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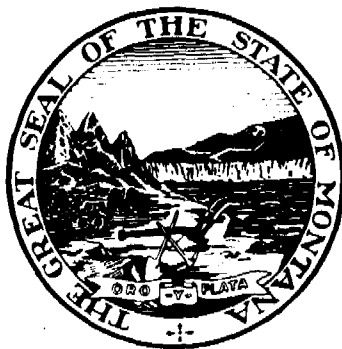
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**OCT 1 - 1993**

**OF MONTANA**

# **MONTANA ADMINISTRATIVE REGISTER**

1993 ISSUE NO. 18  
SEPTEMBER 30, 1993  
PAGES 2163-2293



OCT 1 - 1993

## MONTANA ADMINISTRATIVE REGISTER OF MONTANA

ISSUE NO. 18

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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

In the matter of the adoption of	)	NOTICE OF PUBLIC
new rules establishing	)	HEARING
accreditation fees for annual	)	
continuation of authority;	)	
defining "money market funds" as	)	
they relate to investments by farm	)	
mutual insurers; the amendment	)	
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repeal of a rule relating to wage	)	
assignments; and the repeal of	)	
rules relating to voluntary	)	
payroll deductions	)	

TO: All Interested Persons.

1. On October 21, 1993, at 10:00 o'clock a.m., MDT, a public hearing will be held in Room 160, the east conference room on the ground floor of the Mitchell Building, 126 North Roberts Street, Helena, Montana. The hearing will be to consider the proposed adoption of new rules establishing annual accreditation fees to be paid by domestic and foreign insurers for continuation of authority; defining "money market funds" as they relate to permissible investments by farm mutual insurers; the proposed amendment of ARM 6.6.1101 and 6.6.1103 to remove limitations on the issuance of credit life or credit disability insurance to joint debtors; the proposed amendment of ARM 6.6.3303 to clarify what personal automobile insurance applications may be rejected by an insurer; the proposed repeal of ARM 6.14.101 relating to wage assignments and the proposed repeal of 6.14.201 through 6.14.208 relating to voluntary payroll deductions.

2. The proposed new rules provide as follows:

RULE I. FEE SCHEDULE (1) The annual accreditation fee to be paid by each domestic and foreign insurer for annual continuation of certificates of authority is \$200.00.

(2) The fee is not refundable in whole or in part.

AUTH: 33-1-313 and 33-2-708, MCA IMP: 33-2-708, MCA

REASON: This rule is being proposed because it is mandated in Chapter 596, Laws of 1993. It will generate revenues to defray the costs of implementing the program for accreditation of the Department of Insurance of the state of Montana in its regulatory oversight of the financial condition of insurers

doing business in this state, as mandated by Chapter 596, Laws of 1993.

RULE II. DEFINITION OF MONEY MARKET FUNDS (1) For the purposes of implementing 33-4-403, MCA, the commissioner defines "money market funds" as those investments which comply with the standards of the United States Securities and Exchange Commission adopted in 17 C.F.R. 270.2a-7, as it appears in the April 1, 1990, edition of the Code of Federal Regulations.

(2) The commissioner hereby adopts and incorporates herein by reference 17 C.F.R. 270.2a-7, as it appears in the April 1, 1990, edition of the Code of Federal Regulations. A copy of the complete regulation is available for inspection at the office of the Commissioner of Insurance, Room 270, Sam W. Mitchell Building, Helena, Montana. Copies of the regulation may also be obtained by writing to United States Securities and Exchange Commission Regional Office, 3040 Jackson Federal Building, 915 Second Avenue, Seattle, Washington 98174. Persons obtaining such copies may be required to pay the costs of providing such copies.

AUTH: 33-1-313 and 33-4-403, MCA IMP: 33-4-404, MCA

REASON: This rule is being proposed because the commissioner is mandated by Chapter 334, Laws of 1993, to define "money market funds" as they relate to permissible investments by farm mutual insurers. The definition is the most universal and generally accepted definition in use at this time.

3. The proposed rule amendments are as follows (new material is underlined; material to be deleted is interlined):

5.6.1101 CREDIT LIFE INSURANCE--ACCEPTABLE RATES

(1) Except as may otherwise be provided in this subchapter, the following rates for decreasing term life insurance may be considered "prima facie acceptable rates" for purposes of section 33-21-205, MCA. Rates which are filed by any company for the indicated coverage will be considered acceptable without substantiating data if they do not exceed these premium rates:

(a) Single premium life insurance rates per one hundred dollars (\$100) of initial indebtedness repayable in 12 equal monthly installments during the period of coverage:

(i) Single life - \$.60

(ii) Joint life - \$.90

(b) Monthly premium per one thousand dollars (\$1,000) of outstanding balance:

(i) Single life - \$.95

(ii) Joint life - \$1.45

~~(2) Where credit life insurance on a single indebtedness is provided on two lives, it shall mean insurance on spouse, family member, or business partners only, where both are jointly and severally liable for the debt. This provision prohibits the~~

~~writing of such insurance on more than two lives of the same indebtedness.~~

(2)(3) An insurer may at any time charge a rate which is less than the basic maximum rate set forth above.

(3)(4) Single premium rates for indebtedness repayable in installments other than 12 in number shall be 1/12 of the above premium rate multiplied by the number of full months in the period of indebtedness. Premium rates for credit life insurance not covered under subsection (1) of this rule shall be the actuarial equivalent of rates established by that subsection.

AUTH: 33-21-111, MCA

IMP: 33-21-205, MCA

6.6.1103 CREDIT DISABILITY INSURANCE-ACCEPTABLE RATES

Subsections (1) through (3) remain the same.

~~(4) The writing of credit disability insurance on two or more lives on a single indebtedness under an arrangement where the debtor pays part or all of the premium is prohibited. Such credit disability insurance written under an arrangement where the debtor must pay part or all of the premium is unjust, unfair and inequitable. Since the commissioner of insurance has never approved the writing of joint credit disability insurance, any such plans which might be in force without knowledge of the commissioner are hereby disapproved. Any insurer which may have written any such plan of insurance shall immediately cease enrolling or insuring any new debtors under any such joint credit disability insurance plan or policy.~~

Subsection (5) remains the same, but will be renumbered subsection (4).

AUTH: 33-21-111, MCA

IMP: 33-21-205, MCA

REASON: These rule amendments are being proposed because the rules in their present form are in direct contradiction of Chapter 179, Laws of 1993, and need to be amended to conform thereto.

6.6.3303 DISCRIMINATION IN DETERMINING ELIGIBILITY FOR INSURANCE PROHIBITED

(1) Except as provided in (1)(a), (1)(b), and (3) below, an insurer shall not reject an applicant for insurance solely on the basis that the applicant cannot or does not demonstrate the existence of prior insurance continuously for the past three years. This section does not prohibit an insurer from rejecting an applicant with no prior insurance under the following circumstances:

(a) The insurer can demonstrate through driving records or other objective means that the applicant has at any time in the immediately prior three years been operating a motor vehicle in violation of any state's compulsory auto insurance laws.

(b) If on the application for coverage the applicant represents that prior insurance existed, but fails to provide evidence to the insurer, or fails to assist the insurer in securing evidence to establish that the applicant has been insured within the 30 day period prior to the application that said prior insurance actually existed.

(2) If an insurer has filed with the Montana insurance department multiple pricing programs designed to reflect the



risk quality of individual applicants (a "preferred" program for "better than average" risks, a "standard" program and a "sub-standard" program for "worse than average" risks, for example), the insurer shall not deem an applicant to be a "sub-standard" risk (and thus ineligible for the "standard" program) in the absence of supportive evidence in the driving records of the applicant, or other underwriting criteria that are applied to all applicants for coverage.

(3) Nothing in these rules is intended to require that an applicant with no prior insurance be eligible for an insurer's "preferred" program for "better than average" risks. The insurer may require that such eligibility be "earned" by the policyholder through satisfactory driving records under an insurance policy.

AUTH: 33-1-313 and 33-18-102, MCA IMP: 33-18-210, MCA  
REASON: These amendments are being proposed to clarify the rule. Major automobile insurers are interpreting the rule in its present form to mean the opposite of what the original rule was intended to mean, thus making the rule difficult, if not impossible, to enforce.

4. Rules proposed to be repealed are as follows:

Rule 6.14.101 is on page 6-3015 of the Administrative Rules of Montana.

AUTH: 33-1-313, MCA IMP: 17-8-211, MCA

Rules 6.14.201 through 6.14.208 are on pages 6-3051, 3052, and 3053 of the Administrative Rules of Montana.

AUTH: 33-1-313, MCA IMP: 17-1-122, MCA

REASON: The repeal of these rules is being proposed because Chapter 188, Laws of 1993, transferred the wage assignment and the voluntary payroll deduction supervision functions from the office of the state auditor to the department of administration.

5. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Frank Cote, Deputy Commissioner of Insurance, P.O. Box 4009, Helena, Montana 59604, and must be received no later than October 29, 1993.

6. The State Auditor will make reasonable accommodations for persons with disabilities who wish to participate at this public hearing. If you request an accommodation, please contact the State Auditor's Office not later than 5:00 p.m., October 18, 1993, and advise the office of the nature of the accommodation needed. Please contact Frank Cote, Deputy Commissioner of Insurance, P.O. Box 4009, Helena, Montana 59604; telephone (406) 444-5237; toll free dial 1 and then 800-332-6148; fax (406) 444-3497.

7. Geoffrey L. Brazier, 516 Harrison Avenue, Helena, Montana 59601, has been designated to preside over and conduct the hearing.

MARK O'KEEFE, State Auditor  
and Commissioner of Insurance

By Thomas L. Lissner

Geoffrey L. Brazier  
Geoffrey L. Brazier  
Rules Reviewer

Certified to the Secretary of State this 20th day of September, 1993.

BEFORE THE BOARD OF BARBERS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING ON  
amendment of a rule pertaining ) THE PROPOSED AMENDMENT OF  
to fees ) OF 8.10.405 FEE SCHEDULE

TO: All Interested Persons:

1. On November 8, 1993, at 9:00 a.m., a public hearing will be held in the conference room of the Professional and Occupational Licensing Bureau, Lower Level, Arcade Building, 111 North Jackson, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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

"8.10.405 FEE SCHEDULE

(1)	* Examination		
(a)	<del>B</del> barber		\$30.00
(2)	Barber licenses		
(a)	<del>O</del> original	<del>15-00</del>	<u>25.00</u>
(b)	<del>R</del> renewal	<del>15-00</del>	<u>25.00</u>
(3)	will remain the same.		
(4)	Shop <del>L</del> icense		
(a)	<del>O</del> original	<del>20-00</del>	<u>35.00</u>
(b)	<del>R</del> renewal	<del>20-00</del>	<u>35.00</u>
(5)	Barber school license		
(a)	<del>O</del> original		50.00
(b)	<del>R</del> renewal		35.00
(6)	Instructor <del>L</del> icense		
(a)	<del>O</del> original		50.00
(b)	<del>R</del> renewal	<del>25-00</del>	<u>40.00</u>
(c)	<del>I</del> nstructor exam		50.00
(7)	will remain the same.		
(8)	Inspection fee	<del>25-00</del>	<u>35.00</u>
(9)	will remain the same.		
(10)	Fee for advanced barber training program		
(a)	<del>Y</del> yearly license		50.00
(b)	10 day license		25.00
(11)	will remain the same."		

Auth: Sec. 37-1-134, 37-30-203, MCA; IMP, Sec. 37-1-134, 37-30-303, 37-30-307, 37-30-310, 37-30-402, 37-30-404, 37-30-423, MCA

REASON: These amendments are necessary to make the fees commensurate with program area costs.

3. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Barbers, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., October 28, 1993.

4. Lance Melton, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS  
AMY ADLER, CHAIRMAN

BY:

Annie M. Bartos  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

Annie M. Bartos  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

BEFORE THE BOARD OF REAL ESTATE APPRAISERS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PROPOSED AMENDMENT  
amendment of rules pertaining ) OF 8.57.403 EXAMINATION,  
to examinations, experience ) 8.57.405 EXPERIENCE REQUIRE-  
requirements, education ) MENTS, 8.57.408 EDUCATION  
requirements and fees and the ) REQUIREMENTS FOR RESIDENTIAL  
repeal of a rule pertaining to ) CERTIFICATION AND 8.57.412  
agricultural certification ) FEES AND THE REPEAL OF  
 ) 8.57.410 AGRICULTURAL  
 ) CERTIFICATION

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On October 30, 1993, the Board of Real Estate Appraisers proposes to amend and repeal the above-stated rules.

2. The proposed amendments will read as follows:

"8.57.403 EXAMINATION (1) through (4)(a) will remain the same.

(b) ~~all rough work and calculations must be done on the examination booklet.~~ Silent, cordless electronic calculators may be used by applicants during exam.

(c) will remain the same.

(d) examinees shall not leave the examination without permission from the examination proctor ~~for any reason until they have handed in the completed answer sheet and test booklet to the administrator of the examination;~~ and

(e) through (7) will remain the same."

Auth: Sec. 37-54-105, MCA; IMP, Sec. 37-54-105, 37-54-202, 37-54-304, MCA

REASON: The examination is now given through a computer format, making the deleted language obsolete.

"8.57.405 EXPERIENCE REQUIREMENTS (1) through (3) will remain the same.

~~(4) A certified agricultural/rural lands appraiser must present evidence of 2000 hours of appraisal experience, 1000 of which must be in the appraisal of agricultural real estate."~~

Auth: Sec. 37-54-105, MCA; IMP, Sec. 37-54-105, 37-54-202, 37-54-303, MCA

REASON: The 1993 Legislature repealed the agricultural certificate for appraisers, so this experience requirement must be deleted.

"8.57.408 EDUCATION REQUIREMENTS FOR RESIDENTIAL CERTIFICATION (1) Each applicant for original residential

certification prior to January 1, 1994, shall complete at least 105 classroom hours of instruction (and after January 1, 1994, shall complete at least ~~165~~ 120 classroom hours of instruction), 15 hours of which must cover the standards of professional appraisal practice at the time the educational offering was completed. The remaining number of hours must cover subject matter relating to the following areas with particular emphasis on the appraisal of 1 to 4 unit residential properties:

(a) through (q) will remain the same."

Auth: Sec. ~~37-54-105~~, MCA; IMP, Sec. 37-54-105, 37-54-103, MCA

**REASON:** The federal Foundation (AOB) recommends this change from 165 to 120 for the residential certification level after January 1, 1994.

"8.57.412 FEES (1) will remain the same.

(a) original license/certificate \$~~450.00~~ 150.00  
application and renewal, ~~for~~  
~~three year period~~

(b) examination fee (payable to ~~75.00~~ 90.00  
testing service)

~~(c) exam late registration 15.00~~

(d) through (j) will remain the same but will be renumbered (c) through (i)."

Auth: Sec. ~~37-54-105~~, MCA; IMP, Sec. 37-54-105, 37-54-112, 37-54-201, ~~37-54-210~~, 37-54-211, ~~37-54-302~~, 37-54-310, 37-54-406, MCA

**REASON:** The fee changes are necessary to implement the 1993 Legislature's change from a three year to a one year renewal; to reflect the examination service fee increase; and to delete the late registration fee, as walk-in late registration will no longer occur with computerized testing.

3. ARM 8.57.410 is being proposed for repeal. The text of this rule is located at page 8-1585.7, Administrative Rules of Montana. The authority and implementing section is 37-54-105, MCA. The repeal of this rule is necessary because the 1993 Legislature repealed the agricultural certification for appraisers.

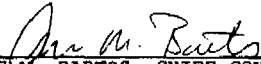
4. Interested persons may submit their data, views or arguments concerning the proposed amendments and repeal, in writing, to the Board of Real Estate Appraisers, Lower Level, Arcade Building, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., October 28, 1993.

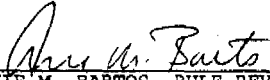
5. If a person who is directly affected by the proposed amendments and repeal wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Real Estate Appraisers, Lower Level, Arcade Building, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, to be received no later than October 28, 1993.

6. If the Board receives requests for a public hearing on the proposed amendments and repeal from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed adoption, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 27 based on the 272 licensees in Montana.

BOARD OF REAL ESTATE APPRAISERS  
PATRICK ASAY, CHAIRMAN

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

TO: All Interested Persons:

2. The rules proposed for amendment are ARM 8.70.101, 8.70.102, 8.70.104, 8.70.105, 8.70.301, 8.70.302, 8.70.303, 8.70.304, 8.70.401, 8.70.402, 8.70.404, 8.70.407, 8.70.408, 8.70.501, 8.70.522, 8.70.523, 8.70.531, 8.70.533, 8.70.534, 8.70.535, 8.70.537, 8.70.540, 8.70.543, 8.70.544, 8.70.549, 8.70.556, 8.70.557, 8.70.563, 8.70.566, 8.70.567, 8.70.569, 8.70.601, 8.70.612. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

CODE (1) The building codes bureau of the department of commerce adopts and incorporates by reference herein the Uniform Building Code, 1991 Edition, together with the Appendix Chapter 7 (Aviation Control Towers), Appendix Chapter 10 (Detection and Correctional Facilities), Appendix Chapter 11 (Agricultural Buildings), Appendix Chapter 12 (Division I - Requirements for Group R, Division 3 Occupancies), Appendix Chapter 23 (Division I - Snow Load Design, Division III - Earthquake Regulations for Seismic - Isolated Structures, Division IV - Flood-Resistant Construction), Appendix Chapter 24 (Prescriptive Masonry Construction in High Wind Areas), Appendix Chapter 25 (Conventional Light-Frame Construction in High-Wind Areas), Appendix Chapter 29 (Waterproofing and Damp Proofing Foundations), Appendix Chapter 31 (Division II - Accessibility for Existing Buildings), Appendix Chapter 32 (Re-Roofing), Appendix Chapter 49 (Patio Covers), Appendix Chapter 53 (Energy Conservation in New Building Construction), as amended by ARM 8.70.104, Appendix Chapter 55 (Membrane Structures) and Appendix Chapter 57 (Regulations Governing Fallout Shelters), with the following amendments thereto:

(d) Subsections (b) and (c) of section 304 of the Uniform Building Code, 1991 Edition, are amended to read as follows:

18-9/30/93



Sec. 304.(c) Plan review fees: When a plan or other data are required to be submitted by subsection (b) of section 302, a plan review fee shall be paid. Said plan review fee shall be 25 percent of the building permit fee as set forth in Table No. 3-A. When only plan review services are provided, the plan review fee shall be 65% of the building permit fee as set forth in Table No. 3-A.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. Whenever the building official is in the state of Montana, acting through the department of commerce, building codes bureau, the value or valuation of a building or structure under any of the provisions of this code will be determined using the cost per square foot method of valuation and the cost per square foot figures for the type and quality of construction listed in the most current "Building Valuation Data" table published by "International Conference of Building Officials Building Standards" magazine, the trade magazine published by the International Conference of Building Officials, as modified by the regional modifiers set forth in said "Building Valuation Data" table. The building codes bureau may, for public buildings or projects that exceed \$25,000 in building value, use firm bids for establishing the building valuation as an alternative to using "Building Valuation Data" table when such bids include all construction work associated with the building as described earlier in this section and the bidding process is determined as having been open and competitive. Valuation of projects may also be passed on firm total project contract amounts if the entire project associated with the building as described earlier in this section, provided this contracted valuation is less than 75% of the valuation as determined by use of "Building Valuation Data" table. Valuation of remodel and/or addition projects, where use of "Building Valuation Data" table is not appropriate, will be based on use of typical and reasonable construction costs. When only plan review fees are charged, the building valuation for determining fees will be based on the design professional's preliminary cost estimate, if such estimate is available or "Building Valuation Data" table, if such estimate is not available. For purposes of calculation of fees, the building valuation shall be rounded off to the nearest \$1,000 and any calculated building and plan review fees shall be rounded off to the nearest \$1. As provided in ARM 8.70.208, local governments certified to enforce the state building code may establish their own permit fees. Local governments may also establish their own method of building valuation. During the period commencing with the date upon which this amendment is effective and ending on June 30, 1994, the building permit fee above shall be reduced to a sum equal to 85% of the sum calculated above and no plan review fee

shall be applied, except where plan review services only are provided the plan review fee shall remain 65% of the building permit fee as set forth in Table No. 3-A.

(e) will remain the same.

(f) No plumbing, mechanical, or electrical permit shall be issued for a building or structure, under the jurisdiction of the bureau, until the building permit has been issued for said building or structure.

(2) and (3) will remain the same.

(4) Subsection (d) of section 2305 of the Uniform Building Code, 1991 Edition, requires that snow loads be determined by the building official. In areas of the state outside of certified local government jurisdictions, the design snow load shall be based on the ground snow loads developed in "Snow Loads for Structural Design in Montana", authored by F.F. Videon and J.P. Schilke/Civil & Agricultural Engineering/Montana State University August 1989. The minimum design roof snow load after allowed reductions shall be 30 psf. Figure No. A-5-A of Appendix Chapter 23 is hereby amended to provide that the building official is to establish the ground snow load for the entire state of Montana. For purposes of plan review, a snow exposure coefficient (Ce) of 0.9 and an occupancy importance factor (I) of 1.0 (1.15 for essential facilities and A-1, 2 and 2.1 occupancies) will be used unless other coefficients and factors can be justified by a Montana licensed design professional to the satisfaction of the building official.

(5) Subsection (a) of section 2907 of the Uniform Building Code, 1991 Edition, requires that footings and foundations shall extend below the frost line. In all areas of the state outside of certified local government jurisdictions, the minimum depth from finished grade to the bottom of footings shall be 3.0 ft. for single story wood and metal frame buildings and 4.0 ft. for multi-story and masonry buildings. Buildings located on highly expansive or unstable soils may need engineered footings and foundation walls that extend below the minimum depths indicated above. At the discretion of the building official, the above minimum depths may not be required for properly designed so-called monolithic slabs properly designed and stamped for single story storage and similar use buildings. At its sole discretion, the building official may require monolithic slabs to be designed and stamped or certified by a Montana registered structural engineer who practices structural design. The design and stamp of a Montana licensed architect may be accepted in lieu of an engineer's stamp when the monolithic slab design is an incidental part of an architectural building design, as allowed by section 37-67-103, MCA.

(6) Sections 305(b) and (e) of the Uniform Building Code, 1991 Edition, are deleted for the bureau, but left unamended for use by local governments.

(7) Section 305(d) of the Uniform Building Code, 1991 Edition, is amended for the bureau by deletion of the first paragraph. The section is left unamended for use by local governments.

(8) Section 308(c) of the Uniform Building Code, 1991 Edition, is amended for the bureau to read: "(c) Certificate Issued. After the building official or his agent inspects the building or structure and finds substantial compliance with the intent of this code, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for substantial compliance with this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official."

(a) Since the bureau has insufficient staff to conduct all of the key inspections identified in section 305(e) of this code at the proper times, the issued certificate of occupancy is not a certification or guarantee of total compliance with this code.

(b) This section is left unamended for use by the local governments.

(9) Section 302(b) of the Uniform Building Code, 1991 Edition, is amended for the bureau by the addition of the following: "Plans, computations and specifications for buildings or structures with a calculated valuation of \$100,000 or more, or when located in seismic zones 3 or 4, with a calculated valuation of \$50,000 or more, shall be stamped and designed by an engineer or architect licensed to practice in the state of Montana."

(10) The bureau requires submittal of two (2) complete sets of plans and specifications for all projects covered by ARM 8.70.101(9).

(11) The first sentence of the second paragraph of section 303(a) of the Uniform Building Code, 1991 Edition, is deleted and replaced with the following sentence: "When the building official issues the permit where plans are required, the building official shall approve the plans and specifications, with corrections as required, or with adequate written resolution of deficiencies noted in plan review comments."

(12) The bureau, in its sole discretion, may waive minor building code violations that do not constitute an imminent threat to property or to the health, safety, or welfare of any person.

(13) Section 50-60-102(a), MCA, exempts certain buildings from application of the state building codes. Provisions of the Uniform Building Code shall not be applied in determining whether a building or structure is exempt from the state building codes. For example, area separation walls as described in section 505(f) of the Uniform Building Code, 1991 Edition, shall not be used to separate buildings otherwise covered by the state building codes into smaller buildings that would, if alone, be exempted by section 50-60-102(a), MCA.

(14) Only noncommercial buildings are exempted in section 50-60-102(a), MCA, and the exemptions do not apply to any building used as or in conjunction with a hotel, motel, inn, motor court, guest or dude ranch, tourist home, public lodging house, bed and breakfast establishment or other place where sleeping accommodations are furnished for a fee to a transient guest.

(a) "Transient guest" means a person who pays a fee to stay at a place for 180 days or less at which sleeping accommodations are furnished.

(b) "Noncommercial" means a use that is other than commercial and that is not for the ordinary purpose of trade, agriculture, industry, or commerce, whether or not the primary use is for profit.

(15) An owner seeking to do work that the owner believes is not subject to a building code requirement shall provide the bureau, if in the state's jurisdiction, with any documentation or information that it may require so that the bureau may determine whether the work is subject to the building code requirement. The documentation or information provided must be in the form of an affidavit or affirmation.

(16) At its sole discretion, the building official may accept high quality, essentially defect-free, rough sawn lumber as being equal and an alternative to graded and stamped dimension lumber. As the building official deems necessary, in-place installations of rough sawn lumber may be required to be inspected and certified by a Montana licensed engineer or inspected and approved by a certified lumber grader.

(17) At its sole discretion, the building official may accept high quality log construction as being equal and an alternative to graded and stamped dimension lumber. Typically, nine (9) inch or greater nominal diameter log wall construction is considered to be equivalent to one-hour fire resistive construction provided the minimum dimension is five (5) inches or more. Uniform Building Code Standard No. 43-9, Part IV, is used to determine the fire resistive capacity of log walls.

(18) Exception 4 of section 3303(a) of the Uniform Building Code, 1991 Edition, is amended by addition of the following sentence: "Basements exceeding 500 square feet in area are considered to be used for more than only service of the building and must be provided with a minimum of two exits unless specifically approved by the building official on an individual case basis."

(a) The section is left unamended for use by local governments.

(19) Section 3802(f)(2) of the Uniform Building Code, 1991 Edition, is amended for the bureau by addition of the following sentence: "Group H, Division 4. Occupancies having more than 3,000 square feet but less than 5,100 square feet need not be required to install an automatic fire-extinguishing system, provided the building is one-hour fire resistive construction throughout, has yards of 40 feet or more in width on three sides and provides a minimum of three exits, all properly signed and illuminated."

(20) In section 5301(b), Appendix Chapter 53, change wording of the first paragraph as follows: "In order to comply with the purpose of this appendix, buildings shall be designed to comply with the requirements of the Model Energy Code promulgated jointly by the international conference of building officials (ICBO), the southern building code congress international (SBCCI), the building officials and code administrators international (BOCA), and the national conference of states on building codes and standards (NCSBCS), latest edition adopted by the bureau in ARM 8-70-104."

(6) through (9) will remain the same but will be renumbered (21) through (24).

~~(10)~~ (25) Section 50-60-102(1), MCA, exempts any private garage or private storage structure used only for the owner's own use from application of the state building codes. A private garage is a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. A building in which vehicles are required or stored as part of commercial enterprise or business, even if on the premises of a dwelling, is not a private garage. A private storage structure used only for the owner's use is a building used for storage of personal effects of the owner and not used for storage of equipment, vehicles, materials, supplies or products used in a commercial enterprise or business. An airplane hangar, even if for private use, located at a non-private airport is not exempt as a private garage.

(26) Section 3305(h) of the Uniform Building Code, 1991 Edition, is amended for the bureau by addition of Section 111(c) of Appendix Chapter 1, Division I for application to upgrading of corridors in existing E occupancies.

~~(11)~~ (27) Appendix Chapter 1 (Division I - Life Safety Requirements for Existing Buildings other than High-rise Buildings), Appendix Chapter 1 (Division II - Life Safety Requirements for Existing High-rise Buildings), ~~Appendix Chapter 11 (Agricultural Buildings)~~, Appendix Chapter 12 (Division II - Requirements for Group R Division 4 Occupancies), Appendix Chapter 23 (Division II - Earthquake Instrumentation), Appendix Chapter 26 (Protection of Residential Concrete Exposed to Freezing and Thawing), Appendix Chapter 31 (Division I - Site Accessibility), Appendix Chapter 35 (Sound Transmission Control), Appendix Chapter 38 (Basement Pipe Inlets) and Appendix Chapter 70 (Excavation and Grading) are adopted for use by local governments specifically adopting them. However, the department will not be enforcing them."

Auth: Sec. 50-60-104, 50-60-203, MCA; IMP, Sec. 50-60-103, 50-60-104, 50-60-108, 50-60-109, 50-60-201, 50-60-203, MCA

**REASON:** The bureau is proposing these amendments to keep the state standard current with modern technology by adopting several Appendix chapters of the Uniform Building Code, make the code more responsive to Montana conditions, and clarify administrative procedures.

"8.70.102 INCORPORATION BY REFERENCE OF UNIFORM HOUSING CODE (1) through (1)(b) will remain the same.

(c) Section 1001(b), item 9 shall have the following sentence added to it: At the sole discretion of the building official, minimum room heights in habitable space of less than 7 feet 6 inches may be considered adequate on a case by case basis provided the space has been lawfully used as a residential occupancy.

(2) and (3) will remain the same."

Auth: Sec. 50-60-202, MCA; IMP, Sec. 50-60-203, MCA

REASON: The Bureau is proposing these amendments to allow the local building official to accept ceiling heights less than 7 feet six inches in dwellings in certain cases.

"8.70.104 INCORPORATION BY REFERENCE OF THE MODEL ENERGY CODE (1) The building codes bureau of the department of commerce adopts and incorporates by reference herein the Model Energy Code, 1989 1992 Edition with the following amendments thereto:

(a) will remain the same.

(b) Section 105.2, ~~approvals required~~, is deleted in its entirety when the code is used by the building codes bureau of the department of commerce. It remains undeleted and available for use for certified local governments using the code.

(c) Section 502.1.1, is amended to read as follows:

"The stated U<sub>o</sub>, U or R value of any assembly ~~such as roof/ceiling, wall or floor~~ may be increased and or the stated U<sub>o</sub>, U or R value ~~for other components decreased of an assembly may be decreased~~, provided that the total heat gain or loss for the entire building ~~envelope~~ does not exceed the total resulting from conformance to the U values specified in Tables Nos. 5-1 502.2.1 and 5-2 502.3.1. For ~~a~~Group R buildings regulated by section 502.2, Figure No. ~~41~~ 13 of Chapter 7 may be used to determine a lower U<sub>o</sub> value for the roof-ceiling assembly when the U<sub>o</sub> value of the wall does not conform to the U<sub>o</sub> value specified in table No. 5-1 502.2.1." The following building component R values represent minimum levels of insulation to be provided in ~~a~~Group R buildings in Montana.

Component	R-Value	
	Equivalent Path	Prescriptive Path*
ceiling	R-38	R-42
walls	R-19**	R-21**
floors over unheated space	R-19	R-19
<del>slab</del>	6	
basement walls	R-10	R-11
foundation	R-19	R-19
door	R-2	R-5
windows	U-0.4***	U-0.5***

~~Windows shall be at least double-glazed.~~

\*Example alternative prescriptive paths are available from the Bureau.

\*\*Lesser R value may be allowed for log building walls.

\*\*\*U values as defined by subsection (d)(iii).

(d) Where self certification is required by section 5, chapter 383, laws of 1993, new residential buildings must be certified as meeting the requirements of ARM 8.70.104 by having labeling stickers affixed that describe the energy efficiency components of the home. The builder or representative shall certify compliance by signing, dating and completing the label and permanently attaching it to the interior electrical panel. The energy efficiency component labeling sticker must be a permanent self adhesive label four by six inches in size that includes the following information:

(i) building address, name of builder or representative, date and signature;

(ii) nominal R-values for flat and vaulted ceilings, above grade walls, basement and crawlspace foundation insulation, floors over unheated spaces, slab insulation and exterior doors;

(iii) overall window unit U-value. Window U-value information is the value stated on the window label from the national fenestration rating council (NFRC). If a NFRC U-value is not available, the overall window unit U-value described in the default window U-factor table below may be used.

DEFAULT WINDOW U-FACTOR TABLE\*

WINDOW  
GLAZING TYPE

WINDOW  
FRAME TYPE

Wood/Vinyl

Aluminum with  
thermal break

Double glazing

1/4 in. air space

.56

.67

1/2 in. air space

.51

.62

Double glazing

(Hard coat Low-E)

1/4 in. air space

.49

.59

1/2 in. air space

.42

.52

1/4 in. argon gas

.44

.54

1/2 in. argon gas

.39

.48

Double glazing

(Soft coat Low-E)

1/4 in. air space

.47

.57

1/2 in. air space

.40

.49

1/4 in. argon gas

.42

.52

1/2 in. argon gas

.37

.46

\*Default window U-factor table lists computed values for overall window heat transmission coefficients. U-factors listed are from table 5 in chapter 27 of the 1993 ASHRAE Fundamentals handbook.

(iv) the energy efficiency rating of the heating system. This is the annual fuel utilization efficiency (AFUE) for gas heating systems and the heating season performance factor (HSPF) for heat pumps.

(v) energy efficiency information for water heaters. This is the energy factor (EF) rating, from the manufacturer and stated on the water heater.

(vi) Other information may be listed as an option to describe energy efficiency features of the home not stated above.

(2) will remain the same.

(3) The Model Energy Code, 1989 1992 Edition, is a nationally recognized model code for energy efficient construction of buildings. A copy of the Model Energy Code, 1989 1992 Edition can be obtained from the Building Codes Bureau, Capitol Station, Helena, Montana 59620, at cost plus postage and handling. A copy may also be obtained by writing to CABO, 5203 Leesburg Pike, Falls Church, Virginia 22041."

Auth: Sec. 50-60-201, 50-60-203, MCA; IMP, Sec. 50-60-201, 50-60-203, MCA

REASON: The bureau is proposing these amendments to keep the state standard current with modern technology by adopting the latest edition of the Model Energy Code and adopting special insulation standards for residential buildings in accordance with the direction of the 1993 Legislature.

"8.70.105 INCORPORATION BY REFERENCE OF UNIFORM MECHANICAL CODE (1) through (4) will remain the same.

(5) No mechanical permit shall be issued for a building or structure under the jurisdiction of the bureau, until the building permit has been issued for said building or structure.

(5) will remain the same but will be renumbered (6)."

Auth: Sec. 50-60-104, 50-60-201, 50-60-203, 50-60-508, MCA; IMP, Sec. 50-60-103, 50-60-104, 50-60-201, 50-60-203, MCA

REASON: The bureau is proposing this amendment to clarify administrative procedures regarding issuance of permits.

"8.70.301 DEFINITIONS (1) The term "section" used herein means the ~~mechanical safety section of the~~ building codes bureau of the department of commerce of the state of Montana.

(2) and (3) will remain the same."

Auth: Sec. 50-60-203, 50-60-504, MCA; IMP, Sec. 50-60-203, 50-60-504, MCA

REASON: The bureau is proposing this amendment to bring rule wording in line with wording in other sections.



"9.70.302 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) will remain the same.

~~(a) The following exceptions hold true throughout the entire code:~~

~~(i) Asbestos cement vent pipe is not an acceptable material in the state of Montana for DWV.~~

~~(ii) Homogenous bituminized fiberdrain and sewer pipe is not an acceptable material in the state of Montana, except in drain fields.~~

(b) will remain the same but will be renumbered (a).

(i) through (2) will remain the same."

Auth: Sec. 50-60-201, 50-60-203, 50-60-504, 50-60-508,  
MCA; IMP, Sec. 50-60-203, 50-60-504, 50-60-508, MCA

REASON: The Bureau is proposing these amendments to keep the state standard current with modern technology.

"9.70.303 MINIMUM REQUIRED PLUMBING FIXTURES (1) The following table will be used to determine the minimum number of plumbing fixtures to be installed in new buildings: (see chart on next page for amendment. Footnotes will remain the same.)

Auth: Sec. 50-60-203, 50-60-504, MCA; IMP, Sec. 50-60-203, 50-60-504, MCA

REASON: The bureau is proposing this amendment to correct an error in the table.

# MINIMUM REQUIRED PLUMBING FIXTURE 1,7

1 1 0 0 3 1

Occupancy	Water Closets <sup>B,10</sup>		Urinals <sup>5</sup> Fixtures/Persons	Lavatories <sup>3</sup> Fixtures/Persons	Drinking Fountains Fixtures/Floor or Building
	Male	Female			
Groups A-1, A-2, A-2.1, A-3 A-4, B-1, B-2, B-3, B-4 and Shopping Centers, Offices, Stores, Service Stations, Public Buildings Food Service Facilities <sup>8,9,10</sup> Assembly Buildings	1 1-150 2 151-200 3 201-400 4 401-600 Add 1 fixture for each additional 500 males and 1 for each 300 females	1 1-100 2 101-150 3 151-400 4 401-600 Add 1 fixture for each additional 500 males and 1 for each 300 females	1 51-200 <sup>5</sup> 2 201-400 3 401-600 Over 600: add 1 for each additional 300 males	Use Section 605 of the Uniform Building Code	Use Section 605 of the Uniform Building Code
Groups E-1, E-2 & E-3, Schools Colleges, Universities Day Care	For elementary and secondary school plumbing fixtures use Section 605 of the Uniform Building Code 1:100 1:60 1:20 May combine male and female unless fixture requirement exceeds 2	1:100 1:60 1:20 May combine male and female unless fixture requirement exceeds 2	1:200 Over 20: may substitute for 1/2 number of toilets required	Use Section 605 of the Uniform Building Code 1:200 1:60 1:80	1/Floor or Building 1/4 Floor or Building plus 1:100 <sup>5</sup>
Groups I-1, I-2, I-3 Jails, Prisons, Detention Units	One water closet and one lavatory for each cell. One additional water closet and lavatory for every eight in multiple occupancy cells. One shower for every fifteen. <del>See Article 16, Chapter 32, Administrative Rules of Health</del> See Section 1205 of the Uniform Building Code.				Appendix Chapter C of the Uniform Plumbing Code 1/3 Floor or Building
Hospitals and Nursing Homes Museums	Use Section 905 of the Uniform Building Code for employees. Toilet facilities for the public are to be provided as noted for Groups A and B and shopping centers.				
Groups R-1 Hotels, Apartments, Motels, Convents and Monasteries	Use Section 1205 of the Uniform Building Code				
Group R-3 Dwelling and Lodging Houses	Use Section 1205 of the Uniform Building Code				

"8.70.304 PLUMBING PERMITS (1) will remain the same.

(2) Any person who is required under section 50-60-505, MCA, to obtain a plumbing permit, and the work is not covered by a local government inspection program, shall do so prior to installation through the mechanical safety section of the building codes bureau.

(3) The requirement listed in section 50-60-502, MCA, for plumbing licensure while engaged in the field of plumbing, applies to those installations connected to a public water supply or public sewer system. No licensure is required to obtain a plumbing permit or to install the plumbing system in a single family dwelling not connected to a public water supply or a public sewer system. Licensure is required in other than single family dwellings, regardless of water source.

(4) Public water supply means any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that serves 10 or more families or 25 or more persons on a regular and continuous basis.

(5) Public sewer system means any common sewer carrying liquid wastes from two or more dwellings or any other facility that services the public.

(6) The exception to the plumbing permit requirement listed in 50-60-503, MCA, for plumbing installations on farms having their own individual water supply or sewage disposal system applies to farm or ranch installations used in conjunction with an agricultural or livestock raising operation which are not connected to either a public water supply or public sewer system. Any building used as or in conjunction with a hotel, motel, inn, motor court, guest or dude ranch, tourist home, public lodging house, bed and breakfast establishment, or other place where sleeping accommodations are furnished to transient guests for a fee is subject to fee requirements of ARM 8.70.302.

(7) The exception to the plumbing permit requirement listed in 50-60-506(4), MCA, for the owner of residential property applies to the owner of a single family dwelling who does the work on the plumbing installation in the dwelling in which (s)he will reside. The "homeowner exemption" applies to those dwellings intended for the owner's personal use and not for dwellings built on speculation of resale or intended as rental property. Buildings or structures other than single family dwellings and other noncommercial buildings such as private garages and barns are not exempt from the plumbing permit requirement.

(3) through (5) will remain the same but will be renumbered (8) through (10).

(11) No plumbing permit shall be issued for a building or structure under the jurisdiction of the bureau, until the building permit has been issued for said building or structure.

(6) and (7) will remain the same but will be renumbered (12) and (13)."

Auth: 50-60-203, 50-60-501, 50-60-504, MCA; IMP, Sec. 50-60-201, 50-60-504, 50-60-505, 50-60-506, 50-60-507, 50-60-508, MCA

**REASON:** The Bureau is proposing these amendments to clarify when licensure and permitting are required and clarify when projects are exempt.

"8.70.401 NATIONAL ELECTRICAL CODE (1) The department of commerce, building codes bureau, hereby adopts and incorporates herein by reference the standards adopted by the national fire protection association for electrical installations appearing in Pamphlet NFPA 70 (~~1990~~ 1993), under the title of National Electrical Code ~~1990~~ 1993. The National Electrical Code ~~1990~~ 1993 is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. A copy of the National Electrical Code ~~1990~~ 1993 may be obtained from the Montana Chapter of IAEI, c/o ~~Electrical Safety Section Supervisor~~, Building Codes Bureau, Capitol Station, Helena, Montana 59620. A copy may also be obtained by writing to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269."

Auth: Sec. ~~50-60-201~~, ~~50-60-203~~, ~~50-60-603~~, MCA; ~~IMP~~, Sec. ~~50-60-203~~, ~~50-60-601~~, ~~50-60-603~~, MCA

**REASON:** The Bureau is proposing these amendments to keep the state standard current with modern technology by adopting the latest available edition of the National Electrical Code.

"8.70.402 WIRING STANDARDS The following rules supplement or modify sections of the National Electrical Code ~~Adopted under ARM 8.70.401:~~

(1) will remain the same.

(2) NEC ARTICLE 760-1 (SUPPLEMENTARY). Smoke detectors shall be installed in any building or structure as required under the currently adopted Uniform Building Code or CABO One and Two Family Dwelling Code, whichever applies, regardless of whether or not the building or structure is exempt by section 50-60-102, MCA.

~~(2) NEC ARTICLE 110-3(a)(1) (MODIFICATION). Suitability of equipment shall be evidenced by listing or labeling, except as otherwise approved.~~

~~(3) NEC ARTICLE 230-20 (SUPPLEMENTARY). A perpendicular mast used for the support of service drop conductors shall be not less than 1 1/2 inch rigid conduit.~~

~~(4) NEC ARTICLE 310-5 (MODIFICATION). No wires smaller than #12 AWG shall be used in wiring of 110 volts or over, except for remote control circuits.~~

~~(5) NEC ARTICLE 320-3 (MODIFICATION). Open wiring shall be permitted to be used only outdoors."~~

Auth: Sec. ~~50-60-203~~, ~~50-60-603~~, MCA; ~~IMP~~, Sec. ~~50-60-203~~, ~~50-60-603~~, MCA

**REASON:** The Bureau is proposing these amendments to eliminate unnecessary state amendments to the National Electrical Code.

"8.70.404 ELECTRICAL PERMIT (1) will remain the same.

(2) Prior to ~~or upon the~~ commencement of any electrical installation, the installer or owner shall submit an official request for electrical permit to the ~~electrical safety section~~

building codes bureau in Helena with fee(s) as provided in ARM 8.70.407. Request for electrical permit forms will be made available by the department and may also be available at any power supplier or the electrical inspector. At the time of application for a permit, the applicant shall indicate on the application for a permit whether or not the applicant will be the permittee for the entire project. Owners shall designate which electrical contractor will be performing work on the project.

(3) The term "owner" listed in ARM 8.70.404 applies to the owner doing electrical work on his own property or residence provided that said property or residence is maintained for his own use. The property or residence shall be intended for the owner's personal use and not built on speculation of resale or intended as rental property. On farm and ranch installations used in conjunction with an agricultural or livestock raising operation, the term "owner" applies to the owner, owner's agent and/or person(s) employed by the owner on a full time basis as a farm or ranch employee at the farm or ranch involved.

(4) The term "inspection tag" listed in section 50-60-604, 50-60-605 and 50-60-606, MCA, means the electrical permit issued by the bureau to the permittee for the electrical installation.

(5) The requirements listed in section 50-60-605, MCA, requiring an "inspection tag" before the energizing of an electrical installation by a power supplier means the power supplier may energize said installation, before an inspection has been performed by the bureau, after issuing a power supplier limited service certificate or upon receipt of the power supplier's copy of the electrical permit issued by the bureau.

+3+ (6) Upon receipt of the request application for an electrical permit with the applicable fee(s), the department will validate issue the official electrical permit covering the installation.

(7) The permittee shall be responsible for, and shall insure that, all work performed under the electrical permit meets the requirements of the state building code, including the National Electrical Code. No person shall allow any other person to do, or cause to be done, any work under an electrical permit issued to the permittee, except the permittee or his employees.

(4) will remain the same but will be renumbered (8).

+5+ (9) The electrical permit is not transferable one (1) time, with application for permit transfer being made in writing on forms provided by the bureau. The permit transfer shall be completed prior to the subsequent permittee commencing work under the permit.

(6) will remain the same but will be renumbered (10).

+7+ (11) The exception to permit requirements listed in section 50-60-602(2), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract. Maintenance work includes ordinary and customary in-plant or on-site installations, modification,

additions, or repairs which shall be limited to: relamping, fixtures, replacing ballasts, trouble shooting, motor controls, replacing motors, breakers, magnetic starters, in a kind-for-kind manner. Also included are connection of specific items or specialized equipment that can be directly connected to an existing branch circuit panel by means of factory installed leads. However, if a new circuit is required to operate the equipment, or if the size of the supply conductors need to be increased, this will be considered new work.

(12) No electrical permit shall be issued for a building or structure under the jurisdiction of the bureau until the building permit has been issued for said building or structure."

Auth: Sec. 50-60-203, 50-60-603, 50-60-607, MCA; IMP, Sec. 50-60-203, 50-60-603, 50-60-604, MCA

**REASON:** The Bureau is proposing these amendments to include pertinent definitions, clarify application of the laws in the areas where an outdated term "inspection tag" is used, and establish procedures for completing work under permits and transferring of permits.

"8.70.407 ELECTRICAL INSPECTIONS FEES (1) The following is the schedule of electrical inspection fees:

<u>Type of Installation</u>	<u>Permit Fee</u>
<u>(a)</u> temporary construction service	no separate charge
<u>(b)</u> single-family dwellings or cabins (includes garage wired at the same time as the house or cabin)	
<u>(i)</u> 100 to 300 amp service	\$ 130*
<u>(ii)</u> 301 or more amp service	\$ 200*
*Fee includes maximum of three inspections. Additional inspections charged at requested electrical inspection rates.	
<u>(c)</u> private property accessory buildings (garages, barns, sheds, etc.)	
<u>(i)</u> up to 200 amp panel	\$ 40
<u>(ii)</u> 201 to 300 amp panel	\$ 100
<u>(iii)</u> 301 or more amp panel	\$ 130
<u>(d)</u> multi-family dwellings (duplex through 12 units)	\$100 per bldg*
*Plus \$40 per unit, up to and including 12 units. *For buildings containing more than 12 units, use the commercial schedule that follows.	
<u>(e)</u> multi-family dwellings (duplex through 12 units) - rewire or remodel only	
- per dwelling unit	\$ 40
<u>(f)</u> interior rewire only or new addition to a home	\$ 40
<u>(g)</u> change of service	\$ 25
<u>(h)</u> mobile home installations (in a court)	\$ 25*

<u>(i)</u>	mobile home installation (outside a court)	\$ 40*
	*Fee includes only one inspection.	
	Reinspections require new permit.	
<u>(j)</u>	modular homes	
<u>(i)</u>	no basement	\$ 40
<u>(ii)</u>	with a basement and/or garage	\$ 65
<u>(k)</u>	mobile home courts and/or recreational vehicle parks (new, rewire, or addition)	
	first 3 spaces (1-3 spaces)	\$ 45
<u>(i)</u>	at the same time (per space)	\$ 5
<u>(l)</u>	new service only (livestock well, irrigation well, etc.)	\$ 40
<u>(m)</u>	irrigation pumps or machines	
<u>(i)</u>	per unit (one pump and/or one pivot)	\$ 35
<u>(n)</u>	permit renewal fee	\$ 40
<u>(o)</u>	refund/credit fee	\$ 25
<u>(p)</u>	all other installations (commercial, industrial, institutional, or for public use):	

Cost of Electrical

<u>Installation</u>	<u>Fee</u>
\$ 0 - \$ 500	\$30
\$ 501 - \$ 1,000	\$30 for 1st \$500 plus 6.0% of balance of construction cost
\$1,001 - \$10,000	\$60 for 1st \$1,000 plus 2.0% of balance of construction cost
\$10,001 - \$50,000	\$240 for 1st \$10,000 plus .5% of balance of construction cost
\$50,001 or more	\$440 for 1st \$50,000 plus .3% of balance of construction cost

- (q) temporary construction service (for commercial, industrial, institutional, or public use jobs only) \$25
- NOTE: this additional \$25 fee is required in addition to the above inspection fees if a temporary service will be used, and is to be paid at the same time as the regular permit fee before construction begins.

(2) and (3) will remain the same."

Auth: Sec. 50-60-104, 50-60-203, 50-60-603, 50-60-604, MCA; IMP, Sec. 50-60-104, 50-60-203, 50-60-603, 50-60-604, MCA

REASON: The Bureau is proposing these amendments to establish a fee for processing refunds and credits commensurate with program area costs.

"9.70.408 TEMPORARY ELECTRICAL CONNECTIONS (1) and (2) will remain the same.

(3) Upon receipt of a properly completed Power Supplier Limited Service Certificate (a four-part form supplied by the

bureau), a power supplier may make a temporary electrical connection prior to receiving the power supplier copy of the electrical permit and prior to the inspection and approval of the electrical installation by an electrical inspector employed or approved by the bureau. After making a temporary electrical connection on a Power Supplier Limited Service Certificate, the power supplier shall remit a copy of said certificate to the bureau within three (3) days (excluding weekends and holidays).

(4) will remain the same."

Auth: Sec. 50-60-605, MCA; IMP, Sec. 50-60-605, MCA

**REASON:** The Bureau is proposing these amendments to clarify the need to notify the Bureau when limited service certificates are used by the power supplier.

"8.70.501 INCORPORATION BY REFERENCE OF NFPA 501C/ANSI A119.2 STANDARD FOR RECREATIONAL VEHICLES (1) The building codes bureau of the department of commerce adopts and incorporates by reference herein the NFPA 501C/ANSI A119.2, Standards for Recreational Vehicles, ~~1990~~ 1993 Edition. The NFPA 501C/ANSI A119.2, Standard for Recreational Vehicles, ~~1990~~ 1993 Edition, is a nationally recognized model code for the construction of travel trailers, camping trailers, truck campers, and motor homes. A copy of the NFPA 501C/ANSI A119.2 Standards for Recreational Vehicles, ~~1990~~ 1993 Edition may be obtained from the Department of Commerce, Building Codes Bureau, Capitol Station, Helena, Montana 59620, at cost plus postage and handling. A copy may also be obtained by writing to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(2) will remain the same."

Auth: Sec. 50-60-201, 50-60-203, 50-60-401, MCA: IMP, Sec. 50-60-201, 50-60-203, 50-60-401, MCA

**REASON:** The Bureau is proposing these amendments to keep the state standard current with modern technology by adopting the latest available edition of the Standard for Recreational Vehicles.



"8.70.522 RECIPROCITY (1) Any unit manufactured in a reciprocal state which has been reviewed as meeting the standards of that state shall be deemed to meet the standards of the state of Montana. Reciprocal status shall be granted to other states at the discretion of the bureau. In addition to the insignia of the reciprocal state, Aa Montana insignia is necessary on all units manufactured or offered for sale within the state of Montana.

(2) The bureau chief shall have the authority to enter into reciprocal agreements with other states.

(3) Reciprocal status for factory-built buildings may be granted to HUD approved Category III states. States which are approved by HUD and therefore meet the criteria for reciprocal status are:

(a) Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, Wisconsin.

(4) Reciprocal status for recreational vehicles may be granted to states which have enforcement programs for recreational vehicles similar to that of Montana and which follow the same recreational vehicle code as Montana. States which meet the criteria for reciprocal status are:

(a) Arizona, California, Colorado, Florida, Idaho, Kentucky, Missouri, Nebraska, Oregon, Tennessee, Washington."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

**REASON:** The Bureau is proposing these amendments to clarify the issue of plans from reciprocal states with respect to recreational vehicles and factory-built buildings.

"8.70.523 INFORMATION REQUIRED TO BE SUBMITTED UPON DELIVERY OF UNIT TO DEALER (1) All manufacturers delivering to dealers in this state shall supply the following to the bureau ~~within 30 days of delivery~~ on the monthly insignia report form, no later than the tenth (10th) of the month after delivery:

(1) through (3) will remain the same but will be renumbered (a) through (c)."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

**REASON:** The Bureau is proposing these amendments to revise the due date for monthly insignia reports in order to have all reports due on the same date, which will improve efficiency.

"8.70.531 APPLICATION FOR TYPICAL STRUCTURAL DESIGN APPROVAL (1) A manufacturer of factory-built buildings may make application for a typical structural design approval prior to construction, which may be referenced on subsequent plans submitted based on width or type of construction.

Structural design approval is not required for recreational vehicles.

(2) through (3)(f) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing this amendment to clarify that structural review is not required for recreational vehicles.

"8.70.533 APPLICATION FOR CUSTOM-MADE FACTORY-BUILT BUILDING UNIT REVIEW (1) Any manufacturer of a custom-made factory-built building unit shall apply to the bureau for a plan review and shall furnish the required sets of plans as set forth in ARM 8.70.531 through ARM 8.70.549, shall submit the fees pursuant thereto as set forth in ARM 8.70.566 through ARM 8.70.569, and shall request a visual inspection pursuant to ARM 8.70.519."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

**REASON:** The Bureau is proposing this amendment to clarify that the custom-made unit requirements apply only to factory-built buildings.

"8.70.534 APPLICATION FOR MODEL PLAN REVIEW (1) will remain the same.

+1+ (a) the plan and system inspection fees as required by ARM 8.70.566;

(2) through (4) will remain the same but will be renumbered (b) through (d).

(a) through (f) will remain the same but will be renumbered (i) through (vi).

+5+ (g) one copy of the complete plans and specifications showing the specific design requirements for recreational vehicles, which must show:

(a) through (e) will remain the same but will be renumbered (i) through (v)."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing these amendments to clarify that only one set of plans is required for recreational vehicles.

"8.70.535 APPLICATION FOR IN-PLANT QUALITY CONTROL MANUAL REVIEW (1) Manufacturers of units shall make application to the bureau for an in-plant quality control manual review. The application submittal shall contain at least the following:

(1) will remain the same but will be renumbered (a).

+2+ (b) ~~two copies~~ one copy of all documents submitted for review, which shall be on substantial paper or cloth not less than 8 1/2" x 11";

(3) and (4) will remain the same but will be renumbered (c) and (d)."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

REASON: The Bureau is proposing these amendments to clarify that only one copy of the quality control manual is required.

"8.70.537. MODEL MANUFACTURED AT MORE THAN ONE LOCATION

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

(b) two sets of complete plans and specifications for factory-built buildings or one set of plans and specifications for recreational vehicles;

(c) through (2)(b) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

REASON: The Bureau is proposing these amendments to differentiate between recreational vehicles and factory-built buildings with respect to the number of sets of plans to be submitted.

"8.70.540. EVIDENCE OF BUREAU'S REVIEW (1) Reviewed plans and specifications shall be evidenced by the stamp of review of the bureau. One set of the reviewed plans and specifications for factory-built buildings will be returned to the manufacturer. A reviewed copy shall be retained at each plant of manufacture."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

REASON: The Bureau is proposing these amendments to clarify the number of sets of approved plans to be returned to the manufacturer.

"8.70.543. TRANSMISSION OF REVIEW MATERIALS TO RECIPROCAL STATE (1) When plan review(s) and/or system review(s) and quality control manual review(s) are acceptable to a reciprocal state, they may be transmitted to the reciprocal state by the state issuing the original review in the following manner:

(1) and (2) will remain the same but will be renumbered (a) and (b).

(3) (c) Two reproductions of the original manufacturer's review for factory-built buildings or one set of the original manufacturer's review for recreational vehicles shall be submitted. The reproductions shall show the review stamp of the reviewing state.

(4) (d) After recording of transmitted plan review(s) and/or system review(s), the reviewing state shall notify the manufacturer of its acceptance or rejection of the plan(s) and/or system(s). One copy of the plan(s) and/or system(s) for factory-built buildings, bearing the mark or stamp of review of both states shall then be returned to the manufacturer by the state receiving the transmittal and granting the additional review."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing these amendments to clarify procedures with respect to reciprocal state manufacturers.

**"8.70.544 CHANGES TO REVIEWED PLANS** (1) Where the manufacturer proposes changes in the construction, plumbing, heat producing, or electrical equipment or installations, or where these rules are amended to necessitate such change, two sets of supplemental detailed plans and specifications for factory-built buildings or one set of supplemental detailed plans and specifications for recreational vehicles of such changes shall be submitted to the bureau for plan checking and comparison. Plans shall be accompanied by a letter of transmittal and the plan inspection fee pursuant to ARM 8.70.566. When such supplemental details do not constitute a new model, the supplemental details will be filed with and become part of the existing plan review. Where the supplemental details constitute a model change, application for plan review is to be processed as for a new model.

(2) will remain the same.

(3) Where the manufacturer proposes changes to the quality control manual, ~~two copies~~ one copy of such changes shall be submitted to the bureau for approval accompanied by a quality control manual inspection fee pursuant to ARM 8.70.569."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing these amendments to clarify the number of sets of changes to be submitted for both recreational vehicles and factory-built buildings.

**"8.70.549 PLAN RENEWAL** (1) Every 15 months the manufacturer shall make application to have their plans renewed. At the time of renewal, plans which have not been changed do not require the submission of plans. If any changes have been made, an updated plan must be submitted. The application shall be accompanied by the fee listed in ARM 8.70.566."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing this amendment to clarify procedures with respect to plan renewals.

**"9.70.556 INSIGNIA--WHEN REQUIRED** (1) All units manufactured or delivered prior to sale or sold or offered for sale in this state shall bear a bureau insignia and if applicable the insignia of a reciprocal state or the certified third party inspection agency. Each insignia shall be assigned and affixed to a specific unit. Assigned insignia are not transferable and are void when not affixed or assigned, and all such insignias shall be returned to or may be confiscated by the bureau. The insignia shall remain the property of the bureau and may be reappropriated by the bureau in the event of violation of the conditions of approval.

(2) and (3) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing these amendments to allow third party insignias.

"8.70.557 APPLICATION FOR INSIGNIA PURSUANT TO PLAN REVIEW (1) will remain the same.

(2) Advance inclusions of the units serial number may be omitted from the application provided the applicant submits a report of the insignia number and serial number of the specific unit to which the insignia has been assigned. Such report shall be on the monthly insignia application report form and shall be submitted not later than 30 days the tenth (10th) of the month after the use of such insignia.

(3) Monthly insignia report forms shall be submitted to the bureau no later than the tenth (10th) of the following month, whether or not insignias were issued during the month being reported.

(4) Failure to submit monthly insignia report forms shall result in subsequent plan approval, plan renewal, and application for insignia submittals to be placed in a pending status until said reports are submitted.

(3) will remain the same but will be renumbered (5)."

Auth: Sec. 50-60-203, 50-60-401, 50-60-402, MCA; IMP,  
Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing these amendments to clarify insignia reporting requirements.

"8.70.563 EFFECT OF INSIGNIA (1) All units bearing the bureau insignia or the insignia of a reciprocal state pursuant to the provisions of ARM 8.70.556 through ARM 8.70.562 shall be acceptable as meeting the requirements for Title 50, chapter 60, MCA, throughout the state of Montana without further inspection or fees except for zoning, utility connections, and foundation permits required by local ordinance. Reciprocal status shall be granted to other states at the discretion of the bureau."

Auth: Sec. 50-06-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, 50-60-402, MCA

**REASON:** The Bureau is proposing these amendments to clarify that the Bureau has the discretion to establish reciprocity.

"8.70.566 IN-STATE PLAN AND SYSTEM REVIEW FEES FOR FACTORY-BUILT BUILDINGS The following are the plan and system review fees to be charged by the bureau:

(1) through (8) will remain the same.

(9) Quality control manual filing fee - \$10."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

**REASON:** The Bureau is proposing these amendments to relocate the quality control manual filing fee to a different section.

"8.70.567 PLAN AND SYSTEM REVIEW FEES FOR FACTORY-BUILT BUILDINGS AND RECREATIONAL VEHICLES HANDLED THROUGH RECIPROCAL STATES (1) Plan registration fee - \$25 for each set of documents transmitted describing a unit. Manufacturer must furnish written certification that the plans and specifications submitted are true copies of those originally approved by the reciprocating state. Reciprocal status may be granted to other states at the discretion of the bureau.

(2) and (3) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

REASON: The Bureau is proposing these amendments to clarify that the Bureau has the discretion to establish reciprocity.

"8.70.569 MISCELLANEOUS FEES (1) ~~Quality control manual filing fee~~ \$10-

(2) through (6) will remain the same but will be renumbered (1) through (5).

(a) will remain the same."

Auth: Sec. 50-60-203, 50-60-401, MCA; IMP, Sec. 50-60-203, 50-60-401, MCA

REASON: The Bureau is proposing these amendments to relocate the fee to a different section.

"8.70.601 INCORPORATION BY REFERENCE OF SAFETY CODE FOR ELEVATORS AND ESCALATORS, ASME A17.1 - 1990, AND ASME A17.1a-1991 ADDENDA (1) The building codes bureau of the department of commerce adopts and incorporates by reference herein the Safety Code for Elevators and Escalators, ASME A17.1 - 1990 and ASME A17.1a-1991 Addenda. A copy of the Safety Code for Elevators and Escalators ASME A17.1 - 1990 and supplements ASME A17.1a-1991 Addenda can be obtained from The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(2) and (3) will remain the same.

(4) The permit fee for new installations and major alterations shall be as follows:

(a) up to and including \$40,000 of valuation - \$55.00;

(b) over \$40,000 of valuation - \$55.00 plus \$1.00 for each \$1,000 or fraction thereof over \$40,000.

(5) will remain the same."

Auth: Sec. 50-60-203, 50-60-701, 50-60-702, MCA; IMP, Sec. 50-60-203, 50-60-701, 50-60-702, MCA

REASON: The Bureau is proposing these amendments to keep the state standard current with modern technology by adopting the latest available edition of the Safety Code for Elevators and Escalators.

"8.70.612 INSPECTIONS BY CERTIFIED MAINTENANCE FOR INSURANCE COMPANIES (1) The bureau may accept inspections of elevators, escalators, and moving walks in public places reported by certified inspectors, subject to the following condition:

(1) will remain the same but will be numbered (a).  
~~(2) (b)~~ A detailed report of each unit inspected shall be filed with the bureau within 14 days after inspection on a printed form approved by the bureau. Such report shall show all respects in which the installation fails to comply with the code requirements of UBC, chapter 51 and Appendix Chapter 51, as well as the ~~American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1 ASME A17.1-1990 and ASME A17.1a-1991 Addenda.~~

(3) through (6) will remain the same but will be renumbered (c) through (f)."

Auth: Sec. 50-60-203, 50-60-701, 50-60-702, MCA; IMP, Sec. 50-60-203, 50-60-701, 50-60-702, MCA

**REASON:** The Bureau is proposing these amendments to keep the state standard current with modern technology by referencing the latest code adopted.

3. The proposed new rules will read as follows:

**"I. REFUNDS OR CREDITS** (1) No permit fee shall be refunded nor credit issued for a permit if the value of the permit does not exceed twenty-five (\$25.00) dollars.

(2) A permit with a value which exceeds twenty-five (\$25) dollars may be refunded or credited, at the discretion of the bureau, less the twenty-five (\$25) dollar refund/credit fee.

(3) A refund or credit issued for a permit fee on a project, which was inspected by the bureau, shall have the refund or credit prorated at the rate of twenty-five (\$25) dollars per required inspection performed, in addition to the twenty-five (\$25) dollar refund/credit fee.

(4) No refund or credit for permit fees shall be issued for duplicate permits, when the permittee failed to transfer the original permit pursuant to ARM 8.70.404(9) and a subsequent permit was obtained for the same project.

(5) The bureau may suspend or revoke a permit when the permit was issued in error or issued on the basis of incorrect information. Suspended or revoked permits shall not be issued a refund or credit."

Auth: Sec. 50-60-203, 50-60-603, 50-60-604, MCA; IMP, Sec. 50-60-203, 50-60-603, 50-60-604, MCA

**REASON:** The Bureau is proposing this rule to create a procedure for handling electrical credits and refunds.

**"II. IN-STATE PLAN AND SYSTEM REVIEW FEES FOR RECREATIONAL VEHICLES** The following are the system and review fees to be charged by the bureau:

- (1) plan filing fee - \$15 per unit;
- (2) plumbing fee - \$15 for each set of plans and specifications;
- (3) electrical fee - \$15 for each set of plans and specifications;
- (4) mechanical fee - \$10 for each set of plans and specifications;

(5) plan resubmission fee - \$20;  
(6) plan supplement fee - \$20;  
(7) plan renewal fee - \$20 for each set of documents describing a unit which is to be utilized during the next approved plan period. Obsolete plans or specifications are to be removed at the time of plan renewal by written notification at no additional cost.

(8) Quality Control Manual filing fee - \$10."

Auth: Sec. 50-60-104, 50-60-203, 50-60-401, MCA; IMP,  
Sec. 50-60-104, 50-60-203, 50-60-401, MCA


REASON: The Bureau is proposing this rule to move recreational vehicle fees into a separate rule.

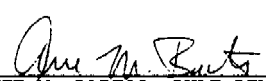
4. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Building Codes Bureau, 1218 East Sixth Avenue, Helena, Montana 59620, to be received no later than 5:00 p.m., October 28, 1993.

5. Lon Maxwell, Helena, has been designated to preside over and conduct the hearing.

BUILDING CODES BUREAU  
JAMES BROWN, BUREAU CHIEF

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.



BEFORE THE FINANCIAL DIVISION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF CONTINUATION OF  
rule pertaining to corporate ) PUBLIC HEARING ON PROPOSED  
credit unions ) ADOPTION OF A NEW RULE  
 ) PERTAINING TO CORPORATE  
 ) CREDIT UNIONS

TO: All Interested Persons:

1. On October 22, 1993, at 10:00 a.m., a public hearing will be held in the Glacier Room, Lee Metcalf Building, 1520 East 5th Avenue, Helena, Montana, to consider the proposed adoption of a rule pertaining to corporate credit unions.

2. This rule was originally proposed at page 1599, issue 14, 1993 Montana Administrative Register. The text of the rule will remain the same as originally proposed.

3. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Financial Division, Room 50, Lee Metcalf Building, 1520 East Sixth Avenue, Helena, Montana 59620, to be submitted no later than 5:00 p.m., October 28, 1993.

4. Annie M. Bartos, attorney, will preside over and conduct the hearing.

FINANCIAL DIVISION  
DON HUTCHISON  
FINANCIAL COMMISSIONER

BY:

ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

**ANNIE M. BARTOS, RULE REVIEWER**

Certified to the Secretary of State, September 20, 1993.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE & PARKS  
OF THE STATE OF MONTANA

In the matter of the amendment )  
of ARM 12.3.123 pertaining to ) NOTICE OF PROPOSED  
nonresident combination license ) AMENDMENT OF ARM 12.3.123  
alternate list )  
NO PUBLIC HEARING  
CONTEMPLATED

TO: All interested persons

1. On November 10, 1993, the Department of Fish, Wildlife and Parks proposes to adopt an amendment to ARM 12.3.123 concerning the nonresident combination license alternate list.

2. The rule, as proposed to be amended, appears as follows:

12.3.123 COMBINATION LICENSE ALTERNATE LIST (1) Upon completion of the sale of nonresident combination licenses, the department will randomly draw names for an alternates' list for both nonresident big game combination licenses and nonresident deer combination licenses. These lists will contain the names of ~~300~~ up to 600 unsuccessful applicants from both categories who may be contacted and given the opportunity to purchase a license in the event refunds are issued to successful applicants.

(2) remains the same.

AUTH: Sec. 87-1-201 MCA

IMP: Sec. 87-2-511 MCA

3. Rationale for the change is as follows: There is a quota of 23,000 nonresident combination licenses issued each year through a computerized random drawing. The department receives over 36,000 applications. As a result of the random drawings, about 13,000 applicants are unsuccessful.

Refunds may be issued to license holders upon request. Each license is reissued to hunters selected from the 13,000 unsuccessful applicants. Under the rule as presently written, three hundred hunters are randomly selected from the unsuccessful applicants to be on an alternate list. The ARM rule change is being proposed to increase the quantity to 600. This will insure adequate names for reissuing licenses.

The cite for the authority for this rule was originally 87-1-301 and it should have been 87-1-201.


4. Interested parties may submit their data, views or arguments, either orally or in writing, to Jim Herman, Department of Fish, Wildlife and Parks, 1420 East Sixth, Helena, P.O. Box 200701, Montana 59620, no later than October 28, 1993.

5. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he or she must make

written request for a hearing and submit this request along with any written comments to Jim Herman, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701, no later than October 28, 1993.

6. If the agency receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed adoption; from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from any association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register and mailed to all interested persons.

  
Robert N. Lane  
Rule Reviewer

  
Patrick J. Graham, Director  
Montana Department of Fish,  
Wildlife and Parks

Certified to the Secretary of State September 17, 1993.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE & PARKS  
OF THE STATE OF MONTANA

In the matter of an amendment )  
of ARM 12.3.112 regarding the ) NOTICE OF PROPOSED  
setting of nonresident antelope ) AMENDMENT OF ARM 12.2.112  
doe/fawn licenses )  
NO PUBLIC HEARING  
CONTEMPLATED

TO: All interested persons

1. On November 10, 1993, the Department of Fish, Wildlife and Parks proposes to adopt an amendment to ARM 12.3.112 to eliminate the reference to nonresident doe/fawn license fees.

2. The rule, as proposed to be amended, appears as follows:

12.3.112 ANTELOPE LICENSES (1) through (4) remain the same.

~~(5) Nonresident doe/fawn license cost.~~  
~~(a) Doe/fawn antelope licenses sold over the counter and through surplus sales are \$35.00 each for nonresidents.~~

~~(6)~~ (5) Landowner preference applications. All applications claiming landowner preference are verified through local game wardens for authenticity of ownership. Applications with errors may be sent back to the applicants for correction at the discretion of the department if time allows.

AUTH: Sec. 87-2-104, MCA IMP: Sec. 87-2-104, MCA

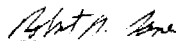
3. Rationale for the changes are as follows: Section 87-2-104 states the fees for game management licenses must be set annually by the department. The cost of a nonresident doe/fawn antelope license should have been a part of annual rules adopted by the department under an exception granted in Section 2-4-102(10), MCA, to rulemaking under the Administrative Procedures Act. The department will notice the public on doe/fawn antelope license fees in its annual rules.


4. Interested parties may submit their data, views or arguments, either orally or in writing, to Jim Herman, Department of Fish, Wildlife and Parks, 1420 East Sixth, Helena, P.O. Box 200701, Montana 59620, no later than October 28, 1993.

5. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he or she must make written request for a hearing and submit this request along with any written comments to Jim Herman, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701, no later than October 28, 1993.

6. If the agency receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is

less, of the persons who are directly affected by the proposed adoption; from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from any association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register and mailed to all interested persons.

  
Robert N. Lane  
Rule Reviewer

  
Patrick J. Graham, Director  
Montana Department of Fish,  
Wildlife and Parks

Certified to the Secretary of State September 17, 1993.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING
rules 16.14.502, 706 and 708,	)	FOR PROPOSED AMENDMENT
and the repeal of 16.14.517,	)	OF RULES AND REPEAL
dealing with municipal solid	)	OF 16.14.517
waste management.	)	

(Solid Waste)

To: All Interested Persons

1. On October 20, 1993, at 9:00 a.m., the department will hold a public hearing in Room C209, Side 1, of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of the above-captioned rules.

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

16.14.502. DEFINITIONS In addition to the terms defined in 75-10-203, MCA, as used in this subchapter, the following terms shall have the meanings or interpretations shown below:

(1)-(17) Remain the same.

(18) "Floodplain" means the lowland and relatively flat areas adjoining inland, including flood-prone areas, that are inundated by the 100-year flood.

(18)-(43) Remain the same but are renumbered (19) to (44).

(45) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(44)-(53) Remain the same but are renumbered (46)-(55).

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

16.14.706. SAMPLING AND ANALYSIS PLAN (1)-(3) Remain the same.

(4)(a) Once established at a disposal unit, ground water monitoring must be conducted throughout the active life and post-closure care period of that disposal unit as specified in ARM 16.14.531. The minimum ground water sampling frequency must be twice per year, at least three months apart, at high and low ground water periods, unless otherwise specified in writing by the department. The high and low water ground water level periods will be determined through first year monthly water level measurements. The direction of ground water flow must be determined each time ground water elevations are measured. The rate of ground water flow must be determined each time a well is sampled.

(b) The department may specify an appropriate alternative frequency for repeated sampling and analysis during detection monitoring for Table 1 constituents, or the alternative list approved in accordance with (8) of this rule, during the active life (including closure) and the post-closure care period. The alternative frequency during the active life (including closure) must be no less than annual. The alternative frequency shall be based on consideration of the following factors:

- (i) lithology of the aquifer and unsaturated zone;
- (ii) hydraulic conductivity of the aquifer and unsaturated zone;
- (iii) ground water flow rates;
- (iv) minimum distance between the upgradient edge of the MSWLF unit and the downgradient monitoring well screen (minimum distance of travel); and
- (v) resource value of the aquifer.

(5)-(7) Remain the same.

(8)(a) Unless otherwise specified in writing by the department the parameters listed herein as Table 1 must be monitored in the detection monitoring program.

(b) The department may delete any of the Table 1 constituents required under detection monitoring if it can be demonstrated that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit.

(c) The department may establish an alternative list of inorganic indicator parameters for a MSWLF unit, in lieu of some or all of the inorganic constituents listed in Table 1 (items 1-24), if the alternative parameters provide a reliable indication of inorganic releases from the MSWLF unit to the ground water. In determining alternative parameters, the department shall consider the following factors:

- (i) The types, quantities, and concentrations of constituents in waste managed at the MSWLF unit;
- (ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the MSWLF unit;
- (iii) The detectability of indicator parameters, waste constituents, and reaction products in the ground water; and
- (iv) The concentration or values and coefficients of variation of monitoring parameters or constituents in the ground water background.

(9)-(16) and Tables 1 & 2 Remain the same.

AUTH: 75-10-204, MCA; IMP: 75-10-204, 75-10-207, MCA

#### 16.14.708 DEFINITION OF EXTENT OF CONTAMINATION

(1)(a) If ground water concentration(s) in samples from any facility ground water monitoring well(s) for any Table 1 [ARM 16.14.706] constituent equal or exceed an enforcement standard or show a significant statistical increase above background levels or a statistically significant decrease in pH occurs, the owner or operator must:

(i)-(iv) Remain the same.

(v) Continue assessment monitoring until the conditions

specified in (2) of this rule are satisfied. During continued assessment monitoring the owner or operator must:

(A) Sample all wells for all Table 2 constituents at least annually;

(B) Sample all wells within 90 days and at least semi-annually thereafter for all Table 1 constituents and all Table 2 constituents detected in the initial, or subsequent annual, Table 2 sampling; ~~and~~

(C) Collect and analyze at least one sample from each well (background and downgradient) during each sampling event; and

(D) For any constituent detected in the downgradient wells as a result of the Table 2 analysis, collect and analyze a minimum of four independent samples from each well (downgradient and upgradient) to establish background for the constituents detected.

(b)-(j) Remain the same.

(2)-(9) Remain the same.

AUTH: 75-10-204, MCA; IMP: 75-10-204, 75-10-207, MCA

3. The department is proposing these amendments to the rules in order to gain approval for the state's solid waste management program, under Subtitle D of the Resource Conservation and Recovery Act, from the U.S. Environmental Protection Agency. Such approval is necessary if the state is to retain primary responsibility - rather than EPA - for enforcing its own solid waste program.

4. ARM 16.14.517, which can be found on page 16-742 of the Administrative Rules of Montana, is proposed to be repealed because the purpose of the rule has been fulfilled and there is no further purpose for the rule to serve. AUTH and IMP: 75-10-204 MCA

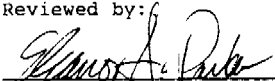
5. Interested persons may submit their data, views, or arguments concerning the proposed rules, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Pat Crowley, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than October 29, 1993.

6. Dayna Shepherd has been designated to preside over and conduct the hearing.

  
ROBERT J. ROBINSON, Director

Certified to the Secretary of State September 20, 1993.

Reviewed by:

  
Eleanor Parker, DHES Attorney



BEFORE THE PETROLEUM TANK RELEASE COMPENSATION BOARD  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING  
rules 16.47.311, 335, 336, and 343, ) ON PROPOSED AMENDMENT  
and the adoption of new rules I ) AND ADOPTION OF RULES  
and II establishing rules on )  
consultant labor classifications )  
and amending existing rules to )  
conform with these changes. )

(Petroleum Board)

TO: All Interested Persons.

1. On October 20, 1993, at 9:00 a.m., a public hearing will be held in the conference room of the Petroleum Tank Release Compensation Board offices, 1740 North Montana Ave., Helena, Montana. The hearing will be held to consider the promulgation of new rules on consultant labor classifications, filing rates charged for labor within such classifications, and computing from rates so filed a range of rates deemed reasonable for the purposes of delegating to the board staff authority to pay certain claims and to better define the reasonable rates for reimbursement purposes, and to amend various existing rules to conform with these changes.

2. The proposed new rules provide as follows:

RULE I CONSULTANT LABOR CODES, TITLES, AND DUTIES

(1) Consultants must assign to one of the following categories any service time for an individual that is billed to a responsible party and for which reimbursement is claimed, unless the duties of the individual are so unusual that they do not closely approximate any of the following categories:

<u>Code</u>	<u>Title</u>	<u>Duties</u>
1004	Clerical Personnel	Typing reports, copying, running errands, filing, telephone answering.
1005	Clerical Administration Accounting Personnel	All clerical duties described in 1004, plus preparing claims and assembling documentation.
1007	Draftsperson	Drawing maps, using autocad ACAD for mapping and preparing figures.
1049	Entry Technician	Assisting senior personnel on site; requires supervision.
1050	Staff Technician	Assisting senior personnel with

1051 Senior Technician	field work, can do field sampling without supervision. Directing entry and staff level technicians. May act as site coordinator for basic field work.
1014 Staff Engineer/ Geologist/Scientist	Assisting project staff in report writing, or research and background information for the project staff person.
1015 Project Engineer/ Geologist/Scientist	Managing project, scheduling work, and developing work plans as required for the remediation of a site.
1016 Senior Engineer/ Geologist/Scientist	Overseeing project staff person, reviewing reports, and assisting with complicated remediation site management.
1017 Principal Engineer/ Geologist/Scientist	Overseeing complicated projects or work plans if they would require designs which need review by a professional engineer. This individual would not typically be on site in the field doing basic field work.
1038 Computer Scientist/ Database Specialist	Set-up database tracking, computer modeling, etc.

(2) A consultant may file with the board, and amend, not more than once a year (absent unusual circumstances), the rates at which it bills clients in Montana for the services of its personnel as described in (1). Rate schedules and amendments must be maintained in confidence by and accessible only to the board staff, as the consultant's expectation of privacy is reasonable and outweighs the merits of public disclosure.

(3) When rate schedules from companies whose invoices the board frequently reviews have been filed in a number sufficient for a meaningful statistical analysis, the board staff shall compute a range of allowable rates for each code listed in (1), which is the mean rate for each code plus the standard deviation, not to exceed 10% of that mean. The board staff shall then notify each filing firm whether its rates exceed the range of allowable rates, and if so, by how much. The amount by which a consultant's rate for a particular code exceeds the range of allowable rates will be presumed unreasonable.

(4) Board staff may request a detailed explanation of rate structures when a submitted rate appears to vary significantly from those submitted by other consultants for the same code. Board staff reserves the right not to use rates that significantly vary from similar rates submitted by other consultants, rates from consultants who have not submitted claims for reimbursement, rates from consultants who have not

submitted proper documentation for claim reimbursement, and other rates not deemed acceptable by the Board.

(5) A consultant not filing its schedule of rates must submit its invoices for services formatted in accordance with (1) of this rule. Any rates which exceed the range of allowable rates will be presumed unreasonable.

(6) A responsible party or consultant may overcome the presumption that a rate is unreasonable by presenting clear and concise evidence to the board as provided under ARM 16.47.336(5) and (6).

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

RULE II OTHER CHARGES ALLOWED OR DISALLOWED (1) The following additional charges are eligible for reimbursement, unless listed as disallowed under (2). Other types of charges may be reimbursed if shown to be necessarily and reasonably incurred in furtherance of the corrective action plan:

(a) Long distance telephone charges specific to the job site.

(b) Computer usage for generating figures, maps, wells, logs, etc. for reports.

(c) Supplies and materials directly associated with the site (e.g., equipment purchased or withdrawn from inventory specifically for the corrective action, sample charges, or well supplies).

(d) Copies, not to exceed 10 cents per page, unless documentation supports a higher charge paid to an outside entity.

(e) Mileage, calculated according to the rental rate blue book, or, for employee-provided transportation, at the actual amount of reimbursement paid the employee, provided that it does not exceed blue book values.

(f) Lodging at actual cost.

(g) Meals at \$20 per full day (\$4 for the morning meal, \$6 for the midday meal, and \$10 for the evening meal) or the appropriate portion of a full day. Exceptions for higher actual costs may be made with a showing that seasonal or other factors make such rates absolutely unavailable in certain limited areas (receipts will be required).

(2) The following list indicates, by way of example and not limitation, types of charges that are not eligible for reimbursement. While these examples may be necessary, they should be built into a firm's general overhead and recovered through the basic rates.

(a) Postage.

(b) Preparation of billing information and invoices.

(c) Computer charges for writing reports.

(d) Administrative charges for handling payments.

(e) Standard office supplies.

(f) Markups, add-ons, or profit added to subcontractor invoices.

(g) Charges for basic telephone service.

(h) Interest.

(3) The following charges may be eligible for reim-

bursement, only if approved by the board staff prior to claim submission:

- (a) Rates for labor categories not listed in [Rule I (1)].
- (b) Trespass fees.
- (c) Pollution liability insurance which covers subcontractors at actual cost (verification of coverage may be required).

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

3. The rules proposed to be amended would provide as follows (new matter underlined, matter to be deleted interlined):

16.47.311 DEFINITIONS (1) As used in this chapter:

- (a)-(b) Remain the same.

(c) "Consultant" means a professional person or organization of such persons who advise tank owners or operators with respect to planning and implementing corrective action.

- (c)-(h) Remain the same but are relettered (d)-(i).

- (2) Remains the same.

AUTH: 75-11-318 MCA; IMP: 75-11-302 through 75-11-318 MCA

16.47.335 APPLICATION FOR GUARANTEE OF REIMBURSEMENT OF FUTURE OR UNAPPROVED EXPENDITURES (1) ~~The Act allows when-  
ever an applicant requests the board to guarantee reimbursement for eligible costs not yet approved by the board, including or estimated costs not yet incurred. Since the board cannot determine whether estimated expenditures will be actually and reasonably incurred, it, the board will issue the requested guarantee, with no specific dollar amount, if it is able to make the necessary findings under (2) of this rule.~~

(2) The board must find, before guaranteeing reimbursement of future or unapproved expenditures, that the release, the tank, and the applicant are each eligible for reimbursement and that the expenditure or proposed expenditure would be of a type necessary in order to implement an approved corrective action plan or to settle pay eligible third-party damage claims.

(3) A person shall apply to the board for this guarantee on the basic application, form 3, entering "not applicable" where appropriate.

(4) The board delegates to the executive director the authority to issue determinations of eligibility for reimbursement when the facts posited are consistent with the facts presented or found in a prior determination, subject to the applicant's right to be heard by the board.

AUTH: 75-11-318 MCA; IMP: 75-11-309 MCA

16.47.336 REVIEW AND DETERMINATION (1) Remains the same.

(2) The board will normally consider applications filed and submitted as complete (by staff recommendation or applicant request) up to 60 days preceding a scheduled board meet-

ing. Applications filed and submitted as complete less than 60 days preceding a board meeting will not be considered at that meeting unless, and only to the extent that, expedited review and reimbursement or commitment is necessary to prevent environmental damage which would occur if consideration is held for the following board meeting. The payment of claims without reductions recommended by board staff, for which authority to pay has been delegated under (3) of this rule, is not subject to this procedure. The agenda for consideration of applications at board meetings will follow the order in which applications were submitted as complete and which are not paid under (3) of this rule.

(3) When a claim has no reductions recommended by board staff, and includes only services that are either listed in one or more of the labor codes set out in [Rule I] or approved pursuant to [Rule II(3)], the board delegates to the executive director authority to process such a claim for reimbursement upon receipt. The executive director shall report the number of such claims and the amounts obligated to the next meeting of the board.

(3)-(4) Remain the same but are renumbered (4)-(5).

(5)-(6) An applicant dissatisfied with the denial or disallowance of all or any part of his application may request a formal hearing. This request, with a specification of the grounds for dissatisfaction disagreement with the board's initial decision, must be filed in writing with the board within 15 days of the mailing receipt of the board's determination to by the applicant. Upon receiving such request, the chairman of the board shall may appoint a hearing examiner to supervise any discovery and prehearing matters and to conduct the hearing, either at a subsequent meeting of the board or outside a board meeting, subject to 2-4-621, MCA, as the appointment may specify.

(6)-(7) Any time periods specified in this rule may be extended by agreement.

AUTH: 75-11-318 MCA; IMP: 75-11-309 MCA

16.47.343 CORRECTIVE ACTION EXPENDITURES: DOCUMENTATION (1) Expenditures made by the responsible party pursuant to an approved corrective action plan must be documented as set forth in the requirements instructions for and attachments B and C of to the application (form 3 1).

(2) Remains the same.

AUTH: 75-11-318 MCA; IMP: 75-11-309 MCA

4. The board is proposing these rule changes in order to speed the process of reimbursement for leaking tank clean-up expenditures through a carefully structured delegation of payment approval authority in certain situations to its staff. By calculating a range of rates deemed reasonable and telling the environmental consulting firms when their filed rates are within this range, a significant number of claims now held for board meetings could be paid several weeks sooner. The board is also amending its rule on formal hearings

to reflect the statutory change enacted by House Bill 423, 1993 Legislature, so that contested case hearings do not have to be held during a meeting of the board.

5. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Jean Riley, Executive Director, Petroleum Tank Release Compensation Board, PO Box 200902, Helena, MT 59620-0902, to be received no later than October 29, 1993.

6. Roger Tippy has been designated to conduct and preside over the hearing.

PETROLEUM TANK RELEASE COMPENSATION BOARD  
HOWARD WHEATLEY, CHAIRMAN

By: Jean A. Riley  
Jean A. Riley, Executive Director

Certified to the Secretary of State September 20, 1993

Reviewed by:

Eleanor Parker  
Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE ADOPTION ) NOTICE OF THE PROPOSED ADOPTION  
of NEW RULES I and II relating ) of NEW RULE I and II relating  
to Exemptions Involving Owner- ) to Exemptions Involving Owner-  
ship and Use Tests for ) ship and Use Tests for Property  
Property )

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On November 11, 1993, the Department of Revenue proposes to adopt New Rule I and II relating to exemptions involving ownership and use tests for property.

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

NEW RULE I EXEMPTIONS INVOLVING AN OWNERSHIP TEST

(1) A tribal member who owns vehicles and other personal property in whole or in part is subject to the provisions of this rule. The following requirements apply to tribal personal property in order to meet the ownership test:

(a) The exemption applies to tribal members living on the reservation of the Tribe in which they are an enrolled member;

(b) If the tribal member owns 100% of the personal property (such as vehicles), the property is 100% exempt; and

(c) If the personal property is owned by tribal members and non-tribal members and there is no indication of the percentage of ownership for each owner, the exemption of the property is prorated among the owners as if each owner owned equal interests in the property. An example of this is when a tribal member and two non-tribal members register a vehicle. The vehicle is on the reservation of the tribal member and there is no indication of the percentage of ownership for each owner. The vehicle receives a 33% exemption and is taxed for the remaining 67%.

(2) The following requirements apply to tribal real property in order to meet the ownership test:

(a) The exemption involving an ownership test applies to real property located on the reservation in which the tribal member is an enrolled member. In most cases the percentage of ownership is stated on the deed or instrument that transfers ownership. If the patent for the land at issue was acquired under a federal statute in which Congress did not express its intention that the land be subject to state taxation, or if the land is held by the United States Government in trust for the enrolled member, it is not generally taxable and is exempt.

(b) Property acquired under a federal statute in which Congress expressed its intention that the land be subject to state taxation, such as the Indian General Allotment Act of

1887, is not entitled to an exemption and will remain on the tax roll, unless it was placed in trust after acquisition under the particular federal statute. If the local staff cannot determine whether the property was acquired under a federal statute authorizing state taxation or is held in trust by the United States, the property will be placed on the tax roll until the owner can produce proof that the property is entitled to an exemption. Therefore, if the tribal member owns 20% of the property and is entitled to an exemption, 20% of the property will receive an exemption and the remaining 80% of the property will remain on the tax roll. The assessment will be addressed to and sent to the non-tribal member(s).

(3) Military personnel who own vehicles and other personal property in whole or in part are subject to the provisions of this rule.

(a) If a military person is entitled to an exemption for that person's personal property under the Soldiers and Sailors Relief Act, the amount of exemption will depend on their percentage of ownership. If there are owners other than the military person and the ownership document does not indicate the ownership interest, the property must be prorated among the owners as if each owner owned equal interests in the property. For example, if a vehicle is owned by a military person and his/her spouse and there is no legal indication of the percentage of ownership, the vehicle would receive a 50% exemption.

(b) To receive an exemption under the Soldiers and Sailors Relief Act, the military person must be a nonresident and provide the county assessor with proof that they have orders assigning them to duty in Montana.

(c) There is no exemption allowed for real property of active military personnel or personal property used in or arising from a trade or business of the active duty military personnel.

(4) For other types of exemptions that require an application for exemption and an ownership test to qualify, the exemption is based on the percentage of ownership as contained in the document that evidences ownership, and on whether or not the property satisfies the use test required by the exemption statute (if a use test is required). If the document does not show the ownership interest, the value of the property must be prorated among the owners as if each owner owned equal interests in the property. An example would be if a church and a pastor are both listed as owners of a house. The house is occupied by the pastor and he is a member of the clergy. The church's 50% interest is exempt from taxation. The pastor's 50% interest is not exempt from taxation. This portion of the rule applies to properties which receive an exemption under 15-6-201, 15-6-203, and 15-6-209, MCA.

AUTH: Sec. 15-1-201, MCA; IMP: Secs. 15-6-201, 15-6-203, 15-6-209, and 15-24-1208, MCA.



NEW RULE II EXEMPTIONS INVOLVING A USE TEST (1) For property tax exemptions which require a use test, the following criteria applies:

(a) The use of the property in the previous year is obtained from the applicant in the form of an affidavit, letter, or from a physical inspection by the county appraisal staff;

(b) If there is no use history from the previous year, the intended use is obtained from the applicant in the form of an affidavit or letter;

(c) If there is no use history and the intended use is the determining factor in granting the exemption, the exemption is reviewed as of January 1 of the next year to determine if the property was placed in the intended use. If it was not placed in the intended use, the department of revenue will adjust the exemption to reflect the actual use during the preceding year; and

(d) The ratio of the exempt to nonexempt use is used to determine the portion of the property that will receive the exemption.

(2) An example of the application of the use test in (1) is when 25% of a building was used for educational purposes in 1992 and the remainder of the building was used for commercial purposes. The applicant applies for an exemption on January 1, 1993. For 1993 and until the use changes, the property receives a 25% exemption for the land and the building.

(3) If the use of a property that is exempt because it has met a prior use test changes during the year, the exemption for the property is reviewed and the exemption adjusted accordingly on January 1 of the tax year following the change in use.

(4) This rule applies to exemptions that require an application for exemption, which includes properties listed in 15-6-201, 15-6-203, and 15-6-209, MCA.

AUTH: Sec. 15-1-201, MCA; IMP: Secs. 15-6-201, 15-6-203, 15-6-209, and 15-24-1208, MCA.


3. New rules I and II are being proposed to implement and clarify the procedures outlined in SB 183, Sec. 1 and 2, Ch. 90, L. 1993, with regard to exemptions involving ownership and use tests for property owned by both a taxable and non-taxable persons. Additionally, the rules will clarify the treatment of property used for both tax exempt purposes and non-tax exempt purposes.

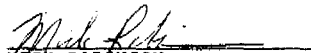
4. Interested parties may submit their data, views, or arguments concerning the proposed adoption in writing to: Cleo Anderson, Department of Revenue, Office of Legal Affairs, P.O. Box 202701, Helena, Montana 59620-2701, no later than October 29, 1993.

5. If a person who is directly affected by the proposed amendments 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 Cleo Anderson at the above address no

later than October 29, 1993.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed adoption; from the Administrative Code Committee of the Legislature; from a governmental subdivision, or agency; or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25.

  
CLEO ANDERSON  
Rule Reviewer

  
MICK ROBINSON  
Director of Revenue

Certified to Secretary of State September 20, 1993.

BEFORE THE COMMISSIONER  
OF POLITICAL PRACTICES  
OF THE  
STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF PROPOSED AMENDMENT
of Rule 44.10.521 pertaining	)	OF RULE 44.10.521 PERTAINING
to mass collections at fund-	)	TO MASS COLLECTIONS AT FUND-
raising events--itemized account	)	RAISING EVENTS--ITEMIZED
of proceeds, reporting	)	ACCOUNT OF PROCEEDS, REPORTING

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On October 31, 1993, the Commissioner of Political Practices proposes to amend Rule 44.10.521 which pertains to mass collections at fund-raising events--itemized account of proceeds, reporting.

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

44.10.521 MASS COLLECTIONS AT FUND-RAISING EVENTS--ITEMIZED ACCOUNT OF PROCEEDS, REPORTING (1) For the purposes of section 13-37-229(8), MCA:

(a) "Mass collections" made at a fund-raising event include the proceeds received from passing the hat or from the sale of items such as campaign pins, flags, emblems, hats, banners, raffle tickets, auction items, refreshments, baked goods, admission tickets and similar items sold at a dinner, rally, auction, dance, bake sale, rummage sale or similar fund-raising event. Provided that mass collections do not include the proceeds of purchases of ~~\$75 or more in the case of a statewide candidate or political committee, or \$35 or more for any other candidate or political committee, or \$35 or more at a mixed event for both statewide and any other candidates or political committees.~~

(b) "Itemized account of proceeds" means the date and number of individuals in attendance at a fund-raising event, a description of the method utilized to gain the proceeds of a mass collection (i.e.; passing the hat, sale of raffle tickets, auction items, etc.) and the total amount received from each method utilized.

(2) For purposes of preparing the statement of deposit required by section 13-37-207(2), MCA, a record identifying the name of and amount received from each person must be maintained for a purchase of ~~\$75 or more at an event for a statewide candidate or political committee, or \$35 or more at an event for any other candidate or political committee, or \$35 or more at a mixed event for both statewide and any other candidates or political committees.~~ The proceeds of purchases of less than ~~\$75 or \$35, whichever applies,~~ may be recorded and deposited in lump sum without identifying the name of the contributor.

AUTH: Section 13-37-114, MCA


IMP: Section 13-37-229(8) and 13-37-207(2), MCA

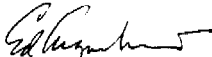
3. Rationale: The proposed amendment is needed to conform the rule to the mandate of section 13-37-229(8), MCA, as amended in 1991, requiring that each mass collection for a candidate or a committee may be reported as a lump sum, without identifying the names of the contributors, when individual contributions included in the lump sum are less than \$35. Individual contributions of \$35 or more must be reported individually by name, mailing address, occupation and employer. Prior to the 1991 amendment, the threshold amount for state-wide candidates and committees was \$75 while the threshold amount for all other candidates and committees was \$35. The statute was amended so all candidates and committees now have the same reporting threshold amount of \$35.

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to the Commissioner of Political Practices, P. O. Box 202401, Helena, Montana 59620, no later than October 29, 1993.

5. If any person who is directly affected by this proposed amendment wishes to express data, views and arguments orally or in writing at a public hearing, then the person must make written request for a public hearing and submit this request, along with any written comments, to the Commissioner of Political Practices, P. O. Box 202401, Helena, Montana 59620, no later than October 29, 1993.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is fewer, of the persons who are directly affected by the proposed action; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not fewer than 25 members who will be directly affected, a hearing will be scheduled at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25 persons based on 125 contested elections in 1992 with 2 candidates each.

  
Rule Reviewer  
GARTH JACOBSON

  
Commissioner of Political Practices  
ED ARGENBRIGHT, Ed.D.

Certified to the Secretary of State September 16, 1993.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of rules	)	THE PROPOSED AMENDMENT OF
46.12.507, 46.12.1021,	)	RULES 46.12.507,
46.12.1022 and 46.12.1025	)	46.12.1021, 46.12.1022 AND
pertaining to medicaid	)	46.12.1025 PERTAINING TO
coverage and reimbursement	)	MEDICAID COVERAGE AND
of ambulance services	)	REIMBURSEMENT OF AMBULANCE
	)	SERVICES

TO: All Interested Persons

1. On October 20, 1993, at 9:30 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of rules 46.12.507, 46.12.1021, 46.12.1022 and 46.12.1025 pertaining to medicaid coverage and reimbursement of ambulance services.

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

46.12.507 OUTPATIENT HOSPITAL SERVICES, REQUIREMENTS

Subsection (1) through (3) remain the same.

(a) emergency room services, and;

(b) services provided in a hospital that would also be covered by medicaid in a non-hospital setting; and

(c) air transport ambulance services for neonates and women with high risk pregnancies, as provided in ARM 46.12.1025.

AUTH: Sec. 53-6-113 MCA

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

46.12.1021 AMBULANCE SERVICES, DEFINITIONS (1) "Ambulance" means any motor vehicle or aircraft that is specially designed, equipped with customary patient care equipment and supplies as required by state or local law and maintained for the medical care and transportation of the sick or injured.

(2) Emergency "Ambulance services" means services provided by a licensed ambulance provider in the ground or air transportation of a sick or injured person in a specially designed and equipped vehicle as defined above, which includes a trained ambulance attendant who has current advanced American red cross first aid training or its equivalent, is licensed or certified as required by state law. Ambulance services are either basic life support ambulance services or advance life support ambulance services.

(3) ~~Nonemergency ambulance service means services provided by a licensed ambulance provider in the ground or air~~

~~transportation of a sick or injured person in a specially designed and equipped vehicle as defined above, which includes a trained ambulance attendant who has current advanced American red cross first aid training or its equivalent, that does not require immediate action.~~

(3) "Basic life support ambulance services" means ambulance services that provide transportation and the equipment and staff needed for basic life support such as control of bleeding, splinting of fractures, treatment for shock, delivery of babies, cardiopulmonary resuscitation, and other basic life support services.

(4) "Advance life support ambulance services" means ambulance services with complex specialized life-sustaining equipment and equipment for radio-telephone contact with a physician or a hospital. Examples of this type of ambulance services are mobile coronary care units and other ambulance vehicles that are appropriately equipped and staffed by personnel trained and authorized to administer intravenous therapy, provide anti-shock trousers, establish and maintain a patient's airway, defibrillate the heart, relieve pneumothorax conditions and perform other advanced life support procedures or services such as cardiac (EKG) monitoring.

(5) "Appropriate facility" means an institution equipped to provide the required hospital or nursing care for the illness or injury involved. In the case of a hospital, it also means that a physician or a physician specialist is available to provide the necessary care required to treat the patient's condition. However, the fact that the patient's personal physician does not have staff privileges in a hospital is not a consideration in determining whether the hospital is an appropriate facility.

(6) "Emergency" means that the patient's medical condition requires immediate transportation by ambulance to an appropriate facility. An emergency does not exist if some other means of transportation would be safe and effective for the patient's medical condition.

AUTH: Sec. 53-6-113 MCA

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

46.12.1022 AMBULANCE SERVICES, REQUIREMENTS These requirements are in addition to those contained in ARM 46.12.301 through 46.12.399308.

(1) Medicaid payment for ambulance service will be made only to when provided by a licensed ambulance provider.

(2) Medicaid payment for ambulance service will be made only for transportation to the nearest appropriate facility.

Subsection (2) remains the same in text but is renumbered (3).

(4) Ground ambulance service is covered if the patient's medical condition requires transportation by ambulance. The

following are examples of circumstances which may be considered in determining the medical need for ground ambulance service. However, the presence or absence of any one or more of the following does not necessarily establish the medical need for the service:

(a) the patient is transported in an emergency situation, e.g., as a result of an accident or injury;

(b) the patient is unconscious or in shock;

(c) the patient requires oxygen as an emergency rather than a maintenance measure or requires other emergency treatment on the way to the destination;

(d) the patient has to remain immobile because of a fracture that has not been set or the possibility of a fracture;

(e) the patient sustains an acute stroke or myocardial infarction; and/or

(f) the patient is hemorrhaging.

(5) Air ambulance service is covered if:

(a) great distances or other obstacles to effective ground transportation are involved in transporting the patient to the nearest appropriate facility;

(b) an emergency exists which necessitates air transport; and

(c) all other applicable requirements for ambulance service are met.

Subsections (3) and (4) remain the same in text but are renumbered (6) and (7).

AUTH: Sec. 53-6-113 MCA

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

46.12.1025 AMBULANCE SERVICES, REIMBURSEMENT (1) Except as provided in subsection (9), the department will pay the lowest of the following for ambulance services:

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

(c) the department's fee as provided for in subsections (3) and (4) this section.

Subsection (2) and (2)(a) remain the same.

(3) The department may reimburse providers for ambulance services to transport patients to out-of-state facilities at negotiated fees where the department in its discretion determines that the in-state reimbursement rates are inadequate to assure that the recipient will receive medically necessary services.

Subsection (3) through (4) remain the same in text but are renumbered (4) through (5).

(56) Except as provided in subsection (9), current fees for ambulance services are published by the department in a pricing manual.

(67) Except as provided in subsection (9), providers must bill for services using procedure codes set forth, and according

to the definitions contained, in the health care financing administration's common procedure coding system (HCPCS).

Subsection (7) remains the same in text but is renumbered (8).

(9) Air transport ambulance services to the nearest appropriate facility for neonates (age 0 to 28 days) identified as meeting any one of the diagnosis related group (DRG) codes 385-390 and for pregnant women identified as meeting any one of the DRG codes 370, 372, 375 or 383 may be billed by an outpatient hospital service provider and reimbursed by medicaid as outpatient hospital services, according to the provisions of ARM 46.12.506 through 509. Such services must be provided by a licensed ambulance service provider.

AUTH: Sec. 53-6-113 MCA

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

3. The proposed changes are necessary to implement a change in the method of billing and reimbursement for medicaid air transport ambulance services for certain newborn babies and pregnant women who require emergency air transportation to specialized hospital facilities. The department believes that these changes are necessary to assure access to certain specialized neonatal and pregnancy treatment services in the state of Montana and to provide these services in the most cost effective manner.

Currently 80% of all Montana medicaid patients treated outside the state of Montana are neonates (newborn babies age zero through 28 days). Most of these neonates can be treated at hospital facilities located in the state of Montana, except that air transportation is not available to transport the patients to Montana facilities. Out-of-state facilities provide immediate air transportation services for these patients. But air transportation is too expensive for Montana hospitals to provide without reimbursement, and current air ambulance service rules do not provide adequate reimbursement to assure availability of the service from ambulance providers. Thus, most patients needing these specialized services are treated in out-of-state facilities.

The proposed changes to ARM 46.12.507, 1022(1), 1025(1), 1025(6), 1025(7), and 1025(9) would allow Montana hospitals to arrange air transport ambulance services through agreements with licensed ambulance providers. The cost of these services would then be reimbursable to the hospital under the medicaid outpatient hospital program in the same manner as other outpatient hospital costs. Ambulance providers would receive their reimbursement from the hospital, and would not be allowed to bill medicaid for these services when provided under such an agreement with the hospital.



This change would allow Montana hospitals to make available the necessary air transportation services which will allow treatment of these neonates in Montana. In addition to improving access to certain specialized neonatal and pregnancy treatment services in the state of Montana, the proposed change will allow a cost savings by making it possible to treat patients at Montana facilities where the cost of treatment is lower than out-of-state facilities.

This air ambulance service will be available through the outpatient hospital services program for neonate (newborn babies age zero through 28 days) who are identified as meeting any one of the diagnosis related group (DRG) codes 385 through 390. This service will also be available through the outpatient hospital services program for certain pregnant women with high risk pregnancies. These pregnant women are those identified as meeting any one of the DRG codes 370, 372, 375 or 383. Necessary air ambulance services remain available to all recipients under the usual billing and reimbursement procedures.

The proposed changes to ARM 46.12.1021 are necessary to specify the definitions of certain terms used in the rules. The proposed change to the definition of "ambulance" would clarify that the terms includes both aircraft and ground transportation motor vehicles. The proposed changes to the definition of "emergency ambulance service" and the deletion of the definition of "nonemergency ambulance service" removes definitions of terms which are not used in the rules and replaces those with a definition of "ambulance services." This definition is necessary to specify requirements applicable to all ambulance services, and to specify that ambulance attendants must be licensed or certified as may be required by state law.

The proposed definitions of "basic life support ambulance" and "advance life support ambulance" are necessary to define these terms which appear in ARM 46.12.1025. These terms are currently undefined in the rules. The distinction between these two types of ambulances is significant for purposes of determining the amount of reimbursement payable. The proposed changes are also necessary to specify that ambulance service payment will be made only for basic or advance life support ambulance services.

The proposed changes to ARM 46.12.1022 include new language to specify that medicaid will reimburse only for transportation to the nearest appropriate facility. The proposed definition of "appropriate facility" in ARM 46.12.1021 is necessary to specify the meaning of this term for purposes of the requirement that medicaid reimbursement is available only for transportation to the nearest appropriate facility. These changes are necessary to assure that medicaid reimburses only for the most cost effective services.

The proposed changes to ARM 46.12.1022 also include new language to specify when ground and air ambulance services will be covered by medicaid. The examples of circumstances which may establish need for a ground ambulance are intended to be illustrative and not to indicate that the presence of a particular factor alone necessitates use of an ambulance. In a particular case the presence of other medically relevant factors could lead to a contrary conclusion.

The requirements for coverage of air ambulance services are also specified. The proposed definition in ARM 46.12.1021 of "emergency" is necessary to specify the meaning of this term for purposes of the emergency requirement for determining if air transport reimbursement is payable.

The proposed new language in ARM 46.12.1025(3) is necessary to specify that the department may negotiate rates for reimbursement of ambulance providers for transportation to out-of-state facilities, where the department determines that rates higher than the standard fees are necessary to assure that the recipient can receive medically necessary services.

In summary, the proposed changes are necessary to assure access to medically necessary services, to limit payment to those services which are cost effective and to specify rules which apply to the provision and reimbursement of ambulance services. The Medical Care Advisory Council will be notified of the proposed changes on September 23, 1993. The department estimates that the proposed changes relating to air transport of neonates and pregnant women will result in an approximately \$408,000 cost savings in the medicaid hospital services program in state fiscal year 1994. Interested parties may obtain a copy of this notice at their local county office of human services.

4. The proposed changes relating to reimbursement of neonates and pregnant women as an outpatient hospital service will be effective retroactively beginning November 1, 1993. These changes will have no adverse impact, but rather will benefit both medicaid recipients and providers. The remaining proposed changes will be effective January 1, 1994.

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 Russell E. Cater, Chief Legal Counsel, Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, MT 59604-4210, no later than October 28, 1993.

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

Sam Elia  
Rule Reviewer

ESR A  
Director, Social and Rehabilitation Services

Certified to the Secretary of State September 20, 1993.

BEFORE THE CLASSIFICATION AND RATING COMMITTEE  
OF THE STATE OF MONTANA

In the matter of the adoption ) NOTICE OF ADOPTION OF  
of new rules on matters subject ) RULES ON MATTERS SUBJECT  
to notice and hearing before ) TO NOTICE AND HEARING  
the classification and rating ) BEFORE THE CLASSIFICATION  
committee. ) AND RATING COMMITTEE

TO: All Interested Persons

1. On August 12, 1993, the classification and rating committee published a notice of public hearing at page 1781, 1993 Montana Administrative Register, Issue No. 15. The hearing was held on September 3, 1993 in Room 136 of the Mitchell Building, 126 North Roberts Street, Helena, Montana. No persons appeared to offer views, data or arguments at the hearing. Two sets of written comments were received after the hearing but prior to the close of the comment period.

2. The committee has adopted new rules V (6.6.8203), VI (6.6.8204), VIII (6.6.8206), and X (6.6.8401), exactly as proposed. The committee has adopted new rules I (6.6.8001) through IV (6.6.8202), VII (6.6.8205), and IX (6.6.8301) as proposed but with the following changes (matter to be stricken is interlined, and new matter added is underlined):

RULE I (6.6.8001) AGENCY ORGANIZATION (1) History. The classification and rating committee is created by statute. The district court held in Cause No. BDV-91-1585, state of Montana, first judicial district, entitled State Compensation Mutual Insurance Fund v. R/E Developers, Inc., decided August 14, 1992, that the classification and rating committee is a state agency defined by 2-4-102, MCA. As a state agency, the classification and rating committee is required to promulgate procedural rules pursuant to the Montana Administrative Procedure Act. In 1993, the legislature amended 361-16-1012, MCA, to give the committee express rulemaking authority.

(2) Nature of committee. The classification and rating committee is a state agency as defined by 2-4-102, MCA. Documents and other information concerning the classification and rating committee's actions are made available for public review at the office of the commissioner of insurance. The classification and rating committee consists of five members, of whom four are appointed by the commissioner of insurance and one is appointed by the executive director of the state fund, as provided in 361-16-1011, MCA. The classification and rating committee is staffed as determined necessary by the National Council on Compensation Insurance or such other workers' compensation rating organization as the classification and rating committee may designate.

(3) Inquiries and submissions. Unless otherwise provided in these rules or by special notice, all inquiries and submissions to the classification and rating committee should be

made to the Montana Classification and Rating Committee in care of the National Council on Compensation Insurance, Two Tamarac Square, Suite 613, 7535 East Hampden Ave., Denver, CO 80231, telephone (303)695-8891 ext. 218; fax (303)755-6498.

AUTH: Sec. 33-16-1012, MCA.

IMP: Sec. 2-4-201; 33-16-1011; and 33-16-1012, MCA.

RULE II (6.6.8101) ADOPTION OF MODEL RULES (1) The classification and rating committee adopts and incorporates by reference the following of the attorney general's Model Procedural Rules:

- (a) 1.3.102;
- (b) 1.3.203 through 1.3.211;
- (c) 1.3.216;
- (d) 1.3.218; and
- (e) 1.3.222 through 1.3.233.

(2) The attorney general's Model Procedural Rules are adopted on a selective basis because certain of the rules are not consistent with the requirement contained in 33-16-1012, MCA, which provides that a hearing conducted before the committee must be an informal proceeding as provided in 2-4-604, MCA.

~~(2)~~ (3) A copy of the model rules adopted by the classification and rating committee may be obtained from the committee.

AUTH: Sec. 33-16-1012, MCA

IMP: Sec. 33-16-1012; 2-4-201; 2-4-202, MCA

RULE III (6.6.8201) DEFINITIONS The following definitions apply to this subchapter, unless context or the particular rule requires otherwise:

- (1) "Classification" means a category of risk based on the nature of the work performed.
- (2) "Classification decision" means the classification assigned by the insurer.
- (3) "Classification determination" means the determination made by the committee of the appropriate classification.
- (4) "Committee" means the classification and rating committee created under 33-16-1011, MCA.
- (5) "Insurer" means an authorized insurer writing workers' compensation coverage in this state, including the state compensation insurance fund. For purposes of these rules, "insurer" does not include employers electing to be bound by compensation plan No. 1 of the Montana Workers' Compensation Act.

AUTH: Sec. 33-16-1012, MCA

IMP: Sec. 33-16-1011; 33-16-1012, MCA

RULE IV (6.6.8202) ADMINISTRATIVE APPEAL OF CLASSIFICATION DECISION

- (1) An employer may appeal a classification decision by filing a notice of administrative appeal. The notice of administrative appeal must contain a short statement of the reasons for the appeal and a statement of the general nature of

the relief sought.

(32) The notice of administrative appeal must be filed with the classification and rating committee.

AUTH: Sec. 33-16-1012, MCA

IMP: Sec. 33-16-1011; 33-16-1012; 2-4-201, MCA

RULE VII (6.6.3205) PRE-HEARING EXCHANGE OF INFORMATION

(1) At least 10 days before a hearing, each party must mail or deliver the following information or documents to the committee and to all other parties:

(a) accurate copies of all documentary evidence;

(b) the names, addresses and telephone numbers of all proposed witnesses; and

(c) the telephone numbers where the parties and witnesses may be reached at the time of the hearing.

(2) The employer shall mark and identify each document constituting the employer's documentary evidence with a number, beginning with the number "1". The insurer shall mark and identify each document of the insurer's documentary evidence with a letter, beginning with the letter "A".

(3) Telephone numbers may be updated by either party at any time prior to hearing.

(4) The committee may prescribe a form to be used in providing the information required by this rule.

(5) The committee intends this rule and the subpoena power contained in ARM 1.3.225 of the attorney general's Model Procedural Rules to comply with the requirement of 2-4-602, MCA, that every agency adopt practice rules which provide a means of discovery.

AUTH: Sec. 33-16-1012, MCA

IMP: Sec. 33-16-1012; 2-4-201; 2-4-602, MCA

RULE IX (6.6.8301) ESTABLISHMENT OF CLASSIFICATIONS FOR COMPENSATION PLAN NO. 2 (1) The committee hereby adopts and incorporates by reference the NCCI Basic Manual for Workers' Compensation and Employers Liability Insurance, 1980 ed., as supplemented through August 12, 1993, which establishes classifications with respect to employers electing to be bound by compensation plan No. 2 as provided in Title 39, chapter 71, part 22, Montana Code Annotated. A copy of the Basic Manual for Workers' Compensation and Employers Liability Insurance is available for public inspection at the Office of the Commissioner of Insurance, Room 270, Sam W. Mitchell Building, 126 North Sanders, P.O. Box 200301, Helena, MT 59620-0301. Copies of the Basic Manual for Workers' Compensation and Employers Liability Insurance may be obtained by writing to the Montana Classification and Rating Committee in care of the National Council on Compensation Insurance, Two Tamarac Square, Suite 613, 7535 East Hampden Ave., Denver, CO 80231. Persons obtaining a copy of the Basic Manual for Workers' Compensation and Employers Liability Insurance must pay the committee's cost of providing such copies.

(2) The committee may amend the definition of a rate classification, establish a new rate classification, or delete an existing rate classification pursuant to the rulemaking procedures as provided in Title 2, chapter 4, part 3, Montana Code Annotated and the applicable attorney general's Model Procedural Rules adopted by the committee.

AUTH: Sec. 33-16-1012, MCA

IMP: Sec. 33-16-1012; 2-4-103, MCA

3. The committee has thoroughly considered all comments received. Those comments and the committee's responses thereto are as follows:

NEW RULE I.

COMMENT: Several commentators noted that incorrect citations to the Montana Code Annotated appeared in Rule I.

RESPONSE: The committee noted the error and moved to adopt the rule with the corrected citations.

COMMENT: The department of labor and industry, employment relations division (ERD) suggested the inclusion of telephone and fax numbers of the committee would be of assistance to persons with questions concerning matters over which the committee has jurisdiction.

RESPONSE: The committee concurs and fax and telephone numbers have been added to the rule.

NEW RULE III.

COMMENT: ERD suggested the definition of "insured" should clarify whether compensation plan no. 1 employers are included in the definition of insurer for purposes of these rules.

RESPONSE: The committee concurs and the rule is changed to reflect the comments.

NEW RULE IV.

COMMENT: The Montana state compensation insurance fund (state fund) noted that (3) should be (2).

RESPONSE: The committee noted the error and moved to adopt the rule with the corrected numbering.

COMMENT: ERD noted that no time limits for filing an appeal are specified in this rule, nor is a time period specified for which a determination can be applied retroactively.

RESPONSE: The committee thoroughly discussed the advantages and disadvantages of specifying time limits for filing appeals and a time period for which determinations can be applied retroactively to the employer's policy. The committee decided not to establish time limits at present but to take the matter under further consideration and study.

NEW RULE VII.

COMMENT: ERD noted that the proposed rules do not provide for discovery prior to a contested case hearing.

RESPONSE: The committee is aware that 2-4-602, MCA, requires every agency to adopt practice rules which provide a means of discovery. As all hearings before the committee are required to be informal hearings, the adoption of certain formal discovery devices was believed inappropriate. It is the committee's intent that new rule VII, governing prehearing exchange of information, coupled with ARM 1.3.225 of the attorney general's Model Procedural Rules adopted by reference in the committee's rules, comply with the requirement that every agency provide a means of discovery. The committee decided to add subsection (5) to the rule to clarify that the committee intends this rule and the subpoena power to comply with the requirement for providing a means of discovery.

NEW RULE X.

COMMENT: ERD suggested that subsection (1) of the rule include the street address of the office of commissioner of insurance.

RESPONSE: The committee concurs and the street address of the commissioner of insurance has been added to the rule.

COMMENT: ERD suggested that if the intent of the rule is only to provide for use of the NCCI basic manual for employers electing compensation plan no. 2, that the catch phrase in the title of the rule should contain the phrase "FOR PLAN NO. 2".


RESPONSE: The committee concurs and includes the catch phrase as suggested.

COMMENT: The state fund noted that subsection (2) requires that changes effecting rate classifications are subject to the rulemaking process. It was suggested that the rate classification process does not fit within the definition of rules subject to the rulemaking process because rate classifications, which include classifications or modifications of risks, do not implement, interpret, or prescribe law or policy nor do rate classifications describe the organization, procedures or practice requirements of an agency. Therefore, it was suggested that subsection (2) be deleted from the rule.

RESPONSE: The committee considered the comment and noted that establishment of rate classifications by the rulemaking process may be awkward and inconvenient. The committee, however, decided to adopt subsection (2) as proposed pending further study of the matter.

4. Based on the foregoing, the classification and rating committee hereby adopts the rules.

By:

  
Robert Carlson, Chairperson  
Classification and Rating Committee



-2230-

By: Geoffrey L. Brazier  
Geoffrey L. Brazier, Rule Reviewer  
State Auditor's Office

Certified to the Secretary of State September 20, 1993.

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the repeal ) NOTICE OF REPEAL OF 8.35.414  
of a rule pertaining to ) THERAPEUTIC DEVICES  
therapeutic devices )

TO: All Interested Persons:

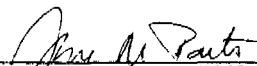
1. On July 29, 1993, the Board of Occupational Therapy Practice published a notice of proposed repeal of the above-stated rule at page 1598 of the Montana Administrative Register, Issue 14.
2. The Board has repealed the rule exactly as proposed.
3. The Board has thoroughly considered all comments and testimony received. Those comments and the Board's responses thereto are as follows:

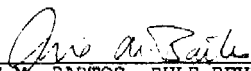
COMMENT: A comment was received from Gail Wheatley, president of the Montana Chapter of the American Physical Therapy Association, questioning whether it was appropriate to repeal 8.35.414 before new regulations based on legislation passed in 1993 have been drafted, published, commented upon and adopted.

RESPONSE: The statute under which 8.35.414 was authorized was a temporary statute which expired on July 1, 1993. With the passage of that date, the statute terminated and any rule authorized by it terminated as well. ARM 8.35.414 is without effect after July 1, 1993, and is therefore properly rescinded with or without board action on further rules.

BOARD OF OCCUPATIONAL THERAPY  
PRACTICE  
DEPARTMENT OF COMMERCE

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

BEFORE THE BOARD OF PSYCHOLOGISTS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

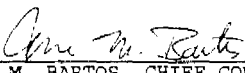
In the matter of the amendment ) NOTICE OF AMENDMENT OF  
of rules pertaining to applica- ) 8.52.604, 8.52.608 AND  
tion procedures, examination ) 8.52.616 PERTAINING TO  
and fee schedule ) THE PRACTICE OF PSYCHOLOGY

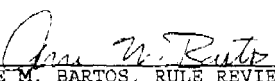
TO: All Interested Persons:

1. On August 12, 1993, the Board of Psychologists published a notice of proposed amendment of the above-stated rules at page 1792, 1993 Montana Administrative Register, issue number 15.
2. The Board has amended the rules exactly as proposed.
3. No comments or testimony were received.

BOARD OF PSYCHOLOGISTS  
EVAN LEWIS, P.h.D.  
CHAIRMAN

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

BEFORE THE BOARD OF REALTY REGULATION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment )	CORRECTED NOTICE OF
of a rule pertaining to )	8.58.415A CONTINUING REAL
real estate education )	ESTATE EDUCATION

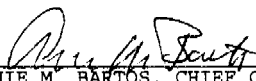
TO: All Interested Persons:


1. On May 27, 1993, the Board of Realty Regulation published a notice of public hearing on the proposed amendment of the above-stated rule at page 1063, 1993 Montana Administrative Register, issue number 10. The Board published a notice of adoption at page 2123, 1993 Montana Administrative Register, issue number 17, adopting the rule as proposed but with changes to subsection (3).

2. Staff inadvertently failed to include, in the adoption notice, that subsections (4) through (10) would remain the same as proposed in the original notice.

BOARD OF REALTY REGULATION  
JACK MOORE, CHAIRMAN

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

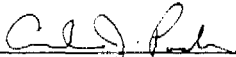
BEFORE THE BOARD OF MILK CONTROL  
OF THE STATE OF MONTANA

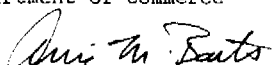
In the matter of proposed ) NOTICE OF AMENDMENT  
amendment of rule 8.86.301 )  
as it relates to the monthly )  
calculation of the class I )  
milk paid to producers ) DOCKET #17-93

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

1. On August 12, 1993, the Board of Milk Control published notice of proposed amendment to ARM 8.86.301(6)(a) at page 1797 of the 1993 Montana Administrative Register, issue number 15, as MAR notice No. 8-86-48.
2. The board has adopted the amendment as proposed.  
AUTH: 81-23-302, MCA  
IMP: 81-23-302, MCA
3. No comments or testimony were received.

MONTANA BOARD OF MILK CONTROL  
MILTON J. OLSEN, Chairman

By:   
Andy J. Poole, Deputy Director  
Department of Commerce

  
Annie M. Bartos, Rule Reviewer  
Commerce Chief Legal Counsel 2-4-110

Certified to the Secretary of State September 20, 1993.

BEFORE THE BOARD OF INVESTMENTS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF AMENDMENT OF
of rules pertaining to defini-	)	8.97.1301 AND 8.97.1302;
tions and seller/servicer	)	AND REPEAL OF 8.97.1602
approval procedures; and the	)	
repeal of a rule pertaining to	)	
the loan loss reserve account	)	

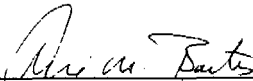
TO: All Interested Persons:


1. On June 24, 1993, the Board of Investments published a notice of public hearing on the above-stated rules at page 1247, 1993 Montana Administrative Register, issue number 12. The hearing was held on August 13, 1993 in the conference room of the Board of Investments in Helena, Montana.

2. The Board has amended and repealed the rules exactly as proposed.

3. No comments or testimony were received either at the hearing or by submission to the Board office.

BOARD OF INVESTMENTS  
WARREN VAUGHAN, CHAIRMAN

BY:   
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

BEFORE THE BUSINESS DEVELOPMENT DIVISION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment )	NOTICE OF AMENDMENT AND
and adoption of rules pertaining)	ADOPTION OF RULES PERTAIN-
to the microbusiness finance )	ING TO THE MICROBUSINESS
program )	FINANCE PROGRAM

TO: All Interested Persons:

1. On August 12, 1993, the Department of Commerce published a notice of proposed amendment of the above-stated rules at page 1800, 1993 Montana Administrative Register, issue number 15. The hearing was held on September 3, 1993 at 9:00 a.m., in the downstairs conference room of the Department of Commerce Building, Helena, Montana.

2. The Department has amended 8.99.401, 404, 501, 503, 505, 509 and 511 and adopted Rule I (8.99.405) exactly as proposed.

3. Eight members of the public attended the hearing, of which two testified. In addition, written testimony was received from one member of the public. The Department has thoroughly considered all comments and testimony received. Those comments and the Department's responses follow:

COMMENT: The Administrative Rules should identify those "specialized services" that the Statewide MBDC may provide in areas covered by regional MBDCs to prevent preemptive and duplicative services in these areas.

RESPONSE: The "specialized services" provided by the statewide MBDC are best left undefined so as to allow the program the greatest possible flexibility in responding to public need and demand. Requests for Proposals (RFPs) for a statewide MBDC were issued a year after the first issuance of RFPs for regional MBDCs, hence meeting the non-preemptive requirement. The non-duplication requirement is met through the statewide MBDC contract.

COMMENT: Why is the Administrative Rules requirement that a statewide MBDC obtain written support from local MBDCs in the communities in which it plans to offer services being removed?

RESPONSE: This amendment to the definition of the "statewide MBDC" reflects the statutory change made by the 1993 Legislature. Negotiating written support from all local development organizations, including MBDCs, in every community in which the statewide MBDC plans to offer services was removed from the statute because it created a serious barrier to certification due to the numerous written documents necessary. However, the statewide MBDC applicant provided substantial evidence of support including MBDC support.

COMMENT: Why must the section of Administrative Rules governing the certification of statewide MBDCs be separated from the section dealing with regional MBDCs?

RESPONSE: Certification requirements for the statewide MBDC is separated from those of regional MBDCs because the requirements for each differ.

COMMENTS: Several comments questioned the purpose of and necessity for the department's proposal to accumulate a twelve month operating budget reserve and expressed concern as to the effect this accumulation would have on the interest rates charged to MBDCs.

RESPONSE: The Administrative Account reserve will be used to meet unanticipated program expenses such as those associated with resolving troubled loan funds. The reserve will allow the department to manage the microbusiness program in a more fiscally responsible manner to assure the long-term economic viability of the program. The development loan interest paid by the MBDCs, which will be used to build the reserve, cannot be increased during the duration of the development loan agreement unless amended by both parties.

COMMENT: The Legislature intended for the microbusiness finance program to be administered in a business-like manner. Several of the proposed changes in the administrative rules are contrary to business standard practices, specifically changing the term "match" to "collateral". The term "match" should continue to be used since the funds in question are lent out, along with the MBDCs' development loan, to microbusiness borrowers in the direct loan programs. In the event of an MBDC default, the state will not be able to collect these funds from the MBDCs and therefore the term "collateral" is not correct.

RESPONSE: The department is proposing to substitute the term "collateral" for the term "match" to bring its administrative rules into conformance with the statutory change. The Legislature concluded that the term "match" precluded use of the loan funds to leverage operating funds.

COMMENT: The department of commerce is responsible for maintaining the integrity of public money and therefore must employ sound financial policies to secure these funds -- perhaps even more so than a bank, since the ultimate microbusiness borrowers usually have no credit history. The security of the state's money in the microbusiness finance program is not adequate because the MBDC collateral is loaned out, and reducing the collateral from a minimum ratio of 1:3 to 1:6 further jeopardizes the funds. No commercial lender would ever secure a loan on a 1:3 collateral ratio, let alone a 1:6 ratio. The microbusiness finance program should require more collateral to secure the MBDC development loans, not less. Once a loan goes into default, most of it will not be recoverable. Therefore, the proposed MBDC collateral reduction should not occur, especially in light of the 18% loan loss rate incurred by one of the MBDCs during the first year of operation.

RESPONSE: The reduction in the minimum collateral ratio is in conformance with the statutory change.



COMMENT: The interest rate floor charged to the MBDCs by the department of commerce should not be removed. Since the development loan to the MBDCs is interest-only until called, the state will not have the ability to raise the funds necessary to conduct special audits of and administer troubled MBDCs. Removing the interest rate floor will impede the department's ability to manage the microbusiness finance program in a fiscally responsible manner.

In addition, justification of the interest rate floor removal cannot be made on the grounds that a larger spread is necessary for MBDC operation. The interest rates were clear when the MBDCs sought certification and contracted with the state to operate accordingly.

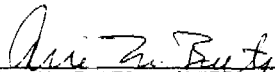
The MBDCs and the department of commerce must be good stewards of public money meaning that when loans fail, and some will, the MBDCs and the state must be prepared to handle them. The microbusiness finance program must have the ability to manage MBDC defaults similar to the MBDCs' ability to manage microbusiness defaults. Therefore, until the department of commerce has the financial ability to manage MBDC defaults, the interest rates charged to the MBDCs should not be reduced and the interest rate floor should not be removed.

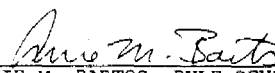
RESPONSE: The department is required to repeal the minimum interest rate floor charged to the MBDCs to bring its administrative rules into conformance with the statutory change.

4. No other comments or testimony were received.

BUSINESS DEVELOPMENT DIVISION  
DEPARTMENT OF COMMERCE

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 20, 1993.

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

In the matter of the amendment of )	NOTICE OF AMENDMENT
rules 16.38.301-304, and the )	OF RULES AND
adoption of a new rule addressing )	ADOPTION
laboratory fees for food, consumer )	OF NEW RULE 1
safety and occupational health )	(16.38.306)
analysis. )	
	(Public Health Lab and Chemistry Lab)

To: All Interested Persons

1. On August 12, 1993, the department published notice of the proposed amendment and adoption of the above captioned rules at page 1812 of the 1993 Montana Administrative Register, issue number 15.

2. The department has adopted the rules as proposed with no changes.

3. No comments or testimony were received other than one from the Administrative Code Committee (ACC), which stated that the department had failed to mention in the initial notice which 1993 bill authorized a fee increase and requested that the bill number and session law chapter number of the 1993 legislation authorizing an increase in fees be cited in this notice of adoption and amendment. In response, the department notes that section 50-1-202(18), MCA, requires the department to annually reestablish lab fees to reflect the actual cost of the tests or services in question. Therefore, the 1993 legislature did not authorize the fee increase itself, since that authority already exists, but rather, authorized expenditure of the increased fees through the appropriation to the labs contained in HB2, the general appropriation bill (a bill that has no session law chapter number).

  
ROBERT J. ROBINSON, Director

Certified to the Secretary of State September 20, 1993

Reviewed by:

  
Eleanor Parker, DHES Attorney

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

In the matter of the amendment ) NOTICE OF AMENDMENT  
of rules related to groups of ) OF 24.29.702G, INITIAL  
employers that self-insure for ) ELECTION - GROUP OF  
workers' compensations purposes ) EMPLOYERS; AND 24.29.702K,  
 ) RENEWAL - GROUP OF EMPLOYERS

1. On July 29, 1993, the Department published notice at pages 1613 to 1617 of the Montana Administrative Register, Issue No. 14, to consider the amendment of the above-captioned rules.

2. On August 23, 1993, a public hearing was held in Helena concerning the proposed rules at which oral and written comments were received. Additional written comments were received prior to the closing date of August 30, 1993.

3. After consideration of the comments received on the proposed rules, the Department has adopted the rules as proposed with the following changes:

24.29.702G INITIAL ELECTION -- GROUPS OF EMPLOYERS AND NEW MEMBERS OF EXISTING GROUPS (1) (a) through (d) will remain as proposed.

(e) a copy of the last two at least the most recent year's audited financial statements of each individual employer participating in the group, and such copy must be submitted for any individual employer joining the group at any time after the group's mutual election. The department or the guaranty fund may require copies of additional years' audited financial statements for each individual employer. UPON THE REQUEST OF THE APPLICANT, AND when approved by the department and the guaranty fund, the submission of these financial statements may be to an independent certified public accounting firm. IF SUCH A SUBMISSION IS ALLOWED, THE DEPARTMENT WILL ADVISE THE CPA OF THE NATURE AND FORMAT OF THE INFORMATION TO BE PROVIDED TO THE DEPARTMENT. THE APPLICANT MUST BEAR THE COST OF SUCH A SUBMISSION;

(f) and (g) will remain as proposed.

(h) ~~a loss run and claims summary from insurance carriers who provided coverage to each employer in for individual employers in the group during the preceding four (4) years, showing each individual claim, date of injury, type of injury, compensation and medical benefits paid to date and amount reserved for future liability; The claims summary shall provide by policy year the number of accidents, number of claims for compensation, compensation and medical benefits paid and the amount reserved for future liabilities. The department may also require a loss run showing each individual claim, date of injury, type of injury, compensation and medical benefits paid to date, and the amount reserved for future liability. UPON REQUEST THE DEPARTMENT WILL RETURN THE LOSS RUN AFTER COMPLETION OF THE DEPARTMENT'S ANALYSIS;~~

(i) through (u) will remain as proposed.

(v) pro forma financial statements for EACH OF the first 2 years of the group's operation, to include any assumptions made;

(w) and (x) will remain as proposed.

(2) AN EXISTING GROUP MAY ADD EMPLOYERS FROM TIME TO TIME. EMPLOYERS JOINING THE GROUP MUST COMPLY WITH THE REQUIREMENTS OF THE GROUP. An employer electing to be bound as a NEW member of an existing group self-insurer must provide the following at least 30 days prior to joining the group:

(a) through (c) will remain as proposed,

(d) a copy of ~~the last two~~ AT LEAST THE MOST RECENT years' audited or reviewed financial statements, if required by the department or the guaranty fund. THE DEPARTMENT OR THE GUARANTY FUND MAY REQUIRE COPIES OF ADDITIONAL YEARS AUDITED FINANCIAL STATEMENTS FOR EACH INDIVIDUAL EMPLOYER. UPON THE REQUEST OF THE APPLICANT, AND WHEN APPROVED BY THE DEPARTMENT AND THE GUARANTY FUND, THE SUBMISSION OF THESE FINANCIAL STATEMENTS MAY BE TO AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM. IF SUCH A SUBMISSION IS ALLOWED, THE DEPARTMENT WILL ADVISE THE CPA OF THE NATURE AND FORMAT OF THE INFORMATION TO BE PROVIDED TO THE DEPARTMENT. THE APPLICANT MUST BEAR THE COST OF SUCH A SUBMISSION;

(e) will remain as proposed.

(f) claims summary from insurance carriers who provided coverage to the employer during the preceding four (4) years. The claims summary shall provide by policy year the number of accidents, number of claims for compensation, compensation and medical benefits paid and the amount reserved for future liabilities. The department may also require a loss run showing each individual claim, date of injury, type of injury, compensation and medical benefits paid to date, and the amount reserved for future liability. UPON REQUEST, THE DEPARTMENT WILL RETURN THE LOSS RUN AFTER COMPLETION OF THE DEPARTMENT'S ANALYSIS; and

(g) evidence that the ~~employer's risks have~~ EMPLOYER HAS BEEN accepted for coverage by the group's excess insurance carrier; AND

(H) EVIDENCE THAT THE EMPLOYER HAS BEEN ACCEPTED BY THE GROUP.

24.29.702K RENEWAL -- GROUP OF EMPLOYERS (1) (a) through (d) will remain as proposed.

(e) a ~~loss run and~~ claims summary for the preceding year. The claims summary shall provide by policy year the number of accidents, number of claims for compensation, total compensation and total medical benefits paid and the total amount reserved for future liabilities. The department may also require a loss run showing each individual claim, date of injury, type of injury, compensation and medical benefits paid to date, and the amount reserved for future liability. UPON REQUEST, THE DEPARTMENT WILL RETURN THE LOSS RUN AFTER COMPLETION OF THE DEPARTMENT'S ANALYSIS;

(f) and (g) will remain as proposed.

(h) an actuarial study conducted by a certified actuary which includes an examination of the group's loss experience, an ~~opinion of the adequacy of the group's~~ ESTIMATE OF ADEQUATE reserves, and a ~~recommendation on the required premium~~ FORECAST OF LOSSES for the upcoming year;

(i) through (n) will remain as proposed.

(o) FOR PRIVATE EMPLOYER GROUPS, evidence that no more than 10% of the group's premium for the current policy year is due from employers providing only reviewed financial statements.

4. The Department has thoroughly considered the comments and testimony received on the proposed rules. The following is a summary of the comments received, along with the department's response to those comments:

Comment: The Montana Society of Certified Public Accountants commented that the proposed language contained in 24.29.702G (1)(e), allowing submission of financial statements to a CPA for review, was confusing.

Response: The department has added a sentence clarifying that it will advise the accountants of the nature and format of the information desired by the department, in the event financial statements are submitted to an accounting firm.

Comment: The Montana Health Network commented the actuarial study requirements in 24.29.702K(h) should be changed from premium recommendations to an opinion as to the amount of forecasted losses for the upcoming year, and an opinion about the adequacy of the reserves.

Response: The department agrees and has adopted the suggestion as part of the amendments.

Comment: The Montana Self Insurers Association (MSIA) commented on the proposed amendments and suggested clarifying the title or catch phrase of 24.29.702G by adding the word "existing" before the last word of the catch phrase.

Response: The department agrees and has added the language suggested.

Comment: The MSIA requested language be added to 24.29.702G (1)(e) stating that the submission of financial statements to a CPA is for the purpose of preparing a composite or combined statement.

Response: There presently exists a potential group whose members seek to keep their individual financial information confidential, and who will seek to have a CPA provide such a composite financial statement to the department and the fund. However, the department and the guaranty fund may wish to refer financial statement analysis to independent accountants for reasons other than to provide composites or compilations. Possible other reasons include review of an employer's financial statements by an expert in the industry in which the employer operates, or an expert in solvency and the financing of troubled companies. Or, the department and the guaranty fund may wish to arrange for contracted review of the financial statements to provide a faster response to the applicant. Given there are other reasons for referring financial statements to

CPAs, the department does not wish to limit this potential resource by adding the suggested language to the rule.

Comment: The MSIA suggested adding language to 24.29.702G (1)(e) requiring the employer will pay for the submission of their financial statements to a CPA.

Response: The department agrees with the suggestion and has added appropriate language.

Comment: The MSIA objected to all the language allowing the department to require the group, or a member of the group, to submit individual loss runs showing the claimant name, payments made to date, and reserves. This language appears in 24.29.702G(1)(h), 702G(2)(f), and 702K(1)(e). The Montana Contractors Compensation Fund also objected to these provisions. Both entities expressed concern that this confidential information, particularly reserves, might be available to the public.

Response: The department acknowledges the self-insurers' concern about making their reserves public. The department has added language to the rules that it will return the individual loss runs upon completion of the audit, if the employer so requests. However, individual loss runs have been part of the application since these rules were promulgated over 5 years ago. In that time the department has not received a request from a claimant, claimant attorney, or other party to provide or release such information.

The department believes it is appropriate to require individual loss runs in order to fulfill its regulatory obligations. These runs give the department the ability to audit the employer's reserving practices, and reporting requirements, by checking the loss runs against claims reported to the department, and against total incurred liability reported on the application. Also, based on department experience with self-insurers in bankruptcy, an inadequate deposit may result from employer misreporting or underreporting losses. In addition, the ability to require individual loss runs seems a much more cost-effective way to monitor reported losses than hiring a person to perform field audits. Therefore, the department believes it is necessary for the department to require auditable loss information.

Comment: The MSIA requested that the department insert the phrase "for audit purposes" into the rules allowing the department to require individual loss runs, specifically, 24.29.702G(1)(h), 702G(2)(f), and 702K(1)(e).

Response: The department may, for example, also use the information to evaluate adequacy of deposits, as discussed in the previous response. The department believes that the requested change in language is not necessary.

Comment: The MSIA suggested adding language to 24.29.702G (1)(i) giving the guaranty fund concurrence in approving the excess coverages.

Response: The guaranty fund has general authority to accept or deny an employer's application for membership, and the department makes every effort to solicit the input, advice, and expertise of the guaranty fund board members. However, the statutes do not contain any provision allowing the department to grant the guaranty fund authority not statutorily given to it. The present statutes do not give the guaranty fund specific authority over excess coverage requirements. If the guaranty fund objects to an excess coverage arrangement, it needs only convey its objection to the department. If the guaranty fund objects strongly enough, it has the right, or obligation, to refuse the employer's application for membership.

Comment: The MSIA agreed with the feasibility study requirement in 702G (1)(t), but requested the department delete the requirement that the study be conducted by an actuary, and suggested that a more cost-effective approach would be combining the feasibility study with the 2 years of pro forma financial statements.

Response: The department agrees with the MSIA that self-insurance applicants should not be required to incur any unnecessary costs. However, the feasibility study is one of the most important areas a potential group and the department need to review when considering a new group. In fact, the study is the foundation of all further work toward forming the group. By requiring the study be done by an actuary, the department has obtained the highest assurance possible both professionally, and from a liability standpoint, that the study is complete and accurate. If the department deletes the actuarial requirement, the study might be done by brokers who may have a vested interest in forming a group, and who are professionally less qualified than an actuary.

Comment: The MSIA commented that the submission of the application, the corporate resolution authorizing signatures, and the joint and several liability agreement as signed by a proposed new group member, as required in 24.29.702G (2)(a) through (c), should be submitted by the group and not the employer seeking admission to the group.

Response: In practice the group's administrator usually arranges submission of these documents to the department. However, because these are legal documents requiring the employer's signature(s), the department believes the burden of submission properly rests with the employer and not the group.

Comment: The MSIA commented that the requirements of 24.29.702G (2)(a) through (c) are unnecessary. The Association suggested that only the financial statements and loss runs should be required.

Response: The present practice, which the department believes to be prudent, requires the department maintain signed copies of the joint and several liability agreement, and supporting legal documents, in addition to any copies maintained by the group itself. This allows the department to be sure the documents were

executed, to have precise knowledge of the provisions contained in the agreement, and to provide an additional storage area for these documents in the event the group's are damaged or destroyed.

Comment: The MSIA suggested amending the 24.29.702G (2)(d) requirement of the last 2 year's audited financial statements to requiring "at least the most current year's financial statements".

Response: The department concurs with this suggestion as it conforms to prior language in 24.29.702G (1), and has adopted the suggested language.

Comment: The proposed amendment of 24.29.702G (2)(e) allows up to 10% of the group's premium to come from employers who provide reviewed, rather than audited, financial statements. Similar language also appears in 24.29.702K (1)(o). The MSIA commented that the 10% limitation is too low, and stated the 10% limitation may preclude certain strong employers from joining a group, and that it intrudes in the internal business of the group. The MSIA suggested that the department instead rely on a CPA's statement that a potential new member will not negatively impact the group. The MSIA also noted that 24.29.702K (1)(o) should not apply to public employer groups.

Response: The department has several responses to this comment. The 10% allowance is a relaxation of the existing requirement that all self-insured employers have audited financial statements. Additionally, the 10% limitation is set at that amount precisely to limit the group's exposure to the financial risk of attempting to collect premium from employers without audited financial statements. The department is advised that the code of professional ethics for certified public accountants precludes a CPA from providing any assurance, in any form, as to a business's financial condition, or ability to pay its debts. In other words, CPAs simply cannot provide the kind of statement or assurance suggested by the Association in their comment. Therefore, the burden of determining financial solvency and ability to pay as required by statute, for any self-insured employer or group rests with the department and the Guaranty Fund. The requirement that at least 90% of the group's premium be paid by employers providing audited financial statements is one of the department's best assurances that the group's premium will be collectable.

The department agrees with the comment concerning public employer groups and has amended the language accordingly.

Comment: The MSIA suggested a slight rewording of 24.29.702G (g) to change from proof the excess carrier accepted "the employer's risks" to "the employer".

Response: The department concurs and has amended the rule accordingly.



**Comment:** The MSIA suggested that the department add a clause to 24.29.702G (2) requiring proof the proposed new group members have been accepted by the group.

**Response:** The department concurs with this suggestion and has added the proposed clause and other language to clarify the rule.

**Comment:** The MSIA commented that the rule on excess insurance, 24.29.702E, be restated in its entirety in 24.29.702K (1)(i), instead of simply by reference.

**Response:** The department agrees with the Association that rules should be as readable as possible. However, the excess insurance rule, 24.29.702E, is nearly 2 pages long. The department believes that including the language of 24.29.702E in the rule on group self-insurance requirements would make these rules much less clear and readable.

**Comment:** The Montana Contractors Compensation Fund (MCCF), a proposed self-insurance group presently in the process of applying for self-insurance privileges, commented on the proposed amendments. MCCF commented that 24.29.702G (2)(d) should be modified to allow employers wishing to join an existing group to protect the confidentiality of their financial statements by submitting the statements to the Montana Self Insurers Guaranty Fund, and that such statements would be subject to the Guaranty Fund's rules, when written, on confidential financial information.

**Response:** After discussion with the Guaranty Fund, the department believes the better alternative is to allow these employers, when approved by the department and guaranty fund, to submit their financial statements to a CPA for independent review and compilation. The department has added language to 24.29.702G (2)(d) to allow a potential new member to submit its financial statements to an independent CPA. This is consistent with the procedure already proposed for new groups, and allows all parties (the department, the guaranty fund, the group, and the employer) to agree to the requirements of the review prior to submission.

The department wishes to make it clear that no matter which mechanism is adopted for new members, any employer joining a group at a time during which no other employer is joining will end up having some basic financial information revealed, i.e. net worth, net income, debt to equity ratio, cash flow, income from operations, cash flow trends, and other similar information.

**Comment:** MCCF offered another suggestion about new members coming into an existing group and proposed that the employer's financial statements could be submitted to an independent CPA who would then provide assurance that the new member would have no negative impact on the group's financial condition.

**Response:** The professional code of ethics of CPAs prohibits them from making any assurance about a businesses financial condition, or its ability to pay its debts. The department has added language

allowing submission to an independent CPA, but it is important all parties understand the CPA cannot provide the Assurance suggested by this comment.

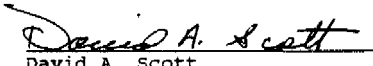
Comment: MCCF expressed concern about protecting the confidentiality of the financial position of individual employers who seek to become members of a group after it is formed. It suggested the department waive the requirement that the new members provide financial information if the group's annual premium exceeds \$2 million, or is "a large" group, or that the department simply waive the requirement for the Montana Contractors Compensation Fund.

Response: The department cannot waive any statutory or administrative rule because one employer or group of employers is large, or because it would be expedient for a particular interest to do so.

Comment: MCCF commented on the requirement in 24.29.702G (2) where the application of an employer to join an existing group must be submitted to the department at least 30 days prior to the proposed effective date, by questioning whether the department's failure to deny the application within 30 days would constitute approval.

Response: Lack of response by the department within 30 days does not automatically indicate approval. Thirty days is the shortest time possible for the department and the guaranty fund to process the proposed new member's application, not the maximum. An applicant may not self-insure until permitted by the department, and must maintain proper coverage until approved.

5. These amendments become effective October 1, 1993.

  
David A. Scott  
Rule Reviewer

  
Laurie Ekanger, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: September 20, 1993.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the Matter of the Adoption	)	NOTICE OF ADOPTION
of a New Rule Regarding	)	AND AMENDMENT
Fees for Limited Liability	)	
Companies and amending the Fees	)	
Charged for Priority Handling of	)	
Documents.	)	

To All Interested Persons.

1. On August 12, 1993, the Secretary of State published notice of public hearing to consider the adoption of a New Rule Regarding Fees for Limited Liability Companies and amending 44.5.104 regarding the Fees Charged for Priority Handling of Documents at page 1885 of the Montana Administrative Register, Issue number 15.

2. The Secretary of State is adopting rule I (44.5.112) and amending 44.5.104 as proposed.

3. On September 1, 1993 a hearing was held to consider the proposed rules. No comments or testimony were received, however, 44.2.201 and 44.2.203 deal with the same fees as were amended in 44.5.104 and should have been shown for amendment as follows:

44.2.201 FEES FOR RECEIPT OF FACSIMILE FILING OF DOCUMENTS

(1) ~~Effective October 1, 1989, the~~ The secretary of state shall charge and collect ~~ten (\$10)~~ twenty (\$20) dollars for each document transmitted by facsimile machine for filing in its office.

(2) and (3) remain the same.

AUTH: 30-9-403, 35-1-1201, 35-2-1001, 35-12-521, 30-13-217, and 30-13-311 MCA

IMP: 30-9-403, 30-13-311, 71-3-125, 35-1-1201, 35-2-1001, 35-12-521 and 30-13-217, MCA

44.2.203 PRIORITY HANDLING OF DOCUMENTS

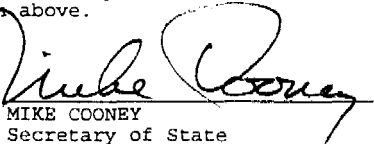
(1) The office shall charge a priority handling fee of ~~ten dollars (\$10)~~ twenty (\$20) dollars for foreign or domestic profit or not for profit corporation filings.

(2) and (3) remain the same.

AUTH: 30-9-403, 35-1-1201, 35-2-1001, 35-12-521, 30-13-217, and 30-13-311 MCA

IMP: 30-9-403, 30-13-311, 71-3-125, 35-1-1201, 35-2-1001, 35-12-521 and 30-13-217, MCA

4. These rules are being amended to remain consistent in charging fees that reflect higher costs of filing priority documents. Therefore, the Secretary of State is amending 44.2.201 and 44.2.203 as shown above.



MIKE COONEY  
Secretary of State



Garth Jacobsen, Rule Reviewer

Dated this 20th day of September, 1993

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the Matter of the Adoption        )  
of New Rules Regarding                )  
Commissioning of Notary Publics     )

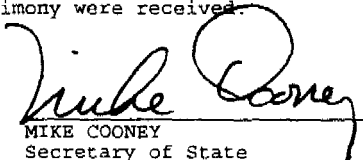
NOTICE OF ADOPTION

To All Interested Persons.

1. On August 12, 1993, the Secretary of State published notice of public hearing to consider the adoption of new rules regarding the commissioning of Notary Publics at page 1883 of the Montana Administrative Register, Issue number 15.

2. The Secretary of State is adopting rules I (44.15.101) through IV (44.15.104) as proposed.

3. No comments or testimony were received.

  
MIKE COONEY  
Secretary of State

  
Garth Jacobson, Rule Reviewer

Dated this 20th day of September, 1993

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

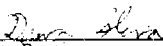
In the matter of the	)	NOTICE OF THE AMENDMENT OF
amendment of rules	)	RULES 46.12.1930,
46.12.1930, 46.12.1945	)	46.12.1945 THROUGH
through 46.12.1947,	)	46.12.1947, 46.12.1950 AND
46.12.1950 and 46.12.1951	)	46.12.1951 PERTAINING TO
pertaining to targeted case	)	TARGETED CASE MANAGEMENT
management for adults with	)	FOR ADULTS WITH SEVERE AND
severe and disabling mental	)	DISABLING MENTAL ILLNESS
illness and youth with	)	AND YOUTH WITH SEVERE
severe emotional disturbance	)	EMOTIONAL DISTURBANCE

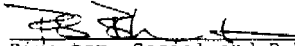
TO: All Interested Persons

1. On August 12, 1993, the Department of Social and Rehabilitation Services published notice of the proposed amendment of rules 46.12.1930, 46.12.1945 through 46.12.1947, 46.12.1950 and 46.12.1951 pertaining to targeted case management for adults with severe and disabling mental illness and youth with severe emotional disturbance at page 1901 of the 1993 Montana Administrative Register, issue number 15.

2. The Department has amended rules 46.12.1930, 46.12.1945 through 46.12.1947, 46.12.1950 and 46.12.1951 as proposed.

3. No written comments or testimony were received.

  
\_\_\_\_\_  
Rule Reviewer

  
\_\_\_\_\_  
Director, Social and Rehabilitation Services

Certified to the Secretary of State September 20, 1993.

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<br>Subject<br>Matter          | 1. Consult ARM topical index.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute<br>Number and<br>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 June 30, 1993. This table includes those rules adopted during the period July 1, 1993 through September 30, 1993 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 June 30, 1993, 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 issue, appointments made in August, 1993, are published. Vacancies scheduled to appear from October 1, 1993, through December 31, 1993, are also listed, as are current recent vacancies due to resignations or other reasons.

Individuals interested in serving on a new board should refer to the bill that created the board for details about the number of members to be appointed and qualifications necessary.

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

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of September 7, 1993.

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: AUGUST, 1993

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Board of Public Accountants</b>			
Mr. James R. Smrcka Glasgow	(Commerce) Governor	Stephens	8/9/1993 7/1/1998
Qualifications (if required): certified public accountant			
<b>Board of Banking (Commerce)</b>			
Mr. Robert T. Baxter Thompson Falls	Governor	Hensley	8/23/1993 7/1/1996
Qualifications (if required): officer of a state bank			
Mr. Loren Tucker Virginia City	Governor	Bliss	8/23/1993 7/1/1996
Qualifications (if required): public member			
<b>Board of Barbers (Commerce)</b>			
Ms. Violet Beck Anaconda	Governor	White	8/11/1993 7/1/1996
Qualifications (if required): public member			
Mr. Max Demars Big Timber	Governor	Buska	8/11/1993 7/1/1995
Qualifications (if required): barber			
Mr. Rodney L. Grover Helena	Governor	Thul	8/11/1993 7/1/1996
Qualifications (if required): barber			

BOARD AND COUNCIL APPOINTEES: AUGUST, 1993

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Cosmetologists</b> (Commerce)			
Ms. Lynn Campbell	Governor	Paris	8/19/1993
Deer Lodge			7/1/1997
Qualifications (if required):	cosmetologist and a manicurist		
Ms. Lorilee Holyk	Governor	Steckly	8/19/1993
Polson			7/1/1997
Qualifications (if required):	licensed cosmetologist		
Ms. Janet Markle	Governor	reappointed	8/19/1993
Glasgow			7/1/1997
Qualifications (if required):	public member		
Ms. Geraldine Sorenson	Governor	reappointed	8/19/1993
Billings			7/1/1997
Qualifications (if required):	licensed cosmetologist		
Ms. Karen Underwood	Governor	Dupuis	8/19/1993
Billings			7/1/1997
Qualifications (if required):	licensed cosmetologist		
<b>Board of Funeral Services</b> (Commerce)			
Mr. Douglas D. Lowry	Governor	Hoffman	8/12/1993
Big Timber			7/1/1998
Qualifications (if required):	licensed mortician		
<b>Board of Optometrists</b> (Commerce)			
Dr. Cynthia Kinna Johnson	Governor	Zuroff	8/25/1993
Wolf Point			4/3/1997
Qualifications (if required):	optometrist		

# BOARD AND COUNCIL APPOINTEES: AUGUST, 1993

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Pharmacy (Commerce)</b>			
Ms. Ann Pasha	Governor	Pennell	8/26/1993
Highwood			7/1/1998
Qualifications (if required):	public member		
<b>Board of Private Security Patrol Officers and Investigators (Commerce)</b>			
Colonel Robert Griffith	Governor	reappointed	8/1/1993
Helena			8/1/1996
Qualifications (if required):	Peace Officers Standards & Training Advisory Council member		
<b>Ms. Gay Ann Masolo</b>	Governor	reappointed	8/1/1993
Townsend			8/1/1996
Qualifications (if required):	public member		
<b>Board of Realty Regulation (Commerce)</b>			
Mr. Bruno Friia	Governor	Garrick	8/9/1993
Missoula			5/9/1997
Qualifications (if required):	licensed real estate broker or salesman		
<b>Electrical Board (Commerce)</b>			
Mr. Todd Stoddard	Governor	Olsen	8/12/1993
Dillon			7/1/1996
Qualifications (if required):	licensed journeyman electrician		
<b>Joint Committee on Post-Secondary Education Policy and Budget ( )</b>			
Ms. D'Anna Smith	Governor	new	8/11/1993
Bozeman			6/30/1995
Qualifications (if required):	student representative		
<b>Ms. Patricia C. Haffey Lopach</b>	Governor	Miller	8/11/1993
Helena			0/0/0
Qualifications (if required):	executive branch representative		

BOARD AND COUNCIL APPOINTEES: AUGUST, 1993

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Judicial Standards Commission</b> (Justice)			
Ms. Barbara Evans	Governor	Cowdrey	8/9/1993
Missoula			7/1/1997
Qualifications (if required):	citizen who is not an attorney		
<b>Judicial Unification and Finance Commission</b> (Legislative Council)			
Ms. Toni Atwood	Governor	new	8/16/1993
Livingston			6/30/1995
Qualifications (if required):	public member		
Ms. Barbara Ford	Governor	new	8/16/1993
Bigfork			6/30/1995
Qualifications (if required):	public member		
Mr. J. Perry Wolfe	Governor	new	8/16/1993
Scobey			6/30/1995
Qualifications (if required):	public member		
<b>Mental Disabilities Board of Visitors</b> (Governor)			
Ms. Arlene Breum	Governor	reappointed	8/25/1993
Missoula			8/1/1996
Qualifications (if required):	represents mental disabilities organization		
Ms. Marjorie Fehrer	Governor	reappointed	8/25/1993
Bozeman			8/1/1996
Qualifications (if required):	consumer		
Ms. Connie Green	Governor	Petersen	8/25/1993
Big Sandy			8/1/1996
Qualifications (if required):	represents mental disabilities organization		

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BOARD AND COUNCIL APPOINTEES: AUGUST, 1993

Appointee	Appointed by	Succeeds	Appointment/End Date
Mental Disabilities Board of Visitors (Governor) cont.			
Mr. Wallace A. King	Governor	reappointed	8/25/1993
Helena			8/1/1996
Qualifications (if required): professional			
Mr. Robert W. Visscher	Governor	reappointed	8/25/1993
Livingston			8/1/1996
Qualifications (if required): professional			
Montana Wheat and Barley Committee (Agriculture)			
Mr. Lanny Christman	Governor	Bahmiller	8/20/1993
Dutton			8/20/1996
Qualifications (if required): represents District IV			
Mr. Jim Squires	Governor	reappointed	8/20/1993
Glendive			8/20/1996
Qualifications (if required): represents District VII			
State Advisory Council on Food and Nutrition (Health and Environmental Sciences)			
Ms. Cheryl Berry	Governor	Hicks	8/30/1993
Helena			8/30/1996
Qualifications (if required): represents Montana Food Stamp Program			
Mr. Dean Folkvord	Governor	reappointed	8/30/1993
Three Forks			8/30/1996
Qualifications (if required): represents general public			
Senator Ethel M. Harding	Governor	reappointed	8/30/1993
Polson			8/30/1996
Qualifications (if required): member of the Senate			

**BOARD AND COUNCIL APPOINTEES: AUGUST, 1993**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Advisory Council on Food and Nutrition (Health and Environmental Sciences) cont.</b>			
Ms. Minkie Medora	Governor	reappointed	8/30/1993
Missoula			8/30/1996
Qualifications (if required): represents statewide organization active in food, nutrition & hunger issues			
Ms. Judy Morrill	Governor	reappointed	8/30/1993
Bozeman			8/30/1996
Qualifications (if required): represents food and nutrition programs for elderly			
Ms. Lynn Paul	Governor	reappointed	8/30/1993
Bozeman			8/30/1996
Qualifications (if required): represents the MSU Extension Service			
Rep. Jim Rice	Governor	reappointed	8/30/1993
Helena			8/30/1996
Qualifications (if required): Member of House of Representatives			
Ms. Annette Sutherland	Governor	reappointed	8/30/1993
Box Elder			8/30/1996
Qualifications (if required): represents Elder Nutrition Program			
Mr. David Thomas	Governor	reappointed	8/30/1993
Helena			8/30/1996
Qualifications (if required): represents MDHES WIC Program			
Mr. Gary Watt	Governor	reappointed	8/30/1993
Helena			8/30/1996
Qualifications (if required): represents OPI School Food Services Program			

BOARD AND COUNCIL APPOINTEES: AUGUST, 1993

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>State Library Commission</b> (Montana State Library)			
Ms. Anne Hauptman	Governor	reappointed	8/31/1993
Billings			5/22/1996
Qualifications (if required):	public member		
Ms. Mryna Lundy	Governor	Wallin	8/31/1993
Fort Benton			5/22/1996
Qualifications (if required):	public member		
<b>Western Interstate Commission on Higher Education</b> (University System)			
Dr. Jeff Baker	Governor	Hutchinson	8/26/1993
Helena			6/19/1996
Qualifications (if required):	Commissioner of Higher Education		
Mr. Francis J. Kerins	Governor	Dallum	8/26/1993
Helena			6/19/1996
Qualifications (if required):	public member		

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VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

Board/current position holder	Appointed by	Term end
Air Pollution Control Advisory Council (Health and Environmental Sciences)		
Mr. Ronald E. Burnam, Billings	Governor	11/8/1993
Qualifications (if required): practicing physician		
Mr. Clifford Cox, Winston	Governor	11/8/1993
Qualifications (if required): agricultural representative		
Mr. Ed Handl, Butte	Governor	11/8/1993
Qualifications (if required): chemical engineer		
Mr. Rodney A. James, Butte	Governor	11/8/1993
Qualifications (if required): practicing registered professional chemical or environmental engineer		
Mr. Terry Konkright, Superior	Governor	11/8/1993
Qualifications (if required): manufacturing industry		
Mr. Stephen L'Heureux, Great Falls	Governor	11/8/1993
Qualifications (if required): urban planning consultant		
Mr. Joe Nelson, Walkerville	Governor	11/8/1993
Qualifications (if required): labor representative		
Mr. Martin Perga, Laurel	Governor	11/8/1993
Qualifications (if required): representative of fuel industry		
Dr. Earl Pruyn, Missoula	Governor	11/8/1993
Qualifications (if required): practicing veterinarian		
Mr. Paul Sawyer, Butte	Governor	11/8/1993
Qualifications (if required): conservationist		

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Alfalfa Seed Committee</b> (Agriculture)		
Mr. Jack Deip, Hardin	Governor	12/21/1993
Qualifications (if required): actively engaged in alfalfa seed business		
Mr. Tom Helm, Miles City	Governor	12/21/1993
Qualifications (if required): actively engaged in alfalfa seed business		
Mr. Kenneth M. Sagmiller, Ronan	Governor	12/21/1993
Qualifications (if required): actively engaged in alfalfa seed business		
<b>Board of Chiropractors</b> (Commerce)		
Mr. Ronald Remick, Havre	Governor	10/7/1993
Qualifications (if required): public member		
<b>Board of Cosmetologists</b> (Commerce)		
Ms. Ruth Tobe Green, Bozeman	Governor	10/1/1993
Qualifications (if required): affiliated with school of cosmetology		
Ms. Verna McCullough Dupuis, Bozeman	Governor	10/1/1993
Qualifications (if required): affiliated with school of cosmetology		
Ms. Rose Ellen Paris, Missoula	Governor	10/1/1993
Qualifications (if required): licensed as an electrologist		
Ms. Geraldine Sorenson, Billings	Governor	10/1/1993
Qualifications (if required): licensed cosmetologist affiliated with school of Cosmetology		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Outfitters (Commerce)</b>		
Mr. George Kelly, Hardin	Governor	10/1/1993
Qualifications (if required): licensed outfitter from District V		
<b>Mr. Jerry Wells, Helena</b>		
Qualifications (if required): member from Fish, Wildlife and Parks	Governor	10/1/1993
<b>Mr. Clair A. Willits, Jr., Great Falls</b>		
Qualifications (if required): public member	Governor	10/1/1993
<b>Data Processing Advisory Council (Administration)</b>		
Mr. Mike Billings, Helena	Director	10/15/1993
Qualifications (if required): none specified		
<b>Ms. Judy Browning, Helena</b>		
Qualifications (if required): none specified	Director	10/15/1993
<b>Mr. Scott Buswell, Helena</b>		
Qualifications (if required): none specified	Director	10/15/1993
<b>Mr. Jack Ellery, Helena</b>		
Qualifications (if required): none specified	Director	10/15/1993
<b>Ms. Pam Joehler, Helena</b>		
Qualifications (if required): none specified	Director	10/15/1993
<b>Mr. Terry Johnson, Helena</b>		
Qualifications (if required): none specified	Director	10/15/1993
<b>Mr. C. John Kinna, Helena</b>		
Qualifications (if required): none specified	Director	10/15/1993

# VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Data Processing Advisory Council (Administration) cont.</b>		
Mr. Bob Marks, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Mike Micone, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Richard Miller, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Douglas M. Mitchell, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Jesse Munro, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. William J. Opitz, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Jim Oppedahl, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Robert Person, Helena Qualifications (if required): none specified	Director	10/15/1993
Mr. Andrew Poole, Helena Qualifications (if required): none specified	Director	10/15/1993
Rep. Joe Quilici, Butte Qualifications (if required): none specified	Director	10/15/1993
Mr. William Salisbury, Helena Qualifications (if required): none specified	Director	10/15/1993

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VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Data Processing Advisory Council</b> (Administration) cont.		
Mr. Scott Seacat, Helena	Director	10/15/1993
Qualifications (if required): none specified		
Mr. Dennis Sheehy, Helena	Director	10/15/1993
Qualifications (if required): none specified		
Mr. David Toppen, Helena	Director	10/15/1993
Qualifications (if required): none specified		
Mr. Wayne Wetzel, Helena	Director	10/15/1993
Qualifications (if required): none specified		
Mr. Steve Yeakel, Helena	Director	10/15/1993
Qualifications (if required): none specified		
<b>Election Advisory Council</b> (Secretary of State)		
Ms. Karen Amende, Broadus	Secretary of State	10/1/1993
Qualifications (if required): none specified		
Rep. Verner L. Bertelson, Ovando	Secretary of State	10/1/1993
Qualifications (if required): none specified		
Ms. Wendy Cromwell, Missoula	Secretary of State	10/1/1993
Qualifications (if required): none specified		
Ms. Coral Cummings, Libby	Secretary of State	10/1/1993
Qualifications (if required): none specified		
Mr. Bill Driscoll, Butte	Secretary of State	10/1/1993
Qualifications (if required): none specified		



VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

Board/current position holder	Appointed by	Term end
Election Advisory Council (Secretary of State) cont.		
Ms. Peggy J. Erickson, Billings Qualifications (if required): none specified	Secretary of State	10/1/1993
Mr. Joe Kerwin, Helena Qualifications (if required): none specified	Secretary of State	10/1/1993
Ms. Betty T. Lund, Hamilton Qualifications (if required): none specified	Secretary of State	10/1/1993
Ms. Carol Malone, Scobey Qualifications (if required): none specified	Secretary of State	10/1/1993
Ms. Debbie Pallett, Lewistown Qualifications (if required): none specified	Secretary of State	10/1/1993
Mr. Charles W. Walk, Helena Qualifications (if required): none specified	Secretary of State	10/1/1993
Ms. Raelen Williard, Helena Qualifications (if required): none specified	Secretary of State	10/1/1993
Flathead Basin Commission (Governor) Mr. Charles Abell, Whitefish Qualifications (if required): public member	Governor	10/1/1993
Mr. Dennis Christensen, Hungry Horse Qualifications (if required): ex-officio member representing Bureau of Reclamation	Governor	10/1/1993
Ms. Elna Darrow, Big Fork Qualifications (if required): public member	Governor	10/1/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/Current Position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Flathead Basin Commission</b> (Governor) cont. Mr. Al Elser, Kalispell Qualifications (if required): Ex-officio member representing Fish, Wildlife & Parks	Governor	10/1/1993
Mr. Larry Wilson, Columbia Falls Qualifications (if required): public member	Governor	10/1/1993
<b>Historic Preservation Review Board</b> (Education) Dr. Thomas A. Foor, Missoula Qualifications (if required): archaeologist	Governor	10/1/1993
<b>Job Training Coordinating Advisory Council</b> (Labor and Industry) Ms. M. Colleen Allison, Columbia Falls Qualifications (if required): none specified	Governor	12/3/1993
Mr. Forrest "Buck" Boles, Helena Qualifications (if required): none specified	Governor	12/3/1993
Ms. Barbara Campbell, Deer Lodge Qualifications (if required): none specified	Governor	12/3/1993
Ms. Helen Kellicut, Deer Lodge Qualifications (if required): none specified	Governor	12/3/1993
Mr. Marvin McMichael, Missoula Qualifications (if required): none specified	Governor	12/3/1993
Mr. Jack E. Sands, Billings Qualifications (if required): none specified	Governor	12/3/1993
Rep. Chuck Swysgood, Dillon Qualifications (if required): none specified	Governor	12/3/1993

# VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

Board/current position holder	Appointed by	Term end
Job Training Coordinating Advisory Council (Labor and Industry) cont. Sen. Gene Thayer, Great Falls Qualifications (if required): none specified	Governor	12/3/1993
Lewis and Clark Trail Advisory Council (Governor) Mr. Joe Belgum, Great Falls Qualifications (if required): none specified	Governor	10/24/1993
Mr. Kevin Boehler, Sidney Qualifications (if required): public member	Governor	10/24/1993
Mr. Arthur W. Dickhoff, Great Falls Qualifications (if required): none specified	Governor	10/24/1993
Mr. Robert Doerk, Jr., Great Falls Qualifications (if required): none specified	Governor	10/24/1993
Sen. Harry W. Fritz, Missoula Qualifications (if required): none specified	Governor	10/24/1993
Ms. Sandra Guedes, Helena Qualifications (if required): none specified	Governor	10/24/1993
Mr. Jack Hane, Bonner Qualifications (if required): none specified	Governor	10/24/1993
Mr. Jack Hayne, Dupuyer Qualifications (if required): none specified	Governor	10/24/1993
Mr. Don D. Hypppa, Helena Qualifications (if required): none specified	Governor	10/24/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Lewis and Clark Trail Advisory Council</b> (Governor) cont.		
Mr. Robert A. Saindon, Helena Qualifications (if required): none specified	Governor	10/24/1993
Ms. Jane Schmoyer-Weber, Great Falls Qualifications (if required): none specified	Governor	10/24/1993
Mr. Lawrence Sommer, Helena Qualifications (if required): none specified	Governor	10/24/1993
Mr. Andy Van Teylingen, Bozeman Qualifications (if required): none specified	Governor	10/24/1993
Ms. Margaret S. Warden, Great Falls Qualifications (if required): none specified	Governor	10/24/1993
Mr. John Willard, Billings Qualifications (if required): none specified	Governor	10/24/1993
<b>Local Youth Services, Billings</b> (Family Services)		
Ms. Elaine K. Allestad, Big Timber Qualifications (if required): none specified	Director	10/26/1993
Mr. James F. Canan, Billings Qualifications (if required): none specified	Director	10/26/1993
Mr. Cliff Murphy, Billings Qualifications (if required): none specified	Director	10/26/1993
Mr. Vern Peterson, Lewistown Qualifications (if required): none specified	Director	10/26/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Local Youth Services, Billings</b> (Family Services) cont. Ms. Pat Regan, Billings Qualifications (if required): none specified	Director	10/26/1993
Ms. Karen Smith, Billings Qualifications (if required): none specified	Director	10/26/1993
<b>Local Youth Services, Bozeman</b> (Family Services) Mr. Bruce Becker, Bozeman Qualifications (if required): none specified	Director	10/26/1993
Mr. Robert Brown, Bozeman Qualifications (if required): none specified	Director	10/26/1993
Mr. Jerry Churchill, White Sulphur Springs Qualifications (if required): none specified	Director	10/26/1993
Mr. Carlo Cieri, Livingston Qualifications (if required): none specified	Director	10/26/1993
Sen. Dorothy Eck, Bozeman Qualifications (if required): none specified	Director	10/26/1993
Ms. Sheila Hogan, Butte Qualifications (if required): none specified	Director	10/26/1993
<b>Local Youth Services, Butte</b> (Family Services) Dr. William Hickey, Anaconda Qualifications (if required): none specified	Director	10/26/1993
Ms. Charlotte Kilroy, Butte Qualifications (if required): none specified	Director	10/26/1993

**VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Local Youth Services, Butte</b> (Family Services) cont.		
Mr. Mike Mahoney, Deer Lodge	Director	10/26/1993
Qualifications (if required): none specified		
<b>Rep. William T. "Red" Menahan, Anaconda</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Ms. Rosemary G. Rawls, Butte</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Ms. Terri Stanisich, Dillon</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Local Youth Services, Glasgow</b> (Family Services)		
Mr. Arthur Arnold, Hinsdale	Director	10/26/1993
Qualifications (if required): none specified		
<b>Ms. Mary Lou Broadbrooks, Malta</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Mr. Tom McAnally, Wolf Point</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Ms. Harriet McCoy, Plentywood</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Mr. John McKeon, Malta</b>	Director	10/26/1993
Qualifications (if required): none specified		
<b>Ms. Brenda Schye, Glasgow</b>	Director	10/26/1993
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Local Youth Services, Glasgow</b> Mr. Larry Wahl, Scobey Qualifications (if required): none specified	cont. Director	10/26/1993
Mr. Pete Degel, Glendive Qualifications (if required): none specified	Director	10/26/1993
Ms. Connie Eissinger, Brockway Qualifications (if required): none specified	Director	10/26/1993
<b>Local Youth Services, Glendive</b> Mr. Paul Huber, Glendive Qualifications (if required): none specified	Director	10/26/1993
Rep. Betty Lou Kasten, Brockway Qualifications (if required): none specified	Director	10/26/1993
Father Wayne Pichard, Circle Qualifications (if required): none specified	Director	10/26/1993
Ms. Judy Reddig, Glendive Qualifications (if required): none specified	Director	10/26/1993
Mr. Dwight Theissen, Sidney Qualifications (if required): none specified	Director	10/26/1993
Pastor Tim Tripple, Circle Qualifications (if required): none specified	Director	10/26/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Local Youth Services, Great Falls (Family Services)		
Mr. Russell R. Andrews, Choteau	Director	10/26/1993
Qualifications (if required): none specified		
Mr. Earl Arkinson, Box Elder	Director	10/26/1993
Qualifications (if required): none specified		
Ms. Susan Good, Great Falls	Director	10/26/1993
Qualifications (if required): none specified		
Mr. Joe Gottfried, Shelby	Director	10/26/1993
Qualifications (if required): none specified		
Ms. Gini Onstad, Fort Benton	Director	10/26/1993
Qualifications (if required): none specified		
Rep. Ray Peck, Havre	Director	10/26/1993
Qualifications (if required): none specified		
Judge John Warner, Havre	Director	10/26/1993
Qualifications (if required): none specified		
Local Youth Services, Helena (Family Services)		
Dr. Thomas D. Carlin, Helena	Director	10/26/1993
Qualifications (if required): none specified		
Ms. Bonnie Holman, Townsend	Director	10/26/1993
Qualifications (if required): none specified		
Ms. Joyce Janacaro, Whitehall	Director	10/26/1993
Qualifications (if required): none specified		



VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Local Youth Services, Helena</b> Mr. Wally Jewell, Helena Qualifications (if required): none specified	cont. Director	10/26/1993
Rep. Jim Rice, Helena Qualifications (if required): none specified	Director	10/26/1993
Mr. Bob Stockton, Helena Qualifications (if required): none specified	Director	10/26/1993
Ms. Margaret Stuart, Helena Qualifications (if required): none specified	Director	10/26/1993
<b>Local Youth Services, Kalispell</b> Ms. Pat DeLong, Thompson Falls Qualifications (if required): none specified	(Family Services) Director	10/26/1993
Mr. Donald D. Dupuis, Pablo Qualifications (if required): none specified	Director	10/26/1993
Mr. Howard W. Gipe, Kalispell Qualifications (if required): none specified	Director	10/26/1993
Ms. June Hermanson, Polson Qualifications (if required): none specified	Director	10/26/1993
Rep. Tom Lee, Bigfork Qualifications (if required): none specified	Director	10/26/1993
Mr. Melvin R. Mohler, Swan Lake Qualifications (if required): none specified	Director	10/26/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Local Youth Services, Miles City (Family Services)	Director	10/26/1993
Mr. Ernie Big Horn, Miles City Qualifications (if required): none specified		
Mr. Frank L. Lane, Miles City Qualifications (if required): none specified	Director	10/26/1993
Ms. Sue Matthews, Miles City Qualifications (if required): none specified	Director	10/26/1993
Mr. Bill Medved, Colstrip Qualifications (if required): none specified	Director	10/26/1993
Rep. Jessica Stickney, Miles City Qualifications (if required): none specified	Director	10/26/1993
Ms. Randi Sullivan, Broadus Qualifications (if required): none specified	Director	10/26/1993
Mr. Thomas A. Wood, Joplin Qualifications (if required): none specified	Director	10/26/1993
Local Youth Services, Missoula (Family Services)	Director	10/26/1993
Mr. Jerry Allen, Hamilton Qualifications (if required): none specified		
Mr. Jon Ellingson, Missoula Qualifications (if required): none specified	Director	10/26/1993
Ms. Mary Ann Moon, Missoula Qualifications (if required): none specified	Director	10/26/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

Board/current position holder	Appointed by	Term end
Local Youth Services, Missoula (Family Services) cont. Rep. Barry "Spook" Stang, St. Regis Qualifications (if required): none specified	Director	10/26/1993
Ms. Mary Taylor, Missoula Qualifications (if required): none specified	Director	10/26/1993
Ms. Judy Wing, Missoula Qualifications (if required): none specified	Director	10/26/1993
Mental Health Planning and Advisory Council (Corrections & Human Services) Rep. John Brenden, Scobey Qualifications (if required): represents consumers	Director	12/1/1993
Ms. Mary Dalton, Helena Qualifications (if required): represents Medicaid	Director	12/1/1993
Ms. Liza Dyrdaahl, Malta Qualifications (if required): represents consumers	Director	12/1/1993
Ms. Judith Ann Filbert, Livingston Qualifications (if required): represents consumers	Director	12/1/1993
Ms. Florence Foster, East Helena Qualifications (if required): parent of consumer	Director	12/1/1993
Mr. Mike Fraser, Helena Qualifications (if required): represents consumers	Director	12/1/1993
Ms. Kayleen Jones, Billings Qualifications (if required): parent of consumer	Director	12/1/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Mental Health Planning &amp; Advisory Council</b> (Corrections & Human Services)		
Ms. Kimberly Kradolfer, Helena Qualifications (if required): represents justice	Director	12/1/1993
Mr. John Lynn, Missoula Qualifications (if required): mental health service provider	Director	12/1/1993
Ms. Margaret Murphy, Billings Qualifications (if required): parent of consumer	Director	12/1/1993
Sen. Dennis G. Nathe, Redstone Qualifications (if required): legislator	Director	12/1/1993
Mr. Roger Pederson, Helena Qualifications (if required): represents housing	Director	12/1/1993
Ms. Barbara Sample, Billings Qualifications (if required): parent of consumer	Director	12/1/1993
Ms. Helen Sampsel, Miles City Qualifications (if required): parent of consumer	Director	12/1/1993
Ms. Dorothy Sowa, Great Falls Qualifications (if required): advocate for elderly	Director	12/1/1993
Mr. Randy Vetter, Warm Springs Qualifications (if required): represents mental health	Director	12/1/1993
Mr. Michael Waldo, Bozeman Qualifications (if required): represents education	Director	12/1/1993
Mr. Gary Walsh, Helena Qualifications (if required): represents children's services	Director	12/1/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Mental Health Planning &amp; Advisory Council</b> (Corrections & Human Services) cont.		
Mr. Don Wetzel, Harlem	Director	12/1/1993
Qualifications (if required): advocate for Native Americans		
Ms. Peggy Williams, Clancy	Director	12/1/1993
Qualifications (if required): represents vocational rehabilitation		
<b>Peace Officers Standards and Training Advisory Council (Justice)</b>		
Colonel Robert Griffith, Helena	Governor	12/20/1993
Qualifications (if required): none specified		
Mr. Robert A. Harvie, Bozeman	Governor	12/20/1993
Qualifications (if required): none specified		
Mr. William F. Heinecke, Belgrade	Governor	12/20/1993
Qualifications (if required): none specified		
Mr. Donald R. Houghton, Bozeman	Governor	12/20/1993
Qualifications (if required): none specified		
Chief Robert Jones, Great Falls	Governor	12/20/1993
Qualifications (if required): none specified		
Mr. R.F. "Dick" Labbe, Deer Lodge	Governor	12/20/1993
Qualifications (if required): none specified		
Commissioner Mike Matthews, Billings	Governor	12/20/1993
Qualifications (if required): none specified		
Mr. Dennis McCave, Billings	Governor	12/20/1993
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term and</u>
<b>Peace Officers Standards and Training Advisory Council (Justice) cont.</b>		
Mr. Troy W. McGee, Sr., Helena Qualifications (if required): none specified	Governor	12/20/1993
Mr. Christopher Miller, Deer Lodge Qualifications (if required): none specified	Governor	12/20/1993
Mr. Greg Moose, Bozeman Qualifications (if required): none specified	Governor	12/20/1993
Mr. Gary Olson, Glendive Qualifications (if required): none specified	Governor	12/20/1993
Ms. Donna "Midge" Warrington, Great Falls Qualifications (if required): none specified	Governor	12/20/1993
<b>State Banking Code Advisory Council (Commerce)</b>		
Mr. Ron Ahlers, Bozeman Qualifications (if required): none specified	Governor	12/3/1993
Ms. Annie M. Bartos, Helena Qualifications (if required): none specified	Governor	12/3/1993
Mr. George Bennett, Helena Qualifications (if required): none specified	Governor	12/3/1993
Mr. Charles A. Brooke, Helena Qualifications (if required): none specified	Governor	12/3/1993
Mr. Sidney K. Brubaker, Terry Qualifications (if required): none specified	Governor	12/3/1993

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Banking Code Advisory Council (Commerce) cont.		
Mr. Gary Carlson, Helena	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Paul Caruso, Jr., Helena	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Ronald J. Haugen, Billings	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Jack Hensley, Kalispell	Governor	12/3/1993
Qualifications (if required): none specified		
Rep. David Hoffman, Sheridan	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Donald W. Hutchinson, Helena	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Ed Lamb, Great Falls	Governor	12/3/1993
Qualifications (if required): none specified		
Sen. R.J. "Dick" Pinsoneault, St. Ignatius	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Bill Ruegamer, Billings	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Phil Sandquist, Bozeman	Governor	12/3/1993
Qualifications (if required): none specified		
Ms. Barbara J. Spilker, Helena	Governor	12/3/1993
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1993 through December 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>State Banking Code Advisory Council</b> (Commerce) cont.		
Mr. John Sullivan, Kalispell	Governor	12/3/1993
Qualifications (if required): none specified		
Mr. Roger Tippy, Helena	Governor	12/3/1993
Qualifications (if required): none specified		
<b>Water and Wastewater Operators' Advisory Council</b> (Health and Environmental Sciences)		
Mr. Howard S. Peavy, Bozeman	Governor	10/16/1993
Qualifications (if required): none specified		