENTIONAL LOAN PROGRAM - OFFERING CHECKLIST (1) through (2)(g) will remain the same.

~~(h)--a completed loan setup sheet in pencil (form to be provided by the board);~~

(i) through (k) will remain the same but will be renumbered (h) through (j).

~~(l) (k) for newly constructed properties with individual water systems, a copy of the well log confirming that the well was drilled by a licensed water well contractor and that it meets PHA standards; or certification that the system provides~~

100 gallons per person per day for domestic use if the water supply system is not an individual well and is designed to serve more than one property;

~~(m) (1) for existing properties with individual water systems, a copy of the well log, if available and a flow test confirming that the well meets FHA standards;~~

(n) through (q) will remain the same but will be renumbered (m) through (p)."

Auth: The portion of this rule implementing 17-6-201, MCA, is advisory only but may be a correct interpretation of this section, IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

REASON: These amendments are necessary because the form in subsection (h) is no longer required by the board and FHA no longer has standards in this regard thereby making these requirements redundant.

"8.97.1407 FHA AND VA LOAN PROGRAMS - OFFERING CHECKLIST

(1) through (2)(g) will remain the same.

~~(h) -- a loan setup sheet completed in pencil (form to be provided by the board);~~

(i) and (j) will remain the same but will be renumbered (h) and (i)."

Auth: The portion of this rule implementing 17-6-201, MCA, is advisory only but may be a correct interpretation of this section, IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

REASON: This amendment is necessary because this form is no longer required by the board.

"8.97.1408 FEDERALLY GUARANTEED LOAN PROGRAMS - GENERAL REQUIREMENTS (1) will remain the same.

(2) The board will not only purchase any an offering at a premium par."

Auth: The portion of this rule implementing 17-6-201, MCA, is advisory only but may be a correct interpretation of this section, IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

REASON: The board will only purchase these loans at par.

"8.97.1410 COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - GENERAL REQUIREMENTS (1) will remain the same.

(2) Only a loan in which the financial institution agrees to retain at least a 20 percent interest and which it will service in its entirety will be considered for participation. If the 20 percent portion of the loan exceeds the financial institution's legal lending limit, the financial institution may sell a portion of its 20 percent to other financial institutions with board approval.

(3) through (12) will remain the same.

(13) Working capital loans secured by contracts receivable, accounts receivable or inventory may be financed at the discretion of the board.

(14) through (16) will remain the same."

Auth: Sec. 17-5-1054, 17-5-1521, 17-6-315, 17-6-324,
MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-315, 17-6-324, MCA

REASON: These amendments are necessary in order to allow smaller financial institutions to access the board's programs on larger loans while still keeping the financial institution committed to the loan. The amendments also provide more clarity as to what constitutes "working capital."

"8.97.1411 COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - TERMS AND LOAN LIMITS (1) and (2) will remain the same.

~~(3) -- A loan agreement must contain the following signed and recorded addendum: -- "The grantors shall be liable for and agree to pay any deficiency owing under the promissory note notwithstanding any provisions of Montana law which would excuse the grantors or any other obligor from liability of such deficiency."~~

Auth: Sec. 17-5-1503, 17-5-1521, 17-6-324, MCA; IMP,
Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-324, MCA

REASON: This amendment is necessary in light of the case of 1st State Bank of Forsyth vs. Chunkapura, (1987) 226 Mont. 54.

"8.97.1412 COMMERCIAL AND MULTI-FAMILY LOAN PROGRAMS - OFFERING CHECKLIST (1) through (2)(i) will remain the same.

~~(j) -- the loan setup sheet completed in pencil, to be provided by the board;~~

(k) through (n) will remain the same but will be renumbered (j) through (m)."


Auth: Sec. 17-5-1504, 17-5-1521, 17-6-324, MCA; IMP,
Sec. 17-5-1504, 17-5-1521, 17-6-324, MCA

REASON: This amendment is necessary because this form is no longer required.

4. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Dave Lewis, Executive Director of the Board of Investments, 555 Fuller Avenue, Helena, Montana 59620, no later than July 5, 1991, at 5:00, p.m.

5. Mona Jamison, attorney, has been designated to preside over and conduct the hearing.

BOARD OF INVESTMENTS
WARREN VAUGHAN, CHAIRMAN

BY: 
ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, May 20, 1991.

10-5/30/91

MAR Notice No. 8-97-35

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
16.18.201, 16.18.203 - 205,) FOR THE PROPOSED
16.18.207 - 208 and the adoption) AMENDMENT OF RULES AND
of new rule I relating) ADOPTION OF NEW RULE I
to water and wastewater operators)
(Water Quality Bureau)

To: All Interested Persons

1. On June 26, 1991, at 3:00 p.m., the department will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the adoption of the above-captioned rules, which amend minimum requirements for water and wastewater operator certification, adjust fee requirements, and provide procedures for license revocation for water and wastewater operators.

2. The rules, as proposed, appear as follows:

16.18.201 DEFINITIONS In addition to the terms defined in section 37-42-102, MCA:

(1)-(7) Remain the same.

(8) "Temporary certificate" means a certificate which is issued to an applicant ~~for the certification examination whose application has been accepted who is approved~~ by the department to be an operator in responsible charge of a specified system until the date of the next examination.

AUTH: 37-42-202, MCA; IMP: 37-42-202, MCA

16.18.203 CERTIFICATION OF OPERATORS (1)-(7) Remain the same.

(8) An operator who has obtained certification in another state may obtain certification in Montana if review of his application and supporting material indicates he has passed an examination at least equivalent to that required by Montana and has experience meeting Montana's minimum requirements.

(a) After June 30, 1991, operators certified under this subsection must pay a fee of \$30 in addition to the fees applicable for the Montana certification sought.

(9) Remains the same.

(10) An operator is certified upon notification by the department that he has passed the examination and met all other requirements for certification.

AUTH: 37-42-202, MCA; IMP: 37-42-202, 37-42-303, MCA

16.18.204 EXAMINATIONS (1)-(6) Remain the same.

~~(7) Upon written request the council may give an oral examination to operators in all classifications who fail the written examination. The council will consider each written~~

~~request for an oral examination on its individual merit and set the time and place the examination will be held. At the oral examination at least 3 members of the council or department must be present, one of which will hold a certificate of the same level or higher in the classification being examined.~~

(8)-(9) Remain the same but are renumbered (7)-(8).

~~(10)-(9)~~ Duplicate certificates shall be provided by the department to persons requesting the same upon the payment of a \$2.00 \$10.00 fee.

AUTH: 37-42-202, MCA; IMP: 37-42-201, 37-42-202, 37-42-301, MCA

16.18.205 EXPERIENCE/EDUCATION (1) All operators certified after June 30, 1991, are required to have graduated from high school or hold a G.E.D. certificate, unless the applicant submits a written application for a special exception from this requirement and the department grants the exception. The department may only grant a special exception from this requirement upon finding that the applicant has the basic knowledge necessary to otherwise meet the requirements of this subchapter and to protect the public health and quality of Montana's waters.

(1)-(3) Remain the same but are renumbered (2)-(4).

AUTH: 37-42-202, MCA; IMP: 37-42-201 and 37-42-202, MCA

16.18.207 FEES (1) An applicant for certification or a certified operator applying for renewal of his certificate must pay to the department the fee below which is set for the class in which he is or wishes to be certified:

~~(a) For applications submitted through December 31, 1983:~~

~~(i) Class I, \$20~~

~~(ii) Class II, \$15~~

~~(iii) Class III, \$10~~

~~(iv) Class IV, \$5~~

~~(v) Class V, \$3~~

(b)(a) For applications and renewals submitted after December 31, 1983 to the department through August 31, 1991:

(i) Class I, \$27

(ii) Class II, \$22

(iii) Class III, \$17

(iv) Class IV, \$12

(v) Class V, \$10

(b) Beginning September 1, 1991, an applicant for certification or renewal of a certificate in any classification level of water distribution or water treatment must pay to the department a fee of \$30; and

(c) Beginning September 1, 1991, an applicant for certification or renewal of a certificate in any classification level of wastewater treatment must pay to the department a fee of \$30.

(2) The fee is \$5 for each examination held after December 31, 1983.

(3) ~~After July 1, 1984, any~~ Any renewal application received from an applicant whose certificate has been suspended must be accompanied by \$5 \$10 in addition to the fee required by section (1) above.

AUTH: 37-42-202, MCA; IMP: 37-42-202 and 37-42-304, MCA

16.18.208 CONTINUING EDUCATION REQUIREMENTS (1) A continuing education credit or portion thereof must be earned by all class I, II, III, and IV fully certified operators during a two-year period commencing on July 1, 1986, and July 1 of even-numbered years thereafter. One continuing education credit per water distribution and/or water plant certificate and one continuing education credit per wastewater certificate must be earned by a class I certified operator during each two-year period. A one-half (1/2) continuing education credit per water distribution and/or water plant certificate and one-half (1/2) continuing education credit per wastewater certificate must be earned by a class II, III, and IV certified operator. Class V certified operators must attend a minimum of two hours of seminar training per two-year period. A credit consists of ten (10) contact hours, and one-half credit consists of five (5) contact hours. A contact hour is defined as a sixty-minute participation in an approved classroom program or sixty-minute participation in an approved program not requiring classroom participation. On and after July 1, 1992, the credit requirements shall double for each classification.

(2) Newly certified operators (previously uncertified) who ~~become are~~ certified after ~~October 1 of each even-numbered in an odd-numbered year will not be~~ are not required to earn the credit applicable to each classification until the next two-year period. If an operator upgrades a certificate after ~~October~~ December 1 of each even-numbered year and that upgrade increases the credit requirement, the operator ~~will be required~~ must during that same two-year period to earn the lower credit requirement but ~~will is~~ not be required to meet the higher credit requirement until the next two-year period commences.

(3)-(4) Remain the same.

(5) The department may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to one year within which to fulfill the minimum credit requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator which prevent attendance at the required activities. All requests for extensions must be made prior to ~~March 31~~ June 30 of the even-numbered year in which the credit is required to be submitted for registration.

(6)-(7) Remain the same.

AUTH: 37-42-202, MCA; IMP: 37-42-202, MCA

RULE I DISCIPLINARY ACTIONS -- DESCRIPTION OF GROUNDS -- PROCEDURES FOR REVOCATION, PROBATION, SUSPENSION, OR REPRIMAND OF LICENSE (1) An operator certificate issued under sec. 37-42-321, MCA, may be revoked if:

(a) The operator has practiced fraud or deception by willfully changing or omitting the truth in any records required of him by his duties as an operator, which records include:

(i) the operator's certification application, experience records, and continuing education report forms; and

(ii) any records required of the operator under federal and state laws and regulations for the proper operation of water distribution, water and wastewater systems as needed to protect

the public health and safety or the quality of state waters;

(b) The operator did not exercise reasonable care or judgment or properly apply his knowledge or abilities in the performance of his duties; the operator's action or lack of action jeopardizes the public's health and welfare or the quality of Montana's waters; and the operator should have known that the results of his actions would jeopardize the public's health and welfare or the quality of Montana's waters; or

(c) The department shall deem an operator incompetent or unable to properly perform his duties when he repeatedly, and without explanation, fails to:

(i) properly complete reports or properly submit the samples specified by the department as necessary to protect the public's health and welfare or the quality of Montana's waters; or

(ii) repeatedly, and without adequate explanation, fails to take the corrective action specified in an inspection report completed by the department for the water distribution system, water supply system, wastewater treatment plant, or water treatment plant for which he is the certified operator in responsible charge.

(2) The department shall initiate an investigation whenever a written complaint is filed with the department or the department otherwise has reason to believe that a person to whom certification has been issued has violated the provisions of sec. 37-42-321, MCA, or ARM 16.18.209. If the investigation confirms that there may be grounds for revocation of the operator's certification, the department may initiate hearing proceedings according to sec. 2-4-601 et seq., MCA. The following disciplinary actions may be rendered in a decision after the hearing proceedings:

(a) the operator's certification may be revoked;

(b) the operator's certification may be suspended for a stated time period; or

(c) the certified operator may be reprimanded.

AUTH: 37-42-202, MCA; IMP: 37-42-321, MCA

3. The department is proposing the amendment and adoption of these new rules in order to establish a new fee structure for water and wastewater operators, formalize the license revocation procedure and amend certain minimum requirements for water and wastewater certification.

4. Interested persons may submit their data, views, or arguments concerning the proposed rules, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Yoli Fitzsimmons, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620, no later than June 27, 1991.

5. Robert J. Thompson has been designated to preside over and conduct the hearing.


DENNIS IVERSON, Director

Certified to the Secretary of State May 20, 1991.

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
rules 16.38.115, 16.38.301 through) FOR AMENDMENT AND
16.38.304 and repeal of 16.38.305) REPEAL OF RULES
relating to fees for laboratory)
analyses and licensure of)
laboratories to perform drinking)
water analysis)

(Chemistry & Public
Health Laboratories)

To: All Interested Persons

1. On June 19, at 1:30 p.m., the Department will hold a public hearing in Room A110 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of rules 16.38.115, 16.38.301 through 16.38.304, and the repeal of 16.38.305.

2. The proposed amendments would change laboratory fees to reflect current costs more accurately, update the types of tests performed, and add a charge for a portion of the cost of licensing a laboratory to perform drinking water analyses.

3. The rule to be repealed may be found on 16-1862 of the Administrative Rules of Montana. AUTH & IMP: 50-1-202, MCA.

4. The rules, as proposed to be amended, appear as follows (new material is underlined; material to be deleted is interlined):

16.38.115 PROCEDURE FOR LICENSURE -- FEE (1) Any laboratory desiring a license to perform analyses of public water supplies shall submit a written application on a form available from the Water Quality Bureau, Cogswell Building, Helena, Montana 59620 (phone: 444-2406), accompanied by a fee of \$250 for inspection and review by the department's laboratories. A laboratory may be licensed to conduct analyses for one, several, or all of the parameters included in Title 16, chapter 20, subchapter 2 of the Administrative Rules of Montana. An application for a license must state the parameters for which the applicant wants to conduct analyses.

(2)-(4) Remains the same.

AUTH: 50-1-202, MCA; IMP: 50-1-202, MCA

16.38.301 LABORATORY FEES -- AIR (1) Effective July 1, 1985 12, 1991, fees for air quality analyses are as follows:

Type of analysis	Cost
Total suspended particulate (TSP)/PM ₁₀	\$ 3.70 4.60 per
hi-vol sampler	filter
TSP, dichotomous sampler	3.60 4.60 per
	filter

Sulfate in hi-vol filter	14.80 <u>10.50</u> per filter
Nitrate in hi-vol filter	14.80 <u>10.50</u> per filter
Trace metals-one metal	10.70 <u>13.20</u> per filter
Trace metals-each additional metal	4.30 <u>5.60</u> per filter
Fluoride: Paper	32.90
Fluoride: Plate	16.60 per plate
Fluoride: Vegetation	56.90 <u>67.50</u>
Sulfur and BTU in coal	177.30
Sulphation rate	12.20 <u>15.30</u> per plate
Dustfall	<u>19.10</u>
Cut Strips	<u>.70</u>
Microwave Digestion	<u>8.60</u>

AUTH: 50-1-202, MCA; IMP: 50-1-202, MCA

16.38.302 LABORATORY FEES -- WATER Effective July 1, 1985 12, 1991, fees for analysis of water and water extracts by the department of health and environmental sciences are as follows:

- (1) The fee for a standard microbiological (total coliform) analysis is ~~\$6.50~~ \$10.
- (2) The fee for a fecal coliform analysis is \$10.
- (3) The fee for a plate count is ~~\$12.50~~ \$10.
- ~~(4) The fee for a nitrate analysis is \$11.20.~~
- ~~(5) The fee for a pesticide herbicide analysis, consisting of an analysis for endrin, lindane, methoxychlor, toxaphene, 2,4 D, and 2,4,5 TP Silvex, is \$223.10.~~
- ~~(6) The fee for a total trihalomethane analysis is as follows:~~
 - ~~(a) one analysis, 4 sites: \$279.20~~
 - ~~(b) one analysis, 1 site: \$92.70~~
- ~~(7)~~ (4) The fees per analysis to determine the concentration of individual constituents are as follows:

<u>Analysis</u>	<u>Cost per Analysis</u>
Acidity	\$ 27.10
Alkalinity	14.40 <u>10.60</u>
Aluminum	4.30 <u>5.60</u>
Ammonia	11.20 <u>10.60</u>
Antimony	4.30 <u>5.60</u>
Arsenic	11.50 <u>10.50</u>
Barium	4.30 <u>5.60</u>
Beryllium	4.30 <u>5.60</u>
Biochemical Oxygen Demand (BOD)	61.20 <u>73.80</u>
Bismuth	 <u>5.60</u>
Boron	4.30 <u>5.60</u>
Bromide	 <u>24.80</u>
Cadmium	4.30 <u>5.60</u>
Calcium	4.30 <u>5.60</u>
Chemical Oxygen Demand (COD)	50.40 <u>63.10</u>

Chloride	15.70	14.60
<u>Chlorinated Pesticides</u>		120.00
<u>Chlorophenoxy Herbicides</u>		150.00
Chromium	4.30	5.60
<u>Chromium Hexavalent</u>	82.60	
Cobalt	4.30	5.60
Color (2 tests - pH adjusted)	51.30	64.20
<u>Conductivity</u>		2.60
Copper	4.30	5.60
Cyanide	65.90	81.40
Fluoride	15.20	18.00
<u>Hardness</u>		11.20
<u>Hexavalent Chromium</u>		100.00
Iron	4.30	5.60
<u>Kjeldahl Nitrogen</u>		15.80
Lead	4.30	5.60
<u>Lithium</u>	4.30	
Magnesium	4.30	5.60
Manganese	4.30	5.60
Mercury	8.80	31.90
<u>Mercury Digestion</u>	60.00	
<u>Metals Concentration (per sample)</u>	2.50	
<u>Metals Digestion (except Mercury)</u>	9.70	
Metals scan	3.20	6.70
Molybdenum	4.30	5.60
Nickel	4.30	5.60
Nitrate	11.20	10.60
<u>Nitrogen Kjeldahl</u>	26.00	
<u>Nitrite</u>		10.60
Oil and Grease	35.00	43.70
Ortho-Phosphorus	7.90	10.60
PEB	76.80	
PEP	111.60	
<u>Pentachlorophenol</u>		150.00
<u>Petroleum</u>	76.80	
pH	1.50	1.80
<u>Phenols</u>	89.80	
<u>Poly-chlorinated Biphenyls</u>		230.00
<u>Total Phosphorus</u>	13.30	
Potassium	4.30	5.60
<u>Presumptive cyanide</u>	7.60	
<u>Purgable organic</u>	92.70	
Selenium	11.50	10.50
<u>Semi-Volatile Organics</u>		360.00
<u>Silica</u>	4.30	
<u>Silicon</u>		5.60
Silver	4.30	5.60
Sodium	4.30	5.60
<u>Specific Conductance</u>	2.10	
Strontium	4.30	5.60
Sulfate	12.30	14.60
Sulfide	93.70	110.00
Tin	4.30	5.60
<u>Total Dissolved Solids</u>		19.10

<u>Total Organic Carbon</u>		<u>22.60</u>
<u>Total Phenolics</u>		<u>110.00</u>
<u>Total Phosphorus</u>		<u>15.80</u>
<u>Total Suspended Solids</u>	15-20	<u>19.20</u>
<u>Trihalomethanes</u>		<u>120.00</u>
<u>Turbidity</u>	4-30	<u>5.30</u>
<u>Vanadium</u>	4-30	
<u>Volatile Organic Compounds</u>		<u>120.00</u>
<u>Volatile Suspended Solids</u>		<u>19.10</u>
<u>Zinc</u>	4-30	<u>5.60</u>
<u>Pesticides (Lindane, Endrin, Toxaphene, Methoxychlor)</u>	first analysis per sample	76.80
	each additional analysis per sample	7.00
<u>Herbicides (2,4 D, Silvex)</u>	first analysis per sample	111.60
	each additional analysis per sample	13.80
<u>Total organic carbons (TOC)</u>		<u>10.10</u>
<u>Total organic halogens (TOX)</u>		<u>16.90</u>

(4)(5) The fees specified in sections (1) through (7)(4) of this rule may be lowered by the department of health and environmental sciences when larger batches of samples or a change of analysis method warrant lower fees.

AUTH: 75-6-103, MCA; IMP: 75-6-103, MCA

16.38.303 LABORATORY FEES -- MICROBIOLOGICAL PUBLIC HEALTH LABORATORY (1) As of July 1, 1985 12, 1991, the handling fee is \$1.75 \$5 per clinical specimen (i.e. from a human body or body fluids) for performance of any microbiological test other than a stat rubella test, for which the fee is \$6.75, and \$10 for each environmental specimen, unless the specimen is submitted for an air quality test subject to ARM 16.38.301, a test of drinking water which is covered by ARM 16.38.302, or the screening tests referred to in section (2) of this rule. Microbiological tests include, but are not limited to, diagnostic bacteriology, mycology, parasitology, virology, and immunology analyses.

(2) Effective July 1, 1985 12, 1991, the fee for screening for inborn errors of metabolism is \$5.50 \$2. Such screening may include but is not limited to includes tests for phenylketonuria, congenital hypothyroidism, or and galactosemia.

(3) Remains the same.

AUTH: 50-1-202, MCA; IMP: 50-1-202, MCA

16.38.304 LABORATORY FEES -- SOLID WASTE AND HAZARDOUS WASTE WASTES, SOILS AND SLUDGES (1) Effective July 1, 1985 12, 1991, fees for solid and hazardous waste, soil, and sludge analyses are as follows:

<u>Type of analysis</u>	<u>Cost</u>
<u>Corrosivity</u>	<u>12.50</u>
<u>Cyanide</u>	<u>81.40</u>
<u>EP Extraction</u>	<u>37.30</u>
<u>EP Toxicity, metals only</u>	<u>\$72.20</u>
<u>Herbicides</u>	<u>260.00</u>

<u>Ignitability</u>	28.00 27.60
<u>Microwave Digestion</u>	8.60
<u>Pentachlorophenol</u>	260.00
<u>Pesticides/PCB</u>	230.00
<u>Polynuclear Aromatics</u>	350.00
<u>Reactivity</u>	37.50
<u>Semi-Volatile Organics</u>	350.00
<u>Soxhlet Extr. for Semivol</u>	180.00
<u>TCLP Extr. - Metals, Semivol</u>	37.30
<u>TCLP Extr. - Volatiles</u>	62.60
<u>Total Phenolics</u>	110.00
<u>Volatile Extraction and Cleanup</u>	73.50
<u>Volatile Organic Compounds</u>	190.00

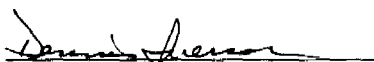
(2) The fees specified in section (1) of this rule may be lowered by the department of health and environmental sciences when larger batches of samples or a change of analysis method warrant lower fees.

AUTH: 50-1-202, MCA; IMP: 50-1-202, MCA

5. The amendments to the rules are necessary because the costs of operating the laboratory have increased, requiring a general increase in fee income and the necessity of charging for a portion of the costs of certifying a laboratory to perform drinking water analyses. In addition, the costs of performing some of the individual tests has changed and the types of tests in demand have undergone a metamorphosis. As for ARM 16.38.305, the analyses listed in it are duplicated elsewhere, so the rule is no longer needed.

6. Interested persons may submit their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Eleanor Parker, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than June 27, 1991.

7. Eleanor Parker has been designated to preside over and conduct this hearing.


DENNIS IVERSON, Director

Certified to the Secretary of State May 20, 1991.

BEFORE THE DEPARTMENT OF JUSTICE
DIVISION OF FORENSIC SCIENCE
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF PUBLIC HEARING ON
of Rules 23.4.201 and 23.4.209,))	PROPOSED AMENDMENT OF RULES
the repeal of Rules 23.4.202)	23.4.201 AND 23.4.209, THE
and 23.4.204 through 23.4.208)	REPEAL OF RULES 23.4.202
and the adoption of new Rules.)	AND 23.4.204 THROUGH 23.4.208
)	AND THE ADOPTION OF NEW
)	RULES, ALCOHOL ANALYSIS.

TO: All Interested Persons

1. On June 24, 1991, at 10:00 a.m., a public hearing will be held at the conference room of the Division of Forensic Science, 554 West Broadway, 6th floor, Missoula, Montana, to consider the amendment of rules 23.4.201 and 23.4.209, the repeal of rules 23.4.202 and 23.4.204 through 23.4.208 and the adoption of new rules, all relating to alcohol analysis performed under Title 61, chapter 8, part 4, MCA.

2. The rules proposed to be repealed can be found on pages 23-329 to 23-331 of the Administrative Rules of Montana. (AUTH: Sec. 61-8-405(6) MCA. IMP: Sec. 61-8-405(6) MCA.)

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

23.4.201 DEFINITIONS (++) Unless the context requires otherwise, the following definitions apply to this subchapter:

(1) "Accessory" means any device or item which may or may not be expendable, but assists in the operation of the breath analysis instrument, i.e., a surge suppressor.

(2) "Alcohol" means an organic hydrocarbon molecule which contains a hydroxyl (oxygen, hydrogen) as its primary functional group, such compounds to include such common alcohols as: menthol, ethanol, isopropanol and all other compounds chemically classed as an alcohol.

(3) "Alcohol analyses" includes all manipulations required to achieve a result demonstrating the presence and or concentration of alcohol in breath, blood or any other bodily substance.

(4) "Alveolar air" means that air which is located in the alveoli region of the lungs and responsible for the exchange of gases between the blood and the lung. This is the type of breath upon which 2100:1 breath blood ratio is established.

(5) "Anticoagulant" means any substance which prevents the clotting of the blood sample.

(6) "Authorized designee" means a breath test specialist/operator selected by the breath test specialist/senior operator

to perform the supervisor's duties in the event of the supervisor's absence.

(7) "Associated equipment" means

(a) any device which can be directly attached to the breath analysis instrument and is not considered an expendable item, i.e., a wet bath simulator; or

(b) any device which is designed to verify the presence of alcohol, but is not to be considered as evidentiary, i.e. a roadside alcohol screening device, an alcohol interlock device for vehicles.

(a)(8) Remains the same but will be renumbered.

(b)(9) "Breath" refers to that portion of exhaled alveolar deep lung air that is collected for alcohol analysis.

(10) "Breath analysis instrument" means any device which is capable of capturing and analyzing deep lung air to establish the concentration of alcohol contained in that sample. Such instruments must be approved by the division of forensic science.

(a)(11) Remains the same but will be renumbered.

(12) "Deep lung air" means that air which comes from the deeper section of the lung and contains only a portion of alveolar air. This is the type of breath captured by the breath analysis instrument.

(a)(13) Remains the same but will be renumbered.

(a)(14) Remains the same but will be renumbered.

(15) "Breath analysis instrument change" means any substitution or replacement of any electronic, optical, or mechanical part or device which adheres to the original specification(s) and does not effect or change the analytical or operational sections of the breath analysis instrument. Such change does not require reapproval of the breath analysis instrument.

(16) "Breath analysis instrument modification" means any alteration, variation or redesign of any part, device or electronic circuit which directly effects, alters, varies or changes the analytical and/or the operational section of the breath analysis instrument. Such modification may, at the discretion of the division of forensic science, require reapproval of the breath analysis instrument.

(17) "Breath analysis instrument update" means any advancement, augmentation, addition, or replacement of any part or device with a different specification which may or may not effect the analytical or operational sections of the breath analysis instrument. Such update may, at the discretion of the division of forensic science, require reapproval of the breath analysis instrument.

(a)(18) Remains the same but will be renumbered.

(19) "Laboratory" means the division of forensic science.

(20) "Manufacturer" means the actual producer of the breath analysis instrument, associated equipment, accessories and or supplies.

(21) "Preservative" means any chemical which inhibits the development of bacterial growth in a collected blood sample.

~~(g)~~(22) "Sample" means blood, breath, urine or other bodily substances to be analyzed for the presence of alcohol content pursuant to this subchapter. All samples must be of sufficient volume so that complete analysis for alcohol may be performed.

(23) "Supply" means any item which is consumed during one or more test modes of the breath analysis instrument or associated equipment, i.e., simulator solution, mouthpieces, test record cards.

~~(h)~~(24) "Testing device" means any instrument or device used to determine the presence and or concentration of alcohol concentration in blood, breath, urine or tissue pursuant to this subchapter.

(25) "Vendor" means any company or representative of a manufacturer responsible or involved in the sale and/or marketing of breath test breath analysis instrumentation, associated equipment, accessories, and/or supplies.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

23.4.209 - BREATH-TESTING BREATH ANALYSIS INSTRUMENTS

(1) All models of ~~breath-testing~~ breath analysis instruments used to administer testing according to section 61-8-402, MCA, must be approved by the division. The models operated by certified operators and/or operator supervisors prior to and on the effective date of this rule are deemed approved by the division.

~~(2) Each breath-testing instrument must be inspected by the division and the accuracy verified by the division, prior to installation of the instrument.~~

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

4. The proposed new rules to be adopted provide as follows: RULE I BREATH ANALYSIS INSTRUMENTATION AND ASSOCIATED EQUIPMENT (1) All manufacturers/vendors of breath analysis instruments and associated equipment, supplies and accessories are required to submit such breath analysis instrumentation and/or associated equipment, supplies and accessories to the division of forensic science for formal state approval prior to introduction into the state of Montana.

(2) All breath analysis instruments which have met the approval criteria established by the division of forensic science shall be kept on file at the division of forensic science.

(3) All associated equipment, supplies and accessories which have met the approval criteria established by the division of forensic science shall be kept on file at the division of forensic science.

(4) The division of forensic science reserves the right to withdraw the approval status of any breath analysis instrument or associated equipment, supply or accessory, or the manufacturer/vendor's approval to market said product if the

manufacturer/vendor fails to comply with the provisions set forth in the approval criteria or regulations pertaining to the manufacturers/vendors responsibilities to the state of Montana.

(5) Manufacturers/vendors of breath analysis instrumentation, equipment, supplies and accessories must comply with the following regulations:

(a) All manufacturers/vendors must have a completed and signed application on file with the division of forensic science.

(b) All manufacturers/vendors must provide technical manuals, schematics and other material necessary for operation, preventative maintenance and repair of the breath analysis instrument.

(c) The manufacturer/vendor shall provide at least two breath analysis instruments for the approval process.

(d) The manufacturer/vendor shall send at least one representative knowledgeable in the technology and electronic configurations of the breath analysis instrument and capable of providing training for the personnel in the DUI section of the division of forensic science.

(e) The manufacturer/vendor must provide all information concerning any modification, change or upgrade to an approved breath analysis instrument within two months of that modification change or upgrade. The division of forensic science will evaluate such modifications, changes or updates and determine if such modification change or update necessitates reapproval of the breath analysis instrument.

(f) Failure to comply with these or any subsequent manufacturer/vendor related regulations may negate the manufacturers approval to market additional breath analysis instrumentation, associated equipment accessories and or supplies in the state of Montana.

(6) The division of forensic science shall have the duty to select the primary breath analysis instrument for use in the state of Montana. Selection shall be based on, but not limited to, performance of the breath analysis instrumentation in each segment of the state approval process, breath analysis instrumentation field history, legal history, manufacturers/vendors support capability, reference of other users.

(7) Breath samples of deep lung air shall be analyzed using only the breath analysis instrumentation approved under this rule. Breath analyses will be performed according to an operational checklist for the breath analysis instrument being used.

(8) All results of a breath analysis shall be reported as grams of alcohol by weight per two hundred ten liters of deep lung breath (G/210L). All test results will be reported on a form approved by the division of forensic science. Copies of all test results will be sent to the division of forensic science on a monthly schedule.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE II FIELD CERTIFICATION

(1) Breath analysis instruments shall be field certified for proper calibration at least once every seven (7) days by a breath test specialist/senior operator, or in the event of a senior operator's absence, his/her authorized designee, using a solution of ethyl alcohol approved by the division of forensic science and using the field certification report form for the breath analysis instrument being certified.

(a) A field certification shall consist of a series of no less than two (2) analyses using an approved ethyl alcohol solution.

(b) A field certification is valid when the results of the approved ethyl alcohol solution test is at target value plus or minus one hundredth (.01) grams per two hundred and ten liters. The results of the field certification shall be reported to the third decimal (.000) and recorded on the field certification report form, the test record card shall be affixed to the report which is to be kept at the testing location and a copy of the field certification report will be prepared for the division of forensic science. All reports will be sent to the division of forensic science on a monthly basis.

(c) The approved ethyl alcohol solution will not be used for more than twenty (20) analyses or longer than two months after its first date of use, which ever comes first.

(d) Results of a field certification analysis outside the range specified in this rule shall be confirmed by the breath test specialist/senior operator, or designee using a fresh solution. If the test results are still out of the specified range, the breath analysis instrument will be removed from service and the division of forensic science shall be notified.

(e) A field certification shall be performed whenever a new breath analysis instrument is placed in service or when a breath analysis instrument is returned to service. The field certification results must be on file at the testing location before the breath analysis instrument can be used for subject testing.

(f) The field certification solution after each use shall be stored in a closed container and placed in a cool dark area.

(g) The field certification report form and results will be kept on file at the testing location. The division of forensic science will receive copies of all field certification report forms along with copies of all breath analysis report forms. All reports will be sent to the division of forensic science on a monthly basis.

(h) Failure to file a copy of the report with the division of forensic science, does not invalidate the field certification, or any subject analysis performed at that location, if the report is on file at the testing location.

(i) A proper field certification prior to any subject test and a proper field certification following a subject test shall create the inference that the breath analysis instrument was in proper working order at the time of the subject test.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE III LABORATORY CERTIFICATION (1) All breath analysis instruments shall be returned to the division of forensic science on an annual basis for a laboratory certification. Such certification shall consist of, but not be limited to:

(a) A field certification shall be performed to establish current status of the breath analysis instrument.

(b) A complete analysis of the breath analysis instruments electronic functions and settings.

(c) A series of controlled ethyl alcohol solutions shall be analyzed with an accuracy requirement of +/- 5% (.005) on all target values.

(d) All updates, modifications, or changes which have been approved by the division of forensic science may be installed.

(e) A review of the breath analysis instruments sensitivity for the detection of any interfering substances.

(2) A record of the laboratory certification report shall be kept on file at the division of forensic science.

(3) All new breath analysis instrumentation must receive a laboratory certification prior to placement in the field. Any breath analysis instrument sent to another location other than the division of forensic science, or approved repair facility within the state of Montana for maintenance or repair is required to receive a laboratory certification from the division of forensic science prior to the unit being placed back into service.

(4) All breath analysis instruments received from the division of forensic science either after the laboratory certification or after repair must have a field certification performed by the breath test specialist/senior operator or authorized designee designed as set forth in Rule II prior to analysis of any subjects.

(5) The results of the laboratory certification shall be placed on file with the division of forensic science and a copy of the laboratory certification shall be filed with the testing location. Failure to file with the testing location does not invalidate the laboratory certification, or any subject analysis performed at that location, if such certification is on file with the division of forensic science.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE IV QUALIFICATION OF BREATH ANALYSIS LOCATION

(1) All locations performing breath analysis must have one or more breath test specialist/senior operator responsible for the care, maintenance and field certification of the unit. The specialist/operator does not have to be a member of the department which has the physical placement of the unit.

(2) All locations must have a sufficient number of breath test specialists to warrant placement. The number of breath test specialists for any location will be based on the total

number of specialist/operators and specialist/senior operators within the county.

(3) All locations will provide an adequate operational environment for the breath analysis instrument. If a location fails to do so the division of forensic science shall have the right to place that location on suspension, and if the location does not meet approval within ninety (90) days of notification, that location shall have its certification revoked and if the breath analysis instrumentation is state-owned such breath analysis instrumentation will be removed from that location.

(4) All locations are required to submit copies of all field certification reports and all breath analysis reports on a monthly basis. Failure to maintain this reporting schedule may result in the revocation of a testing location's certification and the revocation of the breath test specialist/senior operator's certification. Failure to file the above reports does not invalidate any subject analysis performed at that location.

(5) Locations wishing approval as a certified test location must submit an application to the division of forensic science. The division will review the application and will respond with its decision in writing to the submitting location. Applications will be available through the division of forensic science. All locations established prior to April 1, 1990 are exempt from the application requirement and are granted certification status.

(6) Temporary testing locations may be designated upon the request of a law enforcement agency if the division of forensic science feels that such location is warranted. Such location must conform to all certification specifications required for a permanent testing location.

(7) All locations must have an equipment control form and a signed user agreement on file with the division of forensic science to maintain their certification status.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE V QUALIFICATIONS OF PERSONNEL (1) An individual meets the qualifications for a breath test specialist/operator permit by:

(a) Attending an approved training course conducted by personnel from the division of forensic science.

(b) Satisfactorily demonstrating knowledge of the principles of breath test analysis through discussion and examination.

(c) Satisfactorily demonstrating competent operation of the breath analysis instrumentation.

(2) A permit shall be issued to a person successfully completing the training. Such permit will have the specialist's expiration date displayed.

(3) An individual meets the qualifications for a breath test specialist/senior operator permit by:

(a) Holding a valid breath test specialist permit for at least one year. A special exemption for this requirement may be obtained through the division of forensic science.

(b) Attending an approved breath test specialist/senior operator training course conducted by personnel from the division of forensic science.

(c) Satisfactorily demonstrating knowledge of the principles of breath test analysis through discussion and examination.

(d) Satisfactorily demonstrating competent operation of the breath analysis instrumentation.

(e) Satisfactorily demonstrating competent preparation and analysis of controlled solutions utilized in field certifications.

(4) A permit shall be issued to a person successfully completing the training. Such permit will have the specialist's expiration date displayed.

(5) A person meets the qualifications for breath test specialist/technician by:

(a) Holding a valid breath test specialist/senior operator permit for at least one year. A special exemption for this requirement may be obtained through the division of forensic science.

(b) Attending an approved breath test specialist/technician training course conducted by personnel from the division of forensic science, or an approved manufacturers course in technical repair and maintenance.

(c) Satisfactorily demonstrating knowledge of the technology utilized by the specific breath analysis instrument for which the individual wishes to hold a permit.

(d) Satisfactorily demonstrating competency in problem solving and repair of specific breath analysis instrument.

(6) The breath test specialist/technician permit is held in addition to the breath test specialist/senior operator permit. An individual holding a breath test specialist/technician permit is required to continue the duties and responsibilities of a breath test specialist/senior operator.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE VI RECERTIFICATION OF BREATH TEST PERSONNEL

(1) The division of forensic science shall provide a video tape containing all material needed for the recertification of the breath test specialist/operator. The division of forensic science shall place a copy of the recertification exam in the custody of the breath test specialist/senior operator.

(2) The breath test specialist/senior operator shall have the responsibility of presenting the recertification video and monitoring the examination of all personnel seeking recertification.

(3) All examinations shall be sent to the division of forensic science for grading.

(4) A notice shall be issued to all individuals successfully completing the operator's recertification training. Such notification shall have the specialist's expiration date displayed. Certification expires the last day of the month, in the following year, in which the specialist was certified.

(5) All breath test specialist/operators shall be recertified on an annual basis.

(6) All breath test specialist/senior operators must be recertified by a representative of the division of forensic science once every two years on a schedule to be determined by the division.

(7) Training shall include, but not be limited to, the following subjects; toxicology and pharmacology of alcohol in the human system, breath analysis instrument theory, breath analysis instrument operation, current legal decisions, training techniques and any area deemed appropriate by the division of forensic science.

(8) The breath test specialist/senior operator is still required to submit to annual examination based on the material he/she is presenting to the breath test specialist/operators in addition to the bi-annual recertification conducted by the division of forensic science.

(9) A notice will be issued to all individuals successfully completing the supervisor's recertification training. Such notification shall have the specialist's expiration date displayed. Certification expires the last day of the month, in the following year, in which the specialist was certified.

(10) The breath test specialist/technician is only required to fulfill the recertification requirements of a breath test specialist/senior operator. The technician's proficiency will be assessed through monitoring of his/her performance.

(11) All breath test specialists must successfully pass a recertification course within 90 days after his/her expiration date.

(12) If a breath test specialist fails to recertify within the specified time frame, he/she must either attend an initial certification course or file a request, in writing, for an exemption. Exemption requests will be reviewed and a decision will be presented to the individual in writing.

(13) If a breath test specialist fails the recertification examination he/she may retake the examination within 30 days of notification of failure.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE VII PERMITS (1) The division of forensic science shall issue permits to perform analysis of a person's breath for alcohol to individuals who qualify under these rules. No individual may perform a breath analysis for alcohol pursuant to section 61-8-402, MCA, without a current permit. Individuals

holding permits issued by the division of forensic science shall perform only those functions designated by that permit.

(2) Permits issued shall expire the last day of the month, in the following year, in which the specialist was certified, unless revoked prior to that date. Individuals seeking renewal or upgrading of a permit must demonstrate to the satisfaction of the division of forensic science such competency and ability to warrant renewal or upgrade of the permit. The division of forensic science has the right to deny or delay the issuance or renewal of any permit for good cause.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE VIII REVOCATION OF PERMITS (1) The division of forensic science may deny, deny renewal of, suspend, or revoke the permit of any permit holder:

- (a) Who obtained such permit falsely or deceitfully;
 - (b) Who fails to comply with any section of the rules and regulations;
 - (c) Who as a breath test specialist/operator fails to demonstrate that he or she can properly carry out the duties and responsibilities of the issued permit, or
 - (d) Who as a breath test specialist/senior operator and/or breath test specialist/technician fails to carry out the responsibilities incumbent of that permit.
- (2) The division of forensic science has the right to revoke, suspend, or deny any permit for good cause.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE IX COLLECTION OF BLOOD SAMPLES FOR ALCOHOL ANALYSIS

(1) Blood samples will be collected from living individuals only by persons authorized by current law, upon written request of a peace officer or officer of the court.

(2) The skin at the area of puncture must be thoroughly cleansed and disinfected with an aqueous solution of a non-volatile antiseptic i.e. betadine, etc. Alcohol phenolic solution may not be used.

(3) The blood sample will be deposited in a clean dry container. The container should then be capped or stoppered, sealed and the following information provided:

- (a) Name of the subject,
 - (b) Date of the collection,
 - (c) Time of the collection,
 - (d) Paper seal to be signed and dated.
- (4) All blood samples must be of sufficient volume to provide accurate and repeatable analyses. Required volumes will be dependant on the current technology employed by the division. Any submitted sample not meeting the required sample volume will not be analyzed.

(5) The division of forensic science will provide collection kits consisting of approved collection tubes and the

appropriate request forms for collection of blood samples. The division of forensic science reserves the right to accept or reject any blood sample submitted in a commercially available collection kit.

(6) The approved collection tube will be one that contains a preservative, sodium fluoride or its equivalent and an anticoagulant, potassium oxalate or its equivalent. If no additive or additives are used, a statement should accompany the sample.

(7) When possible, the peace officer requesting the blood sample shall observe the collection of the sample so that he/she may attest to the sample's authenticity.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

RULE X COLLECTION OF POSTMORTEM SAMPLES FOR ALCOHOL ANALYSIS (1) Sampling of body substances other than blood, breath, or urine is considered valid only in postmortem cases. All postmortem body material must be obtained prior to the embalming process. The sample or samples must be taken by a physician, board certified pathologist, the county coroner or a designated representative of the county coroner.

(2) Whenever a postmortem blood sample is collected, all practical precautions to ensure a representative, uncontaminated sample must be employed. Care must be taken to avoid contamination of the sample by gastrointestinal contents if it is necessary to sample heart blood. There must be adequate mixing of the blood sample before withdrawal. If a heart blood sample is taken without autopsy, precautions against dilution of the blood with pleural or pericardial fluids must be employed.

(3) If a heart blood sample is not available for alcohol analysis the sample of choice will be vitreous fluid. Again sample to be drawn will be an uncontaminated sample.

(4) In the event that no fluid samples can be preserved, tissue samples may be submitted. Preferred tissue samples to be brain, liver, lung and kidney.

AUTH: Section 61-8-405(6), MCA.

IMP: Section 61-8-405(6), MCA.

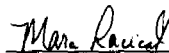
5. The department believes the proposed rule amendments, repeals and adoptions are necessary to give full effect to the provisions of section 61-8-405(6), MCA. For example, the existing rules do not provide for the certification of locations where breath alcohol analysis are performed. The existing rules also do not effectively address alcohol analysis of blood samples. In sum, the department believes the changes are necessary to assure the integrity of all alcohol analyses performed statewide under Title 61, ch. 8, part 4, MCA.

6. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written

data, views and arguments may also be submitted to the Division Of Forensic Science, 554 W. Broadway, Missoula, Montana 59802 no later than June 27, 1991.

7. Marvin Dye, director of the breath analysis program, division of forensic science has been designated to preside over and conduct the hearing.

By:



MARC RACICOT

Attorney General

Certified to the Secretary of State 5-20, 1991.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
adoption of Rules I through	)	THE PROPOSED ADOPTION OF
XXI pertaining to targeted	)	RULES I THROUGH XXI
case management	)	PERTAINING TO TARGETED CASE
	)	MANAGEMENT

TO: All Interested Persons

1. On June 20, 1991, at 9:00 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed adoption of Rules I through XXI pertaining to targeted case management.

2. The rules as proposed to be adopted provide as follows:

[RULE I] CASE MANAGEMENT SERVICES. GENERAL PROVISIONS

(1) Case management includes activities which assist clients in the designated populations to:

(a) identify their needs; and

(b) manage and gain access to necessary medical, social, educational and other services through assessment, case plan development, and ongoing monitoring and service coordination.

(2) Case management services are available to persons who are determined by the department or its designees in accordance with [these Rules] to be within the covered groups set forth in [Rule II].

(3) Receipt of case management services does not restrict a client's right to receive other Montana medicaid services from any certified medicaid provider.

(4) Case management services cannot duplicate any other medicaid service or other services available to the client.

(5) Case management services must be delivered by a case manager whose primary responsibility is the delivery of case management services to one or more of the populations identified in [Rule II].

(6) Referral and arrangements for treatment of a client are a case management service, but the direct provision of medical and other services to the client is not part of the case management service.

(7) Except as otherwise provided for in [these Rules], a client may select a case management service provider and the providers of the care received with the assistance of case management.

(8) The case manager must document the name of the client, verification of the client's eligibility for medicaid

and for case management services, the date of service, the services provided, the name of the persons or agencies providing services, and the location of the service.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE II] CASE MANAGEMENT SERVICES. GENERAL ELIGIBILITY

(1) Persons who are medicaid recipients and are from the following groups are eligible for case management services:

- (a) high risk pregnant women;
- (b) chronically mentally ill adults; and
- (c) persons age 16 and over with developmental disabilities.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE III] CASE MANAGEMENT SERVICES. GENERAL DEFINITIONS

(1) "Case management" means the process of planning and coordinating care and services to meet individual needs and to facilitate access to necessary medical, social, nutritional, educational and other services.

(2) "Case management provider" or "provider" means an entity that as provided for in [these Rules] may provide case management services to clients.

(3) "Case manager" means a person or a team of persons assigned by a case management provider to do case management for the client.

(4) "Client" means a person who is eligible for and is receiving case management services.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE IV] CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. ELIGIBILITY

(1) A person is eligible for case management as a high risk pregnant woman if:

(a) the person is receiving medicaid or is presumptively eligible for medicaid; and

(b) the person's pregnancy outcome is considered to be at high risk as determined by the case manager.

(2) A pregnancy is of high risk if the person:

- (a) is age 17 or younger;
- (b) someone in the person's immediate environment uses alcohol or drugs;

(c) is homeless; or

(d) demonstrates an inability to obtain necessary resources and services and the person meets three of the following criteria. The person:

- (i) has been physically or sexually abused;
- (ii) has no support system or involvement of a spouse or other supporting person;

- (iii) has medical factors which indicate the potential for a poor pregnancy outcome;
- (iv) has two or more children under age five;
- (v) is not educated beyond the eighth grade level;
- (vi) has a physical disability or mental impairment;
- (vii) has had no prenatal care before or during the first 20 weeks of gestation;
- (viii) is a refugee;
- (ix) is age 18 or 19; or
- (x) has limited English proficiency.
- (3) Case management services may be delivered to the client, if medicaid eligibility continues, until the last day of the month in which occurs the 60th day following the end of the pregnancy.
- (4) Case management services may be delivered to the newborn through the month of the first birthday if:
 - (a) the newborn continues to reside with the biological mother;
 - (b) the mother received case management services as a high risk pregnant woman; and
 - (c) the newborn remains eligible for medicaid.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE V] CASE MANAGEMENT FOR HIGH RISK PREGNANT WOMEN.
DEFINITIONS

- (1) "Assessment" means an evaluation to identify a client's physical, medical, nutritional, environmental, psychosocial, developmental, educational, behavioral, emotional and mobility status to determine if the person meets the "high risk" criteria. This is an ongoing process updated at each contact.
- (2) "Care coordination and referral" means helping a client to access services by establishing and maintaining a referral process for needed and appropriate services and avoiding duplication of services.
- (3) "Case planning" means preparing a written service plan that reflects a client's needs and the resources available to meet those needs in a coordinated and integrated fashion.
- (4) "Low birth weight prevention project" means a facility operated by the Montana department of health and environmental sciences perinatal program that provides low birth weight prevention services.
- (5) "Monitoring" means regular contacts to encourage cooperation and resolve problems which may create barriers to services and assuring that a client receives services as indicated in the service plan.
- (6) "Presumptive eligibility" means, as provided at ARM 46.12.3401, the temporary process of determining medicaid eligibility and providing limited ambulatory prenatal care.

AUTH: Sec. 53-6-113 MCA
IMP: Sec. 53-6-101 MCA

[RULE VI] CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. COVERAGE

(1) Reimbursable case management services for high risk pregnant women are:

- (a) assessment;
 - (b) case plan development;
 - (c) care coordination and referral for other services;
- and
- (d) monitoring.

AUTH: Sec. 53-6-113 MCA
IMP: Sec. 53-6-101 MCA

[RULE VII] CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. PROVIDER REQUIREMENTS

(1) These requirements are in addition to those requirements provided in ARM 46.12.301 through 46.12.309.

(2) To be qualified as a provider of case management services for high risk pregnant women, an entity must:

- (a) be approved by the department;
- (b) be under contract with the Montana department of health and environmental sciences to provide low birthweight prevention services for the Montana perinatal program;
- (c) meet the requirements in subsections (3) through

(7);

- (d) have experience in the delivery of services to high risk pregnant women;
- (e) demonstrate an understanding of the concept of prenatal care coordination services; and
- (f) have developed relationships with health care and other agencies in the area to be served.

(3) A case management provider must use an interdisciplinary team that includes members from the professions of nursing, social work and nutrition.

(a) The professional requirements for these professionals are the following:

(i) nursing must be provided by a licensed registered professional nurse who is either:

(A) a registered nurse with a bachelor of science degree in nursing, including course work in public health; or

(B) a certified nurse practitioner with two years experience in the care of families;

(ii) social work must be provided by a social worker with a masters or bachelors degree in behavioral sciences or related field with one year experience in community social services or public health. A social worker with a masters in social work (MSW), masters in counseling, or a bachelors in social work (BSW) with two years experience in community social services or public health is preferred; and

(iii) nutrition must be provided by a registered dietitian who is licensed as a nutritionist in Montana and has

two years experience in public health and/or maternal-child health.

(b) To accommodate special agency and geographic needs and circumstances, exceptions to the staffing requirements may be allowed if approved by the department of health and environmental sciences.

(4) The case management provider must be able to provide the services of at least one of the professional disciplines listed in subsection (3) directly. The other disciplines may be provided through subcontracts.

(5) Where services are provided through a subcontractor, the subcontract must be submitted to the department for review and approval.

(6) A case management provider must:

(a) conduct activities to inform the target population, health care and social service providers in the geographic area to be served of its prenatal care coordination services;

(b) deliver prenatal care coordination services appropriate to the individual client's level of need;

(c) respond promptly to requests and referrals for targeted case management clients;

(d) perform assessments and develop care plans for the appropriate level of care and document services provided;

(e) schedule services to accommodate the client's situation;

(f) educate clients regarding when and when to call for pregnancy emergencies;

(g) establish working relationships with medical providers, community agencies, and other appropriate organizations;

(h) assure that ongoing communication and coordination of client care occurs within the case management team and with the client's medical prenatal care provider;

(i) provide services in a home setting in addition to office or clinic settings. Home visiting, particularly by the community health nurse, is an integral part of targeted case management;

(j) have a system for handling client grievances; and

(k) maintain an adequate and confidential client records system. All services provided directly or through a subcontractor must be documented in this system.

(7) A case manager providing services for a case management provider must have:

(a) knowledge of:

(i) federal, state and local programs for children and pregnant women such as Title V programs, WIC, immunizations, perinatal health care, handicapped children's services, family planning, genetic services, hepatitis B screening, kids count (EPSDT), etc.;

(ii) individual health care plan development and evaluation;

(iii) community health care systems and resources; and

- (iv) nationally recognized perinatal and child health care standards;
- (b) the ability to:
 - (i) interpret medical findings;
 - (ii) develop an individual case management plan based on an assessment of a client's health, nutritional and psychosocial status and personal and community resources;
 - (iii) educate a client regarding health conditions and implications of risk factors;
 - (iv) encourage a client's responsibility for health care;
 - (v) establish linkages with service providers;
 - (vi) coordinate multiple agency services to the benefit of the client; and
 - (vii) evaluate a client's progress in obtaining appropriate medical care and other needed services.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE VIII] CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. FINANCIAL RECORDS AND REPORTING

(1) A case management provider must maintain adequate financial and statistical records, in the form and containing the information required by the department, to allow the department and its agents to determine payment for services provided to medicaid recipients and to provide a record that is auditable through the application of generally accepted audit procedures. Financial data must be maintained on an accrual basis. The provider must file a cost report for each of the provider's fiscal years. Financial records must be maintained for a period of three years after a cost report is filed with respect to the period covered by the records or until the cost report is finally settled, whichever is later.

(2) The records described in subsection (1) must be available at the facility at all reasonable times and shall be subject to inspection, review and audit by the department or its agents, the United States department of health and human services, the general accounting office, the Montana legislative auditor, and other appropriate governmental agencies.

(3) Upon failure or refusal of the provider to make available and allow access to such records or upon failure or refusal to submit a required cost report or upon submission of an inadequate cost report, the department may recover in full all payments made to the provider during the reporting period to which such records relate.

(4) Within 90 days after the end of the provider's fiscal year, the provider must submit to the department or its agent in the form and detail required by the department, a cost report covering the reporting period and containing the following information:

(a) the allowable costs actually incurred in providing case management services for the period and the actual number of services provided during the period; and

(b) the amounts of all payments received or due from other payors, including but not limited to medicare and private insurers, with respect to such services.

(5) Overpayments and underpayments will be collected or paid as provided in ARM 46.12.509 and references in that rule to a "hospital" shall be deemed to be references to a case management provider.

(6) A provider who is dissatisfied with the department's interim rate determination, determination of overpayment or underpayment, or other adverse determination may request an administrative review or fair hearing in accordance with the requirements and procedures of ARM 46.12.1210.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE IX] CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. REIMBURSEMENT

(1) A provider of case management services for high risk pregnant women will be reimbursed for the allowable costs, determined in accordance with subsection (3), of providing case management services to eligible medicaid recipients.

(a) The amount of reimbursement due a provider will be determined retrospectively by the department based upon the reporting period cost report required under [Rule VIII]. An overpayment or underpayment for the reporting period is calculated by finding the difference between the total of the incurred allowable costs reported and the total of the interim payments received by the provider. The department will notify the provider in writing of any overpayment or underpayment determination.

(2) The department will establish interim rates for each service. An interim rate will be determined for a fiscal year by dividing the estimated total allowable costs on a statewide basis for the service during the fiscal year by estimated total of service units to be delivered on a statewide basis during that fiscal year.

(a) The department may, but is not required to, review and adjust the interim rates established during the reporting period to assure that interim payments approximate allowable costs for case management services if:

(i) there is a significant change in the utilization of case management services;

(ii) the incurred allowable costs vary materially from the estimated allowable costs; or

(iii) the department in its discretion determines that other circumstances warrant an adjustment.

(3) No cost shall be allowable unless the department determines that it has been incurred and that it is reasonable

and necessarily related to the provision of case management services. Profit is not an allowable cost.

(4) Reimbursement shall not exceed the provider's customary charge to the general public for the service.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE X] CASE MANAGEMENT SERVICES FOR CHRONICALLY MENTALLY ILL ADULTS, ELIGIBILITY

(1) A person is eligible for case management as a chronically mentally ill person if the person:

(a) is receiving medicaid;
(b) is at least 18 years old; and
(c) has both severe mental illness and ongoing functional difficulties because of the mental illness.

(2) A person has a severe mental illness if the person:

(a) has been hospitalized at least once for a minimum of 30 consecutive days because of a mental disorder;

(b) has a DSM-III-R diagnosis of schizophrenic disorder (295); major mood disorder (296.2, 296.3, 296.4, 296.5, 296.6, 296.7, 301.13); paranoid disorder (297.10); organic disorder (293.81, 293.82, 293.83, 294.00, 294.80, 310.10); other psychotic disorder (295.40, 295.70, 297.30, 298.90); pervasive developmental disorder (299.80) when not accompanied by mental retardation; or

(c) has a DSM-III-R diagnosis of personality disorder (301.00, 301.20, 301.22, 301.40, 301.50, 301.60, 301.81, 301.82, 301.83, 301.84, or 301.90) which causes the person to be unable to work competitively on a full-time basis or to be unable to maintain a residence without assistance and support by family or a public agency.

(3) A person has ongoing functional difficulties because of mental illness if the person:

(a) has a physician's prescription for medication to control the symptoms of mental illness;

(b) is unemployed or does not work in a full-time competitive situation because of mental illness;

(c) receives supplemental security income (SSI) or social security disability income (SSDI) payments because of mental illness; or

(d) maintains or could maintain a living arrangement only with the ongoing supervision and assistance of family or a public agency.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XI] CHRONICALLY MENTALLY ILL ADULTS, DEFINITIONS

(1) "Assessment" means an integrated examination of the client's strengths, status, aspirations, needs and goals in the life domains of residential, health, vocation, education, community participation, leisure time and economics.

(2) "Assistance in daily living" means the ongoing monitoring of how a client is coping with life on a day-to-day basis and the activities a case manager performs which support a client in daily life. Assistance with daily living skills includes, but is not limited to, assistance with shopping, monitoring symptoms related to medications, assistance with budgeting, teaching use of public transportation, monitoring and tutoring with regard to health maintenance, and monitoring contact with the family members.

(3) "Case planning" means the development of a written individualized case management plan by the case manager and the client. The plan must be signed by the client and the case manager.

(4) "Care coordination, referral, and advocacy" mean the providing access to and mobilizing resources to meet the needs of a client. This may include but is not limited to:

(a) advocating on behalf of a client with a local human services system, social security system, disability determination unit, judges, etc.;

(b) making referrals and insuring that needed services are provided; and

(c) intervention on behalf of a client who otherwise could not negotiate or access complex systems without assistance and support.

(5) "Crisis intervention and stabilization" means immediate action taken for a specific client or other persons in relation to a specific client. Intervention may include contacts with a client's family members.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XIII] SERVICES TO CHRONICALLY MENTALLY ILL ADULTS. COVERAGE (1) Reimbursable case management services for chronically mentally ill adults are:

(a) assessment;

(b) case planning;

(c) crisis intervention and stabilization;

(d) assistance in daily living; and

(e) care coordination, referral and advocacy.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XIII] CASE MANAGEMENT SERVICES FOR CHRONICALLY MENTALLY ILL ADULTS. GEOGRAPHICAL COVERAGE (1) Case management services for chronically mentally ill adults are available only in the following counties of the community health regions designated by the Montana department of institutions:

(a) region 1: Custer, Dawson and Richland counties;

(b) region 2: Cascade and Hill counties;

(c) region 3: Yellowstone county;

(d) region 4: Deer Lodge, Gallatin, Lewis and Clark, Park, and Silverbow counties; and

(e) region 5: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders counties.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XIV] CASE MANAGEMENT FOR CHRONICALLY MENTALLY ILL ADULTS. PROVIDER REQUIREMENTS

(1) These requirements are in addition to those requirements provided in ARM 46.12.301 through 46.12.309.

(2) Case management services for chronically mentally ill adults must be provided by a licensed mental health center as specified in ARM 46.12.571 that is contracting with the Montana department of institutions to provide mental health services.

(3) A case management plan must:

(a) identify measurable objectives;

(b) specify strategies to achieve defined objectives;

(c) identify agencies and contacts which will assist in meeting the objectives; and

(d) identify natural and community supports to be utilized and developed.

(4) Objectives in a case management plan must have an identified date of review no more than ninety (90) days after the plan date. Plans will be revised to reflect changes in client goals and needs, and the services provided to the client.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XV] CASE MANAGEMENT SERVICES FOR CHRONICALLY MENTALLY ILL ADULTS. REIMBURSEMENT

(1) Case management services for chronically mentally ill adults are reimbursed based on a cost per service unit. A service unit is a fifteen minute increment.

(2) The department will pay the lower of the following for case management services for chronically mentally ill adults:

(a) the provider's actual submitted charge for services; or

(b) the department fee schedule contained in this rule.

(3) The fee schedule for case management services for chronically mentally ill adults is the following:

Each 15 minute unit.....8.74

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XVI] CASE MANAGEMENT SERVICES FOR PERSONS AGE 16 AND OVER WITH DEVELOPMENTAL DISABILITIES. DEFINITIONS

(1) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurological handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded persons if the disability originated before the person attained age 18, has continued or can be expected to continue indefinitely, and constitutes a substantial handicap of the person.

(2) "Level I case management service" means the assessment and evaluation of a client's need for services.

(3) "Level II case management service" means assistance in obtaining for a client the services identified in Level I.

(4) "Level III case management service" means the placement of a client into the services identified in Levels I and II.

(5) "Level IV case management service" means the coordinated comprehensive development of an individual service plan for a client who has entered a service or services that require on-going case management.

(6) "Level V case management service" means crisis intervention on behalf of a client which requires the case manager's assistance within 24 hours.

(7) "Intermediate care facility for the mentally retarded (ICF/MR)" means a residential facility as defined at 42 USC 1396d(d) and licensed by the Montana department of health and environmental sciences that provides active treatment services to persons with developmental disabilities.

(8) "Nursing facility" means a residential facility as defined at 42 USC 1396r(a) and licensed by the Montana department of health and environmental sciences that provides nursing services.

(9) "Monitor" means periodic review of the implementation of services identified in the individual service plan.

(10) "Individual service plan (ISP)" means a written plan which contains:

(a) reference to all provided services including identification of providers;

(b) documentation of who was involved in developing the plan;

(c) long range services and goals;

(d) short term services and objectives;

(e) schedules for service initiation and frequency; and

(f) schedules for updating the plan.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XVIII] CASE MANAGEMENT FOR PERSONS AGE 16 AND OVER WITH DEVELOPMENTAL DISABILITIES. ELIGIBILITY (1)

A person is eligible for case management as a person with developmental disabilities if the person:

- (a) is receiving medicaid;
 - (b) is at least 16 years old; and
 - (c) has a developmental disability.
- (2) Case management services are not available to:
- (a) a person residing in an intermediate care facility for the mentally retarded (ICF/MR);
 - (b) an otherwise qualified person residing in a medicaid certified nursing facility or intermediate care facility for the developmentally disabled, except as provided for in subsection (3); and
 - (c) a person receiving case management services under a home and community-based waiver program authorized under Section 1915 (c) of the Social Security Act.
- (3) An otherwise qualified person residing in a medicaid certified nursing facility or intermediate care facility for the mentally retarded may receive case management services during the 30-day period immediately preceding the scheduled discharge from a nursing facility in order to coordinate post-discharge services in a non-institutional setting.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XVIII] CASE MANAGEMENT FOR PERSONS AGE 16 AND OVER WITH DEVELOPMENTAL DISABILITIES. COVERAGE

(1) Case management services which are reimbursable for persons age 16 and over with developmental disabilities are:

- (a) Level I;
- (b) Level II;
- (c) Level III;
- (d) Level IV; and
- (e) Level V.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XIX] CASE MANAGEMENT FOR PERSONS AGE 16 AND OVER WITH DEVELOPMENTAL DISABILITIES. GEOGRAPHICAL COVERAGE

(1) Case management services for persons age 16 and over with developmental disabilities are available throughout the state.

(2) The Montana department of family services in designated geographical areas of the state where it determines it is unable to deliver case management services may contract for the delivery of those services by a case management provider.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XXI] CASE MANAGEMENT FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. REQUIREMENTS

(1) These requirements are in addition to those contained in ARM 46.12.301 through 46.12.309.

(2) The case management provider for persons age 16 and over with developmental disabilities is the Montana department of family services. The Montana department of family services may subcontract with other case management providers for the delivery of case management services.

(3) The case manager must be employed by the Montana department of family services or by a case management provider contracting with the Montana department of family services.

(4) A case manager must meet the following criteria:

(a) a case manager, except as otherwise provided for in subsection (b), must:

(i) have a bachelor's degree in social work or a related field from an accredited college; and

(ii) either:

(A) have one year of experience in human services; or

(B) have completed at least 40 hours of training in the delivery of services to persons with developmental disabilities under a training curriculum approved by the Montana department of family services within no more than three months of hire or designation as a case manager.

(b) a social worker currently employed by the department of family services who has provided case management services for the department to persons with developmental disabilities since July 1, 1985 but who does not meet the criteria in subsection (a) may serve as a case manager.

(5) Level I case management services must be completed for all persons receiving services.

(6) All case management services will be monitored by the case manager and the case manager's supervisor. The ISP will be reviewed and revised according to the client's needs at least annually, or when major changes are needed.

(7) A provider of direct care services to persons with developmental disabilities may not act as the case management provider for clients for whom the provider delivers services.

(8) A person furnishing case management services must participate in a minimum of 20 hours of advanced training in services to persons with developmental disabilities each year under a training curriculum approved by the Montana department of family services. On-going documentation of the qualifications of case managers and completions of mandated training will be maintained by the Montana department of family services.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

[RULE XXI] CASE MANAGEMENT FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. REIMBURSEMENT (1) Case management services for persons age 16 and over with developmental disabilities are reimbursed based on a flat rate for each unit of service.

(a) A unit of service is a minimum of two client or client resource contacts per month.

(2) During fiscal years 1992 and 1993, the reimbursement rate per unit of service will be determined by dividing the estimated total costs on a statewide basis for the delivery of case management services during the fiscal year by the estimated total number of clients to be served on a statewide basis during that fiscal year.

(3) For fiscal years subsequent to fiscal year 1993, the reimbursement rate will be based upon actual case management data from the previous year. The reimbursement rate per unit of service will be determined by dividing the total costs on a statewide basis for the delivery of case management services during the prior fiscal year by the total number of clients served on a statewide basis during that year.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 MCA

3. These proposed rules implement case management services for high risk pregnant women, chronically mentally ill adults, and persons age 16 and over with developmental disabilities as medicaid services. The federal authorities governing the medicaid program allow states to implement as an optional medicaid service case management services to certain populations of medicaid recipients. The 1991 Montana Legislature in SB 391 provided specific statutory authority to allow the state to implement this optional service.

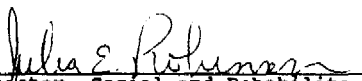
These case management services will improve the delivery and array of medicaid and other services available to medicaid eligible persons in these populations. With the improvement in service delivery these populations should experience improved health and social stability.

Case management services will be delivered through contractual relationships with other state agencies and private providers. These providers will provide case managers that will be available to members of the identified populations. The case managers will work with the clients to formulate plans for their service needs and help the clients to find and use those services.

Case management services for each population must be tailored to meet the particular needs of the population. The proposed rules, in addition to general requirements for all three case management services, provide requirements particular to each type of case management service.

4. Interested parties 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 the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604-4210, no later than June 27, 1991.

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



Director, Social and Rehabilitation Services

Certified to the Secretary of State May 20, 1991.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption)	NOTICE OF ADOPTION
of a new rule establishing)	OF A NEW RULE 4.12.1023
Grading Standards for Hulless)	PERTAINING TO HULLESS
Barley)	BARLEY

TO: All Interested Persons

1. On April 11, 1991, the Department of Agriculture published a notice to adopt a new rule 4.12.1023 establishing Grading Standards for Hulless Barley published on page 383 of the 1991 MAR Register, issue number 7.
2. No comments or testimony were received.
3. No public hearing was held nor was one requested. The department has adopted the new rule as proposed.

By: 
E.M. SNORTLAND, DIRECTOR
DEPARTMENT OF AGRICULTURE

Certified to the Secretary of State May 6, 1991.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT
of the rule imposing a fee on)	OF ARM 4.12.1504
all mint oil producers)	ON ALL MINT OIL
)	PRODUCERS
)	

TO: All Interested Persons

1. On April 11, 1991, the Department of Agriculture published a notice to amend the rule 4.12.1504 relating to the fee on all mint oil producers published on page 385 of the 1991 MAR Register, issue number 7.

2. No comments or testimony were received.

3. No public hearing was held nor was one requested. The department has amended rule as proposed.

By: E. M. Snortland
E.M. SNORTLAND, DIRECTOR
DEPARTMENT OF AGRICULTURE

Certified to the Secretary of State May 6, 1991.

BEFORE THE BOARD OF ATHLETICS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF
of a rule pertaining to referees) 8.8.3402 REFEREE

TO: All Interested Persons:

1. On April 11, 1991, the Board of Athletics published a notice of proposed amendment of the above-stated rules at page 387, 1991 Montana Administrative Register, issue number 7.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF ATHLETICS
ANDY VANDOLAH, CHAIRMAN

BY: 

ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, May 20, 1991.

BEFORE THE FISH AND GAME COMMISSION
OF THE STATE OF MONTANA

In the Matter of the Proposed)	NOTICE OF THE ADOPTION
Adoption of Hunting License and)	OF RULES 12.3.109 -
Damage Hunt Rules.)	12.3.123; 12.3.402 -
	12.3.406; and 12.9.801
	- 12.9.802

TO: All Interested Persons:

1. On March 14, 1991, the Montana Fish and Game Commission published notice of public hearing on adoption of rules concerning hunting licenses and damage hunts at page 288 of the Montana Administrative Register, Issue No. 5.

2. A public hearing was held on April 4, 1991, in Helena, Montana, and was attended by eight people. Formal comments were given by six persons and written comments were received from eight persons prior to or at the hearing. Department personnel also commented on the proposed rules and changes were proposed at the hearing based on their suggestions. The hearing was tape recorded and the tapes were included in the file on this matter together with the report of the hearing officer. The specific comments are discussed below in reference to each rule.

3. Based upon the comments received, the rules are being adopted as proposed with those changes given below.

RULE I (12.3.109) PURPOSE received no comments and is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-1-301, MCA

RULE II (12.3.110) DEFINITIONS received no comments and is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-1-301, MCA

RULE III (12.3.111) LICENSE/PERMIT PREREQUISITES (1) and (2) received no comment and are adopted as proposed.

(3) ~~Moose, sheep, goat, deer B licenses, antelope, black bear, grizzly bear, swan, and mountain lion licenses, turkey permits/licenses.~~ All valid conservation license holders may apply for moose, sheep, goat, deer B, antelope, black bear, grizzly bear, buffalo, swan, and mountain lion licenses, and turkey permits/licenses. Resident sportsman and nonresident big game combination license holders may not apply for a black bear license if the black bear license is included as part of the combination license.

(4) A nonresident who uses a class B-11 landowner sponsored license in conjunction with a deer permit or a wild turkey license may hunt only on the landowner sponsor's property. A nonresident who possesses a class B-1 landowner sponsored license and who hunts turkey off the landowner sponsor's property must also hold a class B-1, nonresident bird license valid statewide which is different than the restrictive B-1 license contained in the B-11 license. A nonresident holding both the class B-11 license and the class B-1 license valid statewide may purchase only ~~one wild turkey license per spring season and one wild turkey license per all season~~ the

number of wild turkey licenses specified on the annual regulations for that season.

AUTH: §87-1-304, MCA

IMP: §87-1-304, MCA

COMMENT: Proposed changes reflect department proposals suggested in response to changes in license structure or season types.

RESPONSE: Proposed changes adopted.

RULE IV (12.3.112) ANTELOPE LICENSES (1), (2), (3) and (4)(a) and (b) received no comment and are adopted as proposed.

(c) Any applicant applying as a member of an antelope party and who is otherwise eligible for landowner preference will be ~~considered a member of a party and will be entered into the drawing without landowner preference contacted and asked to make a choice between landowner preference and being in the party.~~

COMMENT: Changes reflect department proposal to clarify existing policy.

RESPONSE: Proposed changes adopted.

(4)(d), (4)(e), (5) and (6) are adopted as proposed.

AUTH: §87-2-706, MCA

IMP: §87-2-706, MCA

COMMENT: Dan Woodson of St. Regis, Montana, disagreed with the provisions of (6), which allow landowner preference application errors to be corrected at the discretion of the department.

RESPONSE: The provision was adopted as policy by the Commission in 1985, in an effort to improve landowner-sportsman relations. It is part of the landowner preference licensing procedure and recognizes the crucial role that private landowners play in providing both wildlife habitat and access for hunters.

RULE V (12.3.113) ELK PERMITS is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-2-706, MCA

COMMENTS: Dan Woodson of St. Regis, Montana, disagreed with the provisions of (4) which allow landowner preference application errors to be corrected at the discretion of the department. Bob Bugni stated that he believed the requirements for the landowner preference for elk permits should be more stringent.

RESPONSE: The provision was adopted by the Commission in 1985, in an effort to improve landowner-sportsman relations. It is part of the landowner preference licensing procedure and recognizes the crucial role that private landowners play in providing both wildlife habitat and access for hunters. Landowner preference requirements are mandated by statute, (87-2-705, MCA). The Commission does not have the authority to operate outside the limitations of the statute.

RULE VI (12.3.114) ANTLERLESS ELK LICENSE is adopted as proposed.

AUTH: §87-2-705, MCA

IMP: §87-2-705, MCA

COMMENTS: Dan Woodson of St. Regis, Montana, disagreed with the provisions of (4) which allow landowner preference application errors to be corrected at the discretion of the department. Bob Bugni stated that he believed the requirements for the landowner preference for elk permits should be more stringent.

RESPONSE: The provision was adopted by the Commission in

1985, in an effort to improve landowner-sportsman relations. It is part of the landowner preference licensing procedure and recognizes the crucial role that private landowners play in providing both wildlife habitat and access for hunters. Landowner preference requirements are mandated by statute, (87-2-705, MCA). The Commission does not have the authority to operate outside the limitations of the statute.

RULE VII (12.3.115) DEER B LICENSE/DEER PERMITS Is adopted as proposed.

AUTH: §87-1-304, MCA

IMP: §87-1-304, MCA

COMMENTS: Dan Woodsen of St. Regis, MT disagreed with the provisions of (3) which allow landowner preference application errors to be corrected at the discretion of the department.

RESPONSE: The provision was adopted by the Commission in 1985, in an effort to improve landowner-sportsman relations. It is part of the landowner preference licensing procedure and recognizes the crucial role that private landowners play in providing both wildlife habitat and access for hunters.

RULE VIII (12.3.116) MOOSE, SHEEP, GOAT LICENSES (1) Manner of drawings. The department shall issue moose, sheep, and goat licenses as described in sections 87-2-701 and 87-2-506, MCA, according to the following policy and procedures:

(a) Applicants for ~~each species~~ moose and goat must specify one choice for a hunting district. However, for bighorn sheep, an applicant may specify ~~an unlimited sheep hunting district as a~~ second choice.

(b) Application for unlimited sheep must be ~~on a current application form approved by the department~~ postmarked no later than June 1.

(2)(a)-(d) same as proposed.

(e) If a region has a total quota of less than 10, no nonresident license allocations will be made for that region.

AUTH: §87-1-304, MCA

IMP: §87-1-304, MCA

COMMENTS: Proposed changes reflect department proposals suggested in response to changes in season types and clarification of existing policy.

RESPONSE: Proposed changes adopted.

RULE IX (12.3.117) QUOTA MODIFICATION received no comments and is adopted as proposed.

AUTH: §87-02-506, MCA

IMP: §87-2-506, MCA

RULE X (12.3.118) APPLICATION FOR DRAWINGS (1) Application for special permit/license drawings - location of drawings. All applications for participation in any special permit/license drawing, except drawings under item XXI (damage hunts) provided for by these regulations must be postmarked by the U.S. Postal Service on or before June 1, of the current license year, or delivered by private mail service on or before June 1, or if personally delivered, received in the Helena Fish, Wildlife and Parks office by 5:00 p.m., June 1, of the current license year. If the deadline date for application for any license or drawings, as set by the

department, falls on a Sunday or state holiday, that date shall be automatically extended to 5:00 p.m. of the next full work day. ~~Such applications must be made on forms provided by the department.~~ No corrections or changes may be made after the department has received the drawing application, except that the department will accept corrections on the applications of those seeking landowner preference. Unless otherwise provided by these rules, all drawings will take place in Helena.

(2) Application for miscellaneous drawings. All applications for participation in buffalo, spring grizzly bear, swan and turkey drawings must be postmarked by the U.S. Postal Service by the advertised deadline date, or delivered by private mail service on or before the date to the address indicated for the particular drawing which is being applied for.

(3) Procedure for application for drawings. Applications must be made on the current form provided by the department or a photocopy of this form. The applicant must fill in the required information, sign the application, and submit the proper fee. Phone-in requests and wired-in money will not be accepted. The department will not accept personal checks from nonresidents for nonresident licenses and drawing fees. Applications that are required to be submitted on a current year, department approved form, include nonresident combination licenses, special drawings, buffalo, unlimited sheep, surplus special license, mountain lion, and fall grizzly and youth, landowner and general trapper.

AUTH: §87-2-506, MCA

IMP: §87-2-506, MCA

COMMENTS: Proposed changes reflect department proposals suggested in response to changes in season types and clarification of existing policy.

RESPONSE: Proposed changes adopted as proposed.

RULE XI (12.3.119) MULTIPLE APPLICATIONS received no comments and is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-2-104, MCA

RULE XII (12.3.120) HUNTER SAFETY REQUIREMENTS received no comments and is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-2-105, MCA

RULE XIII (12.3.121) DRAWING FEE received no comment and is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-2-113, MCA

RULE XIV (12.3.122) EXCESS LICENSES/PERMITS received no comments and is adopted as proposed.

AUTH: §87-1-304, MCA

IMP: §87-1-304, MCA

RULE XV (12.3.402) LICENSE REFUNDS is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-1-301

COMMENTS: Bob Bugni suggested that the deadline for refunding nonresident combination licenses without cause be changed to September 1, from October 1.

RESPONSE: The department has encountered a large number of refund requests between September 1, and October 1, because of last

minute changes of plans or circumstances. In order to be as responsive as possible to nonresident sportsmen, the October 1 deadline is appropriate.

RULE XVI (12.3.403) DUPLICATE LICENSES received no comments and is adopted as proposed.
AUTH: §87-2-104, MCA IMP: §87-2-104, MCA

RULE XVII (12.3.404) ANIMALS UNFIT FOR HUMAN CONSUMPTION received no comments and is adopted as proposed.
AUTH: §87-1-301, MCA IMP: §87-1-301, MCA

RULE XVIII (12.3.405) REVOKED HUNTING LICENSES received no comment and is adopted as proposed.
AUTH: §87-1-301, MCA IMP: §87-1-102, MCA

RULE XIX (12.3.406) COPYING LICENSE RECORDS received no comment and is adopted as proposed.
AUTH: §87-1-301, MCA IMP: §2-6-109, MCA

RULE XX (12.3.123) COMBINATION LICENSE ALTERNATE LIST (1) Upon completion of the sale of nonresident combination licenses, the department will ~~prepare randomly draw names for an alternates' list for both nonresident big game combination licenses and nonresident deer combination licenses.~~ These lists will contain the names of a ~~predetermined number of 300~~ unsuccessful applicants from ~~each category both categories~~ who may be contacted and given the opportunity to purchase a license in the event refunds are issued to successful applicants.

(2) In the event the alternate list is exhausted and refunded licenses remain to be issued, a secondary alternate list shall be prepared. Names shall be placed on the secondary alternate list on a first come, first served basis. Sportsman must request in writing to have their name placed on the list.

AUTH: §87-1-301, MCA IMP: §87-2-511, MCA
COMMENTS: Proposed changes reflect the department's desire for fairness in creating an alternate list.
RESPONSE: Proposed changes adopted as proposed.

RULE XXI (12.9.801) DAMAGE HUNTS (1) Damage hunts are carried out according to the following policies and procedures:

(a) In January, the department requests the commission to tentatively approve a specified number of antlerless deer, antlerless elk and doe/fawn antelope licenses for potential game damage occurring between August 1 and February 28.

(b) If a special damage season is determined by the regional supervisor to be necessary prior to the general hunting season, the supervisor must obtain approval of the commissioner in whose district the special game damage season is proposed prior to implementing the season. If the commissioner is not available, then approval will be requested from the chairman of the commission or, in his absence, any other commissioner. A random list of applicants on file for that district in special licensing will be requested. The list will include all those applications processed

to date and on the computer file. If an applicant list is not available for the district, the regional applicant list for that species will be used. Hunters selected by the region to participate in the special damage season will not be allowed to hunt with the special damage license/permit during the general season if unsuccessful during the early damage hunt. These hunters will be in addition to the general season permit quota. After the August drawing, successful applicants will be used before the general season and will not be in addition to the general season permit quota.

(c) Current license/permit holders successful in the general season drawings will be used for damage seasons conducted during the general hunting season. They will not be in addition to the general season permit quota.

(d) Deer and antelope. At the option of the regional supervisor, the list of unsuccessful applicants for the district or local drawing/first come, first served method will be utilized first, then a local drawing/first come, first served method of distribution for damage seasons will to be conducted after the general hunting season. These hunters will be in addition to the general season permit quota. Licenses will be available from the local license dealer for all deer damage seasons in which A-4 or B-8 licenses are sold.

(e) Elk. A roster of hunters to participate in elk damage season conducted after the general hunting season will be developed according to the following priority: First, holders of A-7 elk licenses, valid in that portion of the district, who did not fill their A-7 elk license during the period when it was valid; second, unsuccessful applicants for A-7 elk licenses in that portion of the districts; third, unsuccessful applicants for a permit in the district; fourth, unsuccessful applicants for permits in districts immediately adjacent to the district or unsuccessful applicants for permits in the region; and finally, holders of permits, valid in the district, who did not fill their permit during the general season. If an applicant list is not available for that species, a local drawing with or a first come, first served method of distribution will be used.

(2) - (5) same as proposed

AUTH: §87-1-301, MCA

IMP: §87-1-225, MCA

COMMENTS: Proposed changes reflect department proposals suggested in response to difficulty in filling damage hunt rosters for deer and antelope.

Several people stated their opposition to damage hunts or special management seasons being held on private lands not open to unrestricted public hunting during the general season. Others disagreed with the authority of the regional supervisors to allow special management seasons, stating that this authority should rest solely with the commission and should receive public review.

One person disagreed with giving holders of A-7 elk licenses preference over holders of A-5 elk licenses in damage hunts.

RESPONSE: Proposed department changes adopted as proposed.

Montana law §87-1-225, MCA, was amended in the 1989 legislative session and effective October 1, 1989, provides for game damage assistance to those landowners who meet the following

requirements: (a) allow public hunting during established hunting seasons; or (b) do not significantly reduce public hunting through imposed restrictions. The law also provides an exception to this requirement when unique or special circumstances exist that may render public hunting inappropriate.

Guidelines for the Montana Department of Fish, Wildlife and Parks big game damage procedures were adopted by the department in 1989. Section 5 of that policy specifies when the department may deny game damage assistance as follows:

The department has the responsibility to investigate all game damage complaints. However, assistance may be denied or discontinued to a landowner who: a) creates or further contributes to game damage problems by not providing sufficient public hunting to aid in reduction of game populations; b) imposes other restrictions which prevent adequate harvests or; c) refuses reasonable suggestions, actions or remedies offered by the department. The decision to deny or terminate assistance will be made by the regional supervisor. Denial or discontinuance of assistance will be documented with the reasons, history and other pertinent information used to make that decision. A copy of the written decision will be provided to the landowner(s) and to the Field Services' Division Administrator. The written decision will explain the appeal rights granted in Section 7.

It is important to balance the rights of the landowner to determine who is allowed to trespass with those of the sporting public in hunting. It is the department's intent to assist those landowners who allow reasonable public hunting and to deny assistance to those that do not. Because of the difficult circumstances which surround each specific case, the department prefers to determine what is reasonable based on the landowner's willingness to allow adequate harvest to control the population and not require unrestricted public hunting.

The A-7 elk license holder gives up all other opportunity to hunt elk during the fall hunting season. Since the A-5 elk license holder has more opportunity to hunt during the regular season, it is appropriate for the A-7 elk license holder to be given preference.

RULE XXII (12.9.802) MANAGEMENT SEASON is adopted as proposed.

AUTH: §87-1-301, MCA

IMP: §87-1-225, MCA

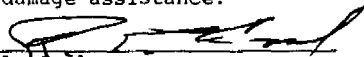
COMMENTS: The Prickly Pear Sportsmen Association suggested that "limited access, limited sex harvesting, fee hunting and blocking of access to public lands," be included as landowner restrictions which prevent adequate harvest during the regular season.

Jim Kehr stated that language establishing eligibility for game damage assistance needed to be more stringent.

RESPONSE: Rule XXII, section 7(a) addresses "limited access, limited sex harvesting and fee hunting" through providing the department the authority to deny special management seasons if a landowner does not allow sufficient public hunting to aid in the reduction of game populations. Denying access to public lands may or may not be a contributing factor in the ability to abate a game

population problem and could be considered on a case by case basis.

The current game damage policy was adopted by the Montana Fish, Wildlife and Parks Commission, September 15, 1989, was based on legislative mandate (§87-1-225, MCA), and developed with input from agricultural, conservation and sportsmens' and sportswomens' organizations. That policy states that a landowner may be denied assistance if he or she "... creates or further contributes to game damage problems by not providing sufficient public hunting to aid in the reduction of game populations;" or "... imposes other restrictions which prevent adequate harvests" (Section 5, Guidelines for Department of Fish, Wildlife and Parks Big Game Damage Procedures"). Regional personnel are responsible for assessing these situations and the regional supervisors make the determination to deny or provide game damage assistance.


K. L. Cool
Director

Certified to the Secretary of State May 20,
1991.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

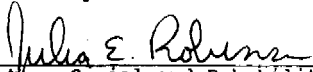
In the matter of the	)	NOTICE OF THE AMENDMENT OF
amendment of Rule 46.10.510	)	RULE 46.10.510 PERTAINING
pertaining to AFDC excluded	)	TO AFDC EXCLUDED EARNED
earned income	)	INCOME

TO: All Interested Persons

1. On March 28, 1991, the Department of Social and Rehabilitation Services published notice of the proposed amendment of Rule 46.10.510 pertaining to AFDC excluded earned income at page 350 of the 1991 Montana Administrative Register, issue number 6.

2. The Department has amended Rule 46.10.510 as proposed.

3. No written comments or testimony were received.



Director, Social and Rehabilitation Services

Certified to the Secretary of State May 16, 1991.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT OF
amendment of Rule 46.12.2003	)	RULE 46.12.2003 PERTAINING
pertaining to physician	)	TO PHYSICIAN SERVICES,
services, reimbursement/	)	REIMBURSEMENT/GENERAL
general requirements and	)	REQUIREMENTS AND MODIFIERS
modifiers)	

TO: All Interested Persons

1. On April 11, 1991, the Department of Social and Rehabilitation Services published notice of the proposed amendment of Rule 46.12.2003 pertaining to physician services, reimbursement/general requirements and modifiers at page 428 of the 1991 Montana Administrative Register, issue number 7.

2. The Department has amended the following Rule as proposed with the following changes:

46.12.2003 PHYSICIAN SERVICES, REIMBURSEMENT/GENERAL RE-
QUIREMENTS AND MODIFIERS Subsections (1) through (5)
remain the same.

AUTH: Sec. 53-6-101 and 53-6-113 MCA

IMP: Sec. 53-6-113 MCA

3. The Department has thoroughly considered all commentary received:

COMMENT: The Legislative Council has noted that there is no express rulemaking authority given in the notice of public hearing.

RESPONSE: The Department has added 53-6-113 MCA as the rule-making authority.



Director, Social and Rehabilitation Services

Certified to the Secretary of State May 16, 1991.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules, amendment or repeal of existing rules filed with the Secretary of State, except rules proposed by the Department of Revenue. Proposals of the Department of Revenue are reviewed by the Revenue Oversight Committee.

The Administrative Code Committee has 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. In addition, the Committee 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 or amend a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with the existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana 59620.

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
Subject
Matter | 1. Consult ARM topical index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and 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 March 31, 1991. This table includes those rules adopted during the period April 1, 1991 through June 30, 1991 and any proposed rule action that is 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 March 31, 1991, 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 1990 and 1991 Montana Administrative Register.

ADMINISTRATION, Department of, Title 2

- 2.21.306 and other rules - Work Cite Closure During A Localized Disaster or Emergency, p. 2209
- 2.21.1812 Exempt Compensatory Time, p. 2062, 430
- 2.21.3802 and other rules - Probation - Recruitment and Selection - Reduction in Work Force, p. 1982, 433
- 2.21.8011 and other rules - Grievances, p. 2212, 352
(Public Employees' Retirement Board)
- 2.43.432 Allowing PERS Members to Purchase Full Months of Additional Service When Eligible to Purchase a Full Year, p. 2215, 510
- (State Compensation Mutual Insurance Fund)
- I-XI Organization and Board Meetings of the State Fund - Establishment of Premium Rates, p. 1975, 353
- 2.55.301 Method for Assignment of Classifications of Employments, p. 568
- 2.55.310 Variable Pricing Within a Classification, p. 486

AGRICULTURE, Department of, Title 4

- I Grading Standards for Hulled Barley, p. 383
- I-LV Montana Agricultural Chemical Ground Water Protection Act, p. 1199, 2244
- 4.5.201 and other rules - Designation of Noxious Weeds, p. 210, 511
- 4.10.311 and other rules - Regulatory Status and Use of Aquatic Herbicides, p. 100, 354

- 4.10.1202 and other rules - Livestock Protection Collars, p. 2217, 194
- 4.10.1402 and other rules - M-44 Sodium Cyanide Capsules and Devices, p. 2220, 195
- 4.12.1012 Grain Fee Schedule, p. 570
- 4.12.1229 Fees Established for Service Samples, p. 2065, 440
- 4.12.1504 Fee on All Mint Oil Producers, p. 385
- 4.12.3402 Seed Laboratory - Reports - Enforcement, p. 341, 738

STATE AUDITOR, Title 6

- I-VI Pricing of Noncompetitive or Volatile Lines, p. 2067, 253
- I-VII Loss Cost System in Property-Casualty Lines Other Than Workers' Compensation, p. 1806, 2171
- I-XVI Long-term Care Insurance, p. 1990, 119

COMMERCE, Department of, Title 8

(Board of Athletics)

- 8.8.3402 Referees, p. 387

(Board of Barbers)

- 8.10.403 and other rules - Fees - General Requirements - Sanitation Requirements - Teaching Staff - College Requirements - Applications - Procedure Upon Completion - Identification and Sanitation Requirements - Preparation and Publication of Posters, Notices, Orders, New Schools - Violation, p. 344

(Board of Hearing Aid Dispensers)

- 8.20.402 and other rule - Fees - Record Retention, p. 575

(Board of Horse Racing)

- 8.22.501 and other rules - Definitions - Fees - General Provisions - Definition of Conduct Detrimental to the Best Interests of Racing, p. 172, 355

(Board of Optometrists)

- 8.36.401 and other rules - Meetings - Examinations - Reciprocity - Practice Requirements - Fees - Continuing Education Requirements - Approved Courses and Examinations - Permissible Drugs for Diagnostic Pharmaceutical Agents - Approved Drugs for Therapeutic Pharmaceutical Agents - Definitions - Unprofessional Conduct - Continuing Education, p. 1748, 2176

(Board of Outfitters)

- 8.39.502 and other rules - Licensure - Qualifications - Licensure - Examinations - Conduct, p. 213

(Board of Physical Therapy Examiners)

- 8.42.402 and other rules - Examinations - Fees, Temporary Licenses - Licensure by Endorsement - Exemptions - Foreign-Trained Applicants - Lists, p. 1810, 2107

(Board of Plumbers)

- 8.44.412 Fee Schedule, p. 2225

- (Board of Passenger Tramway Safety)
8.63.501 and other rule - ANSI Standard - Fee and Assessment Schedule, p. 577
(Consumer Affairs Unit)
8.78.301 Disclosure Fees, p. 176, 739
(Milk Control Bureau)
8.79.301 Licensee Assessments, p. 178, 441
(Financial Division)
I-II Repurchase Agreements - Fixed Annuity Sales, p. 389, 490
8.80.401 and other rule - Credit Unions - Supervisory and Examination Fees - Credit Unions - Limited Income Persons - Definitions, p. 1872, 292, 442
(Board of Milk Control)
8.86.301 Pricing Rules - Jobber Prices, p. 215, 513
8.86.301 Pricing Rules - Class I Wholesale Prices, p. 1, 296
8.86.301 Class I Price Formula and Wholesale Prices - Class III Producer Price, p. 1646, 2177
8.86.501 Statewide Pooling and Quota Plan, p. 1656, 2110
8.86.505 Quota Plans - Readjustment and Miscellaneous Quota Rules, p. 2072, 49
(Local Government Assistance Division)
I Incorporation by Reference - Administration of the 1991 Federal Community Development Block Grant (CDBG) Program, p. 105, 358
(Business Development Division)
I-III Microbusiness Finance Program - Definitions - Composition of the Council - Soliciting Nominations, p. 579
(Coal Board)
I-II Incorporation by Reference - Montana Environmental Policy Act - Categorical Exclusions from Environmental Review Process, p. 107
(Board of Science and Technology Development)
I Incorporation by Reference of Rules Implementing the Montana Environmental Policy Act, p. 2008

EDUCATION. Title 10

- (Superintendent of Public Instruction)
10.10.309 Accounting Practices and Tuition, p. 2015, 2275
10.21.104 Guaranteed Tax Base, p. 2010, 2276
10.23.101 and other rule - Permissive Amount - Voted Amount and School Levies, p. 2013, 2277
(Board of Public Education)
10.55.707 Certification, p. 493
10.55.903 Basic Education Program: Junior High and Grades 7 and 8 Budgeted at High School Rates, p. 217
10.57.208 and other rules - Reinstatement - Class 1 Professional Teaching Certificate - Class 3 Administrative Certificate, p. 2232, 297
10.57.211 Test for Certification, p. 2231, 298

- 10.57.301 and other rule - Endorsement Information - Foreign Languages, p. 2229, 299
- 10.57.301 and other rules - Endorsement Information - Computer Endorsement Review Committee - Endorsement of Computer Science Teachers, p. 2235, 300
- 10.57.403 Class 3 Administrative Certificate, p. 491
- 10.57.601 and other rule - Request to Suspend or Revoke a Teacher or Specialist Certificate: Preliminary Action - Notice and Opportunity for Hearing Upon Determination that Substantial Reason Exists to Suspend or Revoke Teacher or Specialist Certificate, p. 219
- 10.61.207 Student Transportation, p. 2227, 301

FAMILY SERVICES, Department of, Title 11

- 11.5.1001 Day Care Payments, p. 2143, 125
- 11.14.105 Licensing and Registering Day Care Facilities, p. 495
- 11.16.170 and other rules - Prohibition of Day Care in Adult Foster Homes - Licensing of Adult Foster Homes - Department Services Provided to and Procedures for Adult Foster Homes, p. 2017, 2278

FISH, WILDLIFE AND PARKS, Department of, Title 12

- I-XXII Hunting License and Damage Hunt Rules, p. 4, 288
- 12.6.901 Water Safety Regulations - Use of Electric Motors on Garthside Reservoir, p. 582
- 12.6.901 Water Safety Regulations - Establishing a No-Wake Restriction on Hyalite Reservoir, p. 221
- 12.6.901 Extension of 10 Horsepower Restriction on Yellowstone River to the Springdale Bridge, p. 180, 740
- 12.6.901 Establishing A No-Wake Restriction on Tongue River Reservoir, p. 1918, 2279

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- 16.8.1302 and other rule - Air Quality - Open Burning of Scrap Creosote-Treated Railroad Ties Under Appropriate Circumstances, Through the Use of a Permit Program p. 1815, 126
- 16.8.1423 Air Quality - Standard of Performance for New Stationary Sources - Emission Standards for Hazardous Air Pollutants, p. 348, 584
- 16.20.202 and other rules - Water Quality - Public Water Supplies, p. 596
- 16.35.111 Conditions for Payment of Claims Under the End Stage Renal Disease (ESRD) Program, p. 585
- 16.38.105 and other rules - Water Quality - Licensure and Requirements for Analysis of Public Water Supplies, p. 587
- 16.44.102 and other rules - Solid and Hazardous Waste - Incorporations by Reference - Exclusions - Special

10-5/30/91

Montana Administrative Register

- Requirements for Counting Hazardous Wastes - Polychlorinated Biphenyl (PBC) Wastes Regulated Under Federal Law - Toxicity Characteristic - Lists of Hazardous Wastes - General - Representative Sampling Methods - Toxicity Characteristic Leaching Procedure - Chemical Analysis Test Methods - Testing Methods, p. 182, 514
- 16.44.102 and other rules - Solid and Hazardous Waste - Adoption of Changes in Order to Achieve Parity with Federal Regulations for Montana to Independently Operate a Hazardous Waste Program, p. 23, 302
- 16.44.202 and other rules - Solid and Hazardous Waste - Mining Waste Exclusion, p. 1536, 2280
- 16.44.401 and other rules - Solid and Hazardous Waste - Defining the Terms Large Generator, Small Generator and Conditionally Exempt Small Generator of Hazardous Waste, p. 19, 307
- 16.45.1220 and other rules - Underground Storage Tanks - Inspection Fees - Requirements for Inspection Generally - Inspection Reimbursement, p. 290

JUSTICE, Department of, Title 23

- I-XVI and other rules - Fire Marshal Bureau - Describing Enforcement of the Rules - Incorporating by Reference the 1988 Uniform Fire Code, a Montana Supplement to the Code - Other Provisions Generally Dealing with Fire Safety, p. 2074, 291
- 23.3.504 and other rule - Licensing Operators of Commercial Motor Vehicles, p. 1819, 2114
- 23.5.102 Motor Carrier Safety Regulations, p. 1817, 2115
- 23.16.1201 and other rule - Changing the Name of the Department's Authority Reference Regarding Poker and Other Card Games, p. 2090, 196

LABOR AND INDUSTRY, Department of, Title 24

(Human Rights Commission)

- I and other rules - Document Format, Filing, Service and Time Relating to Certain Documents Filed During Investigation and Conciliation - Format, Filing and Service of Documents Filed with the Commission during Contested Case Proceedings - Calculating the Time Limits for Acts, such as Filing Documents, Required Under the Contested Case Rules, p. 2145, 308
- 24.11.441 and other rules - Administration of Unemployment Insurance, p. 1920, 2181
- 24.16.9007 Prevailing Wage Rates, p. 497
- (Workers' Compensation)
- 24.29.802 and other rules - Reduced Reporting Requirements, p. 1928, 2183

STATE LANDS. Department of. Title 26

- I Prohibiting Export of Logs Harvested From State Lands and Requiring Purchasers of State Timber to Enter Into Non-export Agreements Implementing the Forest Resources Conservation and Shortage Relief Act of 1990, p. 1875, 2116
- I-III and other rules - Sale of Cabinsites and Homesites on State Trust Lands, p. 1660, 2284
- I-X Bonding Small Miner Placer and Dredge Operations - Permit Requirements for Small Miner Cyanide Ore Processing Operations, p. 2092, 445
- 26.3.149 Mortgaging of State Leases and Licenses, p. 109, 444
- 26.4.1301A Modification of Existing Coal and Uranium Permits, p. 111, 465

LIVESTOCK. Department of. Title 32

- 32.2.401 Fee Change for Recording of Brands, p. 1823, 2298
- 32.3.136 and other rules - Treatment, Control and Elimination of the Disease of Pseudorabies, p. 625

NATURAL RESOURCES AND CONSERVATION. Department of. Title 36

- I-X Financial Assistance Available Under the Wastewater Treatment Revolving Fund Act, p. 637
- I-X Financial Assistance Available Under the Wastewater Treatment Revolving Fund Act, p. 2148
- 36.12.103 Water Right Application Fees, p. 634
- 36.16.117 Water Reservation Applications in the Upper Missouri Basin, p. 2239
- (Board of Water Well Contractors)
- 36.21.403 and other rules - Requirements for Water Well Contractors - Definitions - Plastic Casing - Casing Perforations - Movement of Casing after Grouting - Sealing - Temporary Capping - Disinfection of the Well - Abandonment - Placement of Concrete or Cement - Verification of Experience for Monitoring Well Constructor Applicants - Application Approval - Definitions - Installation of Seals - Abandonment - Casing Depth - Verification of Equivalent Education and Experience for Monitoring Well Constructors - Types of Wells Requiring Abandonment, p. 223
- 36.21.415 Fees, p. 636

PUBLIC SERVICE REGULATION. Department of. Title 38

- I Proper Accounting Treatment for Acceptable Conservation Expenditures, p. 1931, 466
- 38.3.706 Motor Carrier Insurance - Endorsements, p. 45, 360
- 38.3.706 Emergency Amendment - Motor Carrier Insurance - Endorsements, p. 50

- 38.5.2202 and other rule - Federal Pipeline Safety Regulations Including Drug-Testing Requirements, p. 275, 698, 1897
38.5.3302 and other rules - Telecommunications Service Standards, p. 392

REVENUE. Department of. Title 42

- I Use of Real Property, p. 426
I Special Fuel Dealers Bond for Motor Fuels Tax, p. 192, 469
I-IV Telephone License Tax, p. 1878, 131
42.12.115 Liquor License Renewal, p. 115, 467
42.17.105 Computation of Withholding Surtax, p. 2026, 129
42.17.111 and other rules - Withholding and Workers' Compensation Payroll Taxes, p. 498
42.19.401 Low Income Property Tax Reduction, p. 237
42.20.423 and other rules - Property Tax - Sales Assessment Ratio Study, p. 239, 742
42.21.106 and other rules - Trending and Depreciation Schedules for Personal Property Tax, p. 396
42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 2020, 130
42.27.118 Prepayment of Motor Fuels Tax, p. 114, 468

SECRETARY OF STATE. Title 44

- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 1881, 2117

SOCIAL AND REHABILITATION SERVICES. Department of. Title 46

- I and other rule - Food Stamp Program - Transfer of Resources, p. 654
I and other rules - Transition-to-Work Allowance - JOBS Program, p. 707
I Reimbursement for General Relief Medical Assistance Services, p. 2242, 313
I-II Conditional Medical Assistance, p. 683
I-II and other rules - General Relief Medical Assistance, p. 2033, 2310
I-III Medicaid for Qualified Disabled Working Individuals, p. 686
I-III and other rules - Licensed Professional Counselor Services, p. 679
I-III and other rules - Group Health Plan Premium Payment, p. 505
I-IV Federally Qualified Health Centers, p. 733
I-LXV and other rules - Child Support Enforcement Procedures and Administration, p. 74, 375, 1337, 1852, 2312
46.10.403 AFDC Table of Assistance Standards, p. 694

- 46.10.403 Suspension of AFDC for One Month, p. 1947, 52
- 46.10.506 Nonrecurring Gifts and Excluded Unearned Income, p. 503
- 46.10.510 AFDC Excluded Earned Income, p. 350
- 46.10.512 AFDC Earned Income Disregards Policy, p. 1945, 53
- 46.12.503 and other rule - Inpatient Hospital Reimbursement, p. 671
- 46.12.503 and other rule - Inpatient Hospital Services and Medical Assistance Facilities, p. 117, 310
- 46.12.503 and other rules - Disproportionate Share for Inpatient Psychiatric Hospitals, p. 2028, 198
- 46.12.508 and other rule - Outpatient Hospital Reimbursement, p. 669
- 46.12.514 and other rules - Early Periodic Screening and Diagnosis (EPSDT), p. 1938, 2299
- 46.12.521 and other rules - Billing and Reimbursement for Physician Services - Durable Medical Equipment - Podiatry Services, p. 716
- 46.12.545 and other rule - Occupational Therapy, p. 658
- 46.12.575 and other rule - Family Planning Services, p. 689
- 46.12.575 and other rule - Family Planning Services, p. 1934, 2302
- 46.12.590 and other rules - Inpatient Psychiatric Services, p. 673
- 46.12.702 Drug Rebates, p. 677
- 46.12.1025 Ambulance Services, Reimbursement, p. 699
- 46.12.1401 and other rules - Medicaid Home and Community Based Program for Elderly and Physically Disabled Persons, p. 1090, 2184, 470
- 46.12.2003 Physician Services, Reimbursement/General Requirements and Modifiers, p. 428
- 46.12.2003 and other rule - Pharmacy Pricing Codes for Drugs Administered by Physicians and Nurse Specialists, p. 2031, 2305
- 46.12.2011 and other rule - Nurse Specialist Non-Covered Services, p. 665
- 46.12.3207 Transfer of Resources for Medical Services, p. 2104, 262
- 46.12.3401 and other rule - Non-Institutionalized Medical Assistance for Children, p. 661
- 46.12.3401 Presumptive and Continuous Eligibility for Medicaid Services, p. 2037, 516
- 46.12.3601 and other rule - Medicaid for Disabled Widows/Widowers, p. 692
- 46.12.3801 and other rules - Medically Needy Program, p. 2163, 265
- 46.12.3803 Medically Needy Income Standards, p. 667
- 46.13.106 and other rules - Low Income Energy Assistance Program (LIEAP), p. 1672, 1959, 2307
- 46.14.401 Eligibility of Group Homes for Weatherization Assistance, p. 47, 311

- 46.25.101 and other rules - General Relief Assistance - General Relief Medical Assistance, p. 701
- 46.25.727 and other rule - General Relief Assistance - General Relief Medical Income Standards, p. 663
- 46.30.801 and other rules - Child Support Medical Support Enforcement, p. 2102, 135

BOARD APPOINTEES AND VACANCIES

House Bill 424, 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 HB 424 was 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 made in April, 1991, are published. Vacancies scheduled to appear from June 1, 1991, through August 31, 1991, are also listed, as are current recent vacancies due to resignations or other reasons.

Boards created by the 1991 Legislature are also listed in this issue. Additional boards, if any, will be printed in the next issue of the *Montana Administrative Register*. Individuals interested in serving on a new board should refer to the bill that created the board for details about the number of members to be appointed and qualifications necessary.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 20, 1991.

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: APRIL, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Plumbers (Commerce)			
Mr. Donald L. Kent	Governor	Forkan	4/28/1991
Bozeman			4/28/1995
Qualifications (if required):	Journeyman Plumber		
Mr. Robert R. Nault	Governor	Reappointed	4/28/1991
Havre			4/28/1995
Qualifications (if required):	Master Plumber		
County Printing Board (Commerce)			
Mr. James Crane	Governor	Moore	4/8/1991
Helena			4/1/1993
Qualifications (if required):	printer		
Mr. Ronald Dale Fossen	Governor	Halverson	4/1/1991
Scobey			4/1/1993
Qualifications (if required):	county commissioner		
Ms. Jane Lopp	Governor	Reappointed	4/1/1991
Kalispell			4/1/1993
Qualifications (if required):	not specified; public member		
Mr. Jim Moore	Governor	Reappointed	4/1/1991
Red Lodge			4/1/1993
Qualifications (if required):	printer		
Mr. Verle L. Rademacher	Governor	Reappointed	4/1/1991
White Sulphur Springs			4/1/1993
Qualifications (if required):	printing industry representative		
Mr. Norman Starr	Governor	Davis	4/1/1991
Melville			4/1/1993
Qualifications (if required):	county commissioner		

BOARD AND COUNCIL APPOINTEES: APRIL, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Fire Marshal Advisory Council Mr. Vern Erickson Missoula Qualifications (if required):	(Governor) Attorney General	appt	4/10/1991 12/31/1992
rep: Montana State Firemens' Association			
Mr. Ted Main Kalispell Qualifications (if required):	Attorney General	appt	4/10/1991 12/31/1992
rep: MT Chapter of Internat'l Assoc. of Arson Investigators			
Mr. Larry McCann Billings Qualifications (if required):	Attorney General	appt	4/10/1991 12/31/1992
rep: MT Fire Chiefs' Assoc.			
Mr. Barry Michelotti Great Falls Qualifications (if required):	Attorney General	appt	4/10/1991 12/31/1992
rep: MT County Sheriffs			
Mr. Lyle Nagel Simms Qualifications (if required):	Attorney General	appt	4/10/1991 12/31/1992
rep: MT Volunteer Firemens' Assoc.			
Mr. Michael A. Walker Great Falls Qualifications (if required):	Attorney General	appt	4/10/1991 12/31/1992
rep: MT Council of Professional Firefighters			
Hail Insurance Board (Agriculture) Mr. David P. Roehm Great Falls Qualifications (if required):	Governor	Dyer	4/18/1991 4/18/1994
rep: not specified; public member			

BOARD AND COUNCIL APPOINTEES: APRIL, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeded</u>	<u>Appointment/End Date</u>
Historic Records Advisory Council (Governor)			
Ms. Kathryn Otto	Governor	appt	4/10/1991
Helena			8/21/1992
Qualifications (if required): State Archivist			
Medal of Valor Advisory Council (Governor)			
Mr. Rick Bartos	Governor	appt	4/30/1991
Helena			4/30/1993
Qualifications (if required): not specified			
Major General Gary Blair	Governor	appt	4/30/1991
Helena			4/30/1993
Qualifications (if required): not specified			
Representative Jan Brown	Governor	appt	4/30/1991
Helena			4/30/1993
Qualifications (if required): not specified			
Ms. Kay Foster	Governor	appt	4/30/1991
Billings			4/30/1993
Qualifications (if required): not specified			
Ms. Jo Gmazal-Bartley	Governor	appt	4/30/1991
Hamilton			4/30/1993
Qualifications (if required): not specified			
Ms. Deola M. Shryock	Governor	appt	4/30/1991
Polson			4/30/1993
Qualifications (if required): not specified			
Mr. Mike Voeller	Governor	appt	4/30/1991
Helena			4/30/1993
Qualifications (if required): not specified			

BOARD AND COUNCIL APPOINTEES: APRIL, 1991

Appointee	Appointed by	Succeeds	Appointment/End Date
Montana Science and Technology Development Board			
Mr. Ray Tilman	Governor	(Science and Technology)	4/17/1991
Butte		Hibbard	1/1/1993
Qualifications (if required):	not specified;	appointed Chairman	
Public Employees' Retirement Board (Administration)			
Mr. E. J. McGreevey	Governor	appt	4/1/1991
Anaconda			4/1/1996
Qualifications (if required):	not specified;	member at large	
State Compensation Mutual Insurance Fund Board (Labor and Industry)			
Mr. Les Hirsch	Governor	Reappointed	4/28/1991
Miles City			4/28/1995
Qualifications (if required):	rep. of private for profit enterprise		
Mr. Robert Holman	Governor	Reappointed	4/28/1991
Kalispell			4/28/1995
Qualifications (if required):	state fund policy holder		
State Library Commission (Education)			
Ms. Peggy Guthrie	Governor	Abramson	4/22/1991
Choteau			5/22/1994
Qualifications (if required):	not specified;	public member	
Ms. Vada Taylor	Governor	Hudspeth	4/22/1991
Glendive			5/22/1994
Qualifications (if required):	not specified;	public member	

BOARDS, COMMITTEES and ADVISORY COUNCILS CREATED BY THE 1991 LEGISLATURE

<u>Name of board/committee/commission</u>	<u>Bill # creating board</u>	<u>Effective</u>
Burial Preservation Board	House Bill 131	05-15-91
Joint Committee on Postsecondary Education Policy & Budget	House Bill 142	04-22-91
Appellate Defender Commission	House Bill 268	05-20-91
Community Corrections Boards	House Bill 272	07-01-91
Microbusiness Advisory Council	House Bill 477	04-24-91
Capitol Restoration Commission	House Bill 500	10-01-91
Women's Correctional Center Proposal Review Committee	House Bill 528	04-26-91
Drought Advisory Committee	House Bill 537	03-27-91
County Motor Vehicle Computer Committee	House Bill 579	07-01-91
Board of Respiratory Care Practitioners	House Bill 620	04-22-91
State Advisory Council on Food and Nutrition	House Bill 728	07-01-91
American Indian Monument Project Advisory Committee	House Bill 746	07-01-91
Montana State Hospital Committee	House Bill 966	04-22-91
Board of Real Estate Appraisers	Senate Bill 8	04-09-91
Board of Naturopathic Physicians	Senate Bill 66	04-01-91
Ground Water Assessment Steering Committee	Senate Bill 94	07-01-91

BOARDS, COMMITTEES and ADVISORY COUNCILS CREATED BY THE 1991 LEGISLATURE			
<u>Name of board/committee/commission</u>	<u>Bill # creating board</u>	<u>Effective</u>	
Board of Direct-entry Midwifery	Senate Bill 172	04-23-91	
Alternative Health Care Board	Senate Bill 381	04-22-91	
Upper Clark Fork River Basin Steering Committee	Senate Bill 434	05-01-91	

10-5/30/91

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Aging Advisory Council (Governor) Chris S. Johansen, Great Falls Qualifications (if required): none specified	Governor	7/18/91
Mr. Roland F. Kennerly, Browning Qualifications (if required): none specified	Governor	7/18/91
Mr. Dwight MacKay, Billings Qualifications (if required): Region II	Governor	7/18/91
Board of Banking (Commerce) Ms. Laurel McAtee, Ennis Qualifications (if required): active officer in state bank	Governor	7/1/91
Mr. Michael J. Milodragovich, Missoula Qualifications (if required): public member	Governor	7/1/91
Board of Barbers (Commerce) Mr. Eugene J. Thomas, Anaconda Qualifications (if required): barber	Governor	6/2/91
Board of Cosmetologists (Commerce) Ms. Marlene J. Sorum, Great Falls Qualifications (if required): licensed cosmetologist	Governor	7/1/91
Board of Directors, Montana Self Insurers Guaranty Fund (Administration) Mr. Mark Blair, Troy Qualifications (if required): private self-insurer	Governor	7/1/91
Mr. Daniel L. Walker, Billings Qualifications (if required): private self insurer	Governor	7/1/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Hearing Aid Dispensers (Commerce) Mr. W. A. Higgs, Kalispell Qualifications (if required): qualified otolaryngologist	Governor	7/1/91
Mr. Byron Randall, Kalispell Qualifications (if required): licensed dispenser and fitter of hearing aids	Governor	7/1/91
Board of Nursing (Commerce) Ms. Sherri Chatham, Highwood Qualifications (if required): licensed practical nurse for minimum 5 years	Governor	7/1/91
Ms. Donna Mae Snodgrass, Poplar Qualifications (if required): registered nurse for minimum 5 years	Governor	7/1/91
Board of Pharmacy (Commerce) Mr. D. Wayne Bollinger, Kalispell Qualifications (if required): pharmacist	Governor	7/1/91
Board of Physical Therapy Examiners (Commerce) Ms. Barbara Reed, Butte Qualifications (if required): licensed physical therapist	Governor	7/1/91
Board of Plumbers (Commerce) Mr. William A. Lindsay, Helena Qualifications (if required): licensed contractor	Governor	7/1/91
Mr. Alve J. Thomas, Helena Qualifications (if required): public member	Governor	7/1/91
Mr. Roy A. Wells, Helena Qualifications (if required): sanitary engineer representing Department of Health	Governor	7/1/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Private Security Patrolmen and Investigators (Commerce) Mr. Robert F. Ash, Hysham Qualifications (if required): representing the county sheriff's office	Governor	8/1/91
Mr. Jack F. Samson, Billings Qualifications (if required): none specified	Governor	8/1/91
Mr. Joseph H. Servel, Missoula Qualifications (if required): licensed private investigator	Governor	8/1/91
Board of Professional Engineers and Land Surveyors (Commerce) Mr. Richard E. Guenzi, Glendive Qualifications (if required): none specified	Governor	7/1/91
Board of Public Accountants (Commerce) Mr. Everit A. Sliter, Kalispell Qualifications (if required): certified public accountant	Governor	7/1/91
Mr. Joseph W. Upshaw, Helena Qualifications (if required): none specified	Governor	7/1/91
Ms. Ivah Schmitz, Missoula Qualifications (if required): licensed public accountant	Governor	7/1/91
Board of Radiologic Technologists (Commerce) Ms. Sandra Curtiss, Havre Qualifications (if required): licensed radiologic technologist	Governor	7/1/91
Board of Regents of Higher Education (Education) Mr. Brad Musgrove, Bozeman Qualifications (if required): full-time student in a unit of higher ed. under the jurisdiction of the Board of Regents	Governor	6/1/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Sanitarians (Commerce) Mr. Paddy R. Trusler, Polson Qualifications (if required): licensed sanitarian	Governor	7/1/91
Board of Trustees of the State Historical Society (Education) Mr. Bruce L. Ennis, Billings Qualifications (if required): none specified	Governor	7/1/91
Mr. Leif Erickson, Bigfork Qualifications (if required): none specified	Governor	7/1/91
Mr. Harold G. Stearns, Helena Qualifications (if required): none specified	Governor	7/1/91
Board of Veterinary Medicine (Commerce) Dr. William D. McFarland, Fort Benton Qualifications (if required): veterinarian	Governor	7/3/91
Board of Water Well Contractors (Natural Resources and Conservation) Mr. W. J. Lindsay, Clancy Qualifications (if required): licensed Montana water well contractor	Governor	7/1/91
Chemical Dependency Advisory Council (Institutions) Ms. Carol Carey, Ekalaka Qualifications (if required): none specified	Director	7/1/91
Ms. Dena L. Christiansen, Kalispell Qualifications (if required): none specified	Director	7/1/91
Mr. Jim Gammell, Great Falls Qualifications (if required): none specified	Director	7/1/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Chemical Dependency Advisory Council (Institutions) (cont.)		
Ms. Carol A. Judge, Helena Qualifications (if required): none specified	Director	7/1/91
Ms. Sandra Lambert, Miles City Qualifications (if required): none specified	Director	7/1/91
Representative Thomas N. Lee, Bigfork Qualifications (if required): none specified	Director	7/1/91
Mr. Marko Lucich, Butte Qualifications (if required): none specified	Director	7/1/91
Mr. Curtis C. Moxley, Chinook Qualifications (if required): none specified	Director	7/1/91
Mr. Rod Robinson, Billings Qualifications (if required): none specified	Director	7/1/91
Mr. Patrick Wolberd, Billings Qualifications (if required): none specified	Director	7/1/91
Child Care Advisory Council (Social and Rehabilitation Services)		
Ms. Peggy Baraby, Helena Qualifications (if required): represents a state agency dealing with child care	Governor	6/30/91
Ms. Maureen Bright, Bozeman Qualifications (if required): public member	Governor	6/30/91
Mr. Hugh Brown, Chester Qualifications (if required): represents parents	Governor	6/30/91

10-5/30/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Child Care Advisory Council (Social and Rehabilitation Services) (cont.)		
Ms. Gayle Carpenter, Helena	Governor	6/30/91
Qualifications (if required): represents other persons interested in child care		
Ms. Joann Erickson, Havre	Governor	6/30/91
Qualifications (if required): represents parents		
Mr. John Gilbert, Stanford	Governor	6/30/91
Qualifications (if required): represents parents		
Mr. Jerry Grimes, Helena	Governor	6/30/91
Qualifications (if required): represents state agency involved in child care		
Dr. Cynthia Johnson, Wolf Point	Governor	6/30/91
Qualifications (if required): represents other persons interested in child care		
Ms. Colleen McGuire, Deer Lodge	Governor	6/30/91
Qualifications (if required): represents other persons interested in child care		
Ms. Mary Jo Simpkins, Great Falls	Governor	6/30/91
Qualifications (if required): public member		
Ms. Susan Skinner, Helena	Governor	6/30/91
Qualifications (if required): public member		
Ms. Mildred Wehrman, Shepherd	Governor	6/30/91
Qualifications (if required): requirement for child care provider		

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

Board/current position holder	Appointed by	Term end
Committee on State Employee Compensation (Labor and Industry)		
Mr. Ralph T. Anderson, Clancy	Governor	7/1/91
Qualifications (if required): public member		
Ms. Barb Booher, Clancy	Governor	7/1/91
Qualifications (if required): public member		
Ms. Vicki Cocchiarella, Missoula	Governor	7/1/91
Qualifications (if required): public member		
Mr. Gerry Devlin, Terry	Governor	7/1/91
Qualifications (if required): public member		
Mr. Bob Kelly, Missoula	Governor	7/1/91
Qualifications (if required): public member		
Mr. Robert L. Marks, Helena	Governor	7/1/91
Qualifications (if required): public member		
Mr. Gene O'Hara, Missoula	Governor	7/1/91
Qualifications (if required): public member		
Mr. John Radeck, Helena	Governor	7/1/91
Qualifications (if required): public member		
Mr. Tom Schneider, Helena	Governor	7/1/91
Qualifications (if required): public member		
Committee on Telecommunications Services for the Handicapped (Social & Rehabilitation Services)		
Mr. Eric Eck, Helena	Governor	7/1/91
Qualifications (if required): represents Public Service Commission		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Committee on Telecommunications Services for the Handicapped (Social & Rehabilitation Services) (cont.)		
Mr. Norman E. Eck, Helena	Governor	7/1/91
Qualifications (if required): non-handicapped retired senior citizen		
Ms. Sue Jackson, East Helena	Governor	7/1/91
Qualifications (if required): represents SRS		
Mr. Thomas P. McGree, Helena	Governor	7/1/91
Qualifications (if required): from largest local exchange company in Montana		
Electrical Board (Commerce)		
Mr. James A. Lewis, Helena	Governor	7/1/91
Qualifications (if required): public member		
Family Support Services Advisory Council (Social and Rehabilitation Services)		
Ms. Sylvia Danforth, Miles City	Governor	6/30/91
Qualifications (if required): provider representative		
Dr. Rowena Foos, Billings	Governor	6/30/91
Qualifications (if required): provider representative		
Ms. Nita Freeman, Helena	Governor	6/30/91
Qualifications (if required): agency representative		
Ms. Margaret Grogan, Billings	Governor	6/30/91
Qualifications (if required): parent representative		
Senator Ethel M. Harding, Polson	Governor	6/30/91
Qualifications (if required): legislator		
Mr. John Madsen, Helena	Governor	6/30/91
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

Board/current position holder	Appointed by	Term end
Family Support Services Advisory Council (Social and Rehabilitation Services) (cont.)		6/30/91
Ms. Sandi Mariadotter, Helena Qualifications (if required): provider representative	Governor	
Ms. Jeanette McCormick, Choteau Qualifications (if required): parent representative	Governor	6/30/91
Ms. Darcy Miller, Helena Qualifications (if required): personnel preparation	Governor	6/30/91
Ms. Judith M. Wright, Helena Qualifications (if required): public member	Governor	6/30/91
Dr. James E. Young, Miles City Qualifications (if required): public member	Governor	6/30/91
Flathead Basin Commission (Governor)		
Mr. Edgar Brannon, Kalispell Qualifications (if required): represents U.S. Forest Service	Reg. Forester	6/30/91
Ms. Jean Cumming, Columbia Falls Qualifications (if required): none specified	Governor	6/30/91
Mr. Brace Hayden, Helena Qualifications (if required): none specified	Governor	6/30/91
Mr. Kenneth Krueger, Kalispell Qualifications (if required): none specified	Commissioners	8/1/91
Mr. Robert T. O'Leary, Butte Qualifications (if required): none specified	Director	7/28/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Flathead Basin Commission (Governor) (cont.)		
Mr. Michael Pablo, Nirada	Director	6/30/91
Qualifications (if required): none specified		
Ms. Joann Speelman, Kalispell		
Qualifications (if required): none specified	Governor	6/30/91
Mr. Gary Brown, Missoula		
Qualifications (if required): none specified		6/30/91
Mr. Joe Eskridge, Missoula		
Qualifications (if required): represents Bonneville Power Admin.		6/30/91
Mr. Steven Foster, Seattle		
Qualifications (if required): represents Army Corp of Engineers		6/30/91
Mr. Gerald L. Sorenson, Polson		
Qualifications (if required): none specified		6/30/91
Mr. Gilbert Lusk, West Glacier		
Qualifications (if required): none specified		6/30/91
Health Coordinating Advisory Council (Health)		
Ms. Joeline Goodover, Great Falls	Governor	6/30/91
Qualifications (if required): none specified		
Mr. Kyle Hopstad, Glasgow		
Qualifications (if required): none specified	Governor	6/30/91
Dr. M. B. Listerud, Wolf Point		
Qualifications (if required): none specified	Governor	6/30/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Health Coordinating Advisory Council (Health) Ms. Danna Miller, Missoula Qualifications (if required): none specified	(cont.) Governor	6/30/91
Representative Jim Rice, Helena Qualifications (if required): none specified	Governor	6/30/91
Senator Harry McLane, Laurel Qualifications (if required): from District 3	Governor	6/30/91
Health Facility Authority Board (Commerce) Ms. Mary D. Munger, Helena Qualifications (if required): none specified	Governor	6/30/91
Incentive Awards Advisory Council (Administration) Mr. James A. Jim Adams, Helena Qualifications (if required): none specified	Director	7/1/91
Ms. Laurie Ekanger, Helena Qualifications (if required): none specified	Director	7/1/91
Mr. Jack Ellery, Helena Qualifications (if required): none specified	Director	7/1/91
Ms. Renee Erdmann, Helena Qualifications (if required): none specified	Director	7/1/91
Mr. Russell G. McDonald, Helena Qualifications (if required): none specified	Director	7/1/91
Ms. Lois A. Menzies, Helena Qualifications (if required): none specified	Director	7/1/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Incentive Awards Advisory Council (Administration) (cont.)		
Ms. Janet Myren, Helena	Director	7/1/91
Qualifications (if required): none specified		
Mr. John H. Noble, Helena	Director	7/1/91
Qualifications (if required): none specified		
Job Training Coordinating Advisory Council (Labor and Industry)		
Ms. Colleen Allison, Columbia Falls	Governor	7/1/91
Qualifications (if required): represents local govt. CEP area		
Mr. Duane L. Ankney, Colstrip	Governor	7/1/91
Qualifications (if required): represents labor & community based organizations		
Mr. Forrest H. Boles, Helena	Governor	7/1/91
Qualifications (if required): represents labor & community based organizations		
Representative John Cobb, Augusta	Governor	7/1/91
Qualifications (if required): represents government		
Mr. Tom Dahl, Havre	Governor	7/1/91
Qualifications (if required): represents labor & community based organizations		
Ms. Helen Kallicut, Deer Lodge	Governor	7/1/91
Qualifications (if required): represents general public		
Mr. Marvin McMichael, Missoula	Governor	7/1/91
Qualifications (if required): represents business and industry		
Senator Ted Neuman, Vaughn	Governor	7/1/91
Qualifications (if required): represents business and industry		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Job Training Coordinating Advisory Council (Labor and Industry)		
Mr. Jack E. Sands, Billings	Governor	7/1/91
Qualifications (if required): none specified		
Representative Charles "Chuck" Syssgood, Dillon	Governor	7/1/91
Qualifications (if required): represents government		
Judicial Standards Commission (Governor)		
Mr. Rich Pavlonnis, Great Falls	Governor	7/1/91
Qualifications (if required): public member from 2nd congressional district		
Local Youth Services Advisory Council (Family Services)		
Mr. Ernest Big Horn, Miles City	Director	8/15/91
Qualifications (if required): from district		
Local Youth Services Advisory Council, Great Falls (Family Services)		
Mr. Earl Arkinson, Box Elder	Director	8/15/91
Qualifications (if required): from district		
Mr. Joe Gottfried, Shelby	Director	8/15/91
Qualifications (if required): from district		
Local Youth Services Advisory Council, Miles City (Family Services)		
Mr. Garry Bunke, Miles City	Director	8/15/91
Qualifications (if required): from district		
MIAMI Project Advisory Council (Health and Environmental Sciences)		
Ms. Lillie Anderson, Billings	Governor	6/30/91
Qualifications (if required): local service provider		
Ms. Nancy Colton, Bozeman	Governor	6/30/91
Qualifications (if required): involved in children's issues or represents parents org.		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

Board/current position holder	Appointed by	Term end
MIAMI Project Advisory Council (Health and Environmental Sciences) (cont.)		
Ms. Marietta Cross, Missoula	Governor	6/30/91
Qualifications (if required): represents non-profit child health organization		
Ms. Nancy Ellery, Helena	Governor	6/30/91
Qualifications (if required): administrator of Medicaid program services		
Dr. Jeffrey P. Hinz, Great Falls	Governor	6/30/91
Qualifications (if required): private physician specializing in obstetric or pediatrics		
Ms. Cherry Loney, Great Falls	Governor	6/30/91
Qualifications (if required): represents local health department		
Mr. Dale Taliaferro, Helena	Governor	6/30/91
Qualifications (if required): represents department involved in preventive health services		
Mint Committee (Agriculture)		
Mr. Phillip Clarke, Columbia Falls	Governor	7/1/91
Qualifications (if required): active in growing mint		
Ms. Fonda Fisher, Columbia Falls	Governor	7/1/91
Qualifications (if required): active in growing mint		
Motorcycle Safety Advisory Committee (Office of Public Instruction)		
Mr. Dal Smilie, Helena	Governor	7/1/91
Qualifications (if required): represents motorcycle riding groups		
Mr. Ron Ullom, Red Lodge	Governor	7/1/91
Qualifications (if required): peace officer		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Advisory Council		
Mr. P.L. "Joe" Boyd, Billings	Director	6/30/91
Qualifications (if required):	represents consumer group	
Mr. Dane Castleberry, Ekalaka		
Qualifications (if required):	Director	6/30/91
	represents livestock production	
Ms. Candace Durran, Helena		
Qualifications (if required):	Director	6/30/91
	represents sportsman/wildlife group	
Mr. Lonnie McCurdie, Conrad		
Qualifications (if required):	Director	6/30/91
	public member at-large	
Mr. Wayne Pearson, Absarokee		
Qualifications (if required):	Director	6/30/91
	represents Montana Weed Control Association	
Mr. Donna Pratt, Scobey		
Qualifications (if required):	Director	6/30/91
	involved in agriculture crop production	
Mr. Everett Snortland, Helena		
Qualifications (if required):	Director	6/30/91
	director	
Representative Bob Thoft, Stevensville		
Qualifications (if required):	Director	6/30/91
	represents biological research & control	
Mr. Thomas A. Wood, Joplin		
Qualifications (if required):	Director	6/30/91
	herbicide dealer and applicator	

10-5/30/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Petroleum Tank Release Compensation Board (Health and Environmental Sciences) Mr. Ron Gутtenberg, Glasgow Qualifications (if required): public member	Governor	6/30/91
Mr. Gary Tschache, Bozeman Qualifications (if required): service station dealer	Governor	6/30/91
Pork Research and Marketing Committee (Livestock) Mr. Roger J. Jergeson, Chinook Qualifications (if required): none specified	Governor	7/22/91
Special Education Advisory Council (Office of Public Instruction) Ms. Mary Ann Brown, Bozeman Qualifications (if required): none specified	Superintendent of Schools	7/1/91
Mr. Rick Davis, Kalispell Qualifications (if required): none specified	Superintendent of Schools	7/1/91
Mr. Robert Slonaker, Ronan Qualifications (if required): none specified	Superintendent of Schools	7/1/91
Mr. Ronald F. Stegmann, Glasgow Qualifications (if required): none specified	Superintendent of Schools	7/1/91
Ms. Betty Van Tighem, Great Falls Qualifications (if required): none specified	Superintendent of Schools	7/1/91
Teachers Retirement Board (Administration) Ms. Virginia Egli, Glendive Qualifications (if required): teacher and public member	Governor	7/1/91

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Tourism Advisory Council (Commerce)		
Mr. Elmer Frame, Missoula	Governor	7/1/91
Qualifications (if required): represents Glacier County, campground interests		
Mr. Kenneth Hinkel, Billings	Governor	7/1/91
Qualifications (if required): represents MT Chamber of Commerce		
Mr. Herbert H. Leuprecht, Butte	Director	7/1/91
Qualifications (if required): represents Silver Bow County, Gold West Country		
Mr. Oliver Taylor Middleton, Big Sky	Governor	7/1/91
Qualifications (if required): represents Yellowstone County, skiing interests		
Ms. Barbara Moe, Great Falls	Governor	7/1/91
Qualifications (if required): represents Russell County		
Water Plan Advisory Council (Natural Resources and Conservation)		
Mr. Byron Bayers, Twin Bridges	Governor	8/23/91
Qualifications (if required): none specified		
Mr. Ed Azure, Harlem	Governor	8/23/91
Qualifications (if required): none specified		
Senator Esther Bengtson, Shepherd	Governor	8/23/91
Qualifications (if required): none specified		
Mr. Stan Bradshaw, Helena	Governor	8/23/91
Qualifications (if required): none specified		
Mr. Dueane Calvin, Ballantine	Governor	8/23/91
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Water Plan Advisory Council (Natural Resources and Conservation) Mr. K. L. Cool, Helena Qualifications (if required): none specified	Governor	8/23/91
Senator Jack Galt, Helena Qualifications (if required): none specified	Governor	8/23/91
Senator Lorents Grosfield, Big Timber Qualifications (if required): none specified	Governor	8/23/91
Mr. Brian Kahn, Helena Qualifications (if required): none specified	Governor	8/23/91
Mr. Jess Kilgore, Three Forks Qualifications (if required): none specified	Governor	8/23/91
Mr. Glenn Marx, Helena Qualifications (if required): none specified	Governor	8/23/91
Mr. Donald E. Pizzini, Great Falls Qualifications (if required): none specified	Governor	8/23/91
Mr. Chris Risbrudt, Missoula Qualifications (if required): none specified	Governor	8/23/91
Mr. Jim Wedeward, Billings Qualifications (if required): none specified	Governor	8/23/91
Mr. Mike Zimmerman, Butte Qualifications (if required): none specified	Governor	8/23/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Western Interstate Commission for Higher Education (Governor) Dr. William R. McGregor, Great Falls Qualifications (if required): none specified	Governor	6/19/91
Wheat & Barley Committee (Agriculture) Mr. Kenneth H. Krueger, Kalispell Qualifications (if required): Democrat from District VI	Governor	8/20/91
Mr. Richard E. Sampsen, Dagmar Qualifications (if required): Democrat from District 1	Governor	8/29/91
Women in Employment Advisory Council (Governor) Ms. Jeanne C. Amsberry, Helena Qualifications (if required): none specified	Governor	8/9/91
Ms. Judy Birch, Helena Qualifications (if required): none specified	Governor	8/9/91
Ms. Virginia Bliss, Conrad Qualifications (if required): none specified	Governor	8/9/91
Ms. Aubyn Curtiss, Fortine Qualifications (if required): none specified	Governor	8/9/91
Ms. Ilene "Mike" Dallum, Cascade Qualifications (if required): none specified	Governor	8/9/91
Ms. Verna Green, Helena Qualifications (if required): none specified	Governor	8/9/91
Ms. Dolores Havdahl, Helena Qualifications (if required): public member	Governor	8/9/91

10-5/30/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Women in Employment Advisory Council (Governor) (cont.)		
Ms. Darlene Johnson, Wolf Point	Governor	8/9/91
Qualifications (if required): none specified		
Ms. Blanche Proul, Anaconda	Governor	8/9/91
Qualifications (if required): none specified		
Ms. Antoinette Fraser Rosell, Billings	Governor	8/9/91
Qualifications (if required): none specified		
Ms. Rosemarie Strobe, Helena	Governor	8/9/91
Qualifications (if required): none specified		
Ms. Sue Weingartner, Helena	Governor	8/9/91
Qualifications (if required): none specified		
Youth Justice Advisory Council (Justice)		
Mr. Craig J. Anderson, Glendive	Governor	6/22/91
Qualifications (if required): represents juvenile probation		
Mr. Donald Bedor, Missoula	Governor	6/22/91
Qualifications (if required): represents youth		
Ms. Gail Cleveland, Great Falls	Governor	6/22/91
Qualifications (if required): represents education		
Mr. Al Davis, Miles City	Governor	6/22/91
Qualifications (if required): represents corrections		
Mr. John Dean, Helena	Governor	6/22/91
Qualifications (if required): represents youth		

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council Mr. Gordon Eldredge, Billings Qualifications (if required): involved in prevention	Governor	6/22/91
Mr. Tony C. Harbaugh, Miles City Qualifications (if required): represents law enforcement	Governor	6/22/91
Ms. Randi Mae Hood, Helena Qualifications (if required): represents organization which uses volunteers to work w/ delinquents	Governor	6/22/91
Mr. Ted O. Lympus, Kalispell Qualifications (if required): prosecutor	Governor	6/22/91
Ms. Joan-nell Macfadden, Great Falls Qualifications (if required): involved in mental health issues	Governor	6/22/91
Representative John Mercer, Polson Qualifications (if required): legislator	Governor	6/22/91
Ms. Chris Negus, Helena Qualifications (if required): represents youth	Governor	6/22/91
Ms. Marty Nelson, Great Falls Qualifications (if required): involved in family counseling	Governor	6/22/91
Mr. Thomas A. Olson, Bozeman Qualifications (if required): judge	Governor	6/22/91
Mr. W.G. Gary Rafter, Hobson Qualifications (if required): represents persons with special experience	Governor	6/22/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) (cont.)		
Ms. Margaret Stuart, Helena	Governor	6/22/91
Qualifications (if required): involved in child abuse & neglect issues		
Mr. John H. Wilkinson, Helena	Governor	6/22/91
Qualifications (if required): represents private treatment agency		
Mr. John E. Witt, Carter	Governor	6/22/91
Qualifications (if required): locally elected official		
Youth Placement Advisory Council, 1st Judicial District (Family Services)		
Mr. James K. Benish, Helena	Director	8/15/91
Qualifications (if required): none specified		
Mr. Lowell H. Luke, Helena	Director	8/15/91
Qualifications (if required): none specified		
Mr. Richard L. Meeker, Helena	Director	8/15/91
Qualifications (if required): none specified		
Ms. Rosemary Miller, Helena	Director	8/15/91
Qualifications (if required): none specified		
Mr. Norman Waterman, Helena	Director	8/15/91
Qualifications (if required): none specified		
Youth Placement Advisory Council, 2nd Judicial District (Family Services)		
Ms. Sue Bennett, Butte	Director	8/15/91
Qualifications (if required): none specified		
Mr. Jim Fay, Anaconda	Director	8/15/91
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 2nd Judicial District (Family Services) (cont.)		
Mr. Ed Heard, Butte	Director	8/15/91
Qualifications (if required): none specified		
Mr. Dave Manning, Butte	Director	8/15/91
Qualifications (if required): none specified		
Mr. Don Pulch, Butte	Director	8/15/91
Qualifications (if required): none specified		
Youth Placement Advisory Council, 3rd Judicial District (Family Services)		
Ms. Jean S. Duncan, Deer Lodge	Director	8/15/91
Qualifications (if required): none specified		
Mr. Tim Hamm, Anaconda	Director	8/15/91
Qualifications (if required): none specified		
Ms. Frieda Howery, Deer Lodge	Director	8/15/91
Qualifications (if required): none specified		
Dr. Minott E. Pruyn, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Ms. Jackie Sperry, Anaconda	Director	8/15/91
Qualifications (if required): none specified		
Ms. Bernie Sturm, Anaconda	Director	8/15/91
Qualifications (if required): none specified		
Youth Placement Advisory Council, 4th Judicial District (Family Services)		
Mr. Rodney C. Bates, Missoula	Director	8/15/91
Qualifications (if required): none specified		

10-5/30/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 4th Judicial District (Family Services) (cont.)		
Mr. Gregory N. Burham, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Mr. John Contway, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Mr. Steve Gibson, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Ms. Carole Graham, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Mr. Bill Houchin, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Mr. Jim Parker, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Mr. Jack Rudio, Missoula	Director	8/15/91
Qualifications (if required): none specified		
Youth Placement Advisory Council, 5th Judicial District (Family Services)		
Mr. Frank Hull, Dillon	Director	8/15/91
Qualifications (if required): none specified		
Reverend Mary Jacques, Dillon	Director	8/15/91
Qualifications (if required): none specified		
Mr. Dennis Kimzey, Dillon	Director	8/15/91
Qualifications (if required): none specified		

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 5th Judicial District (Family Services) (cont.)		
Ms. Marj Montrose, Dillon	Director	8/15/91
Qualifications (if required): none specified		
Mr. Emery Smith, Twin Bridges	Director	8/15/91
Qualifications (if required): none specified		
Youth Placement Advisory Council, 6th Judicial District (Family Services)		
Ms. Kathy Ellison, Livingston	Director	8/15/91
Qualifications (if required): none specified		
Mr. Mike G. Fleming, Livingston	Director	8/15/91
Qualifications (if required): none specified		
Ms. Juanita M. Freeman, Livingston	Director	8/15/91
Qualifications (if required): none specified		
Mr. Steve Hoppes, Livingston	Director	8/15/91
Qualifications (if required): none specified		
Mr. Gerald S. Spalding, Livingston	Director	8/15/91
Qualifications (if required): none specified		
Youth Placement Advisory Council, 7th Judicial District (Family Services)		
Ms. Audrey Crook, Sidney	Director	8/15/91
Qualifications (if required): none specified		
Mr. Rod Huisman, Miles City	Director	8/15/91
Qualifications (if required): none specified		
Ms. Vicki Metcalfe, Sidney	Director	8/15/91
Qualifications (if required): none specified		

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991		
Youth Placement Advisory Council, 7th Judicial District (Family Services) (cont.)	Director	8/15/91
Ms. Bonne Lu Perry, Sidney Qualifications (if required): none specified		
Ms. Joan Ritter, Sidney Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 8th Judicial District (Family Services)	Director	8/15/91
Ms. Lynette Bolender, Great Falls Qualifications (if required): none specified		
Ms. Marsha Brunett, Great Falls Qualifications (if required): none specified	Director	8/15/91
Mr. Dennis Dronen, Great Falls Qualifications (if required): none specified	Director	8/15/91
Dr. Renee Johnson, Great Falls Qualifications (if required): none specified	Director	8/15/91
Ms. Sharon Lindstrom, Great Falls Qualifications (if required): none specified	Director	8/15/91
Ms. Ingrid Wagner, Great Falls Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 9th Judicial District (Family Services)	Director	8/15/91
Ms. Eva Burney, Cut Bank Qualifications (if required): none specified		
Ms. Rita Christiaens, Conrad Qualifications (if required): none specified	Director	8/15/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

Board/current position holder	Appointed by	Term end
<p>Youth Placement Advisory Council, 9th Judicial District (Family Services) (cont.)</p> <p>Mr. James Richard Gunlikson, Cut Bank</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Ms. Mary Meis, Shelby</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Mr. Matt Shearer, Cut Bank</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Ms. Sue Walley, Cut Bank</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Ms. Linda Warden, Browning</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Youth Placement Advisory Council, 11th Judicial District (Family Services)</p> <p>Ms. Ruth Davis, Kalispell</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Mr. Bill Harris, Kalispell</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Mr. Patrick C. Lee, Kalispell</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Ms. Mary Schulze, Kalispell</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91
<p>Mr. Patrick Warnecke, Kalispell</p> <p>Qualifications (if required): none specified</p>	Director	8/15/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 12th Judicial District Mr. Bryce Johnson, Havre Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Ms. Nancy Neibauer, Havre Qualifications (if required): none specified	Director	8/15/91
Ms. Judy Rominger, Havre Qualifications (if required): none specified	Director	8/15/91
Dr. Laurence C. Stineford, Havre Qualifications (if required): none specified	Director	8/15/91
Mr. Keith Turck, Havre Qualifications (if required): none specified	Director	8/15/91
Mr. Joe Uhl, Havre Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 13th Judicial District Mr. Corum Cunningham, Billings Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Mr. Gary Huffmaster, Billings Qualifications (if required): none specified	Director	8/15/91
Mr. Ted Lechner, Billings Qualifications (if required): none specified	Director	8/15/91
Mr. Leonard Orth, Billings Qualifications (if required): none specified	Director	8/15/91

10-5/30/91

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 13th Judicial District Ms. Betty Petek, Billings Qualifications (if required): none specified	District Director (Family Services)	(cont.) 8/15/91
Youth Placement Advisory Council, 14th Judicial District Ms. Boni Braunbeck, Lewistown Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Mr. Joseph Cahill, Billings Qualifications (if required): none specified	Director	8/15/91
Mr. Mike Ikard, Lewistown Qualifications (if required): none specified	Director	8/15/91
Mr. Mike Otto, Lewistown Qualifications (if required): none specified	Director	8/15/91
Mr. Mike Steuhm, Lewistown Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 15th Judicial District Mr. James Allen, Plentywood Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Mr. J. T. Brownlee, Wolf Point Qualifications (if required): none specified	Director	8/15/91
Ms. Wilma Desjarlais, Poplar Qualifications (if required): none specified	Director	8/15/91
Mr. William E. Lumpkin, Wolf Point Qualifications (if required): none specified	Director	8/15/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 15th Judicial District Mr. Michael Preyer, Wolf Point Qualifications (if required): none specified	District Director	(cont.) 8/15/91
Youth Placement Advisory Council, 16th Judicial District Mr. Ernest "Sonny" Butts, Miles City Qualifications (if required): none specified	District Director	8/15/91
Mr. Jim Hunter, Miles City Qualifications (if required): none specified	Director	8/15/91
Mr. Gordon Jackson, Miles City Qualifications (if required): none specified	Director	8/15/91
Ms. Sue Matthews, Miles City Qualifications (if required): none specified	Director	8/15/91
Mr. Nolan Mickelson, Miles City Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 17th Judicial District Mr. Mike Boyer, Glasgow Qualifications (if required): none specified	District Director	(Family Services) 8/15/91
Mr. Robert E. Brown, Glasgow Qualifications (if required): none specified	Director	8/15/91
Mr. Dain Christianson, Glasgow Qualifications (if required): none specified	Director	8/15/91
Mr. Bob McNeel, Harlem Qualifications (if required): none specified	Director	8/15/91

10-5/30/91

Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 17th Judicial District Ms. Carolyn Nyquist, Glasgow Qualifications (if required): none specified	District Director (Family Services)	(cont.) 8/15/91
Ms. Darlene Pomeroy, Chinook Qualifications (if required): none specified	Director	8/15/91
Mr. Preston L. Stiffarm, Harlem Qualifications (if required): none specified	Director	8/15/91
Ms. Lori Tresch, Glasgow Qualifications (if required): none specified	Director	8/15/91
Ms. Linda Uhl, Chinook Qualifications (if required): none specified	Director	8/15/91
Mr. Tim Whitney, Chinook Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 18th Judicial District Ms. Joan Davies, Bozeman Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Ms. Dorothy Filson, Bozeman Qualifications (if required): none specified	Director	8/15/91
Mr. David Gates, Bozeman Qualifications (if required): none specified	Director	8/15/91
Ms. Sharon Hanton, Bozeman Qualifications (if required): none specified	Director	8/15/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

Board/current position holder	Appointed by	Term end
Youth Placement Advisory Council, 18th Judicial District Mr. Mark Salo, Bozeman Qualifications (if required): none specified	District Director (Family Services)	(cont.) 8/15/91
Youth Placement Advisory Council, 19th Judicial District Ms. Nancy Chalgren, Libby Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Mr. John P. Freemole, Polson Qualifications (if required): none specified	Director	8/15/91
Mr. Gordon F. Gerrish, Ronan Qualifications (if required): none specified	Director	8/15/91
Ms. Susan Smith, Libby Qualifications (if required): none specified	Director	8/15/91
Ms. Catherine L. Spencer, Libby Qualifications (if required): none specified	Director	8/15/91
Ms. Marie Studebaker, Libby Qualifications (if required): none specified	Director	8/15/91
Ms. Lee Tonner, Libby Qualifications (if required): none specified	Director	8/15/91
Youth Placement Advisory Council, 20th Judicial District Ms. Marilyn C. Becker, Polson Qualifications (if required): none specified	District Director (Family Services)	8/15/91
Mr. Dennis Jones, Polson Qualifications (if required): none specified	Director	8/15/91

VACANCIES ON BOARDS AND COUNCILS -- June 1 through August 31, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Placement Advisory Council, 20th Judicial District Mr. David W. McDougall, Polson	(Family Services) (cont.) Director	8/15/91
Qualifications (if required): none specified		