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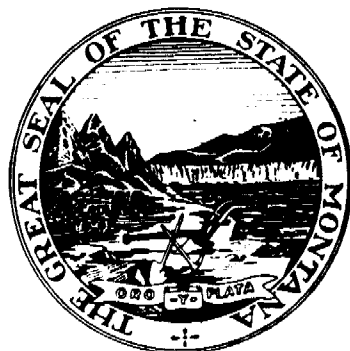
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**OF MONTANA
MONTANA
ADMINISTRATIVE
REGISTER**

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1991 ISSUE NO. 8
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MAY 1 1991

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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 STATE COMPENSATION MUTUAL INSURANCE FUND
OF THE STATE OF MONTANA

IN THE MATTER OF AMENDMENT	) NOTICE OF PUBLIC HEARING ON
of Rule 2.55.310 relating	) PROPOSED AMENDMENT OF RULE
to variable pricing within a	) 2.55.310 VARIABLE PRICING
classification.	) WITHIN A CLASSIFICATION

TO: All Interested Persons:

1. On May 17, 1991, the State Compensation Mutual Insurance Fund will hold a public hearing at 2:00 p.m., in Room 303 of the State Compensation Mutual Insurance Fund, 5 South Last Chance Gulch, Helena, Montana, to consider the amendment of the above-captioned rule.

2. The proposed amendments would provide the process, procedure and factors considered by which an insured is placed in one of three pricing categories within a classification.

3. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

2.55.310 VARIABLE PRICING WITHIN A CLASSIFICATION

~~(1) Effective July 1, 1991, the state fund shall implement variable pricing levels within individual classifications based upon:~~

~~(a) the amount of premium paid by an insured;~~

~~(b) the insured's loss ratio; and~~

~~(c) a record of timely premium payment.~~

~~(2) An insured is subject to variable pricing until the amount of premium paid by the insured results in an experience modification of the insured's premium rate.~~

(1) Effective July 1, 1991, the State Fund shall implement variable pricing categories within individual classifications based upon actuarially determined aggregate revenue requirements, annual premium threshold and the insured's most recent policy effective date, loss ratio and qualification for experience modification. An analysis shall be conducted annually, and will result in placement of insured's into a pricing category for the next fiscal year.

(2) The annual analysis will include a determination of each insured's most recent policy effective date; earned premium for the most recent complete fiscal year; combined loss ratio, including any prior associated policies, of up to three of the most recent complete fiscal years; and qualification for experience modification in the next fiscal year. The annual analysis will also include a Variable Pricing Stabilization Review.

(3) Variable Pricing Stabilization Review means: An annual analysis of total earned premium, State Fund administrative and operating expenses, adequate reserve requirements and other relevant factors, to establish a

premium threshold and loss ratio thresholds so as to reward employers with a good safety record and penalize employers with a poor safety record. Any adjustment in the preferred category shall be offset by an adjustment in the equitable category so as to assist the State Fund to be neither more nor less than self-supporting.

(4) Insured's will be placed in one of the following three pricing categories established under this Rule:

(a) For placement in the Preferred category with the lowest premium rate, all of the following must apply:

(i) The insured's most recent policy effective date is prior to the beginning of most recent complete fiscal year;

(ii) The insured's premium in the most recent complete fiscal year is more than the threshold determined by a Variable Pricing Stabilization Review;

(iii) The insured's combined loss ratio for up to three of the most recent complete fiscal years places the insured in the lowest rated variable pricing category as determined by a Variable Pricing Stabilization Review; and,

(iv) The insured is not qualified for experience modification in the next fiscal year.

(b) For placement in the Select category with the middle premium rate, any one of the following must apply:

(i) The insured's most recent policy effective date is subsequent to the beginning of the most recent complete fiscal year; or,

(ii) The insured's premium in the most recent complete fiscal year is less than the threshold determined by a Variable Pricing Stabilization Review; or,

(iii) The insured will qualify for experience modification in the next fiscal year; or,

(iv) The insured's most recent policy effective date is prior to the beginning of the most recent complete fiscal year; and all of the following apply:

(A) The insured's premium in the most recent complete fiscal year is more than the threshold determined by a Variable Pricing Stabilization Review;

(B) The insured's combined loss ratio for up to three of the most recent complete fiscal years is average as determined by a Variable Pricing Stabilization Review; and,

(C) The insured is not qualified for experience modification in the next fiscal year.

(c) For placement in the Equitable category with the highest premium rate, all of the following must apply:

(i) The insured's most recent policy effective date is prior to the beginning of the most recent complete fiscal year;

(ii) The insured's premium in the most recent complete fiscal year is more than the threshold determined by a Variable Pricing Stabilization Review;

(iii) The insured's combined loss ratio for up to three of the most recent complete fiscal years places the insured in

the highest rated variable pricing category as determined by a Variable Pricing Stabilization Review; and,

(iv) The insured is not qualified for experience modification in the next fiscal year;

(5) Notwithstanding paragraphs (1) through (4), the State Fund may at any time place an insured in a pricing category with a higher premium rate based upon consideration of other relevant factors including, but not limited to:

(a) Timeliness of the insured's payroll reporting and premium payment history;

(b) An insured's prior policy was cancelled for non-submission of payroll reports, non-payment of premium, failure to pay increased deposit when required, failure to cooperate in an audit or material misrepresentation;

(c) The prior insolvency of the insured or any of the insured's principals;

(d) Determination that the insured is an increased risk pursuant to a State Fund evaluation;

(e) The insured qualifies for the Safety Incentive or Loss Prevention Program but refuses or fails to adequately implement or maintain a loss control program;

(f) The work is primarily performed at locations other than the insured's principal job site or place of business and the insured does not have control over the job site or place of business;

(g) The insured has a history of preventable losses;

(h) The insured or any of its principals have a prior history with any insurer where the most recent experience modification reflects a factor of greater than 1.00.

(AUTH: 39-71-2316, MCA; IMP: 39-71-2311, 39-71-2316, MCA.)

4. Rule 2.55.310 is being amended to conform with the amendment to 39-71-2311 by the legislative session in 1991. The rule implements section 39-71-2311, MCA, requiring the State Fund to be neither more nor less than self-supporting by establishing premium levels sufficient to ensure the adequate funding of the insurance program. The rule incorporates the additional factors for variable pricing added by the Legislature in 1991 to include timely reporting of payroll and premium payments as well as other relevant factors. In addition, the rule sets out the criteria by which an insured becomes qualified for one of the three pricing categories. The amendment provides an incentive for an insurer to develop and maintain a good safety record.

5. Interested persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written testimony may be submitted to state fund attorney Nancy Butler, Legal Department, State Compensation Mutual Insurance Fund, 5 South Last Chance Gulch, Helena, Montana 59601, no later than May 25, 1991.

6. The State Fund Legal and Underwriting Departments have been designated to preside over and conduct the hearing.

State Compensation Mutual
Insurance Fund

By: 

Patrick J. Sweeney, President

Certified to the Secretary of State April 15, 1991

BEFORE THE FINANCIAL DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed)	NOTICE OF DATE CHANGE
adoption of new rules per-)	OF PUBLIC HEARING
taining to repurchase agree-)	FOR ADOPTION
ments and fixed annuity sales)	OF RULES

TO: All State Chartered Banks and Trust Companies

1. On May 23, 1991, at 10:00 a.m. a public hearing will be held in the downstairs conference room at the Department of Commerce, 1424 9th Avenue, Helena, Montana, to consider the adoption of rules pertaining to the repurchase agreements and fixed annuity sales. This hearing was previously scheduled for May 8, and has been rescheduled to May 23, 1991 at the request of the Hearings Officer.

2. The proposed rules would set forth criteria for advance approvals for repurchase agreements and to allow state chartered banks to directly market fixed annuities.

3. The rules, as proposed, appear in the Montana Administrative Register, 1990 Issue No. 7, dated April 11, 1991, page 389.

4. Interested parties may present their data, views or arguments either orally or in writing at the hearing or by mailing the same to Mr. Donald W. Hutchinson, Commissioner of Financial Institutions, Room 50, Lee Metcalf Building, 1520 East 6th Avenue, Helena, Montana 59620-0542, no later than May 24, 1991.

FINANCIAL DIVISION

BY: Andy Poole
ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
amendments of Class 3	)	AMENDMENT OF ARM
Administrative	)	10.57.403, CLASS 3
Certificate	)	ADMINIISTRATIVE CERTIFICATE

NO PUBLIC HEARING
CONTEMPLATED

TO: All Interested Persons

1. On June 13, 1991 the Board of Public Education proposes to amend ARM 10.57.403, Class 3 Administrative Certificate.

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

10.57.403 CLASS 3 ADMINISTRATIVE CERTIFICATE (1) through (4) remain the same.

(5) Superintendent endorsement: master's degree in school administration or the equivalent to include:

(a) Eligibility for the class 1 or class 2 teaching certificate (in the case of K-12 endorsement area, successful completion of an approved appropriate secondary teacher education program of an accredited college or university would constitute this eligibility but would not allow issuance of a teaching certificate.)

(b) through (d) remain the same.

(6) remains the same.

(7) Secondary principal endorsement:

(a) Eligibility for the class 1 or class 2 teaching certificate (in the case of a K-12 endorsement area, successful completion of an approved appropriate secondary teacher education program of an accredited college or university would constitute this eligibility but would not allow issuance of a teaching certificate.)

AUTH. 20-4-102

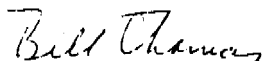
IMP. 20-4-106

3. The board is proposing this amendment to allow greater flexibility.

4. Interested parties may submit their data, views or arguments in writing to Bill Thomas, Chairperson of the Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620, no later than May 30, 1991.

5. If a person who is directly affected by the proposed amendment 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 Bill Thomas, Chairperson of the Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620, no later than May 30, 1991.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; 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 2,159 as there are 21,590 persons presently holding teacher or specialist certificates.



**BILL THOMAS, CHAIRPERSON
BOARD OF PUBLIC EDUCATION**

BY: 

Certified to the Secretary of State April 15, 1991.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of	)	PROPOSED AMENDMENT OF ARM
Certification	)	10.55.707, CERTIFICATION

TO: All Interested Persons

1. On June 13, 1991, at 1:30 p.m., or as soon thereafter as it may be heard, a public hearing will be held at the Montana School for the Deaf and Blind, 3911 Central Avenue, Great Falls, Montana, in the matter of the amendment of ARM 10.55.707, Certification.

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

10.55.707 CERTIFICATION (1) through (3) remain the same.

(4) Study hall supervisors and teacher-aides need not be certified. However, ~~an instructional aide assigned to a classroom shall be under the direct supervision of that classroom's teacher. Direct supervision means that the aide must be responsible to a certified teacher who has the legal authority to give grades, etc., for a group of students. The legal teacher must be present at school while the aide is fulfilling his/her responsibilities and must not be simultaneously assigned to another teaching duty.~~

(5) Instructional aides need not be certified; however, the following supervision is required:

(a) Instructional aides assigned due to classroom size or diversity, must be under direct supervision of a certified teacher. This means that the aide must be responsible to a certified teacher who has the legal authority for instruction and assessment of students. The supervising teacher must be available while the aide is fulfilling his/her responsibilities and must not be simultaneously assigned to another teaching duty or preparation time.

(b) Instructional aides assigned to assist students with special education needs must be under the supervision of the teacher or other professional designated as primarily responsible for instructional planning for the student. The designated professional has the responsibility to provide regularly scheduled communication and direction to the instructional aide and not to delegate any activity to the instructional aide which requires professional skill, knowledge and judgment.

(c) Instructional aides hired to assist students in gaining specialized knowledge not generally available from a properly endorsed teacher shall be supervised by a teacher certified at the proper level. This certified teacher is responsible for instruction and assessment of students and must not be simultaneously assigned to another teaching duty or preparation time.

(5) (6) In accordance with state law, salary shall be withheld from teachers certified staff who have not registered their certificates in the office of the county superintendent after their term of service begins. County superintendents shall receive from the schools a list of district professional staff and their assignments and shall advise school districts of professional staff who do not have current registered certificates.

(6) (7) All teachers certified staff shall file official transcripts of all college work in the office of their chief school administrator. If there is no district superintendent or principal, the county superintendent is the chief school administrator.

(7) (8) All personnel whose qualifications are not outlined in the certification standards must have a license issued by the appropriate state or federal licensing agent or national registry if required by the existing rules and regulations.

(8) (9) All teachers certified staff holding a provisional (Class 5) certificate will file in the office of the chief administrator the plan of intent from the college where they are completing their program. ~~The district will ensure a yearly reduction of the deficiencies from each teacher's plan. (Eff. 7/1/89)~~

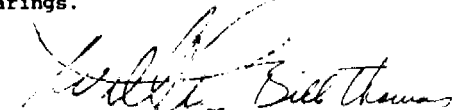
AUTH. Sec. 20-4-114

IMP. Sec. 20-2-121


3. The board is proposing this amendment to allow greater flexibility.

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 Bill Thomas, Chairperson of the Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620, no later than June 23, 1991.

5. Bill Thomas, Chairperson, and Wayne Buchanan, Executive Secretary to the Board of Public Education, 33 South Last Chance Gulch, Helena, Montana, have been designed to preside over and conduct the hearings.



BILL THOMAS, CHAIRPERSON
BOARD OF PUBLIC EDUCATION

BY: 

Certified to the Secretary of State April 15, 1991.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC HEARING ON
of Rule 11.14.105 pertaining) THE PROPOSED AMENDMENT OF
to registering and licensing) RULE 11.14.105 PERTAINING
day care facilities.) TO LICENSING AND
) REGISTERING DAY CARE
) FACILITIES

TO: All Interested Persons

1. On May 20, 1991, at 1:30 o'clock, p.m., a public hearing will be held at the Office of the Department of Family Services, 48 North Last Chance Gulch, Helena, Montana, to consider the amendment of Rule 11.14.105 pertaining to registering and licensing day care facilities.

2. The rule as proposed to be amended reads as follows:

11.14.105 DAY CARE FACILITIES, REGISTRATION AND LICENSING PROCEDURES Subsections (1) through (5) remain the same.

(6) The department, after written notice to the applicant, licensee or registrant, may deny, suspend, restrict, revoke or reduce to a provisional status a registration certificate or license upon a finding that:

(a) Remains the same.

(b) the licensee or registrant has received 3 warnings of non-compliance with the registration or licensing requirements. However, ~~should any one non-compliance place a child in danger of harm if, upon referral of suspected child abuse or neglect regarding an operating day care facility, the initial investigation reveals that there are reasonable grounds to believe that a child in the facility may be in danger of harm,~~ suspension or revocation will be immediate; or

Subsections 6(c) through (11) remain the same.

AUTH: Sec. 52-2-704, MCA. IMP: Sec. 52-2-731, MCA.


RATIONALE: The department seeks by this amendment to clarify the criteria for suspension or revocation of a provider's license or registration where there exists reports of incidents of child abuse or neglect inflicted on children while under the provider's care.

3. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Family Services, P.O. Box 8005, Helena, Montana 59604, no later than May 23, 1991.

4. The Office of Legal Affairs, Department of Family Services has been designated to preside over and conduct the

hearing.

DEPARTMENT OF FAMILY SERVICES



Tom Olsen, Director

Certified to the Secretary of State April 10, 1991.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment)	NOTICE OF PUBLIC HEARING
of Montana's prevailing wage rates,)	ON PROPOSED AMENDMENTS
pursuant to Rule 24.16.9007, ARM)	OF PREVAILING WAGE RATES

TO ALL INTERESTED PERSONS:

1. On Thursday, May 23, 1991, at 1:30 p.m., a public hearing will be held in the first floor conference room, Room 111, of the Department of Natural Resources and Conservation, 1520 E. Sixth Avenue, Helena, Montana, to consider proposed amendments to the prevailing wage rates.


2. The Department of Labor and Industry hereby proposes to adopt and incorporate by reference the "State of Montana Prevailing Wage Rates - Services" which sets forth the prevailing wage rates for services proposed to be effective July 1, 1991. A copy of the prevailing wage rates may be obtained from the Research and Analysis Bureau, Research, Safety and Training Division, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624.

3. The amendment is necessary so that the rates of wages paid on public works contracts under MCA section 18-2-401, et seq., will conform with and accurately reflect current prevailing wage rates.

4. Interested parties may submit their data, views, or comments, either orally or in writing, at the hearing. Written data, views, or comments may also be submitted to the Research and Analysis Bureau, Research, Safety and Training Division, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624, no later than May 24, 1991.

5. The Hearings Unit of the Legal Services Division, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624, has been designated to preside over and conduct the hearing.

6. The authority of the department to adopt the proposed rates is based on MCA section 18-2-431 and the amended rates implement MCA sections 18-2-402 and 2-4-307.


Mario A. Micone, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State: April 15, 1991

8-4/25/91

MAR Notice No. 24-16-28

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT)	NOTICE OF PUBLIC HEARING on
of ARM 42.17.111, 42.17.112,)	the PROPOSED AMENDMENT of
42.17.113, 42.17.115, 42.17.)	ARM 42.17.111, 42.17.112,
117, 42.17.118, 42.17.121,)	42.17.113, 42.17.115,
42.17.134, 42.17.136, 42.17.)	42.17.117, 42.17.118,
137, and 42.17.138 relating)	42.17.121, 42.17.134, to
Withholding and Workers')	42.17.136, 42.17.137, and
Compensation Payroll Taxes)	42.17.138 relating to With-
)	holding and Workers'
)	Compensation Payroll Taxes

TO: All Interested Persons:

1. On May 17, 1991, at 1:30 p.m., a public hearing will be held in Room 408, Sam W. Mitchell Building, Helena, Montana, to consider the amendments of ARM 42.17.111, 42.17.112, 42.17.113, 42.17.115, 42.17.117, 42.17.118, 42.17.121, 42.17.134, 42.17.136, 42.17.137, and 42.17.138, relating to withholding and workers' compensation payroll and estimated taxes.

2. The amendments proposed are as follows:

42.17.111 WHO MUST WITHHOLD AND WHO IS SUBJECT TO WITHHOLDING (1) through (4) remain the same.

(5) Public Law 91-569 The Amtrak Reauthorization and Improvement Act of 1990 exempts from state income tax and withholding the compensation of certain railroad, trucking, and air and water carrier employees who earn less than 50% of their compensation in Montana, unless they are Montana residents who did not earn 50% or more of their compensation in any one state during the preceding calendar year. The exemption from withholding applies only to those non-resident interstate carrier employees actually involved in transportation activities in more than one state. Even though withholding may not be required, wage information returns must be filed for those employees who are Montana residents. Moreover, the exemption from withholding of state income tax does not relieve the employee from liability for the Montana income tax.

(6) and (7) remain the same.

AUTH: 15-30-305, MCA, IMP: 15-30-202, MCA.

42.17.112 EMPLOYER WITHHOLDING REGISTRATION (1) Every employer required to withhold income tax or carry workers' compensation insurance must file an application for an account number on Form ER-1. A new employer who has acquired the business of another employer must not use his predecessor's account number. Application for an account number is to be made to the Department of Revenue, Helena, Montana. No registration is considered complete unless the federal employer identification number appears on the application. Not being

registered does not relieve an employer from withholding and/or payroll tax reporting requirements.

AUTH: 15-30-305, MCA; IMP: 15-30-209 and 39-71-2503, MCA.

42.17.113 QUARTERLY REPORTS AND PAYMENTS (1) Every employer is required to make, for each calendar quarter, a report to the Department of Revenue, Helena, Montana, summarizing the amounts withheld from employee's wages during the quarter. In addition, employers subject to the Workers' Compensation Act must also remit the payroll tax on this report. The reports will cover the weekly or quarterly periods ending March 31, June 30, September 30, and December 31 and must be postmarked no later than the last day of the month following the close of the quarter. The form to be used in making the quarterly report is MW-5 for quarterly remitters or ~~WW-1~~ MWA for weekly remitters described in (2)(b).

(2)(a) Employers whose total liability for withholding is less than \$300,000 in the preceding calendar year shall remit the amounts withheld and the payroll tax with the quarterly reports made for the period ending March 31, June 30, September 30, and December 31. The payments must be postmarked no later than the last day of the month following the end of the quarter.

(b) Employers whose total liability for withholding equaled or exceeded \$300,000 in the preceding calendar year must remit the amounts withheld and the payroll tax weekly. Any withheld wage amount withholding or payroll tax accrued during the week must be reported, remitted, and postmarked in accordance with payment dates for federal income tax withholding purposes. Legal state holidays, Saturdays, and Sundays are not working days. When the employer's pay period is other than weekly, e.g., semimonthly or biweekly, a payment is not required for those weeks in which no employees have been paid. When employees are paid by employers with other than weekly pay periods, the employer shall remit the amount withheld and the payroll tax for the period to the state of Montana on the same date immediately following the payment of wages, on which the employer remits withholding to the federal government.

(c) After the end of each calendar year, the department shall notify each employer whose withholding equaled or exceeded \$300,000 in the preceding calendar year. Forms for remitting weekly withholdings will be provided by the department.

(d) remains the same.

(e) If an employer is liable for the payroll tax and not withholding, payments will be made on a quarterly basis.

(f) The payroll tax is imposed on employers, and shall not be deducted from an employees' wages.

(g) No extension of time for remittance of withheld wage or payroll tax amounts can be granted by the department.

(3) A registered employer must submit a report for each reporting period unless withholdings are not expected to exceed \$10 for any period during the year. Such employer shall, on or before February 28 of the year succeeding that in which such wages were paid, file an annual return as provided for in 15-30-204, MCA. If an employer is not liable for withholding, the \$10

minimum then applies to the payroll tax.

(4) Failure to pay withheld amounts within the time provided and the use thereof by the employer in forwarding his own business, is considered to be an illegal conversion of trust money. The employer may will not regard withheld wages as being equivalent to his own personal income tax indebtedness. Penalties provided in 15-30-321, MCA, apply to any violation of the requirement to collect, truthfully account for, and pay amounts required to be deducted from employee wages. The penalties also apply to the payroll tax.

(5) All payments will be applied to withholding tax liability first, then to payroll tax. Insufficient payments will be applied in accordance with ARM 42.2.501.

~~(5)~~ (6) The department may require immediate return of any tax it has reason to believe is in jeopardy, as provided by 15-30-312, MCA.

AUTH: 15-30-305, MCA; IMP: 15-30-204 and 39-71-2503, MCA.

42.17.115 ADJUSTMENT OF ERRORS (1) If an error is made in paying the amount of withholding or payroll tax due, adjustment may be made on the first quarterly report filed after the error is discovered. However, if the mistake cannot be adjusted in a quarterly report of the same calendar year in which the error occurred, the correcting adjustment must be made on a supplemental or amended report for the quarter with respect to which the error occurred.

AUTH: 15-30-305, MCA; IMP: 15-30-204 and 39-71-2503, MCA.

42.17.117 INTEREST (1) If an employer fails to pay to the state of Montana the amounts required to be deducted and withheld from employees' wages within the time provided by law, interest will accrue on the unpaid balance as provided by statute.

AUTH: 15-30-305, MCA; IMP: 15-30-209 and 39-71-2503, MCA.

42.17.118 FORMS TO FILE AFTER TERMINATION OF WAGE PAYMENTS
The following statements must be filed with the Department of Revenue, Helena, Montana, within 30 days after the termination of wage payments:

(1) through (3) remain the same.

(4) An employer liable for payroll tax only is not required to file the statements mentioned in (2) and (3) above.

AUTH: 15-30-305, MCA; IMP: 15-30-209 and 39-71-2503, MCA.

42.17.121 INDIVIDUAL LIABILITY (1) If a corporate employer willfully fails to withhold or fails to remit withheld and/or payroll tax monies to the department as required under 15-30-203, MCA, the individual responsible for withholding will be held individually liable for the withholding taxes, penalties and interest.

(2) remains the same.

AUTH: 15-30-305, MCA; IMP: 15-30-203 and 39-71-2503, MCA.

42.17.134 RECIPROCAL AGREEMENT - NORTH DAKOTA Introduction paragraph and (1) through (4) remain the same.

(5) The reciprocal agreement does not affect an employers liability for the workers' compensation payroll tax.

AUTH: 15-30-305, MCA; IMP: 15-30-202, 15-30-209 and 39-71-2503, MCA.

42.17.136 - AFFIDAVIT - FORM AND CONTENT (1) The form and content of the affidavit exempting property from withholding or payroll tax liens shall be approved by the department and shall contain as much as available of the following information:

(a) through (c) remain the same.

(d) A statement or certification that all taxes, assessments, penalties and interest due from the grantor under 15-30-201 through 15-30-209 and 39-71-2501 through 39-71-2504, MCA, have been paid.

AUTH: 15-30-305, MCA; IMP: 15-30-208 and 39-71-2503, MCA.

42.17.137 AFFIDAVIT - TIME PERIOD FOR EXECUTION (1) The affidavit of exemption from the grantor must be executed and witnessed or notarized prior to the filing date and time of the warrant for distraint to exempt affected property from withholding or payroll tax liens under the provisions of 15-30-208, MCA.

AUTH: 15-30-305, MCA; IMP: 15-30-208 and 39-71-2503, MCA.

42.17.138 RECORD OF AFFIDAVIT - NOTICE (1) Any person or firm claiming an exemption from withholding or payroll tax liens based upon an affidavit provided by this section shall be required to provide a copy of such affidavit to the department within 30 days of written request from the department. If said affidavit or a reasonable explanation for failure to provide the affidavit is not received within the 30 day period the department may assume the lien against the property is valid and commence to enforce the lien.

AUTH: 15-30-305, MCA; IMP: 15-30-208 and 39-71-2503, MCA.

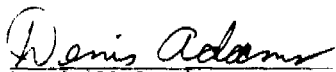
3. The Department is proposing the amendment to ARM 42.17.111 because of amendments to federal law which exempt non-resident interstate carrier employees from taxation. This amendment is found in the Amtrak Reauthorization and Improvement Act of 1990. The amendments to the remainder of the rules are necessary because the 1990 Special Session of the Legislature transferred collection of the .28% workers' compensation payroll tax to the Department of Revenue by amending Title 39, Chapter 71, part 25 of the Montana Code Annotated. They further stipulated that payments be collected on the same return as withholding. The administrative rules must be amended to reflect the legislation.

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:

Cleo Anderson
Department of Revenue
Office of Legal Affairs
Mitchell Building
Helena, Montana 59620

no later than May 27, 1991.

5. Cleo Anderson, Department of Revenue, Office of Legal Affairs, has been designated to preside over and conduct the hearing.


DENIS ADAMS, Director
Department of Revenue

Certified to Secretary of State April 15, 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 46.10.506	)	THE PROPOSED AMENDMENT OF
pertaining to nonrecurring	)	RULE 46.10.506 PERTAINING
gifts and excluded unearned	)	TO NONRECURRING GIFTS AND
income	)	EXCLUDED UNEARNED INCOME

TO: All Interested Persons

1. On May 15, 1991, at 9:00 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of Rule 46.10.506 pertaining to non-recurring gifts and excluded unearned income.

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

46.10.506 EXCLUDED UNEARNED INCOME Subsections (1) through (1)(m) remain the same.

(n) incentive payments or reimbursement of training-related expenses made to WIN JOBS participants by the manpower lead agency;

Subsections (1)(o) and (1)(p) remain the same.

(q) individuals receiving supplemental security income shall not be considered as a member of the assistance unit unless they choose to relinquish their SSI grant; and

(r) \$50.00 of any monthly child support payment; and
(s) small nonrecurring gifts such as those for Christmas, birthdays and graduations, not to exceed \$30 per recipient per quarter. A quarter is defined as any three consecutive months.

AUTH: Sec. 53-4-212 MCA


IMP: Sec. 53-4-231, 53-4-241 and 53-4-242 MCA

3. Federal regulations at 45 CFR 233.20(a)(3)(iv)(F) allow the Department the option of excluding small non-recurring gifts, such as those for Christmas, birthdays and graduations from consideration in the determination of AFDC benefits. The Department has selected this option to avoid creating a hardship on AFDC recipients by decreasing the benefit payment by the full amount of the gift. It is not the intent of this Department to cause families on assistance to be penalized for the receipt of a gift. The amended rule also facilitates the administration of the AFDC program by selecting a policy option which more closely matches policy of other assistance programs.

The rule change also properly identifies the current work program as JOBS instead of WIN.

4. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604-4210, no later than May 23, 1991.

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



Director, Social and Rehabilitation Services

Certified to the Secretary of State April 11, 1991.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
adoption of Rules I, II and	)	THE PROPOSED ADOPTION OF
III and the amendment of	)	RULES I, II AND III AND THE
Rule 46.12.501 pertaining to	)	AMENDMENT OF RULE 46.12.501
group health plan premium	)	PERTAINING TO GROUP HEALTH
payment	)	PLAN PREMIUM PAYMENT

TO: All Interested Persons

1. On May 15, 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 adoption of Rules I, II and III and the amendment of Rule 46.12.501 pertaining to group health plan premium payment.

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

[RULE I] GROUP HEALTH PLAN PREMIUM PAYMENTS

(1) Group health plan means any plan of, or contributed to by an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

(2) Cost effective means the amount paid for premiums, co-insurance, deductibles, and other cost sharing obligations under a group health plan and for additional administrative costs in a given period of time is likely to be less than the department of social and rehabilitation services would pay out for medicaid services for a medicaid recipient during the same period, determined on an actuarial basis.

(a) Cost effective criteria may include assessment of medical diagnoses and health risk assessment.

(3) Payment of group health premiums is a medicaid benefit.

(4) The department of social and rehabilitation services may pay premiums of a group health plan which provides benefits not covered by medicaid as long as it has determined that payment of the premiums will be cost effective.

(5) Coinsurance and deductibles will be paid for services covered by a health plan when these same services are provided by medicaid. Payment amounts can not exceed the reimbursement schedule set by medicaid.

(a) Coinsurance and deductibles will not be paid for non-medicad eligible persons who are covered by the group health plan.

(b) Coinsurance and deductibles will not be paid for persons who are eligible for medicaid as COBRA continuation beneficiaries.

(6) Payment of premiums may be made for a retroactive period up to 3 months if necessary to insure enrollment or continuation of enrollment.

(7) Payment of premiums may be in the form of direct payments to insurance companies or employers offering the group health plan or direct reimbursement to the recipient or insured.

(8) Premiums for non-medicaid recipients may be paid only if it is a condition of the enrollee's eligibility in the group health plan to enroll family members, and if premium payments are cost effective.

(a) Ineligible family members may reside in a separate household.

(9) Medicaid payment of group health plan premiums may begin as of the medicaid eligibility effective date for:

(a) applicants who are already enrolled in a group health plan; and

(b) applicants who have a waiting period before group health plan coverage begins.

(i) Full medicaid coverage is available to applicants during the waiting period.

(10) Group health plans are treated as a third party resource in accordance with ARM 46.12.304.

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

IMP: Sec. 53-6-101, 53-6-103 and 53-6-131 MCA

RULE III GROUP HEALTH PLAN ENROLLMENT (1) As a condition of medicaid eligibility:

(a) Individuals must enroll in group health plans:

(i) when they are eligible to enroll in a group health plan; and

(ii) medicaid payment of the group health plan premiums is likely to be cost effective as determined by the department.

(A) Individuals who are unable to enroll in the group health plan on their own behalf (for example, children) are not considered "eligible to enroll".

(b) The client must obtain and complete the necessary health plan enrollment forms at the time of medicaid application, even if the group health plan enrollment period and the medicaid application date do not coincide.

(c) When an applicant refuses to apply for enrollment in a group health plan during the medicaid application process, he cannot establish medicaid eligibility until the next "open enrollment period" for the group health plan.

(2) Termination of group health plan coverage:

(a) is permissible when the client transfers from one cost effective group health plan to another cost effective group health plan; and

(b) will result in termination of medicaid eligibility when an employer offers only one group health plan and it has been determined cost effective. Medicaid ineligibility remains effective until the next "open enrollment period" for the group health plan.

(3) When a medicaid client is eligible for medicare Part B coverage but chooses not to enroll, group health plan premiums and other cost sharing obligations to the health plan will not be paid by medicaid.

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

IMP: Sec. 53-6-101, 53-6-103 and 53-6-131 MCA

[RULE III] COBRA CONTINUATION BENEFICIARIES, APPLICATION AND ELIGIBILITY FOR MEDICAID

(1) A person is a COBRA continuation beneficiary eligible for medicaid, if:

(a) the person meets the non-financial criteria in subsection (2) of this rule;

(b) the person has countable resources which do not exceed twice the federal supplemental security income (SSI) resource limitation set forth at 42 USC 1382(a)(3)(A) and (B). The department hereby incorporates 42 USC 1382(a)(3)(A) and (B) as amended through April 1, 1991. Copies of 42 USC 1382(a)(3)(A) and (B), as amended through April 1, 1991, are available from the Family Assistance Division, Department of Social and Rehabilitation Services, P. O. Box 4210, Helena, Montana 59604-4210;

(c) the person has countable income not in excess of 100% of the federal poverty income standard as defined by the executive office of management and budget (EOMB) and revised annually;

(d) the person is eligible for coverage under a group health plan provided by an employer with at least 75 employees pursuant to Title XXII of the Public Health Service Act, subsection 4980B of the Internal Revenue Code of 1986, or Title VI of the Employee Retirement Income Security Act (ERISA) of 1974 due to a qualifying event;

(i) A COBRA continuation coverage qualifying event is:

(A) death of the covered employee;

(B) termination or reduction of hours of the covered employee's employment;

(C) divorce or legal separation of the covered employee from the employee's spouse;

(D) the covered employee becoming eligible for benefits under medicare; or

(E) a dependent child ceases to be a dependent child under the applicable plan requirements.

(e) it is cost effective to pay the health plan premiums according to the definition of cost effective in subsection (2) of [RULE I].

(2) The non-financial criteria for determining eligibility of a COBRA continuation beneficiary are that the person:

(a) would be eligible for AFDC-related or SSI-related medicaid under the coverage groups listed in ARM 46.12.3401 or ARM 46.12.3601 had they not exceeded the income or resource standards for those programs;

(b) has or takes the necessary steps to obtain a social security number;

(c) meets the citizenship or alienage requirements of ARM 46.12.3201; and

(d) meets the residency requirements of ARM 46.12.3202.

(3) A person applying for and receiving medicaid as a COBRA continuation beneficiary is subject to the following provisions:

(a) ARM 46.12.304 concerning third party liability;

(b) ARM 46.12.3001 concerning application requirements;

(c) ARM 46.12.3002 concerning determinations of eligibility;

(d) ARM 46.12.3003 concerning redetermination;

(e) ARM 46.12.3204 concerning limitation on the financial responsibility of relatives; and

(f) ARM 46.12.3205 concerning application for other benefits.

(4) Medical assistance for a person eligible for medicaid only as a COBRA continuation beneficiary shall be limited to payment of COBRA continuation premiums. The department will not pay co-insurance or deductibles under the group health plan or any other medicaid benefits for a COBRA continuation beneficiary.

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

IMP: Sec. 53-6-101, 53-6-103 and 53-6-131 MCA

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

46.12.501 SERVICES PROVIDED Subsections (1) through (1)

(2) remain the same.

(aa) home and community services; and

(bb) nurse specialists services;

(cc) hospice services until June 30, 1991, as specified by the sunset clause set by the enacting legislation.; and

(dd) payment of premiums, co-insurance, deductibles and other cost sharing obligations under a group health plan in accordance with the provisions of [RULE I].

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

IMP: Sec. 53-6-101, 53-6-103 and 53-6-131 MCA

4. These rule changes are necessary to initiate two programs which will provide health insurance to two new groups of recipients. The first pertains to Section 4402 of Omnibus Budget Reconciliation Act (OBRA) 1990, which amends 42 USC 1396a(a)25 to require that Medicaid pay for cost effective group health plans for Medicaid recipients who are eligible


for a group plan. The second is an optional provision allowing for premium payment for individuals who meet higher income and resource guidelines and would be eligible for COBRA benefits through an employer of 75 or more. The optional group, called COBRA 75, has income and resource guidelines similar to Qualified Medicare Beneficiary (QMB). The COBRA 75 group will not receive Medicaid benefits, only payment of their group health plan premiums.

Payment of group health plan premiums when cost effective will save Medicaid dollars. Cost savings of \$862,500 are expected through the enrollment of 315 persons.

In March 1991, 3685 Medicaid recipients had health insurance. SSI cash recipients bring in 250 new health insurance plans each year. Only about 10% of those health plans are in effect one year later. Often times, recipients drop their health insurance once they are Medicaid eligible. Some recipients fear they will not be eligible for Medicaid if they have insurance.

5. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604-4210, no later than May 23, 1991.

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



Director, Social and Rehabilitation Services

Certified to the Secretary of State April 15, 1991.

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

In the matter of the amendment)	NOTICE OF THE AMENDMENT
of ARM 2.43.432 for the purpose)	OF A RULE TO ALLOW OPTION
of allowing PERS members to pur-)	OF PURCHASING ADDITIONAL
chase full months of additional)	SERVICE MONTHS IN PERS
service when eligible to purchase)	
a full year.)	

TO: All Interested Persons.

1. On December 27, 1990, the Public Employees' Retirement Board published notice of the proposed amendment of the above rule concerning the Public Employees' Retirement System in the Montana Administrative Register, issue number 24, at page 2215.

2. The board has amended 2.43.432 PERS ADDITIONAL SERVICE as proposed.

3. Written testimony from the Public Employees' Retirement Division attested to the reasonable necessity of these amendments since the agency has received numerous requests from PERS members to be allowed to purchase less than full years of additional service and since the PERS actuary has indicated to the agency that the purchase of months of additional service could be accomplished with no additional actuarial impact to the retirement system. No other written testimony was received.

6. The authority for the rule is found in section 19-3-304, MCA, and the rule implements 19-3-513, MCA.

By: 

Robert L. Batista, President
Public Employees' Retirement Board

Certified to the Secretary of State on April 5, 1991.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT
of an existing rule and the)	OF ARM 4.5.201; 4.5.202;
adoption of a new rule)	4.5.203; AND ADOPTION OF
pertaining to the designation)	NEW RULE 4.5.204
of noxious weeds)	

TO: All Interested Persons:

1. On February 28, 1991 the Department of Agriculture proposed to amend ARM 4.5.201, 4.5.202, 4.5.203 relating to the designation of noxious weeds and adopt a new rule 4.5.204, relating to category 3 noxious weeds at page 210 of the 1991 Montana Administrative Register, issue number 4.

2. The department has amended rule 4.5.201 as proposed.

3. The department has amended the following rule as proposed with the following change: (Subsection (1) and (2)(a),(b) and (d) thru (f) remain the same; subsection (2)(c) is changed as indicated in upper case).

4.5.202 CATEGORY 1 (1) Category 1 noxious weeds are weeds that are currently established and generally widespread in many counties of the state. Management criteria ~~for control of these weeds is necessary in all counties to include awareness and education, containment or and suppression of existing infestations or and to prevention, through eradication or other appropriate measures, of new infestations of these weeds.~~ All ~~of these weeds are capable of rapid spread~~ and render land unfit or greatly limit the beneficial uses.

(2) The following are designated as category 1 noxious weeds:

- (a) Canada thistle (Cirsium arvense)
- (b) Field bindweed (Convolvulus arvensis)
- * (c) ~~Whitetop~~ WHITETOP OR Hoary cress (Cardaria draba)
- (d) Leafy spurge (Euphorbia esula)
- (e) Russian knapweed (Centaurea repens)
- (f) Spotted knapweed (Centaurea maculosa)
- (g) Diffuse knapweed (Centaurea diffusa)
- (h) Dalmatian toadflax (Linaria dalmatica)
- (i) St. Johnswort (Hypericum perforatum)

4. The department has amended the following rule as proposed with the following change: Subsection (1) and (2)((a), (c) and (d) remain the same, subsection (2)(b) is changed as indicated in upper case).

4.5.203 CATEGORY 2 (1) Category 2 noxious weeds are ~~weeds that have not been detected in the state of Montana or~~ have recently been introduced into the state of Montana ~~or are~~ rapidly spreading from their current infestation sites. These weeds ~~have the potential for~~ are capable of rapid spread and invasion of lands, ~~thereby rendering them lands~~ unfit for beneficial uses. ~~County planning to prevent the spread or introduction of these weeds is necessary.~~ Management criteria ~~includes for detection and immediate action to eradicate or contain these weeds is necessary in all counties~~ awareness and education, monitoring and containment of known infestations and eradication where possible.

(2) The following are designated as category 2 noxious weeds:

(a) Dyers Woad (Isatis tinctoria)

** (b) ~~Yellow Starthistle (Centaurea solstitialis)~~ Purple loosestrife OR LYTHRUM (Lythrum salicaria, L. VIRGATUM, AND ANY HYBRID CROSSES THEREOF.)

(c) ~~Common Crupina (Crupina vulgaris)~~ Sulfur (erect) cinquefoil (Potentilla recta)

(d) ~~Rush Skeletonweed (Chondrilla juncea)~~

AUTH: 7-22-2101 MCA;

IMP: 7-22-2101

5. The department has adopted the new rule 4.5.201 as proposed.

6. The department received four comments. Two approved of the changes, and two approved except for comments, which the following note and respond to:

Comment: * With regard to Rule 4.5.202, several comments received indicated confusion with removing "whitetop" as the common name for this weed. Since "whitetop" is often used locally and "hoary cress" used regionally, both common names should be noted.

Comment: ** With regard to Rule 4.5.203 (2)(b), this plant is commonly known in the weed field as purple loosestrife and in the horticultural industry as purple lythrum so both common names should be noted. All scientific names of all troublesome varieties should also be included.

By: Everett M. Snortland
EVERETT M. SNORTLAND, DIRECTOR
DEPARTMENT OF AGRICULTURE

Certified to the Secretary of State, April 15, 1991.

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of amendment) NOTICE OF AMENDMENT OF RULE
of Rule 8.86.301 as it) 8.86.301
relates to jobber prices)
) PRICING RULES
)
) DOCKET #6-91

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

1. On February 28, 1991, the Montana Board of Milk Control published notice of proposed amendments of rule 8.86.301(6)(i) as it relates to jobber prices. Notice was published at page 215 of the 1991 Montana Administrative Register, issue no. 4 as MAR NOTICE 8-86-41.

2. The board has amended the rule exactly as originally proposed.

3. No comments or testimony were received concerning the proposed amendments.

4. The authority for the board to amend the rule is contained in section 81-23-302, MCA, and implements section 81-23-302, MCA.

MONTANA BOARD OF MILK CONTROL
MILTON J. OLSEN, Chairman

BY:  -
Andy J. Poole, Deputy Director
Department of Commerce

Certified to the Secretary of State April 15, 1991.

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT
rules 16.44.102, 16.44.304,	)	OF RULES 16.44.102,
16.44.305, 16.44.324, 16.44.330,	)	16.44.304, 16.44.305,
16.44.351, and the promulgation of	)	16.44.324, 16.44.330,
a new rule I	)	16.44.351 AND THE
	)	ADOPTION OF NEW RULE I

(Solid & Hazardous Waste)

To: All Interested Persons

1. On February 14, 1991, the department published notice at page 182 of the Montana Administrative Register, Issue No. 3, to amend rules and adopt a new rule intended to adopt federal EPA regulations to achieve parity with the federal regulations.

2. After consideration of the comments received on the rules, the department has adopted the rules as proposed, with the following changes (new material is underlined; material to be deleted is interlined):

16.44.102 INCORPORATIONS BY REFERENCE Same as proposed.

16.44.304 EXCLUSIONS (1) Same as proposed.

(2)(a) - (h) Same as proposed.

(i) groundwater that is hazardous only because it exhibits the toxicity characteristic (hazardous waste codes D018 through D043 only) in ARM 16.44.324 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites, until January 25, 1991. This exclusion applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991, for groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this exclusion only if they are performed pursuant to a written agreement with or valid state permit issued by the department under authority of the Act or Title 75, chapter 5, part 4, MCA, and that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed.

(j) used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(3) - (5) Remain the same.

16.44.305 SPECIAL REQUIREMENTS FOR COUNTING HAZARDOUS WASTES Same as proposed.

RULE I (16.44.308) POLYCHLORINATED BIPHENYL (PCB) (PCB) WASTES REGULATED UNDER FEDERAL LAW Same as proposed.

16.44.324 TOXICITY CHARACTERISTIC Same as proposed.

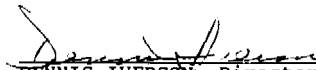
16.44.330 LISTS OF HAZARDOUS WASTES -- GENERAL Same as proposed.

16.44.351 REPRESENTATIVE SAMPLING METHODS; TOXICITY CHARACTERISTIC LEACHING PROCEDURE; CHEMICAL ANALYSIS TEST METHODS; AND TESTING METHODS Same as proposed.

3. The department has thoroughly considered the comments received on the proposed rules. The following is a summary of the comments received from the public and the department's responses:

COMMENT: The United States Environmental Protection Agency amended and clarified the exclusions to the rule governing the identification and listing of hazardous waste found in 40 CFR Part 261 on March 25, 1991, during the comment period established for the rules under consideration.

RESPONSE: Therefore, ARM 16.44.304(2) was redrafted after receiving and reviewing the amendment to 40 CFR Part 261 to more closely parallel the exclusions allowed by the USEPA until January 25, 1993. This change is required to maintain the equivalency between Montana and federal regulations.


DENNIS IVERSON, Director

Certified to the Secretary of State April 15, 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	)	RULE 46.12.3401 PERTAINING
46.12.3401 pertaining to	)	TO PRESUMPTIVE AND
presumptive and continuous	)	CONTINUOUS ELIGIBILITY FOR
eligibility for medicaid	)	MEDICAID SERVICES
services)	

TO: All Interested Persons

1. On November 15, 1990, the Department of Social and Rehabilitation Services published notice of the proposed amendment of Rule 46.12.3401 pertaining to presumptive and continuous eligibility for medicaid services at page 2037 of the 1990 Montana Administrative Register, issue number 21.

2. The Department has amended Rule 46.12.3401 with the following changes:

46.12.3401 GROUPS COVERED, NON-INSTITUTIONALIZED AFDC-RELATED FAMILIES AND CHILDREN Subsections (1) through (1)(h) remain as proposed.

(i) Presumptive eligibility is established by submission of an application by the applicant on the form specified by the department, to a qualified presumptive eligibility provider, verification of pregnancy and a determination by the qualified presumptive eligibility provider that applicant's household income does not exceed 133% of the federal poverty guidelines for the household THE INCOME STANDARD SPECIFIED IN SUBSECTION (1)(g).

Subsection (1)(h)(i)(A) remains as proposed.

(B) Presumptive eligibility shall be effective for a period of 14 days. Upon submission of a medicaid application to the department during the initial 14-day period, presumptive eligibility shall be extended until the department determines that the applicant is ineligible for medicaid or the end of 45 days from initial establishment of presumptive eligibility, whichever is earlier. PRESUMPTIVE ELIGIBILITY DETERMINATIONS MADE ON OR AFTER JULY 1, 1991 SHALL BE EFFECTIVE THROUGH THE EARLIER OF THE DATE THE DEPARTMENT MAKES A DETERMINATION OF ELIGIBILITY OR INELIGIBILITY UPON A MEDICAID APPLICATION, OR THE LAST DAY OF THE MONTH FOLLOWING THE MONTH OF THE PRESUMPTIVE ELIGIBILITY DETERMINATION, IF NO MEDICAID APPLICATION IS FILED WITHIN SUCH PERIOD. An individual is limited to one presumptive eligibility period per pregnancy.

(C) An applicant or recipient whose presumptive eligibility is terminated based upon expiration of the initial 14-day PRESUMPTIVE ELIGIBILITY period without submission of a medicaid application to the department or based upon expiration of the 45-day period without a determination of medicaid eligibility

shall not be entitled to a fair hearing with respect to such termination, regardless of the provisions of ARM 46.2.202. THE APPLICANT OR RECIPIENT SHALL BE ENTITLED TO A FAIR HEARING WITH RESPECT TO A DETERMINATION BY THE DEPARTMENT BASED UPON A MEDICAID APPLICATION.

Subsections (1)(h)(ii) through (3)(c) remain as proposed.

(4) Medicaid may be provided for up to three months prior to the date of application for individuals listed in 1(a), 1(b)(i), 1(b)(v), 1(d), (e), (f), (g), ~~(h)~~, ~~(i)~~, (j), (k), ~~(l)~~, ~~(m)~~ and ~~(n)~~ if all financial and non-financial criteria are met for any of those months. For individuals listed in 1(g) and ~~(i)~~ (k) retroactive eligibility cannot begin prior to July 1, 1989.

AUTH: Sec. 53-4-212, MCA

IMP: Sec. 53-6-101, 53-6-131 and 53-4-231 MCA

3. The Department has thoroughly considered all commentary received:

COMMENT: The federal law establishing the initial 14-day presumptive eligibility period has been amended. Under section 4605 of the Omnibus Budget Reconciliation Act (OBRA) of 1990, the initial presumptive eligibility period extends until the end of the month following the month in which the presumptive eligibility determination is made, unless a regular medicaid application is filed and an eligibility determination is made by the state agency before that time. If a pregnant woman files a regular medicaid application with the state medicaid agency within that period, the presumptive eligibility period extends beyond that period until the agency makes a determination on the application. If no application is filed within the initial period, the presumptive eligibility expires at the end of the month following the month in which the presumptive eligibility determination was made. These amendments are effective for presumptive eligibility determinations made on or after July 1, 1991 and should be reflected in the final rule.

RESPONSE: The department agrees and has revised the rule accordingly.

COMMENT: The citations in subsection (4) of ARM 46.12.3401 should be revised for consistency with the changes to the cited subsections made by this rule, so that the rule correctly specifies when the 3-month retroactive eligibility is available.

RESPONSE: The department agrees and has revised the referenced citations.

COMMENT: A representative from Healthy Mothers/Healthy Babies asked whether a woman who qualifies for presumptive eligibility is required to have her face-to-face interview for Medicaid before or after the 14-day period.

RESPONSE: The pregnant woman must submit her application form to the office of human services/department of public welfare (OHS/DPW) in the county where she resides. If she applies for presumptive eligibility, the Qualified Presumptive Eligibility Provider (QPEP) will forward her application form to the appropriate OHS/DPW. Time frames for Medicaid eligibility begin the day the application is received and date stamped in the OHS/DPW. One of the requirements is that the woman appear for an interview at the OHS/DPW. Eligibility must be determined within 30 days. There is no requirement that a woman have her face-to-face interview within 14 days, or under the July 1 rule within the extended presumptive eligibility period.

COMMENT: A representative from Healthy Mothers/Healthy Babies inquired whether fair hearing rules apply to the presumptive eligibility determination.

RESPONSE: According to the State Medicaid Manual at section 3570.1, a qualified Medicaid provider makes the presumptive eligibility determination, not the department. The department does not meet the requirements to be a qualified Medicaid provider for presumptive eligibility purposes. The fair hearing procedures do not apply to that determination, but do apply to the department's determination based upon the application filed in OHS/DPW. Clarifying language has been added.

COMMENT: A representative from Healthy Pregnancy Services inquired whether or not the department, including county welfare offices, could determine presumptive eligibility.

RESPONSE: According to the State Medicaid Manual at Section 3570.1, a qualified Medicaid provider makes the presumptive eligibility determination. The department and county welfare offices do not meet the requirements to be a qualified Medicaid provider for presumptive eligibility determinations.

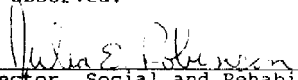
COMMENT: A representative of Catholic Social Services asked whether a teenager on Medicaid would lose continuous eligibility if she moved into her parent's home.

RESPONSE: The State Medicaid Manual at section 3311.4 states that income changes may be disregarded once initial eligibility is established. Therefore, if the pregnant minor is already in

the continuous eligibility category, the fact that she moves into the home of her parents would not be cause for continuous eligibility to end. However, if continuous eligibility has not been established and Medicaid coverage is terminating, other changes in circumstances, such as the acquisition of a resource, could cause ineligibility for continuous eligibility.

COMMENT: A representative from Catholic Social Services asked if the eligibility technician could contact the QPEP without violating the rules of confidentiality if the pregnant woman does not appear for her face-to-face interview. The commenter requested that the department take action to notify the QPEP if the pregnant woman fails to appear for her interview, so that the QPEP may follow up with the pregnant woman.

RESPONSE: The department will not require the eligibility technician to notify the QPEP if the pregnant woman fails to appear for her interview. The department will allow QPEPs and OHS/DPW to establish local procedures to address this concern as long as confidentiality rules are observed.



Director, Social and Rehabilitation Services

Certified to the Secretary of State April 10, 1991.

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

* * * * *

IN THE MATTER of the Petition of)	TRANSPORTATION DIVISION
Murphy Oil USA, Incorporated, for)	
a Declaratory Ruling on the)	DOCKET NO. T-9662
Characterization of Certain Motor)	
Movements as Intrastate.)	DECLARATORY RULING

TO: All Interested Persons

1. On January 31, 1991 the Montana Public Service Commission (Commission) received a Petition for Declaratory Ruling from Murphy Oil USA, Incorporated (Murphy Oil or Petitioner). On February 27, 1991 the Commission received an Amended Petition for Declaratory Ruling containing a more detailed presentation of the facts.

2. On March 6, 1991 the Commission issued a Notice of Petition for Declaratory Ruling setting forth the facts and issues presented and establishing a comment period extending to April 6, 1991. On April 5, 1991 Hornoi Transport, Inc. (Hornoi) filed written comments.

3. The facts upon which this ruling will be made are as follows: Petitioner is the purchaser of more than 6,300 barrels per day of crude oil production in Montana. Of this, approximately 3,400 barrels per day are trucked by contract haulers to one of the Petitioner's three pipeline entry points. Two of these entry points are located on the Texaco Pipeline at Richey, Montana and Poplar, Montana. The other facility is located on the Portal Pipeline at Reserve, Montana. Both pipelines are designated as common carrier, and all rates are governed by the Federal Energy Regulatory Commission.

4. Once the crude oil is delivered into these pipelines, it then moves out of state. The barrels of crude shipped on the Texaco Pipeline travel south to a common trading point at Fort Laramie/Guernsey, Wyoming. From there, the crude oil can be shipped to any one of several states. The crude oil delivered into the Portal Pipeline flows into North Dakota and eventually on to Petitioner's refinery in Superior, Wisconsin.

5. Petitioner maintains ownership of the crude oil throughout all of the above-described transportation movements.

6. The question of law presented for declaratory ruling is whether Petitioner's transportation of crude oil is properly characterized as intrastate commerce and, therefore, subject to the provisions Title 69, Chapter 12, Montana Code Annotated, which provide for the regulation of intrastate movements of motor carriers.

7. Petitioner contends that its transportation of crude oil is properly characterized as interstate commerce and is not subject to Commission regulation because it is the well established rule that the "essential character" of the commerce

controls the nature of the activity, and the essential character of Petitioner's activity is interstate.

8. Hornoi contends that that Petitioner's activity is intrastate. Citing Southern Pacific Transport Co. v. ICC, 565 F.2d 615 (9th Cir. 1977), for the proposition that the character of commerce is manifested by the shipper's fixed and persisting transportation intent at the time of the shipment, Hornoi argues that Petitioner has no fixed and persisting interstate transportation intent at the time the oil is delivered to the contract carrier for carriage to the pipeline entry points. Since the interstate destination of the oil is determined only after it has been delivered to the pipeline, the transportation movement between the pipeline entry points and the oil wells is therefore properly characterized as intrastate.

9. The Commission disagrees. The facts as presented are that the crude oil is transported from oil wells in Montana to the pipeline entry points in Montana for delivery to locations in other states. The Commission is not concerned with which specific out-of-state location the oil is headed as long as the fixed and persisting transportation intent is to transport the oil out of state.

10. In this regard, the Commission notes that its ruling would be different if the oil delivered to the pipeline was also destined for points in Montana. In that case, the fixed and persisting transportation intent would not be established until the oil was delivered to the pipeline and directed to either its in-state or out-of-state destination. In Cox v. Errol, 116 U.S. 517, 6 S.Ct. 475, 29 L.Ed. 715 (1886), the United States Supreme Court stated:

Whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between States has commenced. But this movement does not begin until the articles have been shipped or started for transportation from one State to another.

Id. at 528, 6 S.Ct. at 479.

11. From the point at which the oil is purchased in Montana, Petitioner here has the fixed and persisting transportation intent to ship the oil out of state. These facts may be distinguished from those presented in Southern Pacific where the shipment of canned goods from the shipper's California canning plants to its California warehouse was held to be intrastate in nature. Since the shipper did not commit shipments to foreign, interstate or intrastate carriage until shipment from the warehouse, the court found that initial transportation to the warehouse retained its intrastate character because no contrary intent had been formed. Id. at 621. See also Burlington Northern, Inc. v. Weyerhaeuser Co., 719 F.2d 304 (9th Cir. 1983).

12. The Commission therefore finds under the facts presented that the essential character of Petitioner's activity

is interstate and not subject to those provisions of Title 69, Chapter 12 of the Montana Code Annotated which provide for the regulation of intrastate motor carrier movements.


DONE AND DATED this 11th Day of April, 1991 by a vote of 5-0.

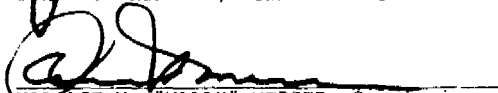
BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION


HOWARD L. ELLIS, Chairman

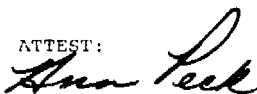

DANNY OBER, Vice Chairman


BOB ANDERSON, Commissioner


JOHN B. DRISCOLL, Commissioner


WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:


Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.

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 December 31, 1990. This table includes those rules adopted during the period January 1, 1991 through March 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 December 31, 1990, this table and the table of contents of this issue of the MAR.

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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 first issue, appointments made from January 1, 1991, through March 31, 1991, are published. Vacancies scheduled to appear from May 1, 1991, through June 30, 1991, are also listed, as are current recent vacancies due to resignations.

Hereafter, the previous month's appointees will be printed, and current and upcoming vacancies for the next three months will be published.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of April 15, 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: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Aging Advisory Council (Governor)			
Ms. Mary Alice Rehbein	Governor	Thomson	3/15/1991
Lambert			7/18/1993
Qualifications (if required): none specified			
Board of Aeronautics (Commerce)			
Mr. Joe Attwood	Governor	Pankey	3/5/1991
Great Falls			2/1/1993
Qualifications (if required): representative of Montana Airport Managers Association			
Mr. Joel Fenger	Governor	Strand	1/24/1991
Chester			9/9/1999
Qualifications (if required): Chairman			
Mr. Leland F. Ford	Governor	Cochrane	1/15/1991
Missoula			1/1/1995
Qualifications (if required): member at large			
Mr. Greg Mecklenburg	Governor	Strand	1/15/1991
Belgrade			1/1/1995
Qualifications (if required): actively involved in aviation education			
Ms. Sharel Stroh	Governor	Ugrin	1/15/1991
Havre			1/1/1995
Qualifications (if required): fixed base operator			
Mr. George Teslovich	Governor	reappt	1/15/1991
Great Falls			1/1/1995
Qualifications (if required): airline representative			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Architects (Commerce)			
Mr. Eric W. Hefty	Governor	Ballas	3/27/1991
Missoula			3/27/1994
Qualifications (if required): registered architect			
Board of Chiropractors (Commerce)			
Dr. Dwayne Steven Borgstrand	Governor	Combs	1/9/1991
Red Lodge			1/9/1994
Qualifications (if required): practicing chiropractor from N.W. College of Chiropractic			
Board of Crime Control (Justice)			
Ms. Ardith Aiken	Governor	reappt	1/1/1991
Great Falls			1/1/1995
Qualifications (if required): representative of local government			
Mr. Craig J. Anderson			
Glendive	Governor	reappt	1/1/1991
Qualifications (if required): representative of juvenile justice			
Mr. Curt Chisholm			
Helena	Governor	reappt	1/1/1991
Qualifications (if required): Director of Department of Institutions			
Mr. Marc Racicot			
Helena	Governor	reappt	1/1/1991
Qualifications (if required): ex-officio member			
Senator Delwyn "Del" Gage			
Cut Bank	Governor	Himsel	1/1/1991
Qualifications (if required): legislator			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Dentistry (Commerce)			
Dr. Scott D. Erler	Governor	reappt	3/5/1991
Missoula			3/29/1996
Qualifications (if required): dentist			
Mr. Ronald L. Olson	Governor	Wiser	3/5/1991
Billings			3/29/1992
Qualifications (if required): denturist			
Board of Health and Environmental Sciences (Health and Environmental Sciences)			
Mr. Remington Kohrt	Governor	Spicher	1/7/1991
Darby			1/1/1995
Qualifications (if required): active interest in public health & economic welfare of state			
Dr. Dennis Schreffler	Governor	McGregor	1/7/1991
Billings			1/1/1995
Qualifications (if required): licensed professional in human health service			
Mr. Jeremy Thane	Governor	Toole	1/7/1991
Missoula			1/1/1995
Qualifications (if required): attorney			
Board of Horseracing (Commerce)			
Dr. James A. Scott	Governor	reappt	2/15/1991
Great Falls			1/20/1995
Qualifications (if required): representative of 3rd District			
Mr. Wesley Tibbetts	Governor	Adams	2/15/1991
Miles City			1/20/1995
Qualifications (if required): representative of 1st District			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Housing (Commerce)			
Mr. Gerry G. Hudson	Governor	Rosenleaf	1/11/1991
Billings			1/1/1995
Qualifications (if required):	interest and experience in housing		
Mr. Dean J. Mart	Governor	Walterskirchen	1/11/1991
Great Falls			1/1/1995
Qualifications (if required):	experienced in economics and finance		
Mr. Bob Thomas	Governor	McKee	1/11/1991
Stevensville			1/1/1995
Qualifications (if required):	informed and experienced in housing and economics		
Board of Investments (Commerce)			
Ms. Maureen J. Fleming	Governor	Brown	2/15/1991
Missoula			1/1/1995
Qualifications (if required):	representative of labor		
Mr. Earl W. Johnson	Governor	Tossberg	1/18/1991
Helena			1/1/1995
Qualifications (if required):	representative of business & finance		
Mr. Wm S. Macfadden	Governor	Scott	1/18/1991
Great Falls			1/1/1995
Qualifications (if required):			
Mr. F. Lee Robinson	Governor	reappt	1/18/1991
Malta			1/1/1995
Qualifications (if required):	representative of business and finance		

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Labor Appeals (Labor and Industry)			
Mr. Stephen A. Birch	Governor	Reardon	1/1/1991
Great Falls			1/1/1995
Qualifications (if required): state employee			
Board of Livestock (Livestock)			
Ms. Nancy Espy	Governor	appt	2/6/1991
Boyes			3/1/1997
Qualifications (if required): cattle producer from Eastern District			
Mr. James F. Hagenbarth	Governor	appt	3/1/1991
Dillon			3/1/1997
Qualifications (if required): cattle producer from Western District			
Board of Natural Resources and Conservation (Natural Resources and Conservation)			
Mr. John Bailey	Governor	Wiedebusch	1/1/1991
Livingston			1/1/1995
Qualifications (if required): informed & experienced in natural resources & conservation			
Mr. Fred Booth	Governor	Grosfield	1/1/1991
Highwood			1/1/1993
Qualifications (if required): informed & experienced in natural resources & conservation			
Senator Jack Galt	Governor	Toole	1/1/1991
Helena			1/1/1995
Qualifications (if required): informed & experienced in natural resources & conservation			
Mr. George F. Roskie	Governor	Shields	1/1/1991
Great Falls			1/1/1995
Qualifications (if required): informed & experienced in natural resources & conservation			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

Appointee	Appointed by	Succeeds	Appointment/End Date
Board of Oil and Gas Conservation (Natural Resources and Conservation)			
Mr. James Nelson	Governor	reappt	1/8/1991
Cut Bank			1/1/1995
Qualifications (if required): land owner not having mineral rights			
Mr. Waren H. Ross	Governor	reappt	1/8/1991
Chinook			1/1/1995
Qualifications (if required): non-industry land owner			
Mr. Dean A. Swanson	Governor	reappt	1/8/1991
Billings			1/1/1995
Qualifications (if required): representative of oil and gas industry			
Board of Optometrists (Commerce)			
Dr. P. L. Kathrein	Governor	reappt	3/21/1991
Great Falls			4/3/1995
Qualifications (if required): optometrist			
Ms. Charlene Staffanson	Governor	Malone	3/21/1991
Deer Lodge			4/3/1995
Qualifications (if required): public member			
Board of Pardons (Institutions)			
Mr. Burton O. Bosch	Governor	appt	1/1/1991
Havre			1/1/1995
Qualifications (if required): attorney			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Personnel Appeals (Labor and Industry)			
Mr. Jerry C. Hatch	Governor	Hudspeth	1/18/1991
Great Falls			1/1/1995
Qualifications (if required): experienced in management			
Mr. Ivan O'Neil			
Kalispell	Governor	reappt	1/18/1991
Qualifications (if required): management representative			
Board of Physical Therapy Examiners (Commerce)			
Mr. John L. Delano	Governor	reappt	1/23/1991
Helena			1/1/1994
Qualifications (if required): public member			
Dr. John R. Halseth			
Great Falls	Governor	reappt	1/23/1991
Qualifications (if required): physician			
Board of Plumbers (Commerce)			
Mr. Donald L. Kent	Governor	Forkan	4/28/1991
Bozeman			4/28/1995
Qualifications (if required): Journeyman Plumber			
Mr. Robert R. Nault			
Havre	Governor	reappt	4/28/1991
Qualifications (if required): Master Plumber			
Board of Private Security Patrolmen and Investigators (Commerce)			
Mr. Robert F. Ash	Governor	Collings	1/23/1991
Hysham			8/1/1991
Qualifications (if required): representing the county sheriff's office			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Professional Engineers and Land Surveyors (Commerce)			
Mr. David F. Gibson	Governor	reappt	3/31/1991
Bozeman			4/30/1995
Qualifications (if required): engineering instructor			
Mr. J. G. Shockley			
Victor	Governor	reappt	3/31/1991
Qualifications (if required): public member			4/30/1995
Board of Public Education (Education)			
Ms. Sarah Listerud	Governor	appt	2/1/1991
Wolf Point			2/1/1998
Qualifications (if required):			
Board of Regents (Education)			
Mr. Paul F. Boylan	Governor	Redlin	2/1/1991
Bozeman			2/1/1998
Qualifications (if required): Democrat from first Congressional District			
Board of Social Work Examiners and Professional Counselors (Commerce)			
Dr. Leta Livoti	Governor	reappt	1/1/1991
Helena			1/1/1995
Qualifications (if required): professional counselor			
Ms. Antoinette Fraser Rosell			
Billings	Governor	Fritz	1/1/1991
Qualifications (if required): professional counselor			1/1/1995
Mr. Richard A. Simonton			
Glendive	Governor	Kelly	1/1/1991
Qualifications (if required): public member			1/1/1995

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Social and Rehabilitation Appeals Ms. Joeline S. Goodover Great Falls Qualifications (if required):	Governor	(Social and Rehabilitation Services) Carlson	1/9/1991 1/1/1995
Capital Finance Advisory Council (Administration) Senator Delwyn "Del" Gage Cut Bank Qualifications (if required): legislator	Governor	Himsel	1/7/1991 1/23/1992
Children's Trust Fund Board (Family Services) Ms. Gail Flack Hardin Qualifications (if required):	Governor	Lind	1/28/1991 1/1/1994
Ms. Karen Ortman Glasgow Qualifications (if required):	Governor	Hove	1/28/1991 1/1/1994
Coal Board (Commerce) Mr. James Dale Anderson Colstrip Qualifications (if required): representing education in an impact area	Governor	Kurtz	3/1/1991 1/1/1995
Dr. Thomas E. Finch Butte Qualifications (if required): educator from first Congressional District	Governor	Stearns	3/1/1991 1/1/1995
Ms. Helena S. Maclay Florence Qualifications (if required): attorney from first Congressional District	Governor	Long	3/1/1991 1/1/1995

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
County Printing Board (Commerce)			
Mr. Ronald Dale Fossen	Governor	Halverson	4/1/1991
Scobey			4/1/1993
Qualifications (if required): county commissioner			
Ms. Jane Lopp	Governor	reappt	4/1/1991
Kalispell			4/1/1993
Qualifications (if required): public member			
Mr. Jim Moore	Governor	reappt	4/1/1991
Red Lodge			4/1/1993
Qualifications (if required): printer			
Mr. Verle L. Rademacher	Governor	reappt	4/1/1991
White Sulphur Springs			4/1/1993
Qualifications (if required): printing industry representative			
Mr. Norman Starr	Governor	Davis	4/1/1991
Melville			4/1/1993
Qualifications (if required): county commissioner			
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services)			
Dr. Frank Clark	Governor	appt	1/1/1991
Missoula			1/1/1996
Qualifications (if required): representative of social work			
Mr. J. Cort Harrington, Jr.	Governor	appt	1/1/1991
Helena			1/1/1996
Qualifications (if required): attorney representative			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

Appointee	Appointed by	Succeeds	Appointment/End Date
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services) (cont.)			
Dr. Allen Hartman	Governor	appt	1/1/1991
Billings			1/1/1996
Qualifications (if required):	physician representative		
Ms. Susan Kajiin	Governor	Kagie	2/15/1991
Dillon			1/2/1993
Qualifications (if required):	representative of Region IV		
Ms. Lavonne "Vonnle" Koenig	Governor	appt	1/1/1991
Kalispell			1/1/1996
Qualifications (if required):	consumer representative		
Ms. Darcy Miller	Governor	appt	1/1/1991
Helena			1/1/1996
Qualifications (if required):	special education representative		
Mr. Robert Tallon	Governor	appt	1/1/1991
Bozeman			1/1/1996
Qualifications (if required):	service provider representative		
Rep. Timothy J. Whalen	Governor	appt	1/1/1991
Billings			1/1/1992
Qualifications (if required):	member of House of Representatives		
Senator Delwyn "Del" Gage	Governor	appt	1/1/1991
Cut Bank			1/1/1992
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Director, Administration (Administration)			
Mr. Robert L. Marks	Governor	Ashley	1/7/1991
Helena			0/0/0
Qualifications (if required): none specified			
Director, Health & Environmental Sciences (Health and Environmental Sciences)			
Mr. Dennis Iverson	Governor	Opitz	1/7/1991
Helena			0/0/0
Qualifications (if required): none specified			
Director, Highways (Highways)			
Mr. John A. Rothwell	Governor	appt	1/22/1991
Helena			0/0/0
Qualifications (if required): none specified			
Education Advisory Council (Education)			
Dr. Peter Carparelli	Governor	Eble	1/25/1991
Billings			5/1/1991
Qualifications (if required): local and regional school superintendent			
Election Advisory Council (Secretary of State)			
Ms. Coral M. Cummings	Governor	Bartlett	1/31/1991
Libby			6/30/1991
Qualifications (if required):			
Fish and Game Commission (Fish, Wildlife & Parks)			
Ms. Elaine K. Allestad	Governor	Howell	1/1/1991
Big Timber			1/1/1995
Qualifications (if required): from Fish & Game District IV			
Mr. James D. Rector	Governor	Jensen	1/1/1991
Glasgow			1/1/1995
Qualifications (if required): from Fish & Game District II			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

Appointee	Appointed by	Succeeds	Appointment/End Date
Rail Insurance Board (Agricultural)			
Mr. David P. Rohm	Governor	Dyer	4/18/1991
Great Falls			4/18/1994
Qualifications (if required):			
Hard Rock Mining Impact Board (Commerce)			
Mr. Donald E. Jenkins	Governor	Rice	1/31/1991
Great Falls			1/1/1995
Qualifications (if required):	representative of hard rock mining		
Mr. Mike Manuel			
Fairfield	Governor	Kinsey	1/31/1991
Qualifications (if required):	school board trustee		1/1/1995
Highway Commission (Highways)			
Mr. Roy M. Duff	Governor	reappt	1/1/1991
Whitefish			1/1/1995
Qualifications (if required):	none specified		
Mr. Murray Ehlers			
Billings	Governor	Conroy	1/1/1991
Qualifications (if required):	from District #5		1/2/1993
Mr. Ed B. Smith			
Dagmar	Governor	Archambeault	1/1/1991
Qualifications (if required):	from District #4		1/1/1995

Appointee	Appointed by	Succeeds	Appointment/End Date
BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991			
Human Rights Commission (Labor and Industry)			
Mr. Dennis Limberhand	Governor	reappt	1/7/1991
Lame Deer			1/7/1995
Qualifications (if required):			
Ms. Jane Meyer			
Great Falls	Governor	Paoli	1/7/1991
Qualifications (if required):			1/7/1995
Justice of Montana Supreme Court (Justice)			
Ms. Karla Marie Gray	Governor	Barz	2/11/1991
Butte			11/6/1992
Qualifications (if required): attorney			
Medical Care Advisory Council (Social and Rehabilitation Services)			
Dr. Paul S. Donaldson	Director	appt	2/1/1991
Helena			1/31/1993
Qualifications (if required): none specified			
Ms. Nancy Ellery			
Helena	Director	appt	2/1/1991
Qualifications (if required):			1/31/1993
Ms. Kathleen M. Fleury			
Helena	Director	appt	2/1/1991
Qualifications (if required): none specified			1/31/1993
Mr. Jon Frantsvog			
Deer Lodge	Director	appt	2/1/1991
Qualifications (if required): none specified			1/31/1993

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Medical Care Advisory Council (Social and Rehabilitation Services) (cont.)			
Dr. R.D. Marks Missoula Qualifications (if required): none specified	Director	appt	2/1/1991 1/31/1993
Mr. Mike Mayer Missoula Qualifications (if required): none specified	Director	appt	2/1/1991 1/31/1993
Mr. Erich Merdinger Helena Qualifications (if required): none specified	Director	appt	2/1/1991 1/31/1993
Dr. Bill Peters Bozeman Qualifications (if required): none specified	Director	appt	2/1/1991 1/31/1993
Mr. Hugh Standley Missoula Qualifications (if required): none specified	Director	appt	2/1/1991 1/31/1993
Mr. Dennis Iverson Helena Qualifications (if required): none specified	Director	appt	2/1/1991 1/31/1993
Milk Control Board (Commerce) Mr. Jesse Russell Gleason Fairfield Qualifications (if required): from 2nd Congressional District	Governor	Drake	1/9/1991 1/2/1993

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Milk Control Board (Commerce) (cont.)			
Dr. R. Clyde Greer	Governor	reappt	1/21/1991
Bozeman			1/1/1995
Qualifications (if required):	Democrat from Congressional District 1		
Mr. Michael F. Kleese	Governor	Cook	1/21/1991
Stevensville			1/1/1995
Qualifications (if required):	Democrat from Congressional District 1		
Montana State Lottery Commission (Commerce)			
Mr. Dwaine J. Iverson	Governor	Devries	1/1/1991
Shelby			1/1/1995
Qualifications (if required):	certified public accountant		
Passenger Tramway Advisory Council (Commerce)			
Mr. Frank Muchmore	Governor	reappt	1/1/1991
Missoula			1/1/1995
Qualifications (if required):	U.S. Forest Service working in passenger tramway safety		
Public Employees' Retirement Board (Administration)			
Mr. E. J. McGreevey	Governor	appt	4/1/1991
Anaconda			4/1/1996
Qualifications (if required):	member at large		
Science and Technology Development Board (Commerce)			
Dr. W. Lloyd Allen	Governor	Matthews	1/1/1991
Billings			1/1/1995
Qualifications (if required):	from private sector w/ experience in technology development		
Mr. Chase T. Hibbard	Governor	reappt	1/1/1991
Helena			1/1/1995
Qualifications (if required):	experience in finance		

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Science and Technology Development Board (Commerce) (cont.)			
Ms. Rebecca W. Mahurin	Governor	Halverson	1/1/1991
Bozeman			1/1/1995
Qualifications (if required):	from private sector w/ experience in technology development		
Mr. Kirk G. Wilson	Governor	Marchi	1/1/1991
Great Falls			1/1/1995
Qualifications (if required):	public member		
State Employee Group Benefits Advisory Council (Administration)			
Ms. Nancy Ellery	Governor	Taylor	3/1/1991
Helena			9/1/1991
Qualifications (if required):	none specified		
State Library Commission (Education)			
Ms. Peggy Guthrie	Governor	Abramson	4/22/1991
Choteau			5/22/1994
Qualifications (if required):			
Ms. Vada Taylor	Governor	Hudspeth	4/22/1991
Glendive			5/22/1994
Qualifications (if required):			
State Tax Appeal Board (Administration)			
Mr. Norman E. Taylor	Governor	appt	3/5/1991
Missoula			3/1/1997
Qualifications (if required):			
Vocational Education Advisory Council (Education)			
Mr. Fred Rocky Clark	Governor	appt	3/1/1991
Butte			5/1/1993
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Vocational Education Advisory Council (cont.)			
Mr. Jeff Dietz		appt	3/1/1991
Billings			5/1/1993
Qualifications (if required): none specified			
Ms. Ann "Aleta" Haagenstad	Governor	appt	3/1/1991
Colstrip			5/1/1993
Qualifications (if required): none specified			
Dr. Jon Jourdonnais	Governor	appt	3/1/1991
Great Falls			5/1/1993
Qualifications (if required): none specified			
Dr. August "Gus" Korb	Governor	appt	3/1/1991
Havre			5/1/1993
Qualifications (if required): none specified			
Dr. Dennis Lerum	Governor	appt	3/1/1991
Missoula			5/1/1993
Qualifications (if required): none specified			
Mr. Jesse O'Hara	Governor	appt	3/1/1991
Great Falls			5/1/1993
Qualifications (if required): none specified			
Dr. Robert Schaal	Governor	appt	3/1/1991
Kalispell			5/1/1993
Qualifications (if required): none specified			
Mr. James "Jim" Schultz	Governor	appt	3/1/1991
Lewistown			5/1/1993
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES: JANUARY 1 THROUGH MARCH 31, 1991

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<u>Vocational Education Advisory Council</u> (Education) (cont.)			
Colonel Gordon Simmons	Governor	appt	3/1/1991
Missoula			5/1/1993
Qualifications (if required): none specified			
Rep. Charles "Chuck" Swysgood	Governor	appt	3/1/1991
Dillon			5/1/1993
Qualifications (if required): none specified			
Ms. Avis Ann "Sanny" Tobin	Governor	appt	3/1/1991
Helena			5/1/1993
Qualifications (if required): none specified			
Mr. Howard Williams	Governor	appt	3/1/1991
Helena			5/1/1993
Qualifications (if required): none specified			

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Barbers (Commerce) Mr. Eugene J. Thomas, Anaconda Qualifications (if required):	Governor	6/2/91
Board of Hail Insurance (Agriculture) Mr. Gary L. Dyer, Brady Qualifications (if required):	Governor	5/18/91
Board of Nursing Home Administrators (Commerce) Ms. Dorothy A. Bompert, Clancy Qualifications (if required):	Governor	5/28/91
Board of Outfitters (Commerce) Mr. Irving M. Chase, Emigrant Qualifications (if required):	Governor	6/9/91
Board of Plumbers (Commerce) Mr. John T. Forkan Jr., Anaconda Qualifications (if required):	Governor	5/4/91
Mr. R. W. Lyford, Kalispell Qualifications (if required):	Governor	5/4/91
Board of Realty Regulation (Commerce) Mr. John B. Dudis, Kalispell Qualifications (if required):	Governor	5/9/91
Mr. Rocky Zimdars, Glasgow Qualifications (if required):	Governor	5/9/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Regents of Higher Education (Education) Mr. Brad Musgrove, Bozeman Qualifications (if required): full-time student/unit of higher ed. under juris. Bd Regents	Governor	6/1/91
Board of Veterans Affairs (Military Affairs) Mr. Robert A. Durkee, Helena Qualifications (if required):	Governor	5/18/91
Child Care Advisory Council (Social and Rehabilitation Services) Ms. Peggy Baraby, Helena Qualifications (if required):	Governor	6/30/91
Ms. Maureen Bright, Bozeman Qualifications (if required):	Governor	6/30/91
Mr. Hugh Brown, Chester Qualifications (if required):	Governor	6/30/91
Ms. Gayle Carpenter, Helena Qualifications (if required):	Governor	6/30/91
Ms. Joann Erickson, Havre Qualifications (if required): represents parents	Governor	6/30/91
Mr. John Gilbert, Stanford Qualifications (if required):	Governor	6/30/91
Ms. Karen Griebpp, Bigfork Qualifications (if required):	Governor	6/30/91
Mr. Jerry Grimes, Helena Qualifications (if required):	Governor	6/30/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Child Care Advisory Council (Social and Rehabilitation Services) (cont.)		
Ms. Kim Jacobs, Culbertson Qualifications (if required):	Governor	6/30/91
Dr. Cynthia Johnson, Wolf Point Qualifications (if required):	Governor	6/30/91
Ms. Colleen McGuire, Deer Lodge Qualifications (if required):	Governor	6/30/91
Ms. Mary Jo Simpkins, Great Falls Qualifications (if required):	Governor	6/30/91
Ms. Mildred Wehrman, Shepherd Qualifications (if required):	Governor	6/30/91
Education Advisory Council (Governor)		
Ms. Genevieve Beery, Wolf Point Qualifications (if required):	Governor	5/1/91
Dr. Peter Carparelli, Billings Qualifications (if required): local and regional school superintendent	Governor	5/1/91
Mr. John Dallum, Cascade Qualifications (if required):	Governor	5/1/91
Mr. Bob Deming, Great Falls Qualifications (if required):	Governor	5/1/91
Dr. Roger Eble, Billings Qualifications (if required):	Governor	5/1/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Education Advisory Council (Governor) (cont.)		
Mr. Jack Hane, Bonner Qualifications (if required):	Governor	5/1/91
Mr. Roger Knapp, Hysham Qualifications (if required):	Governor	5/1/91
Mr. Sidney Sutherland, Fairfield Qualifications (if required):	Governor	5/1/91
Ms. Linda Vaughey, Havre Qualifications (if required):	Governor	5/1/91
Election Advisory Council (Secretary of State)		
Ms. Karen Amende, Broadus Qualifications (if required):	Governor	5/31/91
Ms. Wendy Cromwell, Missoula Qualifications (if required):	Governor	5/31/91
Ms. Coral M. Cummings, Libby Qualifications (if required):	Governor	5/31/91
Ms. Judy Doggett, Townsend Qualifications (if required):	Governor	5/31/91
Mr. Bill Driscoll, Butte Qualifications (if required):	Governor	5/31/91
Ms. Nancy J. Harte, Helena Qualifications (if required):	Governor	5/31/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Election Advisory Council (Secretary of State) (cont.)		
Ms. Betty Lund, Hamilton	Governor	5/31/91
Qualifications (if required):		
Ms. Carol Malone, Scobey	Governor	5/31/91
Qualifications (if required):		
Ms. Debbie L. Pallett, Denton	Governor	5/31/91
Qualifications (if required):		
Mr. Charles W. Walk, Helena	Governor	5/31/91
Qualifications (if required):		
Ms. Peggy J. Zielie, Billings	Governor	5/31/91
Qualifications (if required):		
Family Support Services Advisory Council (Social and Rehabilitation Services)		
Ms. Judy Birch, Helena	Governor	6/30/91
Qualifications (if required):		
Ms. Sylvia Danforth, Miles City	Governor	6/30/91
Qualifications (if required):		
Dr. Rowena Foos, Billings	Governor	6/30/91
Qualifications (if required):	provider representative	
Ms. Nita Freeman, Helena	Governor	6/30/91
Qualifications (if required):	agency representative	
Ms. Margaret Grogan, Billings	Governor	6/30/91
Qualifications (if required):		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

Board/current position holder	Appointed by	Term end
Family Support Services Advisory Council Senator Ethel M. Harding, Polson Qualifications (if required):	(Social and Rehabilitation Services) Governor	(cont.) 6/30/91
Ms. Pat Huber, Helena Qualifications (if required):	Governor	6/30/91
Mr. John Madsen, Helena Qualifications (if required):	Governor	6/30/91
Ms. Sandi Marisdotter, Helena Qualifications (if required):	Governor	6/30/91
Ms. Jeanette McCormick, Choteau Qualifications (if required):	provider representative Governor	6/30/91
Mr. Wally Melcher, Great Falls Qualifications (if required):	Governor	6/30/91
Ms. Darcy Miller, Helena Qualifications (if required):	Governor	6/30/91
Ms. Judith M. Wright, Helena Qualifications (if required):	Governor	6/30/91
Dr. James E. Young, Mile City Qualifications (if required):	Governor	6/30/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

Board/current position holder	Appointed by	Term end
Flathead Basin Commission (Governor) Mr. Edgar Brannon, Kalispell Qualifications (if required):	Reg. Forester	6/30/91
Ms. Jean Cumming, Columbia Falls Qualifications (if required):	Governor	6/30/91
Mr. Brace Hayden, Helena Qualifications (if required):	Governor	6/30/91
Mr. Michael Pablo, Nirada Qualifications (if required):	Director	6/30/91
Ms. Joann Speelman, Kalispell Qualifications (if required):	Governor	6/30/91
Health Facility Authority Board (Commerce) Ms. Mary D. Munger, Helena Qualifications (if required):	Governor	6/30/91
Library Services Advisory Council (Education) Ms. Jean R. Anderson, Billings Qualifications (if required): repr. users of public library service in S. Central Lib. Fed	Director	5/1/91
Mr. Dave Beatty, Deer Lodge Qualifications (if required):	Director	5/1/91
Ms. Evelyn Casterline, Culbertson Qualifications (if required): repr. users of pub. library service in Golden Plains Lib. Fed	Director	5/1/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Library Services Advisory Council (Education) (cont.)		
Ms. Connie Heckathorn, Whitefish Qualifications (if required):	Director	5/1/91
Mr. Jim Heckel, Great Falls Qualifications (if required):	Director federation coordinator representative	5/1/91
Ms. Beverly Knapp, Bozeman Qualifications (if required):	Chairman President of Montana Library Association	5/1/91
Ms. Susan Long, Kalispell Qualifications (if required):	Director	5/1/91
Mr. Lawrence Maxwell, Butte Qualifications (if required):	Director	5/1/91
Ms. Anita Nelson, Missoula Qualifications (if required):	Director represent disabled	5/1/91
Mr. Al Randall, Libby Qualifications (if required):	Director represent school libraries	5/1/91
Mr. Dennis Reed, Poplar Qualifications (if required):	Director	5/1/91
Ms. Sandy Short, Miles City Qualifications (if required):	Director	5/1/91
Mr. Dave Stephen, Bozeman Qualifications (if required):	Director rep. pub libr. service in Broad Valleys Library Federation	5/1/91
Rep. Bill Strizich, Great Falls Qualifications (if required):	Director	5/1/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Library Services Advisory Council (Education)		
Ms. Elise Thomas, Chinook	(cont.)	5/1/91
Qualifications (if required):	Director	
Mr. John Thomas, Helena	Director	5/1/91
Qualifications (if required):		
NRMI Project Advisory Council (Health and Environmental Sciences)		
Ms. Lillie Anderson, Billings	Governor	6/30/91
Qualifications (if required):		
Mr. John Chappuis, Helena	Governor	6/30/91
Qualifications (if required):		
Ms. Nancy Colton, Bozeman	Governor	6/30/91
Qualifications (if required):		
Ms. Marietta Cross, Missoula	Governor	6/30/91
Qualifications (if required):		
Ms. Nancy Ellery, Helena	Governor	6/30/91
Qualifications (if required):		
Dr. Jeffrey P. Hinz, Great Falls	Governor	6/30/91
Qualifications (if required):		
Ms. Cherry Loney, Great Falls	Governor	6/30/91
Qualifications (if required):		
Mr. Dale Taliaferro, Helena	Governor	6/30/91
Qualifications (if required):		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Advisory Council Mr. P.L. Joe Boyd, Billings Qualifications (if required):	Director consumer group	6/30/91
Mr. Dane Castleberry, Ekalaka Qualifications (if required):	Director livestock production	6/30/91
Ms. Candace Durran, Helena Qualifications (if required):	Director sportsman/wildlife group	6/30/91
Mr. Lonnie McCurdie, Conrad Qualifications (if required):	Director member at-large	6/30/91
Mr. Wayne Pearson, Absarokee Qualifications (if required):	Director Montana Weed Control Association	6/30/91
Mr. Donna Pratt, Scobey Qualifications (if required):	Director Agriculture Crop Production	6/30/91
Mr. Everett Snortland, Helena Qualifications (if required):	Director Committee Chairman	6/30/91
Rep. Bob Thoft, Stevensville Qualifications (if required):	Director Biological Research & Control	6/30/91
Mr. Thomas A. Wood, Joplin Qualifications (if required):	Director herbicide dealer and applicator	6/30/91

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Petroleum Tank Release Compensation Board (Health and Environmental Sciences)		
Mr. Ron Guttentberg, Glasgow	Governor	6/30/91
Qualifications (if required):		
Mr. Gary Tschache, Bozeman	Governor	6/30/91
Qualifications (if required):		
Western Interstate Commission for Higher Education (Governor)		
Dr. William R. McGregor, Great Falls	Governor	6/19/91
Qualifications (if required):		
Youth Justice Advisory Council (Justice)		
Mr. Craig J. Anderson, Glendive	Governor	6/22/91
Qualifications (if required):		
Mr. Donald Bedor, Missoula	Governor	6/22/91
Qualifications (if required):		
Ms. Gail Cleveland, Great Falls	Governor	6/22/91
Qualifications (if required):		
Mr. Al Davis, Miles City	Governor	6/22/91
Qualifications (if required):		
Mr. John Dean, Helena	Governor	6/22/91
Qualifications (if required):		
Mr. Gordon Eldredge, Billings	Governor	6/22/91
Qualifications (if required):		
Mr. Tony C. Harbaugh, Miles City	Governor	6/22/91
Qualifications (if required):		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1991 through June 30, 1991

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council Ms. Randi Mae Hood, Helena Qualifications (if required):	Governor	6/22/91
Mr. Ted O. Lympus, Kalispell Qualifications (if required):	Governor	6/22/91
Ms. Joan-nell Macfadden, Great Falls Qualifications (if required):	Governor	6/22/91
Rep. John Mercer, Polson Qualifications (if required):	Governor	6/22/91
Ms. Chris Negus, Helena Qualifications (if required):	Governor	6/22/91
Ms. Marty Nelson, Great Falls Qualifications (if required):	Governor	6/22/91
Mr. Thomas A. Olson, Bozeman Qualifications (if required):	Governor	6/22/91
Mr. W.G. Gary Rafter, Hobson Qualifications (if required):	Governor	6/22/91
Ms. Margaret Stuart, Helena Qualifications (if required):	Governor	6/22/91
Mr. John H. Wilkinson, Helena Qualifications (if required):	Governor	6/22/91
Mr. John E. Witt, Carter Qualifications (if required):	Governor	6/22/91

BOARD VACANCIES EXISTING AS OF APRIL 15, 1991

<u>Board</u>	<u>Resignee</u>
Board of Natural Resources	George Roskie
Board of Personnel Appeals	Jerry Hatch
Montana Science and Technology Board	Chase Hibbard
Mental Disabilities Board of Visitors	Pat Aanrud
Hard Rock Mining Board	Donald Jenkins