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MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 22 **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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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.

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BEFORE THE TEACHERS' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the adoption rules)	NOTICE OF PROPOSED
relating to Senate Bill 226 adopted)	ADOPTION OF RULES
by the 52nd legislature relating to)	FOR BENEFIT
the Teachers' Retirement System)	ADJUSTMENT
)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Interested Persons.

1. On January 1, 1992, the Teachers' Retirement System proposes to adopt rules regarding eligibility and the calculation of annual benefit adjustments.

2. The proposed rules are as follows:

RULE I. CALCULATION OF ANNUAL BENEFIT ADJUSTMENT (1) The annual adjustment payment made to each eligible retired member of the Teachers' Retirement System shall be a percentage of the gross annual benefit received by the eligible recipient in the prior calendar year.

(2) The percentage increase for each calendar year shall be determined based on the ratio annual benefits paid to all eligible retirees bears to the amount appropriated to the board for the retirement adjustment.

(3) The annual adjustment shall be made to each eligible recipient in a single payment which will be combined with the regular May benefit. (May benefits are mailed on the last business day of May.) (Auth: Sec. 19-4-201, MCA; IMP, 19-15-102, MCA)

Rule II. ELIGIBILITY FOR ANNUAL BENEFIT ADJUSTMENT (1) All retirees who maintain Montana as their official residence and who received at least one monthly benefit payment on or before December 31 of the preceding calendar year will be eligible for the annual benefit adjustment.

(2) For purposes of determining residence, eligible recipients will include those retirees (or their surviving beneficiaries receiving a continuing monthly benefit) who;

(a) have continuously maintained a Montana mailing address both for payment of monthly benefits and for mailing annual tax information statements since their effective retirement date, or

(b) have provided acceptable certification of residency to the board.

(3) On or before March 1, certification forms will be mailed to those retirees who must provide certification of residency. The certification forms will be mailed to the current information or home address on file with the Teachers' Retirement System. Recipients not returning satisfactory certification of Montana residency by April 1, will be

considered non-residents for the purpose of determining eligibility for the annual adjustment to be made during May of that year. (Auth: Sec. 19-4-201, MCA; IMP, 19-15-102, MCA)

3. The rules are proposed to implement the provisions of SB 226 codified at 19-15-101 and 102, MCA. The rules provide for calculating the adjustment rate to be paid and for a process for certifying eligibility for annual retirement adjustment payments.

The eligibility date of December 31 set in Rule II is necessarily set by administrative rule since the statute is silent.

4. Interested parties may submit their data, views or arguments concerning the proposed rules in writing to David L. Senn, Administrator, Teachers' Retirement System, 1500 Sixth Avenue, Helena, MT 59620-0139, no later than December 26, 1991.

5. If a person who is directly affected by the proposed rules wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to David L. Senn, Administrator, Teachers' Retirement System, 1500 Sixth Avenue, Helena, MT 59620-0139, no later than December 26, 1991.

6. If the agency receives requests for a public hearing on the proposed rules from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed rules, from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 2,838 persons based on 28,380 active, inactive and retired members of the Teachers' Retirement System.

By:



Dal Smilie, Chief Legal Counsel
Rules Reviewer



David L. Senn, Administrator
Teachers' Retirement System

Certified to the Secretary of State November 18, 1991.

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

In the Matter of Proposed	)	NOTICE OF PUBLIC HEARING
Adoption of Rules on Inte-	)	OF PROPOSED ADOPTION OF NEW
grated Least Cost Planning	)	RULES ESTABLISHING POLICY
for Electric Utilities.	)	GUIDELINES ON INTEGRATED
	)	LEAST COST RESOURCE PLANNING
	)	FOR ELECTRIC UTILITIES IN
	)	MONTANA

TO: All Interested Persons

1. On January 15, 1992 at 10:00 a.m. in the Bollinger Conference Room, Public Service Commission, 1701 Prospect Avenue, Helena, Montana, a hearing will be held to consider the adoption of new rules establishing policy guidelines on integrated least cost resource planning for electric utilities under the jurisdiction of the Montana Public Service Commission.

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

RULE I. GOAL AND POLICY (1) The goal of integrated least cost resource planning is to enable electric utilities to provide energy services and products in a manner consistent with the interests of their customers and the general public while remaining financially viable. To achieve this goal utilities must actively pursue and acquire all cost effective and practicable energy efficiency. It is the policy of the commission to promote integrated least cost planning for electric utilities through the establishment of the guidelines and requirements described in the rules in this sub-chapter.

(2) These rules represent a major step toward encouraging Montana's electricity industry to provide electricity and electricity services at the lowest total cost. Their genesis was customer-driven, through the Montana power company's conservation and least cost planning advisory committee.

(3) These rules are not intended to change the fundamental rate-making relationship between the utilities and the public service commission. Rather, they comprise a restatement of the regulatory compact between utilities and ratepayers for the purpose of meeting future needs at the lowest total cost to society.

(4) The rules are aimed at providing the utilities with policy and planning guidance. They are not intended to specify the outcome of the planning process. Each utility's plan, anticipated to consist of an integrated set of supply and demand options, will be the result of the utility's unique planning process and judgment.

(5) It is conceivable that, if a utility conducts integrated least cost planning in an aggressive and competent way, resources could be identified which have costs lower than those of existing resources. The result could be the abandonment of the higher cost existing resources to the benefit of ratepayers but to the possible detriment of shareholders. If

such a situation occurs it is the intent of the commission to encourage the acquisition of the lower cost resource and treat the stranded investment in a separate proceeding, recognizing the reasonableness of the original investment.

(6) The rules provide a way to lessen and manage the risk of resource choices to shareholders, ratepayers, and society at large. That risk should not be shifted.

(7) Resources should be acquired only when needed and the lowest cost resources should be acquired first.

(8) An under-utilized way of meeting the electricity service needs of Montana consumers is through improved efficiency, both in the supply and consumption of electricity.

(9) These rules grant a 15 percent cost advantage to demand-side resources even when the avoided cost calculation explicitly includes environmental externalities. This is appropriate, in the commission's opinion, given the institutional barriers which put demand-side resources at a competitive disadvantage and given that unaccounted for environmental externalities will exist because the technology does not permit measurement or the costs of measurement are not justifiable.

(10) The total cost of providing future electricity services to consumers includes the net long term resource costs and residual environmental and social costs. To the extent these costs are quantifiable, they should be incorporated into supply curves. To the extent they are not quantifiable, they should influence judgment in resource choices.

(11) These rules specify consideration of carbon-based fuel conversion efficiency as an important resource attribute. Such a designation is designed to address the externalities associated with carbon dioxide emissions.

(12) Each of Montana's electric utilities is unique with respect to the consumption patterns of its consumers, its opportunities for efficiency improvements, and its future resource options.

(13) Each utility, in implementing these rules, must use its judgment in weighing the importance of conflicting decision objectives.

(14) The public has a significant stake in each utility's choices of future resources. Each utility can best meet the diverse goals of its shareholders, its ratepayers, and society as a whole if it involves the public in a meaningful way in resource planning. That involvement can only be meaningful if resource plans and the process for developing them are well documented and understandable.

(15) Implementation of these rules will require a commitment from both the public and private sectors to honor the spirit and intent of the rules. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA.

RULE II. DEFINITION (1) Integrated least cost resource planning is an ongoing, dynamic and flexible process which:

(a) explicitly manages the consequences of uncertainty and risk associated with the utility's market characteristics and supply alternatives;

(b) integrates the demand and supply-side resources that represent the least cost to society over the long term;

(c) explicitly weighs a broad range of resource attributes (e.g., environmental externalities) in the evaluation of alternative resources;

(d) should be understandable to interested persons (including members of the general public) and the commission;

(e) involves stakeholders and nonutility expertise in utility planning; and

(f) results from a planning process within the utility which facilitates communication and coordination among the entities dealing with demand forecasts and demand and supply-side resource evaluations. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE III. ENVIRONMENTAL EXTERNALITIES AND INTEGRATED LEAST COST PLANNING (1) Externalities are costs incurred without compensation, or benefits received without payment, by entities not involved in a transaction. Utilities shall address environmental externalities in their resource planning and acquisitions by taking the following actions:

(a) A range of environmental mitigation and control costs shall be quantified and the value of unmitigated environmental impacts shall be estimated using the best available methods for assessing environmental externalities. Nonquantifiable environmental externalities shall not be ignored; they shall be incorporated using documented judgment in the multiple attribute evaluation;

(b) the uncertainty and risk associated with the cost of future environmental regulations which may be imposed on a utility shall be assessed and incorporated into resource planning decisions;

(c) uncertainty associated with the size and importance of environmental externalities shall be incorporated into the risk assessment analysis;

(d) resources shall be weighed and ranked on the basis of their environmental impacts. It is a utility's responsibility to weigh and rank resources using its own judgment coupled with feedback from the public;

(e) the environmental externalities associated with all resource alternatives, including PURPA resources and competitively acquired resources, must be analyzed consistently. The type of analysis specified in the decision standards of the Major Facility Siting Act in the administrative rules may be used as the starting point. See ARM 36.7.101 - 36.7.5502. Utilities shall keep the analysis at a planning level;

(f) in evaluating resource options utilities shall recognize protected areas such as wilderness, parks and the north-west power planning council's designated "protected areas"

(see protected areas and amendments and responses to comments; issue paper 88-22);

(g) sensitivity analyses shall be conducted to determine how reductions in environmental costs can be cost effectively achieved;

(h) marginal efficiency measures on the customers' side of the meter shall be acquired at up to 115 percent of avoided cost; and

(i) the externalities associated with transmission facilities must be accounted for in the utilities' least cost plans. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE IV. UNCERTAINTY AND RISK IN INTEGRATED LEAST COST PLANNING (1) Integrated least cost planning requires evaluating uncertainty and managing risk associated with a utility's market characteristics and its alternatives for supplying energy services. In order to evaluate uncertainty and manage risk, utilities must determine the sources of risk using their own techniques and judgment. Sources of risk include, but may not be limited to:

- (a) resource lead-time;
- (b) water availability;
- (c) future load growth;
- (d) shortcomings of various forecasting methods;
- (e) performance and useful lives of existing resources;
- (f) cost and performance of future demand and supply-side resources;
- (g) rate of technological change;
- (h) future fuel availability and price;
- (i) existence and social evaluation of environmental externalities; and
- (j) future sociopolitical and regulatory environment.

(2) Utilities shall consider risk management techniques when evaluating and acquiring resources. Planning techniques that manage the risk associated with the above sources include, but may not be limited to:

- (a) assessing the risk of resource alternatives;
- (b) developing resource options which increase scheduling flexibility;

(c) developing small, short lead-time resources which better match loads with resources and reduce the amount and period over which capital must be invested to meet future load growth;

(d) diversifying the resource portfolio to allow adaptation to a range of future outcomes;

(e) managing loads to increase utility control over resource requirements;

(f) encouraging the acquisition of resources via competitive processes;

(g) public involvement and education in resource decisions; and

(h) maintaining a transparent least cost planning process (i.e., one which produces resource plans that can be easily understood by the public and the commission). AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE V. INITIAL RESOURCE SCREENING (1) A critical component of the least cost planning process is the initial screening of resource options. Initial screening involves weighting, ranking, sizing, evaluating and selecting the individual resources which will eventually form the resource plan. Utilities shall use their own judgment, influenced by feedback from the public, to assign weights to multiple resource attributes. Attributes that should be considered in the initial resource screening include, but may not be limited to:

(a) the impact of the lifetime resource cost on a utility's revenue requirement, calculated consistently with regulatory requirements;

(b) the efficiency with which resources using carbon-based fuels convert those fuels to kwh;

(c) environmental externalities;

(d) administrative costs of acquisition programs;

(e) the cost effectiveness of the resource, determined in the context of the utility system;

(f) risk and uncertainty; and

(g) reliability.

(2) Demand-side resources shall be sized and evaluated consistent with the following guidelines:

(a) In order to properly determine the amount of resources that are cost effective and practicable, resources acquired through price-induced conservation, (i.e., acquisition undertaken by customers in the absence of utility sponsored programs) shall be included as part of the total available resource. However, in designing programs to acquire cost effective resources, a utility must only pay the price necessary to achieve the resource, which may be less than the cost effective level due to customer or other contributions.

(b) The revenue impacts of decreased sales resulting from the implementation of demand-side resources shall not be added to the cost of the resources acquired through such programs.

(c) The nonparticipant test shall not be applied to efficiency/demand-side resources, just as it is not applied to any other resource choice. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE VI. OPTIMIZATION OF SUPPLY AND DEMAND-SIDE RESOURCES IN INTEGRATED LEAST COST PLANNING (1) Utilities shall optimize demand and supply-side resources by applying process planning cycles such as those illustrated in Figure 1 below.

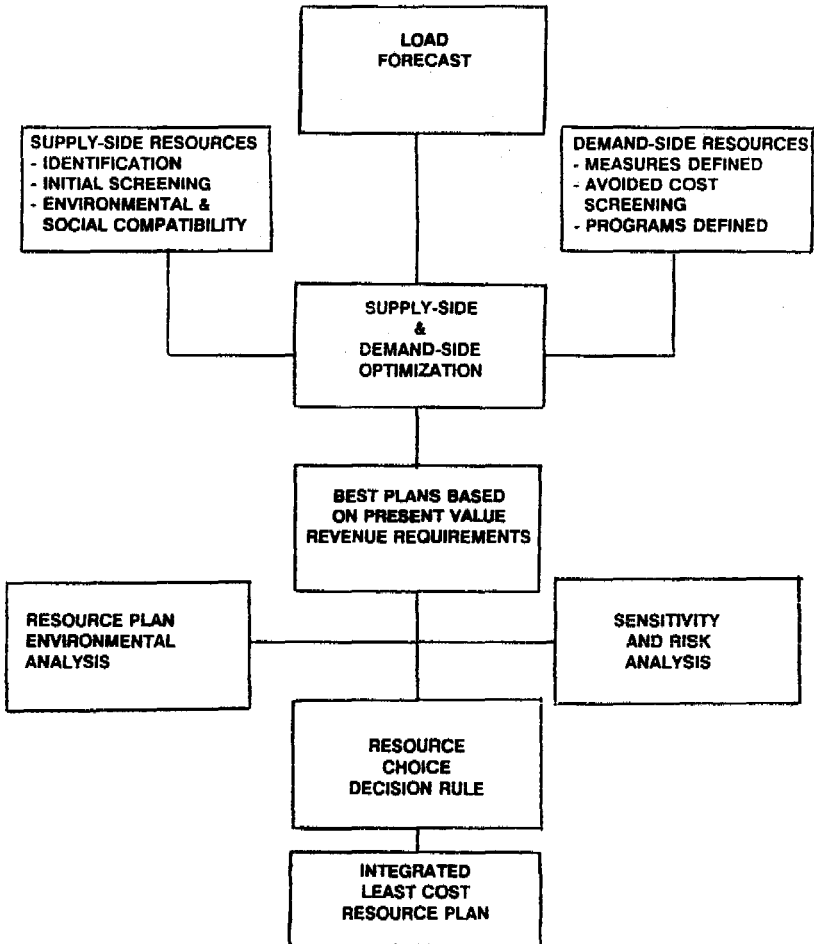
(2) The optimization process should extend to the utility's reserve requirement. Utilities should analyze the optimal reserve margin as part of their least cost planning efforts.

(3) The utility's application of the process planning cycles must be documented so that it can be understood by groups contributing to it, as well as by the commission and other interested persons.

(4) The transmission costs, both implicit and explicit, associated with the resource shall be imputed based on long run marginal costs and incorporated into the optimization of demand and supply-side resources.

(5) Utilities shall maintain a broad-based advisory body (e.g., customers and public interest organizations) to review, evaluate and recommend modifications to planning processes, resource plans, resource acquisition processes and efficiency acquisition programs. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

FIGURE 1
LEAST COST PLANNING OPTIMIZATION PROCESS EXAMPLE



RULE VII. LEAST COST RESOURCE PLANS (1) Resource plans which are consistent with the overall goal and definition of integrated least cost planning must not concentrate solely on minimizing dollar costs, but must also consider the impacts on society and the environment over the long term. The overall decision rule, upon which the utility's least cost resource plan is based, must seek to provide the best balance of the following objectives:

(a) Minimize the present value of the revenue requirements associated with the provision of energy services to customers;

(b) minimize the costs of risk not incorporated into the formal cost analysis;

(c) minimize the environmental and other social costs not incorporated into the formal cost analysis;

(d) maintain rational levels of service reliability which incorporate consideration of customers' value of service reliability;

(e) maximize the probability that the utility will adequately recover its reasonable, ongoing costs for resources developed and/or acquired pursuant to the overall integrated least cost planning process; and

(f) distribute costs and benefits in an equitable manner. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE VIII. RATE DESIGN AND INTEGRATED LEAST COST PLANNING (1) Rate design is a key element in the integrated least cost planning process. Rate design must not be separated from the other key elements. Avoided costs, rate design, demand and supply-side resources (including PURPA resources), uncertainty and risk, environmental considerations, competitive bidding, societal and ratepayer interests are all inter-related parts of the overall least cost planning process. If one of these parts is removed, the process will not function properly.

(a) Utilities must explicitly incorporate rate design considerations, especially its ability to yield demand-side resources, into their overall least cost planning processes.

(b) The goals and objectives of all rate design efforts must be consistent with the goal and definition of integrated least cost planning.

(c) If utilities are faced with the potential loss of a large industrial load and are considering a request for a retention rate, utilities shall use least cost planning methodologies and tools to evaluate the impacts of retaining or losing the load and to consider alternatives such as efficiency improvements. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE IX. ELECTRIC UTILITY MARKETING GOALS, MARKETING PROGRAMS AND COMPETITION FOR LARGE DISCRETIONARY LOADS

(1) To engage in efficient, economic and cost effective marketing programs, electric utilities must:

(a) evaluate marketing goals and efforts consistently with the overall goal and definition of integrated least cost planning to determine the effect on the future need for resources and capital and operating costs over time; (Projected revenues from new or altered loads resulting from marketing shall be compared with the projected changes in overall costs to determine whether the changes are desirable from a net present value of revenue requirements perspective.)

(b) evaluate the effect that competing for large discretionary loads and off-system sales has on resource costs and revenues, near term rates, corporate profits and the full range of integrated least cost planning criteria in these guidelines.

(2) All utility marketing efforts must be consistent with the commission's guideline on rate design and integrated least cost planning. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE X. COMPETITIVE RESOURCE ACQUISITION AND INTEGRATED LEAST COST PLANNING

(1) Competitive bidding is important to the overall least cost planning process in general, and efficient resource acquisition in particular. Competitive bidding provides utilities valuable information on available demand and supply-side resources and the costs of those resources. To promote efficient resource acquisitions, electric utilities shall use the following guidelines:

(a) Incorporate competitive resource acquisition into their overall integrated least cost planning processes. Competitive bidding must not be seen as a substitute to least cost planning;

(b) resources submitted in response to the utility's request for bids must be evaluated consistently with the goals and definition of integrated least cost planning;

(c) resource solicitations shall be issued to the broadest practical group of potential demand and supply-side resource providers, including but limited to: PURPA qualifying facilities (QFs); nonutility independent power producers; publicly and investor-owned utilities; power marketing agencies; international suppliers; and organizations capable of providing demand-side resources;

(d) demand-side competitive acquisition programs shall be seen as a complement to utility demand-side programs, not a substitute for them. Utility directed programs shall be aimed at specific sectors where market barriers or other market failures prevent that demand-side resource from being effectively and efficiently developed; and

(e) the competitive acquisition process for demand-side resources shall not allow the acquisition of high return demand-side resources if such acquisition means that other measures, which would be cost effective only if they were acquired in conjunction with those high return resources, are

not acquired; this same protection shall be applied to utility demand-side acquisition programs. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE XI. REGULATORY AND MARKET BARRIERS TO INTEGRATED LEAST COST PLANNING AND ACQUISITION OF DEMAND-SIDE RESOURCES

(1) To minimize barriers to integrated least cost planning, utilities shall continually assess existing barriers, risks and incentives which would encourage or impede efforts to engage in integrated least cost planning and resource acquisition. These efforts shall be well documented to facilitate review by appropriate persons.

(2) The commission realizes that the concept of least cost planning embraced by these guidelines involves a certain amount of utility investment which may never be attributable to a particular resource acquisition. This type of investment is needed if the least cost planning process is to function properly. No guarantee will be given that utilities will recover all costs put under the heading of "planning costs." However, rate recovery of planning costs will be allowed if, upon commission review, the utility's investment in planning is found to be reasonable and consistent with these guidelines. AUTH: Sec. 69-3-103; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

RULE XII. SUBMITTING LEAST COST PLANS (1) Utilities shall submit their least cost plans to the commission on March 15 of each year. (If no changes have been made to the previous year's plan, a utility may submit a statement to that effect.) Utilities shall mail their plans by March 15 of each year to each person indicated on a service list to be compiled by the commission. By March 15 of each year utilities shall make their plans available for public inspection at utility offices designated as follows: Montana Power Company - Butte, Missoula, Helena, Bozeman, Great Falls, Billings, Havre, Glasgow, Lewistown and Hamilton; Pacific Power & Light Company - Kalispell and Libby; Montana-Dakota Utilities Company - Glendive, Miles City and Billings. In addition, by March 15 of each year utilities shall make their plans available for public inspection at each county library and each university, college, and junior college library in their service territory.

(2) Persons wanting to comment in writing on the plans must do so within 20 days following the submission of the plan. Comments shall be served on the commission and on the utility. Opportunity to comment orally on the plans may be provided through informal hearings that will take place no later than 30 days following the submission of the plan. Within time sufficient to influence the utilities' avoided cost compliance filings, the commission, based on its own review and the comments of others, may issue a general statement indicating whether the plans conform to the guidelines in these rules. The commission may make such a statement each year re-

ardless of whether the utility submits a new plan or states that it has made no changes to the previous plan. An indication by the commission that a plan conforms to the guidelines does not guarantee that it will conform to the guidelines if it is submitted a year later with no changes. Further, an indication by the commission that a plan conforms to these guidelines will not bind the commission in its review of utility resource plans in conjunction with a rate case nor will it bind the commission for purposes of setting rates.

(3) The forecasting process must be documented and understandable to the public and the commission. A finding by the commission that the utility's least cost resource plan conforms to these guidelines does not mean that the commission endorses the forecasting methods used by the utility; the commission will not assume any risk associated with incorrect forecasts.


(4) If a utility cannot meet the March 15 deadline it may ask the commission to extend the deadline. A request for extension should be accompanied by reasons for the request and an indication of the extension needed. Requests for extension should be made no later than March 1.

(5) At the request of an electric utility, and for good cause shown, the commission may waive the requirement to submit a least cost plan. AUTH: Sec. 69-3-103, MCA; IMP, Secs. 69-3-102, 69-3-106(1) and 69-3-201, MCA, and Commission policy adopted and described herein at Rule I.

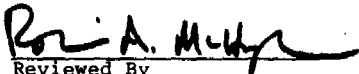
3. Rationale These rules are proposed following a lengthy process whereby the Commission solicited written and oral comments from interested persons on electric utility least cost planning in Montana. Section 69-3-201, MCA, provides that the charge for reasonably adequate utility service must be reasonable and just. Included in a determination of a just and reasonable charge is an analysis of the planning process by which utilities acquire resources. A reasonable charge will reflect a reasonable planning process. When utilities engage in the planning process it is important that they know the considerations that the Commission deems important to such a process. These rules are necessary to implement Commission policy to promote integrated least cost planning. They require the filing of least cost plans and provide guidelines for the preparation of the plans. These rules also provide a mechanism for comment on the plans (by the Commission and other interested persons) in advance of the formal contested case procedures wherein the plans, or parts of the plans, are considered for reflection in rates.

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 Robin A. McHugh, 1701 Prospect Avenue, Helena, Montana 59620-2601 no later than January 8, 1992.

5. The Montana Consumer Counsel, 34 West Sixth Avenue, Helena, Montana, (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.


Howard L. Ellis, Chairman

CERTIFIED TO THE SECRETARY OF STATE NOVEMBER 18, 1991.


Reviewed By

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Rule 46.12.303	)	THE PROPOSED AMENDMENT OF
pertaining to medicare	)	RULE 46.12.303 PERTAINING
signature requirements	)	TO MEDICARE SIGNATURE
	)	REQUIREMENTS

TO: All Interested Persons

1. On December 19, 1991 at 10:00 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 amendment of Rule 46.12.303 pertaining to medicare signature requirements.

2. The Rule as proposed to be amended provides as follows:

46.12.303 BILLING, REIMBURSEMENT, CLAIMS PROCESSING, AND PAYMENT Subsections (1) through (3) remain as proposed.

(4) Except as provided in subsection (7) of this rule, all medicaid claims submitted to the department are to be submitted on a state claim form ~~either which is:~~

(a) personally signed by that provider; ~~or~~

(b) personally signed by a person who has actual written authority to bind and represent the provider for this purpose. The department may require a provider to furnish this written authorization; ~~or~~

(c) stamped with a facsimile signature stamp. The stamp must be a facsimile likeness of the actual signature of the provider. The provider shall bear full responsibility for use of the stamp, by authorized or unauthorized persons, as though the provider has personally signed the claim form.

(5) All medicaid claims submitted to the department by a hospital for services provided by a physician who is required to relinquish fees to the hospital are to be submitted on a state claim form ~~with the personal signature of either which is:~~

(a) personally signed by the physician provider; ~~or~~

(b) personally signed by a person who has actual written authority to bind and represent the physician provider for this purpose. The department may require a provider to furnish this written authorization; ~~or~~

(c) stamped with a facsimile signature stamp. The stamp must be a facsimile likeness of the actual signature of the provider. The provider shall bear full responsibility for use of the stamp, by authorized or unauthorized persons, as though the provider has personally signed the claim form.

Subsections (6) through (14)(b) remain the same.

AUTH: Sec. 53-2-201 and 53-6-113 MCA
IMP: Sec. 53-6-101, 53-6-111, 53-6-131 and 53-6-141
MCA

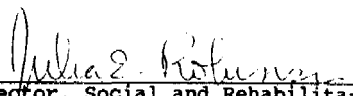
3. This rule amendment is necessary to effectuate the statutes which require the department to administer and supervise a vendor payment medical assistance program. The current rule requires a personal provider signature on each medicaid claim form. Hundreds of claims per month are returned to providers due to use of facsimile signatures. This results in additional workload to the provider to resubmit the claim, and to the state's fiscal agent, Consultec, to reprocess the claim. Payment may be delayed while claim forms are resubmitted and reprocessed.

The department believes that the reasons for requiring a personal signature on each claim form have ceased to exist. Medicare does not require personally signed claims, and Montana is apparently the only state that has this requirement. To facilitate claim submission, the department proposes to allow providers to use facsimile signature stamps. This change will eliminate an unnecessary burden on participating providers. The department believes the proposed rule will continue to assure the integrity of claims, because providers will continue to be responsible for the use of the signature stamps in the same degree as personal signatures.

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 Russell E. Cater, Chief Legal Counsel, Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, MT 59604-4210, no later than December 27, 1991.

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


Rule Reviewer


Director, Social and Rehabilitation Services

Certified to the Secretary of State November 18, 1991.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Rules 46.25.101	)	THE PROPOSED AMENDMENT OF
and 46.25.731 pertaining to	)	RULES 46.25.101 AND
general relief assistance	)	46.25.731 PERTAINING TO
extension of benefits	)	GENERAL RELIEF ASSISTANCE
	)	EXTENSION OF BENEFITS

TO: All Interested Persons

1. On December 19, 1991, at 11:00 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 amendment of Rules 46.25.101 and 46.25.731 pertaining to general relief assistance extension of benefits.

2. The Rules as proposed to be amended provide as follows:

46.25.101. DEFINITIONS Subsections (1) through (11) remain the same.

(12) "Drug or alcohol rehabilitation program" means any formal mechanism or system which promotes the rehabilitation of chemically dependent individuals, including state-accepted programs, alcoholics anonymous, peer counseling and private programs.

Subsections (12) through (51) remain the same in text but are renumbered (13) through (52).

AUTH: Sec. 53-2-201, 53-3-102, 53-2-803, 53-3-109 and 53-3-114 MCA

IMP: Sec. 53-2-201, 53-2-301, 53-2-802, 53-3-109, 53-3-304, 53-3-305 and 53-3-321 MCA

46.25.731. STRUCTURED JOB SEARCH AND TRAINING PROGRAM

Subsections (1) through (17) remain the same.

(18) If they are otherwise eligible, claimants with chemical dependency, as identified in the EDP or the reassessment, who are participating in a drug or alcohol rehabilitation program will receive a maximum of three additional months of general relief assistance. This assistance is in addition to the six months of benefits in a 12 month period presently granted to persons with serious barriers to employment. Each chemically dependent claimant may receive this extension of benefits only once in a lifetime.

Subsections (18) through (21)(d)(iii) remain the same in text but are renumbered (19) through (22)(d)(iii).

AUTH: Sec. 53-2-201, 53-2-803 and 53-3-114 MCA
IMP: Sec. 53-2-822, 53-3-304, 53-3-305 and 53-3-321 MCA

3. The amendment of ARM 46.25.101 and 46.25.731 is necessary to implement House Bill 927 enacted by the 52nd Legislature. House Bill 927 reiterated that the Department may extend General Relief Assistance benefits for up to three months for chemically dependent recipients who are participating in a drug or alcohol rehabilitation program pursuant to 53-3-321(3), MCA. Section 53-3-321(3), MCA, as amended in 1989 allows, but does not require, the Department to so extend benefits. Prior to the passage of House Bill 927, the Department had not exercised its discretion to extend benefits in this manner. To comply with the intent of House Bill 927 to promote rehabilitation of chemically dependent individuals by extending benefits for such individuals who are participating in a rehabilitation program, the Department is amending ARM 46.25.731 to provide that such recipients will have their benefits extended for up to three months beyond the six months to which they are already entitled by virtue of being classified as having serious barriers to employment due to chemical dependency. ARM 46.25.101 must also be amended to provide a definition of a drug or alcohol rehabilitation program.

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 Russell E. Cater, Chief Legal Counsel, Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, MT 59604-4210, no later than December 27, 1991.

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

Dawn Shinn
Rule Reviewer

Russell E. Cater
Director, Social and Rehabilitation Services

Certified to the Secretary of State November 18, 1991.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Rule 46.10.823	)	THE PROPOSED AMENDMENT OF
pertaining to self-initiated	)	RULE 46.10.823 PERTAINING
services	)	TO SELF-INITIATED SERVICES

TO: All Interested Persons

1. On December 20, 1991, at 10:00 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 amendment of Rule 46.10.823 pertaining to self-initiated services.

2. The Rule as proposed to be amended provides as follows:

46.10.823 SELF-INITIATED SERVICES EDUCATION OR TRAINING

(1) A person already engaged in education or training (at an institution of higher education or a school or other entity offering vocational or technical training) at the time that that person would otherwise ~~commence~~ begin participation in JOBS is considered to have self-initiated an education or training program.

Subsection (2) remains the same.

(a) the department has conducted an assessment of the education or training and has developed an employability plan and has determined that the education or training program provides skills for jobs that will lead to self-sufficiency and that are available in the either locally area or areas within Montana ~~the person is willing to move to;~~

(i) The department in conducting the assessment will take into consideration availability of a limited number of slots for participation in self-initiated training or education.

(ii) Those currently enrolled in a program of study and approved for self-initiated child care will continue to have child care paid until the end of the state fiscal year, the end of the current program year if it extends beyond the state fiscal year or until the end of a registration period preceding the end of the state fiscal year, whichever occurs last.

(A) To receive child care until the completion of their program, those currently approved for the self-initiated program must re-apply for approval and be chosen for one of the limited number of slots.

(B) Such individuals will be given priority in filling the slots over those who have not yet been approved for child care for self-initiated training or education.

(b) the person is ~~enrolled on attending~~ at least a half-time basis as defined by the institution;

(c) the person is making satisfactory progress as defined by the institution; and

Subsection (2)(d) remains the same.

(3) Child care is the only supportive service which may be provided to a person in self-initiated training or education. Child care will be provided for a person participating in a self-initiated program approved by the department:

(a) for the duration of the person's participation in the program or until the person is no longer eligible for AFDC, whichever is less; and

(b) if the person has diligently sought child care assistance from other sources such as the Job Training Partnership Act (JTPA) and Pell grants and has accepted such additional assistance where available.

AUTH: Sec. 53-4-212, 53-4-719, 53-4-703 and 53-4-720 MCA
IMP: Sec. 53-2-201, 53-4-211, 53-4-215, 53-4-703,
53-4-705, 53-4-706, 53-4-708 and 53-4-720 MCA

3. This rule change is necessary to effect budget reductions. The Department of Social and Rehabilitation Services (SRS) is currently paying 100% of the child care expenses of Aid to Families with Dependent Children (AFDC) recipients who are in self-initiated training or education, that is, training or education commenced on the recipient's own initiative. Because there currently are no limitations on self-initiated training or education to this group of recipients, the cost of this supportive service has grown faster than appropriations.

It is therefore necessary to put some limitations on child care assistance to these recipients in order to reduce expenditures. The Department has the authority pursuant to 53-4-703 and 53-4-720, MCA to define which activities shall be approved as self-initiated training or education and to establish the requirements to qualify for such assistance.

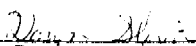
This rule amendment is also necessary to restrict child care assistance to recipients participating in self-initiated training or education. ARM 46.10.823 is being amended to provide that recipients will be required to seek and accept child care assistance from other sources such as Job Training Partnership Act (JTPA) and Pell grants.

Participation in self-initiated education or training will be limited to a predetermined number of slots. However, those currently enrolled in a program of study and approved for self-initiated child care would continue to have child care paid until the end of the state fiscal year, the end of the current program year if it extends beyond the state fiscal year or until the end of a registration period preceding the

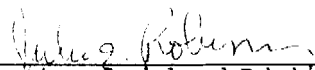
end of the state fiscal year, whichever occurs last. To receive child care until the completion of their program, those currently approved for self-initiated child care must re-apply for approval and be chosen for one of the limited number of slots. Such individuals will be given priority in filling the slots over those who have not yet been approved for child care for self-initiated training or education.

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 Russell E. Cater, Chief Legal Counsel, Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, MT 59604-4210, no later than December 26, 1991.

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



Rule Reviewer



Director, Social and Rehabilitation Services

Certified to the Secretary of State November 18, 1991.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment) CORRECTED NOTICE OF
of Rule 11.5.1002 pertaining) AMENDMENT OF RULE 11.5.1002
to day care rates) PERTAINING TO DAY CARE
) RATES

TO: All Interested Persons:

1. On October 17, 1991, the Department of Family Services published notice of the amendment of ARM 11.5.1002 pertaining to daily and hourly payment rates paid to providers for the care of children pursuant to day care programs administered by the department, including but not limited to JOBS, Title IV-A, and child protective services day care benefits, at page 1934 of the 1991 Montana Administrative Register, issue no. 19.

2. Due to an error in interpreting the legislative history, the notice of amendment incorrectly set out the payment rates authorized by the legislature. The correct rates for the current fiscal year, and the rule as hereby adopted by the Department of Family Services, are as follows, provisions deleted from the previous proposed notice of amendment interlined, and material which is added underlined and in capitals:

11.5.1002 DAY CARE RATES (1) Full day care services (six or more hours per day/night) are paid at a rate of ~~\$11-25~~10.50 per day/night per child in care in family day care homes. The maximum rate for group day care homes is ~~\$11-25~~11.00 per child per day/night of care. The maximum rate for DAY CARE centers is ~~\$12-00~~11.00 per child per day/night of care. THESE RATES ARE THE EFFECTIVE RATES FOR THE CURRENT FISCAL YEAR~~These rates do not apply to payment for children defined as infants under ARM 11.14.102. Day care for infants in family and group day care homes is paid at a rate of \$12.00 per day. Day care for infants in day care centers is paid at a rate of \$13.00 per day. However, day care for special need or exceptional children in day care centers is paid at a rate of \$12.15 a day.~~

(2) Part-time care (less than six hours per day/NIGHT) is paid at a rate of ~~\$1-50~~1.35 per hour per child in family day care homes, ~~\$1-50~~1.35 per hour per child in group day care homes, and ~~\$2-00~~1.65 per hour per child in all DAY CARE centers up to a maximum of a full day or night care rate.

Subsection (3) remains the same.


(4) Special NEEDS child or exceptional child day care is paid at a rate of \$12.00 PER CHILD per day/NIGHT OF CARE IN FAMILY DAY CARE HOMES. UPON APPROVAL OF THE DEPARTMENT~~or part-time care at \$1.75 per hour in group and family day care homes. When special child or exceptional child day care is provided in day care centers, such care is paid at a rate of \$12.15 per day~~

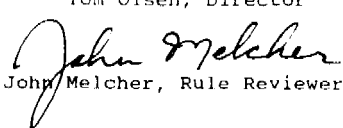
~~or at a part-time rate of \$2.00 per hour. SPECIAL NEEDS OR EXCEPTIONAL CHILD DAY CARE IS PAID AT A RATE OF \$12.00 PER CHILD PER DAY/NIGHT OF CARE IN GROUP DAY CARE HOMES, UPON APPROVAL OF THE DEPARTMENT. SPECIAL NEEDS OR EXCEPTIONAL CHILD DAY CARE IS PAID AT A RATE OF \$12.15 PER DAY/NIGHT OF CARE IN DAY CARE CENTERS, UPON APPROVAL OF THE DEPARTMENT. PART-TIME CARE (LESS THAN SIX HOURS PER DAY/NIGHT) FOR SPECIAL NEEDS CHILD OR EXCEPTIONAL CHILD DAY CARE IS PAID AT A RATE OF \$1.65 PER HOUR PER CHILD IN FAMILY DAY CARE HOMES, UPON APPROVAL OF THE DEPARTMENT, UP TO A MAXIMUM OF A FULL DAY OR NIGHT CARE RATE. PART-TIME CARE (LESS THAN SIX HOURS PER DAY/NIGHT) FOR SPECIAL NEEDS CHILD OR EXCEPTIONAL CHILD DAY CARE IS PAID AT A RATE OF \$1.65 PER HOUR PER CHILD IN GROUP DAY CARE HOMES, UPON APPROVAL OF THE DEPARTMENT, UP TO A MAXIMUM OF A FULL DAY OR NIGHT CARE RATE. PART-TIME CARE (LESS THAN SIX HOURS PER DAY/NIGHT) FOR SPECIAL NEEDS CHILD OR EXCEPTIONAL CHILD DAY CARE IS PAID AT A RATE OF \$1.75 PER HOUR PER CHILD IN DAY CARE CENTERS, UPON APPROVAL OF THE DEPARTMENT, UP TO A MAXIMUM OF THE FULL DAY OR NIGHT CARE RATE.~~ The \$2.00 per hour maximum part-time hourly rate for centers applies to the part-time care of exceptional and special-needs children. However, part-time care for special-needs or exceptional children in family or group day-care homes is paid at a different rate. Part-time care for special-needs or exceptional children in group and family day-care homes is paid at a rate of \$1.75 per hour.

(5) THE INFANT CARE RATE MAY BE CHARGED FOR CHILDREN UNDER THE AGE OF TWENTY FOUR MONTHS AS FOLLOWS: FULL DAY CARE SERVICES (SIX OR MORE HOURS PER DAY) ARE PAID AT A RATE OF \$12.00 PER DAY/NIGHT PER INFANT IN CARE IN FAMILY DAY CARE HOMES. THE MAXIMUM RATE FOR GROUP DAY CARE HOMES IS \$12.00 PER INFANT PER DAY/NIGHT OF CARE. THE MAXIMUM RATE FOR DAY CARE CENTERS IS \$13.00 PER INFANT PER DAY/NIGHT OF CARE. PART-TIME CARE (LESS THAN SIX HOURS PER DAY) IS PAID AT A RATE OF \$1.35 PER HOUR PER INFANT IN FAMILY DAY CARE HOMES, \$1.35 PER HOUR PER INFANT IN GROUP DAY CARE HOMES, AND \$1.75 PER HOUR PER INFANT IN ALL DAY CARE CENTERS UP TO A MAXIMUM OF A FULL DAY OR NIGHT CARE RATE, AS SUCH RATE IS CALCULATED FOR THE FACILITY.

Subsections (5) and (6) remain the same except they are renumbered (6) and (7).

DEPARTMENT OF FAMILY SERVICES


Tom Olsen, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State November 18, 1991.

22-11/27/91

Montana Administrative Register

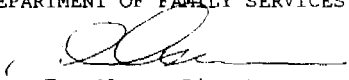
BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

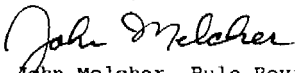
In the matter of the amendment)	NOTICE OF AMENDMENT OF ARM
of ARM 11.5.1003 pertaining to)	11.5.1003 PERTAINING TO DAY
day care benefit payment on a)	CARE BENEFIT PAYMENT ON A
monthly basis.)	MONTHLY BASIS
))

TO: All Interested Persons:

1. On September 26, 1991, the Department of Family Services published notice of the proposed amendment of ARM 11.5.1003 pertaining to day care benefit payment on a monthly basis, at page 1823 of the 1991 Montana Administrative Register, issue no. 18.
2. The department has amended the rule as proposed.
3. No comments were received.

DEPARTMENT OF FAMILY SERVICES


Tom Olsen, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State, November 18, 1991.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF ADOPTION OF RULE
of Rule 1 and the amendment	)	I AND THE AMENDMENT OF
of Rules 11.12.204, 11.12.413,	)	RULES 11.12.204,
and 11.12.601 pertaining to	)	11.12.413, AND
foster parents, and foster	)	11.12.601 PERTAINING TO
parent households, and child	)	FOSTER PARENTS, AND FOSTER
care staff in group homes and	)	PARENT HOUSEHOLDS, AND
child care agencies	)	CHILD CARE STAFF IN GROUP
	)	HOMES AND CHILD CARE
	)	AGENCIES

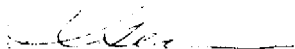
TO: All Interested Persons

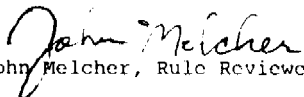
1. On September 26, 1991, the Department of Family Services published notice of the proposed adoption of Rule I (11.12.115) and the amendment of Rules 11.12.204, 11.12.413, and 11.12.601 pertaining to foster parents, and foster parent households, and childcare staff in group homes and child care agencies, at page 1819 of the 1991 Montana Administrative Register, issue 18.

2. The department has adopted and amended the rules as proposed.

3. No comments were received.

DEPARTMENT OF FAMILY SERVICES


Tom Olsen, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State, November 18, 1991.

BEFORE THE PETROLEUM TANK RELEASE COMPENSATION BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of)	CORRECTED NOTICE
rules 16.47.101, 16.47.311-312,)	OF AMENDMENT
16.47.314, 16.47.316, 16.47.321,)	
16.47.323-324, 16.47.333-334,)	
16.47.342 and 16.47.351, and new)	
rules I and II relating to leaking)	
petroleum storage tank compensation)	
program)	(Petroleum Tank Release Compensation Program)

To: All Interested Persons

1. On October 31, 1991, the Petroleum Tank Release Compensation Board published notice of the amendment of Rule 16.47.314 pertaining to the interpretation of a release discovered after April 13, 1989, at page 2036 of the 1991 Montana Administrative Register, issue number 20.

2. The notice of adoption of Rule 16.47.314 incorrectly indicated that the effective date of enactment of House Bill 973 was May 10, 1991. In fact, the bill was signed and enrolled as a session law on May 15, 1991. The rule, where it now refers to expenses incurred after May 9, 1991, should have and henceforth will refer to expenses incurred after May 14, 1991. The rule will therefore read as follows:

16.47.314 RELEASE DISCOVERED ON OR AFTER APRIL 13, 1989
CONSTRUED (1) Remains the same.

(2) A tank owner or operator may be eligible under the 973 program for reimbursement of eligible expenditures incurred after May 9 14, 1991, if the release was discovered on or after April 13, 1989, even though the tank, in place, was out of service on the date of discovery or is presently out of service.

AUTH: 75-11-318, MCA; IMP: 75-11-308, MCA

3. Replacement pages for the corrected notice of amendment will be submitted to the Secretary of State on December 31, 1991.

PETROLEUM TANK RELEASE
COMPENSATION BOARD
Howard Wheatley, Chairman

By:

Jean A. Riley
Jean Riley, Executive Director

Certified to the Secretary of State November 18, 1991

Reviewed by:

Eleanor A. Parker
Eleanor Parker, DHES Attorney

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

In the matter of the adoption)	NOTICE OF AMENDMENT OF
of the amendment of rules)	24.16.1509 and 24.16.1510
concerning Montana's minimum)	ESTABLISHING MONTANA'S
hourly wage rate)	MINIMUM HOURLY WAGE RATE

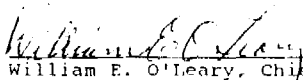
TO ALL INTERESTED PERSONS:


1. On August 29, 1991, the Department of Labor and Industry published a notice of proposed amendment of rules establishing the minimum hourly wage rate in Montana. The notice was published at pages 1546 through 1548 of the 1991 Montana Administrative Register, Issue No. 16.

2. No comments or testimony concerning the rules were received.

3. The agency has amended 24.16.1509 and 24.16.1510 as proposed.

4. The authority of the department to make the proposed rules is based on section 39-3-403, MCA, and the rule implements section 39-3-409, MCA.


William E. O'Leary, Chief Counsel
Rule Reviewer


Mario A. Micone, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: November 18, 1991

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

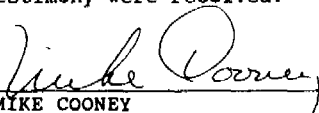
In the matter of the adoption) NOTICE OF ADOPTION OF
of rules pertaining to record) RULE I (44.14.101) AND
retention.) II (44.14.102) STANDARDS
) FOR DISPOSITION OF RECORDS
) -- USE AND STORAGE OF
) RECORDS ON OPTICAL DISK.

TO: All Interested Persons:


1. On September 26, 1991 the Secretary of State published notice of public hearing to consider proposed rules regarding record retention at page 1826, of the 1991 Montana Administrative Register, issue number 18.

2. The Secretary of State has adopted Rule I (44.14.101 RECORDS WITH A RETENTION PERIOD OF TEN YEARS OR LESS) and Rule II (44.14.102 RECORDS WITH A RETENTION PERIOD OF MORE THAN TEN YEARS) as proposed.

3. No comments or testimony were received.



MIKE COONEY
Secretary of State



GARTH JACOBSON
Rule Reviewer

Dated this 18th day of November, 1991.

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

In the matter of the	)	NOTICE OF THE ADOPTION OF
adoption of Rules I through	)	RULES I THROUGH XIII
XIII pertaining to	)	PERTAINING TO DEVELOPMENTAL
developmental disabilities	)	DISABILITIES ENTRY
entry procedures	)	PROCEDURES

TO: All Interested Persons

1. On August 15, 1991, the Department of Social and Rehabilitation Services published notice of the proposed adoption of Rules I through XIII pertaining to developmental disabilities entry procedures at page 1473 of the 1991 Montana Administrative Register, issue number 15.

2. The Department has adopted [RULE I] 46.8.1501, PLACEMENT DETERMINATIONS: PURPOSE; [RULE VIII] 46.8.1515, PLACEMENT DETERMINATIONS: SUPPORTED LIVING SCREENING; and [RULE IX] 46.8.1517, PLACEMENT DETERMINATIONS: SUPPORTED EMPLOYMENT SCREENING as proposed but the authority section will be changed to:

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA
IMP: Sec. 53-20-203 and 53-20-209 MCA

3. The Department has adopted the following Rules as proposed with the following changes:

[RULE III] 46.8.1502 PLACEMENT DETERMINATIONS: DEFINI-
TIONS For the purposes of these rules, the following
definitions apply:

(1) "Adult community home services" means ~~those facili-~~
~~ties licensed in accordance with section 53-20-301, et seq.,~~
~~MCA providing THE PROVISION OF~~ age appropriate residential and
habilitation services for two to eight persons with develop-
mental disabilities who are 16 years or older IN FACILITIES
LICENSED AND CERTIFIED IN ACCORDANCE WITH SECTIONS 53-20-305
AND 53-20-307, MCA.

(2) "Adult habilitation services" means the provision
~~in non-residential settings~~ of services to persons with devel-
opmental disabilities who are 16 years or older IN NON-RESI-
DENTIAL SETTINGS. These services include basic life skills,
pre-vocational skills, work activities skills, sheltered
employment skills, and other skills which are prerequisite or
integral to vocational activities and which facilitate move-
ment of persons to increasingly higher levels of independence.

(3) "Adult intensive community home services" means
~~those facilities licensed in accordance with section 53-20-~~
~~301, et seq., MCA providing THE PROVISION OF~~ habilitation and

intensive residential training services for two to eight persons with developmental disabilities who have intensive needs and who are 16 years of age or older IN FACILITIES LICENSED AND CERTIFIED IN ACCORDANCE WITH SECTIONS 53-20-305 AND 53-20-307, MCA.

(4) "Appeal process" means the process provided in [Rule XIII] ARM 46.8.1550 for pursuing further administrative review of a decision made by a local SCREENING COMMITTEE or the central screening committee.

(515) "Area REGIONAL manager" means a person employed by the developmental disabilities division in one of several field-based supervisory positions.

(65) "Case manager" means a person who ~~has the responsibility to coordinate~~ IS RESPONSIBLE FOR COORDINATING an individual's A PERSON'S case, compiling referrals for services, chairing individual habilitation team planning meetings, locating needed support services, and otherwise making arrangements to meet ~~an individual's~~ A PERSON'S ongoing needs.

Original subsection (7) remains as proposed but will be renumbered (6).

(87) "Children's community home services" means those ~~facilities licensed in accordance with sections 53-20-301, et seq., MCA providing~~ THE PROVISION OF age appropriate INTENSIVE residential and habilitation services for two to five persons with developmental disabilities who are ~~between the ages of 5 and THROUGH 22~~ IN FACILITIES LICENSED AND CERTIFIED IN ACCORDANCE WITH SECTIONS 53-20-305 AND 53-20-307, MCA.

(98) "DD division" means the developmental disabilities division of the department of social and rehabilitation services, which contracts with service ~~agencies~~ PROVIDERS to provide community-based services to persons with developmental disabilities who reside or work in services funded by the department.

Original subsection (10) remains as proposed but will be renumbered (9).

(1110) "Independent living services" means ~~those services that provide~~ THE PROVISION OF residential training on a regular basis to persons with developmental disabilities who reside in unstructured and unsupervised settings and who require minimal supervision with periodic contact for oversight and training in areas of advanced personal skills, home-related skills and community life skills.

(1211) "Individual habilitation planning team" OR "IHP TEAM" means an interdisciplinary team composed of those persons specified in ARM 46.8.105 that identifies and evaluates ~~an individual's~~ A PERSON'S needs, develops ~~an individual~~ A habilitation plan to meet those needs, periodically reviews the progress of the plan and revises the plan accordingly.

Original subsections (13) through (15) remain as proposed but will be renumbered (12) through (14).

Subsection (16) remains as proposed.

(17) "Senior adult community home services" means ~~those facilities licensed in accordance with section 53-20-301, et seq., MCA providing~~ THE PROVISION OF age appropriate residential and habilitation services to two to eight older persons with development disabilities IN FACILITIES LICENSED AND CERTIFIED IN ACCORDANCE WITH SECTIONS 53-20-305 AND 53-20-307, MCA.

Subsection (18) remains as proposed.

(19) "SERVICES COORDINATOR" MEANS THE PERSON IN THE CENTRAL OFFICE OF THE DD DIVISION WHO RECEIVES AND PROCESSES MATERIALS RELATING TO THE PLACEMENT OF PERSONS, ADMINISTERS THE CENTRAL SCREENING PROCESS AND CHAIRS THE CENTRAL SCREENING COMMITTEE.

Subsection (19) remains as proposed but will be re-numbered (20).

(20) "Supported employment services" or "vocational placement services" means ~~those services providing~~ THE PROVISION OF assistance in locating competitive employment and providing ongoing training and support to a person with developmental disabilities and to their employers in order to maintain employment for the person with developmental disabilities.

(21) "Supported living" means ~~those services providing~~ THE PROVISION OF individualized residential services in the community as well as ongoing support as needed to maintain the placement.

Subsection (22) remains as proposed but will be re-numbered (23).

(23) "Transitional living services" means ~~those services that provide~~ THE PROVISION OF training and habilitation SERVICES on a regular basis for persons with developmental disabilities who reside in unstructured living situations and require intermittent supervision and assistance in learning advanced personal skills, home-related skills and community life skills.

(24) "Waiting list" means the MASTER list maintained by the DD division, of persons with developmental disabilities who are referred for services ~~funded by the department~~ AND WHO ARE DETERMINED TO BE ELIGIBLE TO RECEIVE SERVICES. THIS LIST IS MAINTAINED BY THE CENTRAL OFFICE OF THE DD DIVISION.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE III] 46.8.1505. PLACEMENT DETERMINATIONS: REFERRAL PROCESS (1) The referral ~~for an individual OF A PERSON~~ for whom placement is being sought is compiled by the case manager and is submitted to the DD division.

(a) For referral of a local person ~~to~~ FOR a local service PLACEMENT, referral information is submitted to the area REGIONAL office of the DD division.

(b) Referrals of a person to other areas or the state as a whole FOR A SERVICE PLACEMENT are sent to the central office of the DD division.

(c) A REFERRAL MUST BE COMPLETED AND PROVIDED TO THE DD DIVISION WITHIN 30 CALENDAR DAYS OF A DECISION BY THE PERSON'S PLANNING TEAM TO REFER THE PERSON.

Subsection (2) remains as proposed.

(a) the department of family SOCIAL AND REHABILITATION services 431 form, documenting the determination that a person is developmentally disabled. The 431 form is not signed by DD division staff until there is adequate documentation of the ~~individual's~~ PERSON'S developmental disability and need for services. WITHIN TEN WORKING DAYS OF RECEIPT OF THE REFERRAL, DD DIVISION STAFF WILL SEND SEPARATE WRITTEN NOTIFICATION ON FORM 53 TO THE CASE MANAGER EITHER CONFIRMING THAT THERE IS ADEQUATE DOCUMENTATION OF DD ELIGIBILITY AND THAT THE PERSON'S NAME WILL BE ADDED TO THE WAITING LIST, OR INDICATING THAT ADDITIONAL INFORMATION IS NEEDED. THE 431 FORM WILL BE SIGNED BY DDD STAFF WHEN THERE IS A DETERMINATION THAT THE PERSON IS ELIGIBLE AND SENT TO THE REFERRING PARTY WHEN THE PERSON IS SCREENED INTO A SERVICE.

Subsections (2)(b) through (2)(d) remain as proposed.

(i) information regarding the present functioning level of the ~~individual~~ PERSON, noting the areas in which the ~~individual~~ PERSON does well and the areas in which the ~~individual~~ PERSON needs assistance and further training;

Subsection (2)(d)(ii) remains as proposed.

(iii) impact on the ~~individual~~ PERSON if services are not received;

(iv) family history, present family involvement/ AND support or involvement of other persons important in the ~~individual's~~ PERSON'S life;

Subsection (2)(d)(v) remains as proposed.

(vi) special education and related services provided to the ~~individual~~ PERSON, including all residential placements outside the family home;

(vii) other ~~agencies~~ SERVICE PROVIDERS involved, current and past, with the phone number and name of a contact person for each agency;

Subsection (2)(d)(viii) remains as proposed.

(ix) any environmental, cultural, or other factors important to assisting the ~~individual~~ PERSON in a placement;

(x) special financial arrangements or hardships that a service provider would need to be aware of in order to assist the ~~individual~~ PERSON;

Subsections (2)(d)(xi) through (2)(d)(xiv) remain as proposed.

(e) an individual service record (ISR) which must be completed by staff in the DD division office in order to enter ~~the name~~ PLACE A PERSON on a waiting list;

Subsection (2)(f) remains as proposed.

(g) a copy of the most recent deceleration program or any that has been conducted in the last three years; and

(h) other information the referring team chooses to include; AND

(i) DOCUMENTATION OF THE PERSON'S PREFERENCES FOR SERVICES AND SERVICE LOCATIONS.

Subsections (3) and (4) remain as proposed.

(5) THE DD DIVISION WILL GIVE NOTICE TO A REFERRING PARTY WHEN THE REFERRAL DOES NOT CONTAIN ALL REQUIRED COMPONENTS OR WHEN THERE IS INADEQUATE DOCUMENTATION THAT THE PERSON HAS A DEVELOPMENTAL DISABILITY.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE IV] 46.8.1506 PLACEMENT DETERMINATIONS: SCREENING PROCEDURES (1) Screening for a specific opening is conducted by a local screening committee. The local screening committee, ~~as provided in [Rule V], determines~~ SELECTS THE PERSON who is to be offered the opening. THE LOCAL SCREENING COMMITTEE MUST SELECT THE PERSON, BASED ON THE CRITERIA IN ARM 46.8.1507, FROM THE PERSONS WHO HAVE BEEN REFERRED FOR THE PLACEMENT BY THE LOCAL SCREENING COMMITTEE AND THE CENTRAL SCREENING COMMITTEE.

(2) ~~Individuals~~ PERSONS to be considered for placement in a specific opening are selected as follows:

(a) the local screening committee, as provided in [Rule V] ARM 46.8.1507, chooses from local referrals those ~~individuals~~ PERSONS who appear to be most appropriate for the placement and therefore should be considered for placement; and

(b) the central screening committee, as provided in [Rule V] ARM 46.8.1507, chooses from outside the local area those persons who appear to be most appropriate for the placement and therefore should be considered for placement. THIS LIST OF REFERRALS IS PROVIDED TO THE LOCAL SCREENING COMMITTEE.

Subsections (3) through (3)(b) remain as proposed.

(c) whether the referral contains all the required materials AND ADEQUATE DOCUMENTATION.

(4) Local screening committee decisions concerning placement must be by consensus. If there is no consensus, the matter is considered to be under appeal and a decision is made by hearing A REVIEW as provided for in [Rule XIII] ARM 46.8.1550. A REQUEST FOR REVIEW FROM A LOCAL SCREENING COMMITTEE'S LACK OF CONSENSUS MUST BE SENT WITHIN TEN WORKING DAYS OF THE SCREENING TO THE SERVICES COORDINATOR.

~~(5) The DD division will give the following notices:~~

~~(a) notice to a referring party when the referral does not contain all required components or when there is inadequate documentation that the individual has a developmental disability.~~

~~(b) notice to an individual who is being referred to a local screening committee, that the individual is being considered for placement in a specific opening;~~

~~(c) notice to an individual considered for placement in a specific opening as to whether the individual is being offered the placement or not.~~

Subsection (6) remains as proposed but will be renumbered (5).

(76) Only the screening committee members may be present at and participate in the decision-making concerning selection unless all referred ~~individuals~~ PERSONS have waived their rights to confidentiality.

(7) A PERSON BEING CONSIDERED FOR REFERRAL OR PLACEMENT, ANY PERSON REPRESENTING A PERSON BEING CONSIDERED FOR REFERRAL OR PLACEMENT, OR ANY OTHER INTERESTED PERSON MAY PROVIDE MATERIALS IN SUPPORT OF THE PERSON'S REFERRAL OR PLACEMENT TO THE CENTRAL SCREENING COMMITTEE OR LOCAL SCREENING COMMITTEE.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE V] 46.8.1507 PLACEMENT DETERMINATIONS; CRITERIA

Subsection (1) remains as proposed.

(a) A screening committee must consider for referral or placement any person with physically limiting conditions, if the person's level of need is comparable to other persons being considered and if the service would be appropriate for the person after reasonable modifications or accommodations were made.

Subsection (1)(b) remains as proposed.

(i) whether the ~~individual's~~ PERSON'S health and safety are threatened;

(ii) whether the ~~individual~~ PERSON is at risk of losing skills if not placed;

(iii) whether the ~~individual~~ PERSON is at risk of losing opportunities and choices if not placed;

(iv) whether the ~~individual~~ PERSON is at risk of losing independence if not placed;

(v) what the ~~individual's~~ PERSON'S skill levels are in such areas as motor ability, self-help skills, communication, maladaptive behaviors, or other areas;

Subsections (1)(b)(vi) through (1)(b)(ix) remain as proposed.

(x) whether the ~~individual~~ PERSON has been inappropriately placed in an institution;

(xi) whether the ~~individual~~ PERSON lives in the natural home and needs services;

(xii) whether the ~~individual~~ PERSON is in a service that is inappropriate;

(xiii) whether the ~~individual~~ PERSON is at risk of abuse or neglect;

(xiv) whether the ~~individual~~ PERSON has no alternatives and faces possible institutionalization if not placed; and

Subsection (1)(b)(xv) remains as proposed.

(2) The ~~choice~~ SELECTION of an ~~individual~~ A PERSON to whom a placement is to be offered is based on the available services being appropriate for the person chosen.

(a) Factors to be considered in the determination of the appropriateness of the service for an ~~individual~~ A PERSON being considered for placement include but are not limited to the following:

(i) whether the ~~individual~~ PERSON requires more supervision than the service can provide;

(ii) whether the available staffing ratio ~~offers~~ PROVIDES enough supervision to manage any maladaptive behaviors the person currently exhibits;

Subsections (2)(a)(iii) through (2)(a)(vii) remain as proposed.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE VI] 46.8.1508 PLACEMENT DETERMINATIONS: LOCAL SCREENING COMMITTEES Subsections (1) and (1)(a) remain as proposed.

(b) service provider representatives from each DD division-funded service in the community. If a ~~corporation~~ SERVICE PROVIDER provides more than one program of service, each program of the ~~corporation~~ SERVICE PROVIDER can send a representative, as long as only one is named as the designated agency voting member FOR THE SERVICE PROVIDER; and

Subsections (1)(c) through (2)(b) remain as proposed.

(c) a mental health agency representative when a screening involves ~~individuals~~ PERSONS with ~~dual diagnoses or other~~ DIAGNOSES OF BOTH DEVELOPMENTAL DISABILITY AND mental ILLNESS health needs.

Subsection (3) remains as proposed.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE VII] 46.8.1509 PLACEMENT DETERMINATIONS: CENTRAL SCREENING COMMITTEES Subsections (1) through (1)(b) remain as proposed.

(c) a service provider representative ~~from a DD-funded~~ service.

Subsections (2) through (2)(b) remain as proposed.

(c) mental health agency representatives when screenings involve ~~individuals with dual~~ PERSONS WHO HAVE diagnoses ~~or~~ OF BOTH DEVELOPMENTAL DISABILITY AND mental ILLNESS health needs.

Subsections (3) and (4) remain as proposed.

~~(5) Family members, advocates, and others are encouraged to send written information regarding any individual they represent.~~

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE XI] 46.8.1525 PLACEMENT DETERMINATIONS: SERVICE EXCHANGE (1) ~~Individuals~~ PERSONS who are recipients of developmental disability services may exchange service placements.

Subsection (2) remains as proposed.

(a) both ~~individuals~~ PERSONS want to make the change;

(b) both IHP teams reach consensus that the move is in the best interests of the ~~individuals~~ PERSONS;

Subsection (2)(c) remains the same.

(d) there is an agreement in writing between the IHP teams, and INCLUDING the SERVICE providers ~~involved~~ REPRESENTATIVES, allowing the ~~individuals~~ PERSONS to return to their previous placements if either of them requests a return within 30 calendar days. That time period may be lengthened if both IHP teams agree.

(23) Service exchanges can involve the same or different towns, and the same or different services.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE XI] 46.8.1527 PLACEMENT DETERMINATIONS: TRIAL PLACEMENT Subsection (1) remains as proposed.

(a) ~~An individual's~~ A PERSON'S current opening may be held open for thirty days at the request of the ~~individual~~ PERSON or others while the ~~individual~~ PERSON tries the new placement before making a final decision to take the new placement, as long as:

(i) the current IHP team and the receiving SERVICE provider agree, in writing, that a trial placement is needed; and

Subsection (1)(a)(ii) remains as proposed.

(b) When there is uncertainty as to the ability of a service to meet ~~an individual's~~ A PERSON'S needs, ~~an individual's~~ A PERSON'S current service can be held open for a period of time, as long as:

(i) the ~~individual's~~ PERSON'S IHP team and the receiving service provider send a written request to the field services and planning bureau chief of the DD division including:

(aA) documentation of consensus of the local (receiving) screening committee, the ~~individual's~~ PERSON'S IHP team, and the receiving service provider;

Original subsection (1)(b)(i)(b) remains as proposed but will be renumbered (1)(b)(i)(B).

(eC) the amount of time permitted for the trial placement has been approved. The trial will ~~generally be up to~~ NO LONGER THAN thirty days, with requests for longer periods to be considered by the DD division ~~administrator~~ on a case by case basis.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE XII] 46.8.1528 PLACEMENT DETERMINATIONS: TEMPORARY SERVICE AUTHORIZATION Subsections (1) and (2) remain as proposed.

(a) to allow ~~an individual~~ A PERSON from the waiting list or an existing program setting to try out services in a different vocational or residential setting;

(b) to allow service ~~agencies~~ PROVIDERS the opportunity to complete evaluations or assessment, in order to make objective decisions about individual placements; or

(c) to provide a temporary placement when ~~an individual~~ A PERSON has no services or is in an inappropriate service.

Subsection (3) remains as proposed.

(a) ~~an individual~~ A PERSON or other referring party must send a request for a temporary service authorization to the local screening committee;

(b) the local screening committee must review and approve the option for the ~~individual~~ PERSON requesting this authorization, and must approve timelines and any specific conditions for the temporary service authorization. This authorization will not affect screening decisions regarding permanent placements; and

(c) ~~provider staff of the agency~~ SERVICE PROVIDER with the temporary vacancy must then make a written request to the DD division ~~area~~ REGIONAL manager that includes specific timelines and any other conditions or limitations in the service that the ~~agency~~ SERVICE PROVIDER can provide on such a temporary basis. The request also should be sent to the ~~individual~~ PERSON.

(4) The ~~area~~ REGIONAL manager will review the request and make the final decision regarding the temporary service authorization. Within five working days of receipt of the request, the ~~area~~ REGIONAL manager will respond in writing to either approve or disapprove the request.

(5) If service needs change or needs arise that were not known when the service was first authorized and THOSE CHANGES OR NEEDS adversely affect the service delivery to the ~~individual~~ PERSON, the ~~individual~~ PERSON may be required to vacate the placement. THE IHP TEAM MAKES THE DECISION WHETHER THE PERSON NEEDS TO LEAVE THE SERVICE AND WITHIN WHAT TIMELINES.

Subsection (6) remains as proposed.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA

IMP: Sec. 53-20-203 and 53-20-209 MCA

[RULE XIII] 46.8.1550 PLACEMENT DETERMINATIONS: NOTICES AND APPEALS (1) THE DEPARTMENT WILL PROVIDE THE FOLLOWING NOTICES IN THE MANNER INDICATED.

(a) THE DD DIVISION WILL GIVE NOTICE WHETHER A PERSON IS OR IS NOT TO BE REFERRED BY THE CENTRAL SCREENING COMMITTEE TO BE CONSIDERED FOR PLACEMENT BY LOCAL SCREENING COMMITTEES. THE NOTICE WILL BE PROVIDED IN WRITING BY UNITED STATES MAIL WITHIN TEN WORKING DAYS OF THE DECISION TO THE PERSON AND THEIR REPRESENTATIVE. A LOCAL SCREENING COMMITTEE WILL GIVE THE NOTICE WHEN THE PERSON IS A LOCAL REFERRAL. THE NOTICE WILL INFORM THE PERSON THAT MATERIALS IN SUPPORT OF THE PERSON'S PLACEMENT MAY BE SUBMITTED TO THE APPROPRIATE SCREENING COMMITTEE.

(b) THE DD DIVISION WILL GIVE NOTICE WHETHER A PERSON HAS OR HAS NOT BEEN SELECTED FOR A SPECIFIC PLACEMENT. THE NOTICE WILL BE PROVIDED IN WRITING BY UNITED STATES MAIL

WITHIN TEN WORKING DAYS OF THE SCREENING COMMITTEE DECISION TO THE PERSON AND THEIR REPRESENTATIVE. THE NOTICE WILL INFORM A PERSON WHO HAS NOT BEEN SELECTED THAT THE PERSON MAY REQUEST A REVIEW OF THE MATTER BY THE DEVELOPMENTAL DISABILITIES REVIEW BOARD AND THAT A DECISION OF THE REVIEW BOARD MAY BE APPEALED AS PROVIDED IN ARM 46.2.201 ET SEQ.

(c) THE DD DIVISION WILL GIVE NOTICE OF A DEVELOPMENTAL DISABILITIES SCREENING REVIEW BOARD DECISION AND THAT THE PERSON MAY APPEAL, AS PROVIDED IN ARM 46.2.201 ET SEQ., AN ADVERSE DECISION OF THE REVIEW BOARD AND RECEIVE A FAIR HEARING.

(12) If either a local screening committee or the central screening committee cannot reach consensus CONCERNING A REFERRAL OR PLACEMENT, any screening committee member may appeal THE MATTER MUST BE PRESENTED to the developmental disabilities screening review board for a determination.

(23) An individual A PERSON referred for placement or a person representing the interests of the individual PERSON who is dissatisfied with a screening decision may appeal to REQUEST A REVIEW BY the developmental disabilities screening review board.

(a) A REQUEST FOR REVIEW BY THE REVIEW BOARD MUST BE MAILED TO THE SERVICES COORDINATOR, DEVELOPMENTAL DISABILITIES DIVISION, DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, P.O. BOX 4210, HELENA, MONTANA 59604.

(3b) An appeal A REQUEST FOR REVIEW must be sent in writing BY UNITED STATES MAIL within ten working days of RECEIPT OF WRITTEN NOTICE OF the screening committee meeting DECISION.

(4c) The REVIEW board will review appeal information and make a decision. The REVIEW board will send notification of that decision to the parties involved in the appeal and to the DD division administrator SERVICES COORDINATOR.

(5d) The REVIEW board consists of three members appointed by the director of the department.

(ae) Decisions OF THE REVIEW BOARD are based on a majority determination.

(64) The individual PERSON whose placement is at issue in an appeal or a person representing the individual after a decision by developmental disabilities review board THE PERSON'S REPRESENTATIVE may appeal an adverse decision OF THE DEVELOPMENTAL DISABILITIES REVIEW BOARD as provided for in ARM 46.2.201 et seq.

(7a) OTHER PERSONS OR ENTITIES, other than the individual whose placement is at issue in an appeal, may not appeal an adverse decision OF THE REVIEW BOARD as provided for in ARM 46.2.201 et seq.

(b) THE APPEAL OF A DETERMINATION OF THE REVIEW BOARD MUST BE MADE IN WRITING WITHIN TEN WORKING DAYS OF THE MAILING OF NOTIFICATION OF THE BOARD'S DETERMINATION.

(5) ANY NOTICES THE DD DIVISION PROVIDES UNDER THIS RULE WILL INCLUDE REFERENCE TO THE ADVOCACY SERVICES THAT ARE GENERALLY AVAILABLE IN MONTANA FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

AUTH: Sec. 53-2-201, 53-20-203 and 53-20-204 MCA
IMP: Sec. 53-20-203 and 53-20-209 MCA

3. The Department has thoroughly considered all commentary received:

COMMENT: The statement of reasonable necessity appears to lack detail concerning the rationale for the rules.

RESPONSE: This response further explains and details the reasonable necessity for these rules.

These rules are necessary to implement, as provided in 53-20-209(2), MCA, a screening system with procedures and criteria for the placement of persons into state sponsored and funded services for persons who are developmentally disabled. The services are those authorized in Parts 2 and 3 of Title 53, chapter 20, MCA. Rules implementing screening for other services such as children's services other than children's community home services will be adopted at a later date.

Prior to this time the placement of persons with developmental disabilities into state sponsored and funded services has been decentralized without common guiding criteria and procedures. There were concerns that persons being considered for placements were not receiving equal consideration and treatment and were not being accorded adequate due process.

The procedures for referral and selection in ARM 46.8.1505 and 46.8.1506 provide for a consistent system of selection on a statewide basis which is necessary to assure that there is appropriate and fair consideration in the selection of persons to be considered for placement and of the person to receive the placement.

The use of a central screening committee, as provided in ARM 46.8.1509, provides a single body of diverse interests that can consistently apply criteria in determining the persons from around the state to be considered for a placement. The use of a local screening committee, as provided in ARM 46.8.1508, to make the placement decision, provides a body composed of staff from the relevant service agencies and service providers who can make a knowledgeable placement decision relative to the appropriateness of the services for the person.

The criteria in ARM 46.8.1507, relating to the selection of persons to be considered for placement, are those criteria that concern the person's identified needs and the nature of the available services. The criteria are necessary to assure that the persons considered for a particular placement are those for whom the placement and related available services are most appropriate and that the person selected is the person who is most in need of the services.

Supported living services and supported employment services differ in certain respects as to criteria and procedures from those for placement into services generally. Separate rules, ARM 46.8.1515 and 46.8.1517, governing placement into these services are therefore necessary.

Service exchanges and temporary service authorizations, provided in ARM 46.8.1525 and 46.8.1528, are new features of placement into services which are necessary to provide greater flexibility for the service system in meeting the needs of persons receiving services.

Trial placements, provided in ARM 46.8.1527, are necessary to protect the best interests of the individual by providing time during which the person being placed can experience the new placement without forsaking the opportunity to return to their prior placement if circumstances warrant. In addition, a new type of trial placement being implemented by the rule will provide more flexibility in undertaking difficult placements.

The appeal process provided in ARM 46.8.1550 is necessary to assure the fairness of decisions made through the screening process.

COMMENT: [Rule X] ARM 46.8.1525 and [Rule XI] ARM 46.8.1527 are incorrect in their numbering.

RESPONSE: The Department has corrected the numbering in [Rule X] ARM 46.8.1525 and [Rule XI] ARM 46.8.1527.

COMMENT: Various comments were received relating to use of correct terms, consistent usage of terms and phrasings, and clarification of certain language.

RESPONSE: The Department has revised the rules as necessary to provide for use of correct terminology, for consistent usage of terms and phrasings and clarification of problematic language.

COMMENT: The term "area manager" used in the rules is no longer applicable having been replaced by the term "regional manager."

RESPONSE: The term "regional manager" has been inserted in place of the term "area manager."

COMMENT: The term "service provider" should be consistently used throughout the rules.

RESPONSE: The rules now use the term "service provider" consistently throughout.

COMMENT: The language of [Rule XIII] ARM 46.8.1550 needs to be clarified as to the applicability of the provisions to the developmental disabilities screening review board.

RESPONSE: The language of the rule has been revised.

COMMENT: Placement of children in specialized family care and foster care is not addressed in the proposed rules.

RESPONSE: Rules regarding eligibility for children services other than children's group homes will be adopted in the future. Currently entrance to children's and family services is carried out in accordance with specific contract provisions and DDD Entrance policies 432 and 433.

COMMENT: Exit from services is not covered in the proposed rules.

RESPONSE: Rules regarding exit from services will be adopted in the future. Currently exit from services is carried out in accordance with DDD Exit policy 481.

COMMENT: The definition of "waiting list" in [Rule II] ARM 46.8.1502(25), should specify that the list is made up of persons who are eligible for services and have requested services.

RESPONSE: The Department agrees and has modified the definition accordingly.

COMMENT: Language should be included in the rules stating that the central office will maintain a master waiting list which includes persons on local waiting lists and statewide referrals.

RESPONSE: The definition of waiting list provides that the waiting list is maintained by the central office. If local committees maintain separate lists, those lists may only contain the same information as the master list. The central office waiting list, used to document the need for services across the state, is to be used in determining who should be considered for all openings.

COMMENT: In [Rule II(8)] ARM 46.8.1502(7), the specified age category should read "who are age 5 through 22."

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule II(8)] ARM 46.8.1502(7) should include the adjective "intensive."

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule II(21)] ARM 46.8.1502(22) should delete the adjective "residential."

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule III] ARM 46.8.1505 should provide that a referral will be compiled within 30 calendar days of a team decision.

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule III(2)(a)] ARM 46.8.1505(2)(a) should have a timeline for sign off on the 431 form.

RESPONSE: The rule has been changed to provide that the 431 form documents the determination that a person is developmentally disabled, as well as what services are desired. Within ten working days of receipt of the referral, DD Division staff will send separate written notification on form 53 to the case manager either confirming that there is adequate documentation of DD eligibility and that the person's name will be added to the waiting list, or indicating that additional information is needed. The 431 form will then be signed by DDD staff and sent to the referring party when the person is screened into a service.

COMMENT: A requirement should be added to the rules requiring the individual's preference for services and for location of services be obtained and that those be documented.

RESPONSE: The Department agrees and has added a provision to [Rule III] ARM 46.8.1505 that provides for this.

COMMENT: What is an Individual Service Record (ISR), and can the completion of this hold up the referral process?

RESPONSE: The Individual Service Record (ISR) is a computer input document that notes when an individual enters the waiting list and what services the person is in need of. It is submitted by DD Division staff at the time that they receive a referral and is sent in to the central office of the DD Division so that an individual's name can be placed on the waiting list. The form is submitted again when an individual changes what services they request, or when they leave a service. So it is a record of what services a person requests and what services a person receives. Completion of this document will not hold up the referral process.

COMMENT: [Rule IV] ARM 46.8.1506 should include language providing that the local screening committee must choose from local referrals as provided in [Rule V] ARM 46.8.1507.

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule IV(2)] ARM 46.8.1506(2) should specifically state that the central screening committee will forward referrals to the local screening committee.

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule IV(1)] ARM 46.8.1506(1) should predicate the selection of persons to be considered for placement on the criteria in [Rule V] ARM 46.8.1507.

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule IV] ARM 46.8.1506 should include language providing that the local screening committee considers individuals from the local list and the central list.

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: Why is it necessary, as provided in [Rule IV(3)] ARM 46.8.1506(3), to repeat in the screening process the determination that should have been made during the referral process?

RESPONSE: The Department believes that review of these matters is a necessary aspect of the screening.

COMMENT: The provision on notifications by the Department in [Rule IV(5)] ARM 46.8.1506(5) should be moved to the section dealing with eligibility. The provision on notifications should state who sends notice, by what method notice is sent, to whom notice is sent, and what information the notice includes.

RESPONSE: The provisions relating to review by the developmental disabilities board and to notice of the right to appeal generally have been moved to [Rule XIII] ARM 46.8.1550. Provisions have been added designating who the notice is to be sent to, the method of sending notice, and what information the notice is to contain. The notice will be sent to the person who may be adversely affected by the decision and to a person who is representing the interests of the person. Notice will be in writing and will be sent by the U.S. mail. The notice will inform the affected person of the action that

has taken place and inform the person of the availability of a fair hearing.

COMMENT: In [Rule IV(5)(b)] ARM 46.8.1506(5)(b), "an individual" should be replaced by "each individual."

RESPONSE: The section in which this language appeared has been deleted.

COMMENT: In [Rule IV(5)(b)] ARM 46.8.1506(5)(b), "or not being considered" should be inserted after "is being considered."

RESPONSE: The section in which this language appeared has been moved to ARM 46.8.1550(1)(a) and the language has been modified as suggested.

COMMENT: [Rule V(1)(a)] ARM 46.8.1507(1)(a) should read "a screening committee must consider for referral or placement any person with physically limiting conditions. If the service would be appropriate for the person after reasonable modifications or accommodations are made, such modifications and accommodations must be made."

RESPONSE: The current language in [Rule V(1)(a) and (2)(vi)] ARM 46.8.1507(1)(a) and (2)(vi) adequately addresses the need to consider the possibility of modifications or accommodations when assessing ability to serve.

COMMENT: In [Rule V(2)] ARM 46.8.1507(2), "choice" should be replaced with "selection."

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: In [Rule V(2)(a)(ii)] ARM 46.8.1507(2)(a)(ii), "can provide" should be replaced with "is required to provide" and in section (2)(a)(i) "available" should be deleted and "offers" replaced with "provides."

RESPONSE: The Department believes that the suggested language for (2)(a)(ii) may limit consideration of all the necessary and practical factors. The Department agrees that "offers" should be replaced with "provides" and has changed the rule accordingly.

COMMENT: Consumer/advocates with the right to vote should be added to local screening and central committees.

RESPONSE: The Department has chosen not to include consumer/advocates on the screening teams. For advocates there would be a strong potential for conflict of interest. As noted in response to another comment, notification to each person will

include reference to the right to appeal as well as reference to sources of advocacy services.

COMMENT: Why are several representatives from the provider agency encouraged to attend when all other areas will only have one representative?

RESPONSE: Sometimes an opening crosses over two different programs of service provided by the same provider, e.g., day and residential. In those instances there may be a need for information from representatives from those different service areas. A provider, as provided in [Rule VI(1)(b)] ARM 46.8.1508(1)(b), will be allowed only one vote even though it may have more than one representative at a meeting. Each agency will need to reach agreement on which of its representatives will be the voting member on the committee.

COMMENT: Who is to be designated as chairpersons of the local and central screening committees.

RESPONSE: As provided in [Rule VI(3)] ARM 46.8.1508(3) and [Rule VII(3)] ARM 46.8.1509(3), the chairpersons are the Department's Training and Contract Manager for the local screening committee and the Department's Services Coordinator for the central screening committee.

COMMENT: The rules on the committees do not clearly provide that all required committee members should be present for any decision to be made.

RESPONSE: Not all representatives to the screening committees may be available in certain circumstances. Alternate committee members will be identified to assure that committee decisions are made by the necessary numbers and types of representatives.

COMMENT: In [Rule VI(2)(c)] ARM 46.8.1508(3)(c) and [Rule VII(2)(c)] ARM 46.8.1509(3)(c), "individuals with dual diagnosis" should be changed to "individuals with mental health needs." Dual diagnosis means different things to different people.

RESPONSE: The Department agrees that dual diagnosis is an inappropriate term and has changed the language to "persons who have diagnoses of both developmental disability and mental illness."

COMMENT: [Rule X(2)(d)] ARM 46.8.1525(2)(d) seems duplicative and perhaps contrary to the IHP team consensus in that it provides for an agreement with providers even though they are represented on the IHP teams that develop the exchange.

RESPONSE: The Department agrees and has changed the language of the rule to "there is an agreement in writing between the

IHP teams, including the service provider representatives, allowing the".

COMMENT: In [Rule XI(1)(b)(C)] ARM 46.8.1527(1)(b)(C) "the trial will be no longer than 30 days" should replace "The trial will generally be up to 30 days."

RESPONSE: The Department agrees and has changed the rule accordingly.

COMMENT: [Rule XII(5)] ARM 46.8.1528(5) should provide for ten days written notice to the person, their IHP team, and any known representative.

RESPONSE: The Department has changed the rule to provide that the IHP team will determine whether the person should leave the service and what the timelines for doing so will be. The wording will state "If service needs change or needs arise that were not known when the service was first authorized and those changes or needs adversely affect the service delivery to the person, the person may be required to vacate the placement. The IHP team makes the decision whether the person needs to leave the service and within what timelines."

COMMENT: The appeal provided in [Rule XIII(3)] ARM 46.8.1550 (3) should be within ten working days of receipt of written notice of the screening committee decision.

RESPONSE: The Department agrees and has changed the rule accordingly.

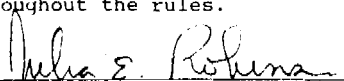
COMMENT: [Rule XIII] ARM 46.8.1550 should provide that written notice will be sent to the person, their IHP team, and any known representative, and that the notice must include an explanation of the basis of the denial and the individual's right to appeal, along with a listing of any free or low-cost legal and other advocacy services available.

RESPONSE: The Department has changed the rule to provide for the substance of the notice and to whom it is to be directed. The rule provides that written notice will be sent to the referring party and any designated representative and that the notice include reference to the person's right to appeal.

COMMENT: The rules are not consistent in using the term individual or person.

RESPONSE: The Department agrees and the rules have been changed to use the term person throughout the rules.

Rule Reviewer



Director, Social and Rehabilitation Services

Certified to the Secretary of State November 18, 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 46.10.409) RULE 46.10.409 PERTAINING
pertaining to transitional) TO TRANSITIONAL CHILD CARE
child care)

TO: All Interested Persons

1. On September 12, 1991, the Department of Social and Rehabilitation Services published notice of the proposed amendment of Rule 46.10.409 pertaining to transitional child care at page 1714 of the 1991 Montana Administrative Register, issue number 17.

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

46.10.409 SLIDING FEE SCALE FOR TRANSITIONAL CHILD CARE
Subsection (1) remains as proposed.

(a) SLIDING FEE SCALE FOR
TRANSITIONAL CHILD CARE (TCC)
November 1, 1991

Family Size	GROSS Monthly Income	Copayment (1 child)	Copayment (2 children)*	Copayment (3 children)*
2	0 - 740	\$ 4		
	741 - 840	17		
	841 - 940	28		
	941 - 1040	42		
	1041 - 1140	57		
	1141 - 1240	74		
	1241 - 1340	93		
	1341 - 1440	115		
	1441 - 1540	139		
	1541 - 1640	148		
	1641+- ineligible			
3	0 - 928	\$ 6	\$ 8	
	929 - 1028	20	26	
	1029 - 1128	34	44	
	1129 - 1228	49	64	
	1229 - 1328	66	86	
	1329 - 1428	86	113	
	1429 - 1528	107	140	
	1529 - 1628	130	170	
	1629 - 1728	138	181	
	1729 - 1828	165	216	
	1829+- ineligible			

4	0 - 1117	\$ 6 8	\$ 8 10	10
	1118 - 1217	24	31	41
	1218 - 1317	40	52	68
	1318 - 1417	57	75	98
	1418 - 1517	76	100	131
	1518 - 1617	97	107	140
	1618 - 1717	120	157	206
	1718 - 1817	145	190	249
	1818 - 1917	153	200	262
	1918 - 2017	182	238	312
	2018 - 2117	191	250	328
	2118+ ineligible			
5	0 - 1305	\$ 10	\$ 12	
	1306 - 1405	28	37	
	1406 - 1505	45	59	
	1506 - 1605	64	84	
	1606 - 1705	85	111	
	1706 - 1805	108	141	
	1806 - 1905	133	174	
	1906 - 2105	168	220	
	2106 - 2205	198	259	
	2206 - 2305	207	271	
	2306+ INELIGIBLE			

* Note: There will be no additional charge if a family places more than 3 TWO children in child care; THE MAXIMUM FEE WILL BE THE TWO CHILDREN RATE.

Subsection (2) remains as proposed.

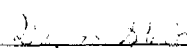
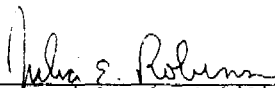
AUTH: Sec. 53-4-212 and 53-4-719 MCA

IMP: Sec. 53-4-701, 53-4-716 and 53-4-726 MCA

3. The Department has thoroughly considered all commentary received:

COMMENT: It has been noted that the proposed rule does not include a sliding fee scale for a household of five persons. It is further noted that the maximum fee should be the rate for two children, rather than three, with no additional charge if a family places more than two, not three, children in child care. Additionally it is noted that the copayment amounts for one and two children for a family of four with gross monthly income between \$0 and \$1117 are incorrect.

RESPONSE: The Department has changed ARM 46.10.409(a) to include a sliding fee scale for a five person household and to provide that the maximum fee is the rate for two children with no additional charge for more than two children in child care. The copayment amounts for one and two children for a family of four with a gross monthly income of between \$0 and \$1117 have been corrected.

 _____ Rule Reviewer	 _____ Director, Social and Rehabilitation Services
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Certified to the Secretary of State November 18 , 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 September 30, 1991. This table includes those rules adopted during the period October 1, 1991 through December 31, 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 September 30, 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 1991 Montana Administrative Register.

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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 November, 1991, are published. Vacancies scheduled to appear from December 1, 1991, through February 29, 1992, are also listed, as are current recent vacancies due to resignations or other reasons.

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 November 18, 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: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Agricultural Development Council (Agriculture)			
Mr. Everett Shortland	Governor	reappointed	10/16/1991
Helena			7/1/1994
Qualifications (if required): Director of Department of Agriculture			
Board of County Printing (Commerce)			
Ms. Mona Nutting	Governor	Starr	10/23/1991
Red Lodge			4/1/1993
Qualifications (if required): county commissioner			
Board of Medical Examiners (Commerce)			
Dr. George Degan Angelos	Governor	Jacobson	10/31/1991
Billings			9/1/1995
Qualifications (if required): being a medical doctor			
Dr. Gordon Lynn Bell	Governor	Malee	10/31/1991
Glasgow			9/1/1995
Qualifications (if required): being a medical doctor			
Board of Nursing Home Administrators (Commerce)			
Mr. Ronald Borgman	Governor	Bibo	10/30/1991
Columbus			5/28/1993
Qualifications (if required): nursing home administrator			
Data Processing Advisory Council (Administration)			
Mr. Mike Billings	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Ms. Judy Browning	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

Appointee	Appointed by	Succeeds	Appointment/End Date
Data Processing Advisory Council (Administration) cont.			
Mr. Scott Buswell	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Jack Ellery	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Al Elser	Director	not listed	10/29/1991
Kalispell			10/15/1993
Qualifications (if required): none specified			
Ms. Pam Joehler	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Terry Johnson	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. C. John Kinna	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Bob Marks	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Mike Micone	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Data Processing Advisory Council (Administration) cont.			
Mr. Richard Miller	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Douglas M. Mitchell	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Jesse Munro	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. William J. Opitz	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Jim Oppedahl	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Robert Person	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Andrew Poole	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Rep. Joe Quillici	Director	not listed	10/29/1991
Butte			10/15/1993
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Data Processing Advisory Council (Administration) cont.			
Mr. William Salisbury	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Scott Seacat	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Dennis Sheehy	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. David Toppen	Director	not listed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Wayne Wetzel	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			
Mr. Steve Yeakel	Director	reappointed	10/29/1991
Helena			10/15/1993
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services)			
Ms. Kris Bakula	Governor	new appointment	10/8/1991
Helena			1/1/1993
Qualifications (if required):	advocacy representative		
Ms. Julie Clay	Governor	new appointment	10/8/1991
Missoula			1/1/1996
Qualifications (if required):	consumer		
Ms. MaryLynn Donnelly	Governor	Cowie	10/8/1991
Helena			1/1/1996
Qualifications (if required):	rep. of Department of Health and Environmental Sciences		
Mr. Harold Lorenz	Governor	new appointment	10/8/1991
Sidney			1/1/1996
Qualifications (if required):	consumer		
Mr. Cary Lund	Governor	Robinson	10/8/1991
Helena			1/1/1996
Qualifications (if required):	rep. of Department of Social and Rehabilitation Services		
Mr. Wallace Melcher	Governor	Powell	10/8/1991
Great Falls			1/1/1996
Qualifications (if required):	consumer		
Dr. Richard Offner	Governor	new appointment	10/8/1991
Missoula			1/1/1993
Qualifications (if required):	representative of university affiliated program		
Ms. Judy Rolfe	Governor	new appointment	10/8/1991
Helena			1/1/1996
Qualifications (if required):	consumer		

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

Appointee	Appointed by	Succeeds	Appointment/End Date
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services) cont.			
Mr. Don Sekora	Governor	new appointment	10/8/1991
Helena			1/1/1993
Qualifications (if required):	representative from Department of Family Services		
Election Advisory Council (Secretary of State)			
Ms. Karen Amende	Secretary of State	appointed	10/1/1991
Broadus			10/1/1993
Qualifications (if required):	none specified		
Ms. Wendy Cromwell	Secretary of State	appointed	10/1/1991
Missoula			10/1/1993
Qualifications (if required):	none specified		
Ms. Coral Cummings	Secretary of State	appointed	10/1/1991
Libby			10/1/1993
Qualifications (if required):	none specified		
Mr. Bill Driscoll	Secretary of State	appointed	10/1/1991
Butte			10/1/1993
Qualifications (if required):	none specified		
Ms. Peggy J. Erickson	Secretary of State	appointed	10/1/1991
Billings			10/1/1993
Qualifications (if required):	none specified		
Ms. Nancy J. Harte	Secretary of State	appointed	10/1/1991
Helena			10/1/1993
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Election Advisory Council (Secretary of State) cont.			
Ms. Betty T. Lund	Secretary of State	appointed	10/1/1991
Hamilton			10/1/1993
Qualifications (if required):	none specified		
Ms. Carol Malone	Secretary of State	appointed	10/1/1991
Scobey			10/1/1993
Qualifications (if required):	none specified		
Ms. Debbie Pallett	Secretary of State	appointed	10/1/1991
Lewistown			10/1/1993
Qualifications (if required):	none specified		
Mr. Charles W. Walk	Secretary of State	appointed	10/1/1991
Helena			10/1/1993
Qualifications (if required):	none specified		
Groundwater Assessment Steering Committee (Bureau of Mines and Geology)			
Mr. Robert Dupea	Governor	new position	10/21/1991
White Sulphur Springs			0/0/0
Qualifications (if required):	agricultural water user		
Mr. Don Jenkins	Governor	new position	10/21/1991
Whitehall			0/0/0
Qualifications (if required):	industrial water user		
Dr. James Silva	Governor	new position	10/21/1991
Butte			0/0/0
Qualifications (if required):	representative from conservation organization		

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Levis and Clark Trail Advisory Council (Governor)			
Mr. Joe Belgium	Governor	not listed	10/24/1991
Great Falls			10/24/1993
Qualifications (if required):	none specified		
Mr. Arthur W. Dickhoff	Governor	not listed	10/24/1991
Great Falls			10/24/1993
Qualifications (if required):	none specified		
Mr. Robert Doerk, Jr.	Governor	not listed	10/24/1991
Great Falls			10/24/1993
Qualifications (if required):	none specified		
Sen. Harry W. Fritz	Governor	not listed	10/24/1991
Missoula			10/24/1993
Qualifications (if required):	none specified		
Ms. Sandra Guedes	Governor	not listed	10/24/1991
Helena			10/24/1993
Qualifications (if required):	none specified		
Mr. Jack Hane	Governor	not listed	10/24/1991
Bonner			10/24/1993
Qualifications (if required):	none specified		
Mr. Jack Hayne	Governor	not listed	10/24/1991
Dupuyer			10/24/1993
Qualifications (if required):	none specified		
Mr. Don D. Hyyppa	Governor	not listed	10/24/1991
Helena			10/24/1993
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Lewis and Clark Trail Advisory Council (Governor) cont.			
Ms. Ruth Kvaalen	Governor	not listed	10/24/1991
Lambert			10/24/1993
Qualifications (if required):	none specified		
Mr. Robert A. Saindon	Governor	not listed	10/24/1991
Helena			10/24/1993
Qualifications (if required):	none specified		
Ms. Jane Schmoyer-Weber	Governor	not listed	10/24/1991
Great Falls			10/24/1993
Qualifications (if required):	none specified		
Mr. Lawrence Sommer	Governor	not listed	10/24/1991
Helena			10/24/1993
Qualifications (if required):	none specified		
Mr. Andy Van Teylingen	Governor	not listed	10/24/1991
Bozeman			10/24/1993
Qualifications (if required):	none specified		
Ms. Margaret S. Warden	Governor	not listed	10/24/1991
Great Falls			10/24/1993
Qualifications (if required):	none specified		
Mr. John Willard	Governor	not listed	10/24/1991
Billings			10/24/1993
Qualifications (if required):	none specified		
Public Vehicle Fueling Advisory Council (Administration)			
Mr. Bruce Barrett	Governor	Swartz	10/25/1991
Helena			6/30/1993
Qualifications (if required):	representative of Department of Transportation		

BOARD AND COUNCIL APPOINTEES: OCTOBER, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Water and Wastewater Operators' Advisory Council			
Mr. Robert Cottom	Governor	(Health and Environmental Sciences)	10/25/1991
Dillon		Butcher	10/16/1997
Qualifications (if required):	water treatment operator		
Youth Service Advisory Council			
Mr. Kelly R. Ferriter	Governor	not listed	10/8/1991
Helena			10/8/1993
Qualifications (if required):	none specified		
Ms. Nicole K. Johnson	Governor	not listed	10/8/1991
Helena			10/8/1993
Qualifications (if required):	none specified		

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Alfalfa Seed Committee (Agriculture) Mr. Thomas W. Matchett, Chinook Qualifications (if required): none specified	Governor	12/21/1991
Mr. Gayle Patrick, Wagner Qualifications (if required): none specified	Governor	12/21/1991
Appellate Defender Commission (Administration) Mr. Tom McElwain, Butte Qualifications (if required): public member	Governor	1/1/1992
Board of Chiropractors (Commerce) Dr. Arvin R. Wilson, Whitefish Qualifications (if required): none specified	Governor	1/2/1992
Board of Dentistry (Commerce) Ms. Fern Flanagan, Helena Qualifications (if required): public member	Governor	1/4/1992
Board of Horseracing (Commerce) Mr. Steve Christian, Whitefish Qualifications (if required): rep. from Fifth District	Governor	1/20/1992
Mr. Dale Hoffman, Billings Qualifications (if required): rep. from Second District	Governor	1/20/1992
Board of Occupational Therapy Practice (Commerce) Ms. Debra J. Ammondson, Great Falls Qualifications (if required): none specified	Governor	12/31/1991
Board of Public Education (Education) Mr. Alan D. Nicholson, Helena Qualifications (if required): affiliated with Democratic Party	Governor	2/1/1992

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Regents of Higher Education (Education) Mr. James M. Kaze, Havre Qualifications (if required): none specified	Governor	2/1/1992
Board of Speech Pathologists and Audiologists (Commerce) Ms. Lonna Tempel, Joplin Qualifications (if required): public member	Governor	12/31/1991
Capitol Finance Advisory Council (Administration) Rep. Francis Bardonouve, Harlem Qualifications (if required): legislator	Governor	1/23/1992
Mr. Chuck Brooke, Helena Qualifications (if required): Director of Commerce	Governor	1/23/1992
Sen. Delwyn "Del" Gage, Cut Bank Qualifications (if required): legislator	Governor	1/23/1992
Mr. Dennis Iverson, Helena Qualifications (if required): Director of Health and Environmental Sciences	Governor	1/23/1992
Dr. Amos Little, Helena Qualifications (if required): Chairman of Montana Health Facility Authority Board	Governor	1/23/1992
Mr. Bob Marks, Helena Qualifications (if required): Director of Department of Administration	Governor	1/23/1992
Mr. Tom Mather, Great Falls Qualifications (if required): chairperson Board of Housing	Governor	1/23/1992
Mr. William L. Mathers, Miles City Qualifications (if required): chairperson of Board of Regents	Governor	1/23/1992

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Capitol Finance Advisory Council (Administration) cont.		
Ms. Mary D. Munger, Helena	Governor	1/23/1992
Qualifications (if required): Chairperson of Montana Health Facility Authority		
Mr. John Rothwell, Helena	Governor	1/23/1992
Qualifications (if required): Director of Department of Transportation		
Mr. Everett Snortland, Helena	Governor	1/23/1992
Qualifications (if required): Director of Department of Agriculture		
Mr. Rod Sundsted, Helena	Governor	1/23/1992
Qualifications (if required): Director Office of Budget and Program Planning		
Mr. Warren Vaughn, Billings	Governor	1/23/1992
Qualifications (if required): Chairperson Board of Investments		
Mr. Steve Yeakel, Helena	Governor	1/23/1992
Qualifications (if required): Budget Director for Governor's Budget Office		
Childrens Trust Fund Board (Social and Rehabilitation Services)		
Ms. Darlene Downen, Kalispell	Governor	1/1/1992
Qualifications (if required): none specified		
Mr. Arnie A. Hove, Circle	Governor	1/1/1992
Qualifications (if required): none specified		
Mr. Richard Kerstein, Billings	Governor	1/2/1992
Qualifications (if required): none specified		
Mr. Randy Koutnik, Great Falls	Governor	1/1/1992
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Childrens Trust Fund Board (Social and Rehabilitation Services) cont. Ms. Dollean Lind, Hardin Qualifications (if required): none specified	Governor	1/1/1992
Mr. Mike Males, Bozeman Qualifications (if required): none specified	Governor	1/1/1992
Mr. Gaylord Walls, Havre Qualifications (if required): none specified	Governor	1/1/1992
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services) Rep. Timothy J. Whalen, Billings Qualifications (if required): member of House of Representatives	Governor	1/1/1992
Employment of People with Disabilities Advisory Council (Administration) Mr. Lowell L. Bartels, Helena Qualifications (if required): private sector employer member	Governor	2/9/1992
Mr. Mark Bowlds, Helena Qualifications (if required): ex-officio member	Governor	2/9/1992
Mr. H. P. Brown, Great Falls Qualifications (if required): disabled advocacy and advisory organization members	Governor	2/9/1992
Mr. William Comp, Fort Harrison Qualifications (if required): disabled advocacy and advisory organization members	Governor	2/9/1992
Ms. Linda Currey, Helena Qualifications (if required): none specified	Governor	2/9/1992
Mr. Fred Fisher, Helena Qualifications (if required): disabled advocacy and advisory organization members	Governor	2/9/1992

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Employment of People with Disabilities Advisory Council (Administration) cont.		
Mr. Ron Garbarino, Butte Qualifications (if required): member at large	Governor	2/9/1992
Mr. Gary Garlock, Billings Qualifications (if required): public sector employer member	Governor	2/9/1992
Mr. Pat Goodover, Great Falls Qualifications (if required): private sector employer member	Governor	2/9/1992
Ms. Judy Harris, Helena Qualifications (if required): member at large	Governor	2/9/1992
Mr. Richard James, Bozeman Qualifications (if required): representative of Visual Services Advisory Council	Governor	2/9/1992
Mr. Wade Johnston, Missoula Qualifications (if required): private sector employer member	Governor	2/9/1992
Mr. Bob LeMieux, Great Falls Qualifications (if required): disabled advocacy and advisory organization member	Governor	2/9/1992
Mr. Ronald W. McDonald, Helena Qualifications (if required): private sector employer member	Governor	2/9/1992
Ms. Julia Robinson, Helena Qualifications (if required): public sector employer member	Governor	2/9/1992
Ms. Linda Valentine, Billings Qualifications (if required): member at large	Governor	2/9/1992
Mr. Brett Vieke, Butte Qualifications (if required): disabled advocacy and advisory organization members	Governor	2/9/1992

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Employment of People with Disabilities Advisory Council (Administration) cont.		
Mr. James Whealon, Helena Qualifications (if required): ex-officio member	Governor	2/9/1992
Fertilizer Advisory Council (Education)		
Mr. Bill Koenig, Kalispell Qualifications (if required): none specified	Director	1/1/1992
Mr. Allan Peace, Fairfield Qualifications (if required): none specified	Director	1/1/1992
Health Care Services Availability Advisory Council (Governor)		
Dr. Jimmie L. Ashcraft, Sidney Qualifications (if required): medical profession	Governor	1/26/1992
Mr. John Bartos, Hamilton Qualifications (if required): health care professional	Governor	1/26/1992
Former Sen. Paul F. Boylan, Bozeman Qualifications (if required): legislator	Governor	1/26/1992
Mr. Charles Butler Jr., Missoula Qualifications (if required): insurance industry	Governor	1/26/1992
Rep. Paula A. Darko, Libby Qualifications (if required): legislator	Governor	1/26/1992
Dr. Donald Espelin, Helena Qualifications (if required): ex-officio member	Governor	1/26/1992
Ms. Laura Grinde, Lewistown Qualifications (if required): health care professional	Governor	1/26/1992

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

Board/current position holder	Appointed by	Term end
Health Care Services Availability Advisory Council (Governor) cont. Ms. Peggy Guthrie, Choteau Qualifications (if required): health care professional	Governor	1/26/1992
Dr. Jim Hoyne, Clancy Qualifications (if required): medical profession	Governor	1/26/1992
Former Sen. Loren Jenkins, Big Sandy Qualifications (if required): legislator	Governor	1/26/1992
Mr. Leonard A. Kaufman, Billings Qualifications (if required): insurance industry	Governor	1/26/1992
Rep. John Mercer, Polson Qualifications (if required): legislator	Governor	1/26/1992
Dr. Gordon K. Phillips, Great Falls Qualifications (if required): medical profession	Governor	1/26/1992
Mr. Larry E. Riley, Missoula Qualifications (if required): legal profession	Governor	1/26/1992
Mr. Chadwick Smith, Helena Qualifications (if required): legal profession	Governor	1/26/1992
Health Facility Authority Board (Commerce) Mr. John H. Solheim, Glendive Qualifications (if required): expert in hospital administration	Governor	1/1/1992

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Housing Discrimination Advisory Council (Labor and Industry)		
Ms. Jean Bear Crane, Billings	Governor	1/31/1992
Qualifications (if required): none specified		
Reverend Phillip Caldwell, Great Falls	Governor	1/31/1992
Qualifications (if required): none specified		
Mr. Tim Harris, Helena	Governor	1/31/1992
Qualifications (if required): none specified		
Ms. Maria Stephens, Billings	Governor	1/31/1992
Qualifications (if required): none specified		
Ms. Dallas Teboe, Poplar	Governor	1/31/1992
Qualifications (if required): none specified		
Mr. Michael Wangen, Missoula	Governor	1/31/1992
Qualifications (if required): none specified		
Mr. Walt Wetzel, Billings	Governor	1/31/1992
Qualifications (if required): none specified		
Ms. Pam Willett, Billings	Governor	1/31/1992
Qualifications (if required): none specified		
Mr. Larry Witt, Bozeman	Governor	1/31/1992
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Judicial Nomination Commission (Governor)		
Mr. Ken Byerly, Lewistown	Governor	1/1/1992
Qualifications (if required): none specified		
Mr. John R. Devier, Glendive	Governor	1/1/1992
Qualifications (if required): none specified		
Mr. Donna Metcalf, Helena	Governor	1/1/1992
Qualifications (if required): none specified		
Ms. Norma C. Wood, Loma	Governor	1/1/1992
Qualifications (if required): none specified		
Management Development Advisory Council (Administration)		
Ms. Karen Barclay, Helena	Director	1/1/1992
Qualifications (if required): state employee member		
Mr. Peter Blouke, Helena	Director	1/1/1992
Qualifications (if required): state employee member		
Ms. Carolyn Doering, Helena	Director	1/1/1992
Qualifications (if required): state employee member		
Ms. Laurie Ekanger, Helena	Director	1/1/1992
Qualifications (if required): none specified		
Ms. Maureen J. Fleming, Missoula	Director	1/1/1992
Qualifications (if required): MT University System member		
Mr. Michael A. Lavin, Helena	Director	1/1/1992
Qualifications (if required): state employee member		

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

Board/current position holder	Appointed by	Term end
Management Development Advisory Council (Administration) cont.		
Mr. Russell G. McDonald, Helena	Director	1/1/1992
Qualifications (if required): state employee member		
Mr. Mike Micone, Helena	Director	1/1/1992
Qualifications (if required): state employee member		
Dr. Kenneth L. Weaver, Bozeman	Director	1/1/1992
Qualifications (if required): MT University System member		
Montana Arts Council (Education)		
Ms. Kitty Belle Deernose, Crow Agency	Governor	2/1/1992
Qualifications (if required): none specified		
Mr. James M. Haughey, Billings	Governor	2/1/1992
Qualifications (if required): geographic requirement & has interest in the arts		
Ms. Helen Guthrie Miller, Butte	Governor	2/1/1992
Qualifications (if required): keen interest in 1 or more of the arts		
Ms. Carol Novotne, Fort Harrison	Governor	2/1/1992
Qualifications (if required): public member		
Mr. Charles F. Tooley, Billings	Governor	2/1/1992
Qualifications (if required): none specified		
Passenger Tramway Advisory Council (Commerce)		
Mr. J.R. Crabtree, Choteau	Governor	1/1/1992
Qualifications (if required): skiing public member		
Mr. Tim Prather, Red Lodge	Governor	1/1/1992
Qualifications (if required): ski area operator		

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Peace Officers Standards and Training Advisory Council (Justice) Mayor Garry Adams, Malta Qualifications (if required): none specified	Governor	12/31/1991
Captain Jeff Bryson, Helena Qualifications (if required): none specified	Governor	12/31/1991
Mr. James Burnes, Great Falls Qualifications (if required): none specified	Governor	12/31/1991
Colonel Robert Griffith, Helena Qualifications (if required): none specified	Governor	12/31/1991
Mr. Robert A. Harvie, Bozeman Qualifications (if required): none specified	Governor	12/31/1991
Mr. William Heinecke, Belgrade Qualifications (if required): none specified	Governor	12/31/1991
Mr. Donald R. Houghton, Bozeman Qualifications (if required): deputy sheriff	Governor	12/31/1991
Chief Robert Jones, Great Falls Qualifications (if required): none specified	Governor	12/31/1991
Mayor R.F. "Dick" Labbe, Deer Lodge Qualifications (if required): mayor	Governor	12/31/1991
Mr. Rick Later, Dillon Qualifications (if required): none specified	Governor	12/31/1991
Commissioner Mike Matthews, Billings Qualifications (if required): none specified	Governor	12/31/1991

VACANCIES ON BOARDS AND COUNCILS -- December, 1991 through February 29, 1992

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Peace Officers Standards and Training Advisory Council (Justice) cont.		
Mr. Dennis McCave, Billings Qualifications (if required): none specified	Governor	12/31/1991
Mr. Christopher Miller, Deer Lodge Qualifications (if required): none specified	Governor	12/31/1991
Mr. Greg Noose, Bozeman Qualifications (if required): none specified	Governor	12/31/1991
Mr. Gary Olson, Glendive Qualifications (if required): none specified	Governor	12/31/1991
Ms. Donna "Midge" Warrington, Great Falls Qualifications (if required): dispatcher	Governor	12/31/1991