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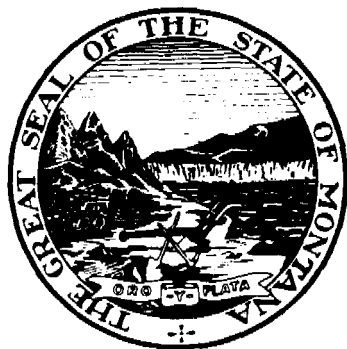
SEP 23 1994

OF MONTANA

MONTANA ADMINISTRATIVE REGISTER

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ISSUE NO. 18
SEPTEMBER 22, 1994
PAGES 2562-2685



MONTANA ADMINISTRATIVE REGISTER

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 general)
revision of the rules regarding) NOTICE OF PUBLIC
small employer health benefit) HEARING
plans and reinsurance)

TO: All Interested Persons.

1. On October 12, 1994, at 8:30 o'clock a.m., a public hearing will be held in Room 331, State Capitol Building, Helena, Montana. The hearing will be to consider the general revision of rules regarding basic and standard health benefit plans and small employer carrier reinsurance program under the Small Employer Health Insurance Availability Act.

2. The rules proposed for amendment and the proposed new rule provide as follows:

6.6.5001 DEFINITIONS For the purposes of this sub-chapter, the following terms have the following definitions:

(1) through (10) remain the same.

(11) "Maximum annual out-of-pocket" means the total amount of eligible charges paid by the insured as copayments and deductible in an annual benefit period.

(12) through (14) remain the same.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802, 33-22-1803,
and 33-22-1812

6.6.5008 COVERED SERVICES OF POLICIES UNDER STANDARD PLAN (1) through (1)(c) remain the same.

(d) Coverage for obstetrical care delivery services, including services of physicians, certified nurse midwives and other nurse specialists, ~~any provider licensed to give obstetrical care~~, physician assistants, costs of delivery room, and other medically necessary services directly associated with the delivery.

(e) Coverage for services of physicians and other health care professionals, subject to the freedom of choice ~~protections of practitioners~~ of 33-22-111, MCA, except as provided in section 33-30-102(1), MCA.

(1)(e)(i) through (2)(c) remain the same.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802 and
33-22-1812 MCA

6.6.5012 COVERED PREVENTIVE CARE AND HEALTH MAINTENANCE SERVICES OF POLICIES UNDER STANDARD PLAN

(1) through (1)(c)(i) remain the same.

(ii) Pregnancy related services, including prenatal care;
and

(1)(c)(iii) remains the same.

(d) Policies of insurance offered under the standard health benefit plan contemplated by 33-22-1812, MCA, must provide full coverage after a copayment of \$25 per consultation for 4 visits per year to health care providers as listed under 33-22-111 and 33-22-114, MCA, of the patient's choice. This coverage must not be subject to deductible or ~~to maximum out-of-pocket coinsurance provision~~, but must be subject to a copayment of \$25 per consultation and be applied toward meeting the out-of-pocket limit. This benefit must cover professional service fees only, and not the cost of tests, medications, or other items.

(2) remains the same.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802 and
33-22-1812 MCA

6.6.5024 HMO COST SHARING SCHEDULE AND EXCEPTION TO STANDARD PLAN PROVISIONS (1) remains the same.

(2) Standard plans offered by HMOs are exempt from the deductible charges, and coinsurance provisions of ARM 6.6.5020, but must comply with the maximum annual out-of-pocket and lifetime maximum requirements of ARM 6.6.5020. HMO plans must include the following cost sharing schedule:

INPATIENT HOSPITAL SERVICES

Semi-Private Room and Board Charges:	
Copayment Per Admission day	\$500 200
Other Medically Necessary Hospital Charges	No copayment

OUTPATIENT HOSPITAL SERVICES

Outpatient Therapy	\$15 copayment
Other Non-emergency	No copayment

HOSPITAL EMERGENCY ROOM

If admitted to the hospital	No copayment for emergency room; inpatient copayment applies
If not admitted to the hospital	\$50 75 copayment

OBSTETRICAL CARE SERVICES

Professional services only Inpatient delivery services	\$150 copayment per delivery \$200 per day
---	--

PHYSICIANS AND OTHER MEDICAL PROFESSIONALS

Hospital inpatient visits	No copayment
Physician office or home visits	\$10 copayment
After hours visits (in- or outpatient)	\$10 copayment
Referred Services	\$15 copayment

MEDICAL NUTRITION SERVICES

\$15 copayment
\$240 limit per
benefit period

HOME HEALTH CARE

No copayment

CHIROPRACTIC SERVICES

Copayment	\$10 per visit
Maximum covered charge	\$25 per visit
Covered treatments per year	24 visits, plus an additional 11 visits with the HMO's approval

MENTAL HEALTH SERVICES

Inpatient	
Copayment	\$200 per day
Days of covered treatment	30 days per year combined with substance abuse treatment
Outpatient	
Copayment	\$25 per visit
Maximum covered charge	\$1,000 combined with substance abuse treatment

SUBSTANCE ABUSE TREATMENT

Inpatient	
Copayment	\$150 per day
Maximum covered charge	\$4,000 per 24-month period
Lifetime maximum	\$8,000
Outpatient	
Copayment	\$25 per visit
Maximum covered charge	\$1,000 combined with mental health service

PRESCRIPTION DRUGS

Generic and brand name, if generic not available	\$5 copayment
Brand name at patient's request	\$5 Copayment — brand name price minus the generic price plus the difference between generic and brand name

DIAGNOSTIC X-RAY AND LABORATORY

No copayment

AMBULANCE

Ground ambulance	\$50 copayment
Air ambulance	\$250 copayment

DURABLE MEDICAL EQUIPMENT

20% copayment

RADIATION THERAPY AND CHEMOTHERAPY

20% copayment

HOSPICE SERVICE

No copayment

OFFICE VISITS/PREVENTIVE CARE SERVICES

Adult preventative care visits	\$10 No copayment
Children preventative care visits	\$10 No copayment
Reproductive and prenatal health care visits	\$10 No copayment

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802 and
33-22-1812 MCA

6.6.5036 CALCULATION OF BENEFIT VALUES

(1) through (1)(d) remain the same.

(e) Calculations must be made for the ~~standard health benefit plan offered by the carrier and for each proposed basic health benefit plan offered by the carrier, and the results must be compared to determine whether the proposed plan qualifies as a basic health benefit plan and compared to the benefit value of the standard health benefit plan. The standard plan's benefit value, calculated from the formula in (c) and the values in (d), is \$126.40.~~

(2) remains the same.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802, 33-22-1809,
and 33-22-1812 MCA

6.6.5040 COST CONTAINMENT FEATURES OF BASIC AND STANDARD PLANS (1) through (1)(e) remain the same.

(f) The selective contracting with hospitals, physicians, and other health care providers as defined in 33-22-1701 through 33-22-1707, 33-30-302, and 33-31-221, MCA.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802 and
33-22-1812 MCA

6.6.5044 FILING AND APPROVAL OF BASIC AND STANDARD PLANS

(1) through (7) remain the same.

(8) All small employer carriers shall refile all of the health benefit plans that they market or intend to market in this state which have been previously filed with the commissioner and which exceed the value of the standard plan according to the benefit value calculation. Each filing shall include a demonstration of, and the result of, the benefit value calculation for that plan in compliance with ARM 6.6.5036. Each filing shall include a statement that the policy has been previously filed in this state and shall inform the commissioner as to whether the plan was approved, disapproved, or filed for informational purposes only and the date of such action. The commissioner shall review each filing and, if the benefit value calculation verifies that the plan is neither standard nor basic and that the filing meets all the requirements of the Montana Code Annotated which apply, grant approval to the filing within 30 days of receipt of the filing. If the benefit value calculation shows that the plan is actually a standard or a basic plan, the commissioner shall so notify the small employer carrier, in writing. The small employer carrier must then refile the plan as a standard or a basic health benefit plan, as classified by the commissioner.

(9) No small employer carrier may market any health benefit plans to small employers in this state, unless and until one of its basic health benefit plans and one of its standard health benefit plans have been approved by the commissioner.

(10) All small employer carriers which intend to market one or more HMO plans shall file all of the HMO plans that they intend to market in this state which have not been previously filed with the commissioner. Each such plan must be filed with the commissioner as either a standard HMO plan, a basic HMO plan, or an HMO plan that qualifies as neither a standard nor a basic HMO plan, according to ARM 6.6.5028. Each filing shall include complete documentation which justifies the small employer carrier's classification of the HMO plan as a standard HMO plan, a basic HMO plan, or neither. Each filing shall include a statement that the policy has not previously been filed and approved in this state.

(11) through (13) remain the same.

~~(14) No small employer carrier may market any HMO plans in this state, unless and until one of its basic HMO plans and one of its standard HMO plans has been approved by the commissioner.~~

AUTH: 33-1-313, 33-1-501
and 33-22-1822 MCA

IMP: 33-22-1802, 33-22-1811,
and 33-22-1812 MCA

6.6.5050 STATUS OF CARRIERS AS SMALL EMPLOYER CARRIERS

(1) through (5) remain the same.

(a) Carriers who have had no health benefit plans in force in Montana since January 1, 1993, and file notice that the carrier does not intend to operate as a small group carrier may choose to declare intent to be a small group carrier at any time.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802, 33-22-1812,
and 33-22-1814 MCA

6.6.5058 REQUIREMENT TO INSURE ENTIRE GROUPS

(1) through (7)(b) remain the same.

(8) New entrants to a small employer group must be offered an opportunity to enroll in the health benefit plan currently held by such group by the 45th day of employment. Any new entrant that does not exercise the opportunity to enroll in the health benefit plan within the period provided by the small employer carrier may be treated as a late enrollee by the carrier, provided that the time within which to enroll in the health benefit plan extends at least 30 days after the date the new entrant is notified of his or her opportunity to enroll. If a small employer carrier has offered more than one health benefit plan to a small employer group pursuant to (2), the new entrant must be offered the same choice of health benefit plans as the other members of the group.

(8)(a) through (9)(b)(iv) remain the same.

AUTH: 33-1-313 and
33-22-1822 MCA

IMP: 33-22-1802, 33-22-1811,
and 33-22-1812 MCA

NEW RULE I COVERAGE THROUGH ASSOCIATIONS

(1) Associations providing health insurance to small groups must comply with this act and its regulations. Associations are exempt from this act only if they do not deny coverage to any member of the association or any employee of its members who apply for coverage as part of a group.

(2) Associations must apply to the department for this exemption and submit evidence that their policies are guarantee issue.

(3) Associations that have received exemption must provide guarantee issue policies by January 1, 1995.

(4) Associations must provide an open enrollment period of 60 days to all employees and member groups. A notice regarding the open enrollment period must be sent to all employees.

AUTH: 33-1-313, 33-1-501, IMP: 33-20-1802 and
and 33-22-1822 MCA 33-22-1803 MCA

6.6.5078 FAIR MARKETING STANDARDS (1) Small employer carriers shall actively market each of their basic and standard health benefit plans to small employers in this state. Examples of active marketing include, but are not limited to, promotional materials for agents and consumers, marketing classes for agents, direct mail to small business, and paid media advertising. Small employer carriers may not suspend the marketing or issuance of the basic and standard health benefit plans except for good cause and with the prior approval of the commissioner.

(2) through (9)(f) remain the same.

AUTH: 33-1-313 and IMP: 33-22-1802, 33-22-1812,
33-22-1822 MCA and 33-22-1813 MCA

6.6.5105 BOARD OF DIRECTORS OF PROGRAM (1) through (1)(1)(vii) remain the same.

(viii) review and evaluate the contracts with, and services of, the ~~administrating~~administering carrier, and determine whether to renew the contract. The contract may be renewed by favorable vote of at least five directors.

(1)(1)(ix) through (1)(p) remain the same.

AUTH: 33-1-313 and IMP: 33-22-1819 MCA
33-22-1822 MCA

6.6.5121 ERRORS, ADJUSTMENTS, PENALTIES, AND SUBMISSION OF DISPUTES (1) through (1)(i) remain the same.

(j) The ~~administrating~~administering carrier shall attempt to resolve error disputes between a member or assessable carrier and the program, provided that members may request permission to appear before the board at any time in connection with any such disputes with the program.

AUTH: 33-1-313 and IMP: 33-22-1819 MCA
33-22-1822 MCA

6.6.5125 STANDARDS FOR PRODUCER COMPENSATION LEVELS AND FAIR MARKETING OF PLANS

- (1) through (5) remain the same.
(6) Carriers shall not set commission levels for the sale of basic and standard plans in each class of business at a level less than 75% of the producer compensation schedule for the sale of other small employer products.
(a) Carriers must change producer compensation contracts and schedules by January 1, 1995.
(7) through (9) remain the same.

AUTH: 33-1-313 and
33-22-1822, MCA

IMP: 33-22-1819, MCA


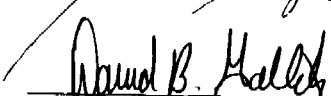
3. Due to requests from insurers for clarification and corrections of typographical errors, we are proposing these changes and additions to the small employer health benefit plans and reinsurance rules.

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 Frank Coté, Deputy Commissioner of Insurance, P.O. Box 4009, Helena, Montana 59604, and must be received no later than October 20, 1994.

5. 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 no later than 5:00 p.m., October 7, 1994, and advise the office of the nature of the accommodation needed. Please contact Frank Coté, 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.

6. Gary L. Spaeth, P.O. Box 4009, Helena, Montana, has been designated to preside over and conduct the hearing.

MARK O'KEEFE, State Auditor
and Commissioner of Insurance

By 

David B. Gallik for
Gary L. Spaeth, Rules Reviewer

Certified to the Secretary of State this 12th day of
September, 1994.

BEFORE THE CLASSIFICATION AND RATING COMMITTEE
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF PROPOSED
of ARM 6.6.8301, updating)	AMENDMENT OF ARM
references to the NCCI Basic)	6.6.8301
Manual for Workers')	
Compensation and Employers')	NO PUBLIC HEARING
Liability Insurance, 1980 ed.)	CONTEMPLATED

TO: All Interested Persons.

1. On November 10, 1994, the classification and rating committee of the state of Montana proposes to amend rule 6.6.8301 updating references to the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance, 1980 ed.

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

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 ~~March 21, 1994~~ August 30, 1994, 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 proposed amendment is necessary in order to bring references to the NCCI Classification and Rating Manual current. Changes to the NCCI Classification and Rating Manual, to be effective January 1, 1995, affect certain classifications with respect to Meat Packing and Butchering Operations, Heating and Air Conditioning Duct Work Shop Operations, and Swimming Pool Construction and Maintenance Operations.

4. Interested persons may submit their data, views, or arguments in writing to:

Robert Carlson, Chairperson
Montana Classification and Rating Committee
c/o National Council on Compensation Insurance
Two Tamarac Square, Suite 613
7535 East Hampden Avenue
Denver, CO 80231

Comments must be received no later than November 3, 1994.

5. If a person who is directly affected by the proposed amendment wishes to present data, views, or arguments orally or in writing at a public hearing, such person must make written request for a hearing and submit the request along with any comments such person has to:

Robert Carlson, Chairperson
Montana Classification and Rating Committee
c/o National Council on Compensation Insurance
Two Tamarac Square, Suite 613
7535 East Hampden Avenue
Denver, CO 80231

6. If the classification and rating committee of the state of Montana receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the administrative code committee of the legislature, from a governmental 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. For each category of classification affected, ten percent of the persons directly affected has been determined to be as follows: five (5) for the classification involving Meat Packing and Butchering Operations, based on 50 persons in the state the classifications of which are affected by the proposed amendment; five (5) for the classifications involving Heating and Air Conditioning Duct Work Shop Operations, based on 50 persons in the state the classifications of which are affected by the proposed amendment; and five (5) for the classifications involving Swimming Pool Construction and Maintenance Operations, based on 50 persons in the state the classifications of which are affected by the proposed amendments.

-2572-

By: Robert B. Carlson
Robert Carlson, Chairperson
Classification and
Rating Committee

By: David B. Gallik
David B. Gallik, Rule Reviewer
State Auditor's Office

Certified to the Secretary of State September 12, 1994.

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of rules pertaining) ON THE PROPOSED AMENDMENT
to fees for dentists, dental) OF RULES PERTAINING TO
hygienists, anesthesia and) THE PRACTICE OF DENTISTRY,
denturists and dental hygienist) DENTAL HYGIENE AND
credentials) DENTURITRY

TO: All Interested Persons:

1. On October 26, 1994, 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 N. Jackson, Helena, Montana, to consider the proposed amendment of rules pertaining to the practice of dentistry, dental hygiene and denturistry.

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

"8.16.405 FEE SCHEDULE

(1) Examination fee	\$75.00	\$ 85
(2) Re-examination fee	75.00	85
(When re-examination does not occur at the same testing date and site as the initial examination.)		
(3) licensure Original licensee fee	35.00	100
(4) Active renewal, in-state	83.00	133
(5) Inactive renewal, out-of-state	83.00	133
(6) Duplicate licensure fee	30.00	30
(7) Late renewal penalty fee	50.00	100
(8) Documents	30.00	30
(9) Certification of license	15.00	20"

Auth: Sec. 37-1-134, 37-4-205, MCA; IMP, Sec. 37-1-134, 37-4-301, 37-4-303, 37-4-306, 37-4-307, MCA

"8.16.605A DENTAL HYGIENIST LICENSURE BY CREDENTIALS

- (1) through (1)(f) will remain the same.
(g) upon approval of the application, successful completion of the Montana jurisprudence examination; and
(h) payment of appropriate fees:-
(i) ~~application fee~~ \$75.00
(ii) ~~examination fee~~ 75.00
(iii) ~~licensure fee~~ 35.00"

Auth: Sec. 37-1-131, 37-4-205, 37-4-402, MCA; IMP, Sec. 37-4-404, MCA

"8.16.606 FEE SCHEDULE

(1) Examination fee	\$75.00	85
(2) Re-examination fee	75.00	85
(When re-examination does not occur at the same testing date and site as the initial examination)		

(3) Active renewal, in-state	50-00	100
(4) Inactive renewal, out-of-state	50-00	100
(5) Licenseure Original license fee	35-00	100
(6) Duplicate license fee	30-00	
(7) Late renewal penalty fee	50-00	100
(8) Documents	30-00	
(9) Certification of license	15-00	20
(10) <u>Credential application fee</u>		75
(11) <u>Credential examination fee</u>		85"

Auth: Sec. 37-1-134, 37-4-205, MCA; IMP, Sec. 37-4-402, 37-4-403, 37-4-404, 37-4-406, MCA

"8.16.909 FEE SCHEDULE

(1) Full general anesthesia application fee	\$ 50-00	200
(2) Full general anesthesia permit renewal fee	\$ 10-00	25
(3) Light general anesthesia application fee	\$ 50-00	200
(4) Light general anesthesia permit renewal fee	\$ 10-00	25
(5) Conscious sedation application fee	\$ 50-00	200
(6) Conscious sedation permit renewal fee	\$ 10-00	25
(7) Initial inspection fee	\$ 100-00	200
(8) Reinspection fee	\$ 50-00	150"

Auth: Sec. 37-1-131, 37-1-134, 37-4-511, MCA; IMP, Sec. 37-4-511, MCA

"8.17.501 FEE SCHEDULE

(1) will remain the same.		
(2) Original licensee fee		\$200
(3) through (5) will remain the same.		
(6) License renewal by March 1 of each year	\$ 50	100
(7) will remain the same.		
(8) Late renewal penalty fee	\$ 50	100"

Auth: Sec. 37-1-134, 37-29-201, 37-29-304, MCA; IMP, Sec. 37-1-134, 37-29-304, MCA


REASON: The proposed amendments are necessary to make the Board's fees commensurate with program area costs. The July cash balance for the Board was \$49,915. Generated fees for Fiscal Year 1994 were only \$93,379. The budget for FY 1995 is \$142,300. The Board must increase the fees to cover the costs of expenditures that will be incurred during FY 1995 and FY 1996. During FY 1994 the Board expended \$155,000 which depleted the cash balance. The proposed increase will generate fees in the amount of \$161,000, which will cover the expenditures shown above.


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 Dentistry, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., October 26, 1994.

4. Carol Grell, attorney, has been designated to preside over and conduct the hearing.

BOARD OF DENTISTRY
CAROL SCRANTON, DDS, PRESIDENT

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 12, 1994.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
repeal, amendment and adoption)	THE PROPOSED REPEAL,
of rules relating to special)	AMENDMENT AND ADOPTION OF
education school funding)	RULES RELATING TO SPECIAL
)	EDUCATION SCHOOL FUNDING

To: All interested persons

1. On November 1, 1994, at 9:00 a.m., in Room 104, State Capitol Building, Helena, Montana, a public hearing will be held to consider the proposed repeal, amendment and adoption of rules pertaining to special education school funding.

2. The proposed rules for repeal follow. Full text of the rules are found at pages 10-245 through 10-245.4, 10-251 through 10-252.1, 10-255 through 10-257.1, 10-283 and 10-284, ARM.

10.16.1302 RESOURCE INSTRUCTION AND SERVICE (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1303 CASELOAD OF A RESOURCE SERVICE (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1304 ADDING RESOURCE SERVICES (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1306 ITINERANT RESOURCE SPEECH AND HEARING SERVICES (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1307 SELF-CONTAINED INSTRUCTION (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, 20-7-414, MCA)

10.16.1804 SCHOOL PSYCHOLOGIST (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1805 SUPERVISOR OF SPECIAL EDUCATION (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1806 SOCIAL WORKERS (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1807 COUNSELOR (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.1808 OTHER (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP, 20-7-403, MCA)

10.16.2001 BUDGET AND PROGRAM (IS HEREBY REPEALED)

(AUTH: 20-9-161, 20-9-167, MCA; IMP: 20-7-403, MCA)

10.16.2003 ROOM AND BOARD APPROVAL (IS HEREBY REPEALED)

(AUTH: 20-9-161, 20-9-167, MCA; IMP: 20-7-403, MCA)

10.16.2004 PRESCHOOL PROGRAMS (IS HEREBY REPEALED)

(AUTH: 20-9-161, 20-9-167, MCA; IMP: 20-7-403, MCA)

10.16.2005 EXTENDED YEAR PROGRAMS (IS HEREBY REPEALED)

(AUTH: 20-9-161, 20-9-167, MCA; IMP: 20-7-403, MCA)

10.16.2101 DEFINITIONS (IS HEREBY REPEALED)

(AUTH: 20-7-402, MCA; IMP: 20-7-403, MCA)

10.16.2105 EXPANSION OR IMPLEMENTATION OF PROGRAM DURING A GIVEN SCHOOL TERM (IS HEREBY REPEALED)

(AUTH: 20-7-403, MCA; IMP: 20-7-403, 20-9-147, 2-9-321, MCA)

10.16.2110 RELATIONSHIP TO THE GENERAL FUND (IS HEREBY REPEALED)

(AUTH: 20-9-102, MCA; IMP: 20-7-431, 20-9-303, MCA)

10.16.2502 ELIGIBILITY (IS HEREBY REPEALED)

(AUTH: 20-7-442, MCA; IMP: 20-3-106, MCA)

10.16.2603 APPROVAL OF COOPERATIVES (IS HEREBY REPEALED)

(AUTH: 20-7-457, MCA; IMP: 20-7-452, MCA)

10.16.2606 FUNDING OF ITINERANT PERSONNEL WITH REDUCED CASELOADS (IS HEREBY REPEALED)

(AUTH: 20-7-457, 20-7-458, MCA; IMP, 20-7-458, MCA)

3. The rules, as proposed to be amended, new material underlined, deleted material interlined, provide as follows. Full text of the rules is found at pages 10-257.1, 10-261, 10-281, 10-283, 10-284 ARM.

10.16.2106 SPECIAL EDUCATION PROGRAMS PROVIDED APPLICATIONS FOR FEDERAL FUNDS BY A COOPERATIVE (1) ~~Each~~ All applications for federal funds for a special education program provided ~~by to~~ participating schools of a cooperative shall be submitted to the superintendent of public instruction through a single district or county superintendent. ~~In addition to federal requirements.~~ The application shall identify the districts to be served, the projected population, and the services to be provided through the cooperative.

(AUTH: 20-7-457, MCA; IMP: 20-7-457, MCA)

10.16.2107 TRANSPORTATION FOR SPECIAL EDUCATION CHILDREN STUDENTS WITH DISABILITIES

(1) ~~With the approval of the superintendent of public instruction, any special education child shall be eligible for resident district transportation pursuant to section 20-7-441, MCA.~~

(2) ~~Specialized student transportation for children students with disabilities to and from school is not an a special education allowable cost under the special education budget in the general fund. Budget authority for transportation of children students with disabilities must be established in the transportation fund of the local school district and must follow the budgeting procedures established in the Montana School Accounting Manual.~~

(3) ~~Procedures for specialized transportation for children with disabilities is set out in sub chapter 25 of this chapter.~~
(AUTH: 20-7-403, MCA; IMP: 20-7-403, 20-10-145, MCA)

10.16.2303 EDUCATION OF ALL HANDICAPPED CHILDREN ACT INDIVIDUALS WITH DISABILITIES EDUCATION ACT, PART B (1) ~~Education of All Handicapped Children Act Individuals with Disabilities Education Act, Part B monies funds are to be used for projects which will initiate, expand and improve special education and related services to handicapped children students with disabilities through local education agencies.~~

(2) ~~It is the goal of the superintendent of public instruction to insure that all unserved (out of school) handicapped children age 6 or older, but not having yet reached his or her 19th birthday, will be guaranteed full education opportunities. Part B funds may be used to provide facilities, personnel and services necessary to meet full educational opportunity subject to the priority requirements of 34 CFR 300.320-300.324. Children Students who are enrolled in private schools may participate in projects sponsored under this Act, but funds cannot be made available directly to such schools.~~

(3) ~~Regulations governing utilization of Part B funds are established in Education Department General Administrative Regulations (EDGAR) and 34 CFR Part 300 and differ from the special education allowable cost requirements as defined in Rule III through Rule VI.~~
(AUTH: 20-7-403, MCA; IMP: 20-7-403, MCA)

10.16.2501 DEFINITION SPECIALIZED TRANSPORTATION AS A RELATED SERVICE (1) ~~Specialized transportation for handicapped children and youth students with disabilities is a related service which is necessary in order for a handicapped child or youth student with disabilities to benefit from special education. It includes, but is not limited to:~~

- (a) ~~travel to and from school and between schools;~~
- (b) ~~specialized equipment, i.e., special or adapted buses and lifts, if required to provide special transportation for handicapped children or youth students with disabilities;~~
- (c) ~~travel to and from services listed in the student's individual education plan (IEP).~~

(2) Specialized transportation needs must be documented as a related service on the individualized education plan of a student with disabilities.

(AUTH: 20-7-442, MCA; IMP: 20-3-106, MCA)

10.16.2503 TRANSPORTATION FUNDING (1) remains the same.

(2) All special education buses are deemed to have met the student load requirement of the law and are deemed to be full. A school bus will be deemed full for the purposes of the reimbursement load requirements if it transports at least one student whose individualized education plan requires specialized transportation as a related service.

(3) On buses approved by the superintendent of public instruction as special buses, an additional one third of the on-schedule amount shall be paid to the school district.

(4) On individual transportation contracts where a special education student is transported, an additional one third of the on-schedule amount shall be paid to the district.

(AUTH: 20-7-442, MCA; IMP: 20-3-106, MCA)

10.16.2601 DURATION OF COOPERATIVE (1) The interlocal agreement creating a special education cooperative must provide for require participating districts to remain members for a term of at least three years encompassing state fiscal years which have an effective date of July 1.

(2) A district that elects to participate shall agree to participate for a period consistent with the term of the existing interlocal agreement.

(42) Interlocal agreements, recognizing the time requirements stated above, may provide for must specify and uniformly apply one of the following participation options:

(a) districts are required to make a three-year commitment, renewable annually, which is automatically renewed at the end of the first fiscal year and subsequent fiscal years thereafter unless a district provides notice to withdraw. Under this option, notification of intent to withdraw must be provided three fiscal years in advance of the withdrawal date.

(b) a schedule of withdrawal notice on a three-year cycle districts are required to make a commitment not to withdraw except after every third fiscal year of membership. This commitment is automatically renewed at the end of every third fiscal year unless the district provides notice to withdraw.

(3) Under this option, notification of intent to withdraw from a cooperative shall be provided no later than October 1 of the every third fiscal year of the district's commitment of participation.

(AUTH: 20-7-457, MCA; IMP: 20-7-452, MCA)

10.16.2602 MANAGEMENT BOARD (1) The management board is responsible for administering the cooperative and is comprised of trustees of the contracting participating districts or their authorized representatives.

(2) Designation of the representative shall be by formal

action taken annually. Formal action shall be in the form of a resolution of the trustees of a ~~contracting~~ participating district which names one of the trustees or an authorized representative to serve on the management board. The same person may be the authorized representative of more than one board of trustees.

(3) remains the same.

(AUTH: 20-7-457, MCA; IMP: 20-7-452, MCA)

10.16.2604 NON-PARTICIPATING DISTRICTS (1) The interlocal agreement shall ~~provide that require annual~~ notification of opportunity to join ~~shall be provided annually~~ to nonparticipating districts ~~with a student enrollment of under 3,000~~ within the geographic ~~service pattern~~ boundary of the cooperative. ~~This annual notification must be provided to non-participating districts no later than October 1 of each fiscal year and must require response within 60 days from those districts who wish to join.~~

(AUTH: 20-7-457, MCA; IMP: 20-7-452, MCA)

10.16.2605 APPROVAL MECHANICS PROCEDURES FOR APPROVAL (1) A draft of the ~~a new or amended~~ interlocal agreement shall be submitted to the superintendent of public instruction for initial review and ~~approval comment~~ on or before ~~December 1~~ January 1. ~~In order for the new or amended agreement to be effective for the ensuing fiscal year, upon completion of initial review and approval comment by the superintendent, the agreement shall be submitted to the attorney general. Within 10 days of the attorney general's approval, the agreement shall be submitted to the superintendent for final approval. Upon final approval, the cooperative contract shall be filed with the county clerk and recorder of the county or counties in which the school districts involved are located and with the secretary of state.~~

(AUTH: 20-7-457, MCA; IMP: 20-7-453, 20-7-454, MCA)

4. The rules, as proposed to be adopted, provide as follows.

RULE 1 DEFINITIONS The following definitions apply to rules affecting the funding of special education programs:

(1) "Advance reimbursement on special education allowable cost payments" means a loan to a district to offset a severe economic hardship caused by exceptional special education costs to the district. This advance on a district's ensuing fiscal year's special education allowable cost payment must be repaid in the ensuing fiscal year.

(2) "Average number belonging" or "ANB" means a student count for each school district that is used for school funding purposes. The count is performed according to ARM 10.20.102, et seq.

(3) "Certified local match" means the local matching funds that a district is required to contribute toward special education costs to avoid any reversions against its special education allowable cost payments. This number is certified by the superintendent of public instruction.

(4) "Child count" means the number of students with

disabilities receiving special education and related services per a current individualized education program on December 1 of each fiscal year. This number is reported in accordance with ARM 10.16.2704.

(5) "Cooperative" and "special education cooperative" means a full service education cooperative or joint board established under 20-7-451, MCA, to provide special education services.

(6) "Cooperative administrative costs" means the costs cooperatives incur for operations, maintenance, travel, support services, recruitment and administration.

(7) "Current fiscal year" means the period between July 1 and June 30 during which calculations for the ensuing fiscal year are made.

(8) "Ensuing fiscal year" means the fiscal year for which a calculation is being made.

(9) "Instructional block grant" means the portion of the special education allowable cost payment based on statewide special education instructional expenditures and calculated as a per student rate times the number of students per district.

(10) "Minimum special education expenditure to avoid reversions" means a district's instructional block grant plus a district's related services block grant plus the district's certified required local match. If the district is a participating member of a cooperative, the related services block grant is not included in the minimum special education expenditure to avoid reversions.

(11) "Reimbursement" and "reimbursement for disproportionate costs" mean the portion of the special education allowable cost payment that is calculated based on district's prior special education expenditures to offset disproportionately high special education expenditures.

(12) "Related services block grant" means the portion of the special education allowable cost payment based on statewide special education related services expenditures and calculated as a per student rate times the number of students per district. If a district is a special education cooperative member, this portion of the special education allowable cost payment is awarded to the cooperative.

(13) "Special education allowable cost payment" and "allowable cost payment" means the amount of the state special education appropriation distributed to districts or special education cooperatives for special education programs.

(14) "Special education allowable cost expenditures" means expenditures for certain allowable costs associated with the provision of special education services to a child with disabilities as defined in 20-7-401, MCA. State special education allowable cost payments are permitted to fund these expenditures, and they qualify as local matching funds.

(AUTH: 20-7-402, 20-7-431, 20-7-457, MCA; IMP: 20-7-414, 20-7-431, 20-7-457, 20-9-321)

RULE II GENERAL PRINCIPLES OF SPECIAL EDUCATION FUNDING

(1) Legislative appropriations for special education are administered by the superintendent of public instruction. Expenditures of funds received from the legislative appropriations are limited to certain allowable costs associated with the provision of educational services to children with disabilities. The following general provisions apply to these funds:

(a) Through the block grant system, districts are allowed flexibility in methods of providing special education programs within allowable cost guidelines.

(b) The distribution of the funds is based primarily on ANB and prior fiscal year expenditure reports.

(c) Expenditures of the funds are limited to services to students with disabilities ages 3-21.

(d) Local district contributions, referred to as local match, are required.

(e) Instructional and related services block grants and local matching funds may only be spent for special education allowable costs as approved by the superintendent of public instruction. Instructional block grant funds plus the corresponding local matching funds may be expended for instructional and/or related services. Related services block grant funds plus corresponding local matching funds may be expended for instructional services and/or related services subject to matching requirements for schools that are participating members of a cooperative.

(f) Funds are distributed in the same manner as district state aid.

(g) Expenditure of special education allowable costs must be reported using specific accounting codes.

(2) Special education allowable cost expenditures must be reported annually in the trustees' financial summary on forms prescribed and furnished by the superintendent of public instruction.

(3) The superintendent of public instruction will use the trustees' financial summary to determine the special education allowable cost payments to districts and cooperatives.

(AUTH: 20-7-431, 20-9-321 MCA; IMP: 20-7-431, 20-9-321)

RULE III SPECIAL EDUCATION ALLOWABLE COST LIMITATIONS

(1) Allowable costs for public school districts for purposes of determining payments are limited to instructional and related service costs and do not include the entire cost of operating a special education program. Allowable costs specifically do not include:

(a) the cost of the teachers' retirement system, the public employees' retirement system, or the federal social security system;

(b) the cost for unemployment compensation insurance;

(c) the cost of any administrative, instructional or teacher aide personnel necessary to meet Montana school accreditation standards;

(d) salaries and benefits for transportation aides employed for assisting students with disabilities;

(e) the on-schedule and over-schedule costs of transportation for special education purposes; and

(f) any overhead costs of operations and maintenance. Examples of overhead costs include, but are not limited to, heat, electricity, repairs and maintenance of building and equipment, minor remodeling, service contracts on equipment, and security services.

(2) Allowable costs for expenditures for salaries and benefits of personnel who serve both regular and special education must be directly proportionate to the time dedicated to activities associated with special education allowable costs outlined in RULE IV and RULE V. To support the proportion of time charged to special education, districts and cooperatives must maintain documentation such as time and effort reports, class schedules, job descriptions or other support information that will verify the time each person devotes to activities associated with special education allowable costs.

(AUTH: 20-7-431 MCA; IMP: 20-7-431)

RULE IV SPECIAL EDUCATION ALLOWABLE COSTS--INSTRUCTION

(1) Allowable costs associated with instruction of students with disabilities include:

(a) Salaries and benefits, not excluded in RULE III, for qualified special education teachers and special education teacher aides for the proportion of time spent providing services to students with disabilities. This includes time spent:

(i) in activities associated with structured support and assistance to regular education teachers to identify and meet diverse student needs; and

(ii) providing or receiving inservice training on the provision of special education services;

(b) Teaching supplies and text books necessary to implement an IEP for a student with disabilities;

(c) The purchase, rental, repair and maintenance of instructional equipment and assistive technology required to implement an IEP for a student with disabilities;

(d) Contracted services, including fees paid for professional advice, training and consultation regarding students with disabilities or their programs and the delivery of special education instructional services by public or private agencies;

(e) Payments made to a cooperative for the instructional services;

(f) Transportation costs for:

(i) special education instructional personnel who travel on an itinerant basis from school to school or district to district for the provision of instructional services;

(ii) travel to in-state child study team meetings or in-state IEP meetings;

(iii) in-state travel related to activities associated with structured support and assistance to regular education teachers in identifying and meeting diverse student needs; and

(iv) travel for providing or receiving inservice training on the provision of special education services.
(AUTH: 20-7-431 MCA; IMP: 20-7-431)

RULE V SPECIAL EDUCATION ALLOWABLE COSTS--RELATED SERVICES (1)
Allowable costs associated with the provision of related services to students with disabilities include:

(a) Salaries and benefits, not excluded in RULE III, for licensed or certified professional support personnel who meet the qualifications in 10.16.1715 for supervisors of special education, speech language pathologists, audiologists, counselors, social workers, school psychologists, physicians, nurses, physical and occupational therapists, and other professional persons meeting the requirements for the profession or discipline responsible for delivery of a special education related service for the proportion of time spent:

(i) in providing services for students with disabilities;
(ii) providing supervision of special education programs;
(iii) activities associated with structured support and assistance to regular education teachers in identifying and meeting diverse student needs; and

(iv) providing or receiving inservice training on the provision of special education services;

(b) Salaries and benefits, not excluded in RULE III, for support personnel aides

for the proportion of time spent:

(i) in providing services for students with disabilities;
(ii) activities associated with structured support and assistance to regular education teachers in identifying and meeting diverse student needs; and

(iii) providing or receiving inservice training on the provision of special education services;

(c) Salaries and benefits, not excluded in RULE III, for clerical personnel who assist professional support personnel, corresponding to the proportion of time spent providing assistance to professional support personnel;

(d) The cost of supplies for professional support personnel;
(e) Contracted services of public or private agencies, including fees paid for professional advice, training and consultation regarding students with disabilities or their program, and the delivery of special education services;

(f) Payments made to a cooperative for the provision of related services;

(g) Transportation costs for:

(i) professional support personnel who travel on an itinerant basis from school to school or district to district for the provision of related services;

(ii) travel to in-state child study team meetings or in-state individualized education program meetings;

(iii) in-state travel related to activities associated with structured support and assistance to regular education teachers in identifying and meeting diverse student needs; and

(iv) travel for providing or receiving inservice training on the provision of special education services;

(h) Equipment purchase, rental, repair, and maintenance required to implement the related service portion of a student's individualized education program.

(AUTH: 20-7-431, MCA; IMP: 20-7-431)

RULE VI SPECIAL EDUCATION ALLOWABLE COSTS--COOPERATIVES

(1) Special education allowable costs for cooperatives include all allowable costs in Rule IV and Rule V and the additional cost of the operation of the cooperative. These additional costs allowed exclusively for a cooperative are:

(a) Costs associated with support services including, but not limited to, administration, advertising, recruitment, communication such as postage, telephone, printing, clerk services, audit services and liability insurance;

(b) Costs associated with operation and maintenance including, but not limited to, custodial salaries and benefits, heat, utilities, supplies and expenses, replacement parts, rent, purchase of real property, labor negotiations/representations, omissions and errors insurance, fire insurance and property insurance.

(AUTH: 20-7-431, MCA; IMP: 20-7-431, 20-7-451)

RULE VII COOPERATIVE BOUNDARIES (1) Boundary lines of cooperatives established for the provision of special education services are defined by the superintendent of public instruction based on consultation with regional representatives.

(a) No more than 23 special education cooperatives may be established.

(b) All districts are included within the boundaries of a special education cooperative but are not required to be a participating member of that cooperative.

(c) The special education cooperative boundaries must be drawn so that the districts included within the boundaries are contiguous.

(d) A district may become a member only of the cooperative within which boundaries it lies.

(2) The superintendent of public instruction will maintain the official Montana school district boundary line map indicating the boundaries for cooperatives.

(3) Districts or cooperatives requesting a change to the boundary lines must provide a written request to the superintendent to change the boundary lines. The written request must clearly describe the proposed boundary line and the reasons for the requested change.

(4) Request for change must be provided to the superintendent of public instruction no later than October 1 to be in effect for the ensuing fiscal year.

(5) Prior to making the change, the superintendent will notify and request comment from all districts within the boundaries of each affected cooperative.

(6) All changes must comply with the conditions in (1).

(7) Unless boundary line changes result in the creation of a new cooperative or the merging of existing cooperatives, boundary changes for districts already participating in a cooperative must occur on timelines consistent with the district's three fiscal year commitment for participation in the cooperative as specified in the interlocal agreement.

(AUTH: 20-7-457, MCA; IMP: 20-7-457)

RULE VIII ELIGIBILITY TO RECEIVE PAYMENT (1) A district is eligible to receive a special education allowable cost payment for the ensuing fiscal year if it has a special education program. A school district has a special education program if it:

(a) has a resident student reported on the current fiscal year December 1 special education child count;

(b) is participating in a cooperative; or

(c) has a written agreement with another public school district or cooperative to provide a special education program in the event a student in need of special education enrolls in the district.

(2) A cooperative meeting the requirements of 20-7-457, MCA, is eligible to receive the related services block grants for member districts and an additional amount for cooperative administrative costs.

(AUTH: 20-9-321, MCA; IMP: 20-7-414, 20-9-321)

RULE IX GENERAL PRINCIPLES OF THE SPECIAL EDUCATION ALLOWABLE COST PAYMENT CALCULATION (1) The superintendent of public instruction will use current fiscal year ANB and other information

available on February 1 of the current fiscal year to calculate the special education allowable cost payments for the ensuing fiscal year. ANB will be used in the payment calculation for the purpose of reflecting relative district and program size. Use of ANB does not limit the age range for fund expenditures.

(2) The special education allowable cost payments consist of instructional block grants, related services block grants, reimbursements for disproportionate costs and cooperative administrative amounts.

(3) The statewide special education allowable cost payments to districts and cooperatives may not exceed the legislative appropriation available for special education allowable costs. Thus, the payments allocated to each district and cooperative is a pro-rata share of the available appropriation if necessary.

(4) The special education allowable cost payment calculation consists of four steps:

(a) Calculate preliminary figures. These figures are the basis for the final block grant, reimbursement and cooperative administrative amount calculations;

(b) Calculate a pro-rata percentage as stated in RULE X (5)

to ensure that the statewide special education allowable cost payments do not exceed the available special education appropriation;

(c) Calculate final block grant, reimbursement and cooperative administrative amounts by multiplying the pro-rata percentage by the preliminary amounts;

(d) Calculate a special education allowable cost payment for each district and cooperative that is eligible to receive the funding.

(AUTH: 20-9-321, MCA; IMP: 20-9-321)

RULE X CALCULATION OF SPECIAL EDUCATION ALLOWABLE COST PAYMENTS

(1) The preliminary state instructional block grant rate for the ensuing fiscal year is calculated as follows:

(a) Sum the prior fiscal year statewide allowable cost expenditures for instruction, as reported on the trustees' financial summary by cooperatives, elementary, high school and K-12 districts;

(b) Divide the sum of the statewide instructional expenditures from (1)(a) by the prior fiscal year's ANB to arrive at the statewide special education allowable cost expenditures per ANB for instruction;

(c) Multiply the statewide expenditure per ANB for instruction from (1)(b) by a factor to ensure that the districts will pay a minimum of one dollar for every three dollars of state special education funds.

(2) Calculate the preliminary state related services block grant rate for the ensuing fiscal year as follows:

(a) Sum the prior fiscal year statewide allowable cost expenditures for related services, as reported on the trustees' financial summary by cooperatives, elementary, high school and K-12 districts;

(b) Divide the sum of the statewide related services expenditures from (2)(a) by the prior fiscal year's ANB to arrive at the total statewide special education allowable cost expenditure per ANB for related services;

(c) Multiply the statewide expenditure per ANB for related services from (2)(b) by a factor to ensure that the districts will pay a minimum of one dollar for every three dollars of state special education funds.

(3) The preliminary calculation to determine a district's eligibility to receive reimbursement for disproportionate costs for the ensuing fiscal year is calculated per district as follows:

(a) Sum the district's prior fiscal year special education state allowable cost expenditures for instruction and related services;

(b) Subtract the district's prior fiscal year minimum special education expenditure to avoid reversions multiplied by 1.10 from the expenditure total in (3)(a);

(c) if the figure from (3)(b) is less than or equal to zero, a district did not reach the threshold amount and is not eligible for reimbursement.

(d) if the figure from (3) (b) is greater than zero, a district reached the threshold amount and its preliminary reimbursement for disproportionate costs is the amount which exceeds 0 multiplied by .65.

(4) Preliminary cooperative administration and travel payments must be calculated to provide cooperatives an additional amount for administrative costs.

(a) The maximum statewide amount for cooperative administrative costs is the sum of all cooperatives' special education allowable cost expenditures reported on the prior fiscal year trustees' financial summary minus instructional and related service expenditures reported by the same cooperatives.

(b) Determination of the cooperatives' administration and travel amounts is based on consideration of the current number of member districts, ANB, staff, road mileage and any other factors considered appropriate. The superintendent of public instruction will annually review use of these factors and their weighted application.

(i) Cooperatives must report to the superintendent of public instruction on the cooperative fall report staff and membership information and any additional information needed to administer the provisions of 20-9-321, MCA. Cooperatives must notify the superintendent of public instruction of any revisions to the fall report information by February 1.

(5) The pro-rata percentage is calculated as follows:

(a) Determine the statewide total preliminary special education allowable cost payment level for the ensuing fiscal year by summing:

(i) preliminary statewide instructional block grant rate times current statewide ANB;

(ii) preliminary statewide related services block grant rate times current statewide ANB;

(iii) total statewide preliminary reimbursements for disproportionate costs; and

(iv) total cooperative preliminary administration and travel amounts.

(b) The pro-rata percentage equals the available special education appropriation divided by the statewide total preliminary special education allowable cost payment level.

(6) The pro-rata percentage is multiplied by the preliminary block grant rates, preliminary cooperative administration and travel amounts and the sum of districts' preliminary reimbursement figures for disproportionate costs to determine the final allowable cost payment factors.

(7) The superintendent of public instruction calculates an eligible district's special education allowable cost payment for the ensuing fiscal year by multiplying the final instructional block grant rate by the district's current fiscal year ANB, adding the final related services block grant rate multiplied by the district's current fiscal year ANB, adding a district's final reimbursement for disproportionate costs, if applicable, and rounding to the nearest whole dollar. If the district is a

participating member of a cooperative, the special education allowable cost payment will not include the related services block grant.

(8) A cooperative's special education allowable cost payment for the ensuing fiscal year consists of the final cooperative travel and administration amounts plus the related services block grants of districts who are participating members of the cooperative, rounded to the nearest whole dollar.

(AUTH: 20-9-321, MCA; IMP: 20-9-321)

RULE XI LOCAL MATCHING FUNDS (1) Districts must provide local matching funds for special education to ensure that the districts pay at least one dollar for every three dollars of state special education allowable cost funds distributed in the form of instructional and related services block grants. The superintendent of public instruction will provide to districts certified reports of required local match amounts.

(2) The superintendent of public instruction will determine from district prior fiscal year trustees' financial summary reports if local match has been met.

(a) Demonstration that local match contributions have been made is determined by totaling the prior fiscal year special education allowable cost expenditures, defined in **Rule IV and Rule V**, as reported on the annual trustees' financial summary for the general fund, the impact aid fund, the metal mines tax reserve fund and state mining impact fund. Those prior fiscal year expenditures must equal or exceed the district's minimum special education expenditures to avoid reversion for the prior fiscal year.

(3) Districts that are participating members of a cooperative must provide the required local related services block grant match, as certified by the superintendent, to their cooperative. This amount ensures that the districts pay at least one dollar for every three dollars of the districts' share of the related services block grant funds. The cooperatives' allowable cost expenditures from these funds is not limited to related services.

(a) A district's local related services block grant match for cooperative use may be demonstrated by:

(i) transfer of at least the required amount from the district general fund or impact aid fund to the cooperative; or

(ii) completion of a written agreement between the district and the cooperative that states the manner in which the contribution will be made, if different from (i). This written agreement must be on file with the cooperative.

(b) At the close of each fiscal year, cooperatives must certify to the superintendent of public instruction that each member district provided its required related services block grant match to the cooperative.

(AUTH: 20-9-321, MCA; IMP: 20-9-321)

RULE XII ADVANCE ON SPECIAL EDUCATION ALLOWABLE COST PAYMENTS

(1) A district may be eligible for an advance on its special education allowable cost payment if it experiences severe economic

hardship because of exceptional special education costs.

(2) Application for an advance on a special education allowable cost payment must be made to the superintendent of public instruction in writing and include requested documentation.

(3) The superintendent of public instruction will determine eligibility for an advance on a district's special education allowable cost payment based upon the following requirements:

(a) The superintendent of public instruction has funds available to meet the advance request.

(b) The exceptional special education costs are an unforeseen need of the district that cannot be postponed until the next school year without dire consequences affecting the ability to provide a free appropriate public education to its students with disabilities.

(c) The district adopts a budget amendment under 20-9-161 (6), MCA.

(d) Other revenues are not available to the district that could address the unforeseen cost, including:

(i) district reserves;

(ii) available cooperative funds;

(iii) Individuals with Disabilities Education Act, Part B funds; and

(iv) cash available in other funds of the district.

(e) The exceptional special education costs combined with budgeted special education allowable cost expenditures exceed 110 percent of the current fiscal year minimum special education budget to avoid reversion.

(4) Payments are for the fiscal year in which the actual costs are incurred.

(5) The amount of the advance will reduce the ensuing fiscal year's special education allowable cost payment by a like amount. If the district's special education allowable cost payment in the ensuing fiscal year is not sufficient to repay the advance, the district will repay the advance to the state by warrant no later than December 31 in the fiscal year following the advance.

(AUTH: 20-9-321, MCA; IMP: 20-9-321)

RULE XIII TRANSITION PERIOD (1) In order to minimize disruption of program services to students, steps and calculation adjustments deemed necessary by the superintendent of public instruction may be taken to distribute the state special education funding per the provisions of 20-7-431, MCA.

The transitional period may not extend beyond July 1, 1996.

(AUTH: 20-7-431, 20-9-321, MCA; IMP: 20-7-431, 20-9-321)

RULE XIV SPECIAL EDUCATION TRANSFERS AND PAYMENTS TO OTHER DISTRICTS AND COOPERATIVES (1) A district may establish its own special education program or meet its obligation to provide services for students with disabilities by participating in a cooperative or interlocal agreement.

(2) If the district chooses to participate in a cooperative or interlocal agreement, it may pay its state special education

allowable cost payment, required block grant match, and additional costs of providing services to the district or cooperative on a reimbursement basis.

(a) The payment must be deposited to the miscellaneous programs fund of the district providing services or to the interlocal agreement fund of the district or cooperative providing services.

(b) When a district is the recipient, the receipt and expenditure of the money must be identified on the accounting records using a project reporter number.

(i) The accumulated balance in the project account must be zero by June 30th of each fiscal year. That is, receipts must equal total expenditures.

(ii) Any amounts received but not obligated must be returned to the paying district or cooperative by June 30th and recorded as an expenditure abatement.

(3) When a cooperative contracts with a district to provide special education instructional and related services:

(a) payment received by a district from a cooperative must be deposited in the district's miscellaneous programs fund or interlocal agreement fund; and

(b) the receipt and expenditure of the money must be identified on the accounting records using a project reporter number.

(i) The accumulated balance in the project account must be zero by June 30th of each fiscal year. That is, receipts must equal expenditures.

(ii) Any amounts received but not obligated must be returned to the paying district or cooperative by June 30th and recorded as an expenditure abatement.

(4) Expenditures of special education money received as payment for services provided to other districts or cooperatives or transferred from another district or cooperative will not be considered in determining the reimbursement for disproportionate costs under 20-9-321, MCA.

(AUTH: 20-7-431, MCA; IMP: 20-7-431)

RULE XV DISTRIBUTION OF SPECIAL EDUCATION ALLOWABLE COST PAYMENTS

(1) The state will distribute the special education allowable cost payments to districts and cooperatives at the same time direct state aid payments are made under 20-9-344, MCA.

(2) A district's instructional and related services block grants are based on ANB.

(a) Except as provided in (2)(b), subsequent increases or decreases in ANB after the final budget is adopted will not increase or decrease the district's block grant funding.

(b) In cases of significant adjustments in ANB, the superintendent of public instruction may require adjustment of the block grant funding.

(AUTH: 20-9-321, MCA; IMP: 20-9-321)

RULE XVI SPECIAL EDUCATION FUNDING REVERSION

(1) If at fiscal year end school district special education allowable cost expenditures do not equal or exceed the amount of special education instructional and related services block grant funds plus required local match, as indicated by the annual trustees' financial summary, the district is required to revert the unspent portion of the special education allowable cost payment in the ensuing fiscal year. The unspent balance of state special education allowable cost funding cannot be used to reduce local levies or to increase the operating reserves, but must be used to reduce the state special education allowable cost payment of the district for the ensuing fiscal year through the reversion calculation described in (3). If special education allowable cost payments are not received by that district in the ensuing fiscal year, the district must return the unspent portion by warrant by December 31.

(2) For purposes of determining the special education funding reversion required by 20-9-321, MCA, the expenditure information provided on the trustees' annual financial report will be used.

(3) The reversion will be calculated as follows:

(a) Calculate the district's total prior fiscal year expenditures of allowable costs in accordance with 20-7-431, MCA, and Rule IV and Rule V.

(b) Subtract the district's total prior fiscal year expenditures calculated in (3)(a) from the district's prior fiscal year minimum special education expenditure to avoid reversion as defined in Rule I.

(c) If (b) is less than or equal to zero, no reversion is required.

(d) If (b) is greater than zero, the required reversion amount is calculated by multiplying (b) by a factor that ensures that the district has paid a minimum of one dollar for every three dollars of state special education funds.

(4) Revisions to the annual trustees' financial summary report made by the district after the district's audit report for that fiscal year is issued, or after December 31 of the ensuing fiscal year, if later, will not be considered in calculating the reversion amount. The superintendent of public instruction may accept the adjustments after those dates for unusual circumstances.

(5) A district participating in a cooperative must provide to the cooperative the required related service matching funds as certified by the superintendent of public instruction. Failure to provide the match by June 30 of the fiscal year for which the related services block grant was established will cause the participating district to lose eligibility for future membership in the cooperative at the end of the three year participation cycle as defined ARM 10.16.2601 and may affect the terms of the cooperative's interlocal agreement.

(AUTH: 20-9-321, MCA; IMP: 20-9-321)

5. Revision of special education rules are necessary to

implement the changes in special education funding statutes.

6. Interested persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written testimony may be submitted to the Office of Public Instruction, Room 106, State Capitol, P.O. Box 202501, Helena, Montana 59620-2501, no later than 5:00 p.m. on November 29, 1994.

7. An official of the Legal Services Unit, Office of Public Instruction, has been designated to preside over and conduct the hearing.



Kathleen F. Holden
Rule Reviewer
Office of Public Instruction



Nancy Keenan
Superintendent
Office of Public Instruction

Certified to the Secretary of State September 12, 1994.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption) NOTICE OF PROPOSED ADOPTION
of Rule I pertaining to Youth) OF RULE I PERTAINING TO
Care Facilities.) YOUTH CARE FACILITIES

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On November 10, 1994, the Department of Family Services proposes to adopt Rule I pertaining to Youth Care Facilities.

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

I. PERSONS AFFECTED BY DEPARTMENT RECORDS - YOUTH CARE FACILITIES (1) A person, organization or existing youth care facility subject to denial of application or negative licensing action based on findings in department "case records," as defined by ARM 11.5.602, may request amendment of the records pursuant to ARM 11.5.609. The department may require consent from any person who is a subject of the finding(s) prior to consideration of the request for amendment, if such person is not the applicant or licensee requesting amendment.

(2) A person whose presence in a youth care facility is prohibited or restricted based on findings in department records may contest the prohibition or restriction as provided in subsection (1).

(3) Any amendment of findings arising from proceedings authorized under this rule may be limited to the particular prohibition or restriction leading to the request for amendment.

(4) Decisions on records under this rule may be in addition to, or in conjunction with, contested case proceedings arising from adverse actions affecting youth care facility licenses.

AUTH: Section 52-2-704, MCA. IMP: Sections 52-2-702; 52-2-704; 52-2-731, MCA.

3. The new rule addresses prohibitions or restrictions resulting from review of findings from department case records. The rule specifies that the findings may be contested pursuant to ARM 11.5.609, or pursuant to a contested case proceeding where an adverse action has resulted from review of the case record. Findings of substantiated abuse or neglect are most likely to give rise to the controversies addressed by the procedure in the proposed rule. The rule is reasonably necessary to clarify the available forms of redress.

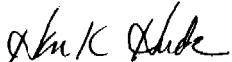
4. Interested persons may submit their data, views or arguments to the proposed adoption in writing to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than October

20, 1994.

5. If a person who is directly affected by the proposed adoption, wishes to express data, views and arguments orally or in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments, to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than October 20, 1994.

6. If the Department of Family Services receives requests for a public hearing on the proposed adoption from either 10% 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 are directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

DEPARTMENT OF FAMILY SERVICES


Hank Hudson, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State, September 12, 1994.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption) NOTICE OF PROPOSED ADOPTION
of Rule I and Rule II) OF RULE I AND RULE II
pertaining to Community Homes) PERTAINING TO COMMUNITY
for the Developmentally or) HOMES FOR THE
Physically Disabled.) DEVELOPMENTALLY AND
) PHYSICALLY DISABLED

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On November 10, 1994, the Department of Family Services proposes to adopt Rule I and Rule II pertaining to Community Homes for the Developmentally or Physically Disabled.

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

I. PERSONS AFFECTED BY DEPARTMENT RECORDS - COMMUNITY HOMES FOR THE DEVELOPMENTALLY DISABLED

(1) A person, organization or existing community home subject to denial of application or negative licensing action based on findings in department "case records," as defined by ARM 11.5.602, may request amendment of the records pursuant to ARM 11.5.609. The department may require consent from any person who is a subject of the findings prior to consideration of the request for amendment, if such person is not the applicant or licensee requesting amendment.

(2) A person whose presence in a community home is prohibited or restricted based on findings in "case records," as defined by ARM 11.5.602, may contest the prohibition or restriction as provided in subsection (1).

(3) Any amendment of findings arising from proceedings authorized under this rule may be limited to the particular prohibition or restriction leading to the request for amendment.

(4) Decisions on records under this rule may be in addition to, or in conjunction with, contested case proceedings arising from adverse actions affecting community home licenses.

AUTH: Section 53-20-305; 2-4-201, MCA. IMP: Sections 53-20-305; 2-4-201, MCA.

II. PERSONS AFFECTED BY DEPARTMENT RECORDS - COMMUNITY HOMES FOR THE PHYSICALLY DISABLED

(1) A person, organization or existing community home subject to denial of application or negative licensing action based on findings in department "case records," as defined by ARM 11.5.602, may request amendment of the records pursuant to ARM 11.5.609. The department may require consent from any person who is a subject of the findings prior to consideration of the request for amendment, if such person is not the applicant or licensee requesting amendment.

(2) A person whose presence in a community home is prohibited or restricted based on findings in department records

may contest the prohibition or restriction as provided in subsection (1).

(3) Any amendment of findings arising from proceedings authorized under this rule may be limited to the particular prohibition or restriction leading to the request for amendment.

(4) Decisions on records under this rule may be in addition to, or in conjunction with, contested case proceedings arising from adverse actions affecting community home licenses.

AUTH: Section 53-20-305; 2-4-201, MCA. IMP: Sections 53-20-305; 2-4-201, MCA.

3. The new rules address prohibitions or restrictions resulting from review of findings from department case records. The rules specify that the findings may be contested pursuant to ARM 11.5.609, or pursuant to a contested case proceeding where an adverse action has resulted from review of the case record. Findings of substantiated abuse or neglect are most likely to give rise to the controversies addressed by the procedure in the proposed rules. The rules are reasonably necessary to clarify the available forms of redress.

4. Interested persons may submit their data, views or arguments to the proposed adoption in writing to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than October 20, 1994.

5. If a person who is directly affected by the proposed adoption wishes to express data, views and arguments orally or in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments, to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than October 20, 1994.

6. If the Department of Family Services receives requests for a public hearing on the proposed adoption from either 10% 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 are directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

DEPARTMENT OF FAMILY SERVICES


Hank Hudson, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State, September 12, 1994.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF PROPOSED AMENDMENT
of Rule 11.14.104 pertaining) OF RULE 11.14.104 PERTAINING
to Day Care Facilities.) TO DAY CARE FACILITIES

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On November 10, 1994, the Department of Family Services proposes to amend Rule 11.14.104 pertaining to Day Care Facilities.

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

11.14.104 PERSONS AFFECTED BY DEPARTMENT RECORDS (1) A person, organization or day care facility prohibited or restricted from providing supplemental parental care based on findings in department records department "case records," as defined by ARM 11.5.602, may contest the prohibition or restriction by requesting amendment of department records pursuant to ARM 11.5.609. The department may require consent from any person who is a subject of the finding(s) prior to consideration of the request for amendment, if such person is not the applicant or licensee/registrant requesting amendment.

(2) A person whose presence in a day care facility is prohibited or restricted based on findings in department records may contest the prohibition or restriction as provided in subsection (1).

(3) A legally unregistered provider prohibited or restricted from participation in day care benefits' program(s) based on findings in department records may contest the prohibition or restriction as provided in subsection (1). The department may require consent from any person who is a subject of the findings prior to consideration of the request for amendment, if such person is not the applicant or licensee/registrant requesting amendment.

(4) A person prohibited or restricted from the home of a legally unregistered provider participating or applying to participate in a day care benefits' program(s) may contest the prohibition or restriction as provided in subsection (1).

(5) Any amendment of findings arising from proceedings authorized under this rule may be limited to the particular prohibition or restriction leading to the request for amendment.

(6) Decisions on records under this rule may be in addition to, or in conjunction with, contested case proceedings arising from adverse actions affecting licenses or registrations.

AUTH: Section 52-2-704; 2-4-201, MCA. IMP: Sections 52-2-702; 52-2-704; 52-2-731; 2-4-201, MCA.

3. The department proposes amending the rule to eliminate potential confusion in two areas. First, subsection (1) should

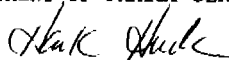
specifically reference the type of records which may be amended pursuant to ARM 11.5.609. This rule is concerned with "case records" under 11.5.602, and 11.14.104 should refer to 11.5.602. Second, where the person who is the subject of the findings is not the same person who is requesting amendment, the consent of the subject of the record should be required prior to proceedings to determine whether or not the record may be properly amended.

4. Interested persons may submit their data, views or arguments to the proposed amendment in writing to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than October 20, 1994.

5. If a person who is directly affected by the proposed amendment wishes to express data, views and arguments orally or in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments, to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than October 20, 1994.

6. If the Department of Family Services receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendment, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision, or from an association having no less than 25 members who are directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

DEPARTMENT OF FAMILY SERVICES



Hank Hudson, Director



John Melcher, Rule Reviewer

Certified to the Secretary of State, September 12, 1994.

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

In the matter of proposed)	NOTICE OF PROPOSED
amendment of ARM 12.6.901)	AMENDMENT
relating to a no wake speed)	
zone in Bigfork Bay of Flathead)	No Public Hearing
Lake)	is Contemplated

To: All Interested Persons

1. On November 24, 1994, the Fish, Wildlife and Parks Commission (commission) proposes to amend ARM 12.6.901 relating to a no wake speed zone for watercraft in Bigfork Bay of Flathead Lake.

2. The proposed rule change is as follows:

12.6.901 WATER SAFETY REGULATIONS (1) In the interest of public health, safety, or protection of property, the following regulations concerning the public use of certain waters of the state of Montana are hereby adopted and promulgated by the Montana fish and game commission.

(a) through (b) remain the same.

(c) The following waters are limited to a controlled no wake speed. No wake speed is defined as a speed whereby there is no "white" water in the track or path of the vessel or in created waves immediate to the vessel:

Big Horn County through Fergus County remain the same.

Flathead County: (A) on Flathead Lake: Bigfork Bay
to a point approximately 100
yards west of the Highway 35
bridge as marked by signed
buoys;

(B) Beaver Lake (near Whitefish)
5:00 a.m. to 10:00 a.m. and
7:00 p.m. to 11:00 p.m. each
day;

(C) Whitefish River from its
confluence with Whitefish Lake
to the bridge on the JP Road;

Gallatin County through (2) remain the same.

AUTH: 87-1-303, 23-1-106(1), MCA

IMP: 87-1-303, 23-1-106(1), MCA

3. The rationale for the rule is as follows: The western boundary of the present no wake speed restriction under the permanent rule for watercraft in Bigfork Bay of Flathead Lake is the Highway 35 bridge. An emergency rule extending the western boundary approximately 100 yards further into Flathead Lake as marked by signed buoys was adopted by the commission effective at 12:00 p.m. on August 12, 1994. The commission has determined that a permanent speed

restriction on watercraft immediately west of the Highway 35 bridge is needed for public safety. Watercraft traffic has been rapidly increasing in the narrow waterway of Bigfork Bay. The growing congestion of watercraft has been compounded by divers from the Highway 35 bridge, growing use of the new fishing access site, parasail rides rented from vendors, lake tours, pontoon aircraft, and the swift current of the Swan River. Speeds greater than no wake are dangerous to all water users in the congested area. The commission proposes to adopt as a permanent rule the present emergency rule to cover the congested portion of Bigfork Bay west of the Highway 35 bridge. The bay east of the bridges is already a no wake zone.

4. Interested persons may present their data, views or arguments concerning the proposed amendments in writing no later than October 20, 1994, to Dan Vincent, Region One Supervisor, Montana Fish, Wildlife & Parks, 490 North Meridian Road, Kalispell, Montana 59901.

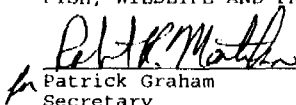
5. If a person who is directly affected by the proposed amendment wishes to express his or her data, views and arguments orally or in writing at a public hearing, he or she must make written request for a hearing and submit this request along with any written comments he or she has to Dan Vincent, Montana Fish, Wildlife and Parks, 490 North Meridian Road, Kalispell, Montana 59901. A written request for hearing must be received no later than October 20, 1994.

6. If the agency receives requests for a public hearing on the proposed amendment from 25 or more persons who are directly affected by the proposed action, from the Administrative Code Committee or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

FISH, WILDLIFE AND PARKS COMMISSION



Robert N. Lane
Rule Reviewer


for Patrick Graham
Secretary

Certified to the Secretary of State on September 12, 1994.

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

In the matter of the amendment of)	NOTICE OF PUBLIC
rules 16.10.701-704, 706-707,)	HEARING FOR PROPOSED
710-711, 714-715, & 717 and new)	AMENDMENT OF RULES AND
rules I-III regulating trailer)	ADOPTION OF NEW RULES
courts and campgrounds.)	I-III

(Campground Rules)

To: All Interested Persons

1. On October 12, 1994, at 1:00 p.m., the department will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of the above-captioned rules and the adoption of three new rules. The proposed rules comprehensively amend existing department rules which regulate trailer courts and campgrounds for sanitation and public health purposes. The changes segregate design requirements for proposed campgrounds and trailer courts, and ongoing requirements for existing campgrounds and trailer courts. Campgrounds are also regulated by category.

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

16.10.701 DEFINITIONS (1) Terms defined in 50-52-101, MCA, supplement those defined herein. The following definitions apply when used in ~~the act or~~ this subchapter unless the context clearly indicates otherwise:

(a) "Act" means the ~~tourist~~ campgrounds and trailer courts act, found in Title 50, chapter 52, Montana Code Annotated.

(b)-(c) Remain the same.

~~(d) "Building authority" means the building codes division, department of administration, or its local authorized agent.~~

~~(e) "Camping trailer" means a canvas or folding structure mounted on wheels and designed for travel, recreation and vacation.~~

~~(f)(d) "Campsite" means that part of a tourist campground where a cabin is located or that is designated for the placement of a single tent and the exclusive use of its occupants or trailer.~~

~~(g)(e) "Contamination" means impairment or other alteration of the physical, chemical, or biological properties of water, including causing violation of the surface water quality standards contained in ARM Title 16, chapter 20, subchapter 6 or the maximum contaminant levels for public water supplies contained in ARM Title 16, chapter 20, subchapter 2 or otherwise creating a hazard to human health.~~

(h)(f) "Dependent trailer" means a trailer which that lacks one or more of the following: toilet, lavatory, or bathing facilities.

(g) "General services campground" means a campground used for public camping that provides on-site water supply, sewage disposal, solid waste disposal, and other services such as laundry or groceries.

(h)(h) "Independent trailer" means a trailer which that has a toilet, lavatory, and bathing facilities. Omission of one or more of these facilities will classify the trailer as a dependent trailer.

(i)(i) "Lateral" means that portion of the water system or sewerage system which that extends horizontally from the water or sewer main to the water or sewer riser pipe.

(j)(j) "License" means a written permit issued by the department authorizing a person to operate a tourist campground or trailer court under the provisions of this subchapter.

(k)(k) "Limited services campground" means a campground used for public camping that is accessible by a motorized vehicle and provides the following services only:

(i) an adequate and potable water supply, if required and as determined under [RULE II];

(ii) adequate sewage disposal, as determined under [RULE III]; and

(iii) adequate solid waste disposal, as determined under ARM 16.10.710.

(l)(l) "Local Health health authority" means the local health officer, local sanitarian, or other authorized representative of the local government having jurisdiction.

(m) ~~"Mobile home" means a trailer which is a factory assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit, a transportable structure that:~~

(i) exceeds 320 square feet in size;

(ii) is built on a chassis;

(iii) is designed for use with or without a permanent foundation; and

(iv) is designed for human occupancy or use. "Mobile home" includes one or more components that can be retracted for towing and subsequently expanded for additional capacity, or two or more units separately designed for joining into one unit.

(n) "Motor home" means a trailer which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(o) ~~"Parcel of land" means a place or area capable of legal description including one or more contiguous lots owned or leased by the same person or family.~~

(p) ~~"Pickup camper" means a trailer designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.~~

(q)(n) "Plan submittal" means the information and fees

required under rule ARM 16.10.702.

(+)(o) "Potable water" means water that is safe for human consumption in terms of bacteriological and chemical quality, as determined by the department using public drinking water standards set forth in ARM Title 16, chapter 20, subchapter 2.

(p) "Primitive campground" means a campground that is intended for backcountry use and is not accessible by a motorized vehicle.

(+)(q) "Public" means individuals in general without restriction or selection.

(+)(r) "Public sewage treatment and disposal system" means a public sewage treatment and disposal system that serves 10 or more families or 25 or more persons at least 60 days out of the calendar year as defined in 75-6-102, MCA.

(+)(s) "Public water supply system" means any installation or structure that provides water for human consumption and serves 10 or more families or 25 or more persons at least 60 days out of the calendar year a public water supply system as defined in 75-6-102, MCA.

(+)(t) "Sanitary station" means a facility used designed for removing and disposing of accepting wastes from trailer holding tanks on recreational vehicles.

(w) "Self-contained camping unit" means a trailer which can operate independently of connections to sewer, water and electric systems. It contains water-flushed toilet and lavatory, shower and kitchen sink, either or all of which are connected to water storage and sewage holding tanks located within the trailer.

(+)(u) "Service building" means a structure housing shower or bath, toilet, lavatory, and such other facilities as may be required by this subchapter.

(y)(v) "Sewer connection" means the connections consisting of all pipes, fittings, and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewage system serving the tourist campground or trailer court.

(+)(w) "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to above the ground elevation and terminates at each trailer space.

(aa)(x) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground state waters as defined in 75-5-103, MCA.

(bb)(y) "Stop-and-waste valve" means any unit that permits the outlet valve to be drained through a port or drain hole provided in the valve.

(ee)(z) "Tent" means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

(dd)(aa) "Trailer" means a camping trailer, mobile home, motor home, pickup camper, or travel trailer vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Trailers include, but are not limited to, camping trail-

ers, fifth wheel trailers, park trailers, travel trailers, motor homes, and truck campers. A trailer is also known as a recreational vehicle and may be either dependent or independent, depending upon its features.

~~(ee)~~ (ab) "Trailer space" means that part of a tourist campground or trailer court designated for the placement of a single trailer and the exclusive use of its occupants.

~~(ff)~~ "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses; and, when factory equipped for the road, it shall have a body width not exceeding 8 feet and a body length not exceeding 32 feet.

~~(gg)~~ (ac) "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.

~~(hh)~~ (ad) "Water riser pipe" means that portion of the water lateral which extends vertically to above the ground elevation and terminates at a designated point at each trailer space or water station.

~~(ii)~~ (ae) "Water station" means a facility for supplying potable water to the water storage tanks of trailers and or other potable water containers.

(2) The department hereby adopts and incorporates by reference the provisions of ARM Title 16, chapter 20, subchapters 2 and 6, containing, respectively, public water supply maximum contaminant levels and surface water quality standards; and ARM 16.10.702, setting requirements for layout plan review. Copies of ARM Title 16, chapter 20, subchapters 2 and 6, and ARM 16.10.702 may be obtained from the Food and Consumer Safety Bureau or the Water Quality Division, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.702 LAYOUT PLAN REVIEW (1) A person proposing to construct, alter, or enlarge a general services campground, limited services campground, or trailer court must submit scaled layout plans and specifications of a proposed tourist campground or trailer court must be prepared and submitted the proposal to the department and the local health authority, for approval. Facilities proposed in the plans and specifications must meet the requirements of this rule, [RULE I], and [RULE II], and obtain department Department approval of the plans and specifications must be obtained prior to the construction of constructing a tourist campground or trailer court or the altering or enlarging of an existing tourist campground or trailer court.

(a) If the proposal includes a service building, cabin, cooking shelter, or other structure that will be available for public use, plans and specifications for these facilities must also be submitted to the department and local health authority, and approval must be obtained from the department.

(a)(b) If the proposal submitted to the department also

qualifies as a subdivision, public water supply system, or public sewage system. Plans for the water supply and distribution system, sewage collection, treatment, and disposal system, solid waste disposal method and surface drainage control measures for a tourist campground or trailer court must be prepared and submitted to the department and the local health authority in accordance with the sanitation in subdivisions act and the subdivision plan review requirements in ARM Title 16, chapter 16, subchapter 3, and the public water supply requirements in ARM Title 16, chapter 20, subchapter 4, as applicable.

~~(b) Plans and specifications for any service building, cabin, cooking shelter, or other structure at a tourist campground or trailer court which is available to the public must be submitted to and approved by the building authority before the department may approve the construction or expansion of that tourist campground or trailer court.~~

(2) Detailed layout plans must be drawn in detail and to scale, and shall must show:

- (a) name and address of developer;_i
- (b) name and address of architect, engineer, or designer;_i
- (c) legal description of property;_i
- (d) number and size of all trailer spaces and campsites and detail of each typical trailer space or campsite;_i
- (e) water service lateral pipe size, material, and location on layout plan;_i
- (f) sewer service lateral pipe size, material, gradient, and location on layout plan;_i
- (g) detail of water and sewer line crossings;_i
- (h) cross section of water riser indicating pipe size and material;_i
- (i) cross section of stop-and-waste valve and drain system;_i
- (j) cross section of sewer riser indicating pipe size, material, and provisions for capping when not in use;_i
- (k) location of water and sewer riser on typical trailer space;_i
- (l) location and detail of watering station;_i
- (m) location and detail of sanitary station;_i
- (n) location and detail of each solid waste storage area;_i
- (o) location and detail of service building and any other building;_i
- (p) information relating to the water supply and distribution system; sewage collection, treatment, and disposal system; surface drainage; and solid waste disposal as required by ARM 16.16.104;_i and
- (q) evidence that the required subdivision review license fee assessed under ARM 16.10.703 has been paid. This fee is nonrefundable.

(3) The plans and specifications must also show:

- (a) At least 20 feet of separation distance between trailers or mobile homes in trailer courts;
- (b) That mobile homes will be placed on a concrete or 3-

inch gravel pad.

~~(3)(4)~~ The ~~use of e~~ Existing utilities in a proposed ~~tourist~~ campground or trailer court may be ~~approved~~ used only if it can be shown to the department that the existing utilities meet or exceed current standards. Conversion of a ~~tourist~~ campground or trailer court from one type to another must be approved by the department ~~and the health authority.~~

~~(4)(5)~~ Within 60 days after the receipt of an incomplete plan submittal the department will make any deficiencies known to the applicant.

~~(5)(6)~~ Within 60 days after the receipt of a complete plan submittal the department must take final action, unless an environmental impact statement is required, at which time this deadline may be increased to 120 days or a later time if agreed to by the applicant.

~~(6)(7)~~ When If, after review of the plans and specifications for the proposed ~~tourist~~ campground or trailer court, the department ~~and health authority are~~ is satisfied that the ~~tourist~~ campground or trailer court meets the requirements of this subchapter, ~~the sanitation in subdivisions act and its rules, contained in ARM Title 16, chapter 16, and the public water supply act and its rules, contained in ARM Title 16, chapter 20, subchapter 2;~~ approval will be given authorizing construction of the ~~tourist~~ campground or trailer court for purposes of this subchapter only.

~~(7)(8)~~ Approval to construct is for a period not to exceed 2 years, after which, if construction has not begun, plans and specifications must again be submitted for re-evaluation under rules in effect at the time of resubmittal. Any period of non-licensure for 2 or more years or any period during which construction has ceased for more than 2 years also requires re-submittal of plans and specifications for review and approval by the department.

~~(8)(9)~~ No A campsite or trailer space in a proposed ~~tourist~~ campground or trailer court or proposed addition to an existing ~~tourist~~ campground or trailer court may not be occupied until:

(a) the department has approved the proposed plans and specifications;

(b) the applicant demonstrates that all improvements have been made as submitted described in the approved plans;

(c) an inspection has been made by the local health authority or department to confirm that fact; and

(d) a license has been issued authorizing the use of such space the local health authority has validated the license application.

(10) Layout plans submitted under this rule are reviewed under authority provided by Title 50, chapter 52, MCA, and this subchapter. Department approval of layout plans under this subchapter does not constitute approval for compliance with building codes, fire codes, or other state, federal, or local requirements (including compliance with the Americans with Disabilities Act, Public Law 101-336).

~~(9)(11)~~ The department hereby adopts and incorporates by

reference the provisions of ARM 16.16.104, setting out information to be included in an application for subdivision approval; ARM Title 16, chapter 16, subchapter 3, setting out standards subdivisions must meet and application and subdivision plan review procedure requirements; and ARM Title 16, chapter 20, subchapter 2, setting out water standards required of public water supplies; and ARM Title 16, chapter 10, subchapter 7, setting requirements for approval and operation of tourist campgrounds and trailer courts subchapter 4, which describes plan submittal requirements for public water supply systems and public sewage systems. Copies of ARM 16.16.104; Title 16, chapter 16, subchapter 3; and Title 16, chapter 20, subchapter 2 4; and Title 16, chapter 10, subchapter 7; may be obtained from the Food and Consumer Safety Bureau or the Water Quality Division, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.
AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

RULE 1 LAYOUT PLAN--WATER SUPPLY REQUIREMENTS (1)(a) A person that submits a layout plan under ARM 16.10.702 must obtain department approval of plans and specifications that meet the requirements of this rule. Approval under this subchapter does not remove the need to obtain other approvals that may be required under other state, local, or federal laws (including compliance with the Americans with Disabilities Act, Public Law 101-336).

(b) If an existing public water supply of satisfactory quantity and pressure is available, and the owner of the public water system agrees to provide service, connection must be made to the public water system and its supply used exclusively. If a satisfactory existing public water supply is not available, a private or public water supply system must be developed and used as approved by the department.

(c) All general services and limited services campground spaces for tents or dependent trailers must either be directly served by a water supply, within 300 feet of a common water station, or otherwise have a water supply approved by the department under (2) of this rule. A water station consists of at least a water hydrant and the necessary appurtenances, and must be protected against backflow, back siphonage, and hose contamination. A water station must also be located to ensure that the hose is not used for sewage holding tank flushing.

(d) If facilities for individual water service connections are provided, the following requirements apply:

(i) A water riser provided for individual water service connections must be located and constructed to minimize potential for damage from parking of trailers. Protection may consist of posts, fences, or other permanent barriers.

(ii) A water riser must extend at least 4 inches above ground elevation, and surface water must be directed away from the riser. The pipe size must be at least 3/4 of an inch.

(iii) Adequate provisions must be made to prevent freezing of service lines, valves and water risers.

(iv) A backflow prevention device must be installed for

each water riser in the water service line at or near the outlet.

(v) A stop-and-waste valve and cock must be installed at the base of a water riser unless otherwise approved by the department.

(vi) There must be at least 10 feet horizontal distance between a sewer line connection and a stop-and-waste valve.

(vii) Valves must be provided for the outlet of each water service connection.

(e) A water service lateral must be constructed as follows:

(i) Pipe used for a water service lateral must be copper, 160 psi-rated plastic approved for potable water supply use under the "Uniform Building Code" (1991 edition), or an equivalent approved by the department.

(ii) Inside pipe diameter must be a minimum of 3/4-inch.

(iii) A water service lateral must be laid at least 10 feet horizontally from any existing or proposed sewer line or in a manner allowed under the "Uniform Plumbing Code" (1991 edition).

(iv) A water service lateral crossing a sewer line must be laid to provide a minimum vertical distance of 12 inches between the bottom of the water service lateral and the top of the sewer line or in a manner allowed under the "Uniform Plumbing Code" (1991 edition).

(2) The department, upon consultation with the local health authority, may allow a deviation from a specific requirement of (1)(c)-(e) above, upon demonstration by the applicant to the department that the deviation does not have the potential to cause adverse public health effects.

(3) Upon department approval of plans and specifications, the water supply for the campground or trailer court, as applicable, must be constructed as designed in the plans and specifications.

(4) Upon installation of a water supply system approved under this rule, the system must be tested for pressure and leakage using procedures and requirements set forth in American Water Works Association American National Standard C600-87 (June 14, 1987 Approval).

(5) Extension, alteration, repair, or replacement of a water supply system or development of a new water supply system must meet the requirements of ARM 16.16.301 through 16.16.305 and, if the system is a public water supply system, ARM 16.20.401 through 16.20.405.

(6) The department hereby adopts and incorporates by reference the provisions of ARM 16.16.301 through 16.16.305, which describe subdivision review requirements for water systems; ARM 16.20.401 through 16.20.405, stating requirements for public water and sewer plans, cross connections, and drilling of water wells; the Uniform Plumbing Code (1991 edition), which describes comprehensive requirements for laying of pipes; the Uniform Building Code (1991 edition), which contains standards for pipe used to supply potable water; and American Water Works Association American National Standard C600-87 (June 14, 1987

Approval), which describes requirements for installation of water mains. Copies of ARM 16.16.301 through 16.16.305, 16.20.401 through 16.20.405, the Uniform Plumbing Code, the Uniform Building Code, and American Water Association American National Standard C600-87 may be obtained from the Food and Consumer Safety Bureau or Water Quality Division, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

RULE II LAYOUT PLAN--SEWAGE SYSTEM REQUIREMENTS

(1)(a) A person that submits a layout plan under ARM 16.10.702 must obtain department approval of plans and specifications that meet the requirements of this rule. Approval under this subchapter does not remove the need to obtain other approvals that may be required under other state, local, or federal laws (including compliance with the Americans with Disabilities Act, Public Law 101-336). For example, a local board of health may adopt a regulation governing sewage systems under 50-2-116, MCA, that is more stringent than the requirements in this rule.

(b) A limited services campground may use a sealed vault pit privy or alternative system approved by the department for sewage disposal, provided the system does not place sewage in a location likely to cause pollution of state waters, in violation of Title 75, chapter 5, MCA, or pose potential adverse public health effects.

(c) If a public sewage system of adequate capacity is available, and the owner of the public sewage system agrees to provide service, connection must be made to the public sewage system and its services used exclusively. If a public sewage system is not available, a multiple family or public system must be developed and used as approved by the department. The system must be designed and constructed in accordance with ARM 16.16.302, 16.16.304, 16.16.305, 16.20.401, and 16.20.402, whichever is appropriate.

(d) A sanitary station is required in each general services campground that provides trailer space for independent trailers, unless the following circumstances exist:

(i) each trailer space is provided with an individual sewer riser;

(ii) a sanitary station accepted by the department or local health authority is available for public use on a full-time basis within 15 miles from the campground, and the campground owner or operator has posted a sign at the campground stating the location of the nearest available sanitary station; or

(iii) the department determines that installation of a sanitary station is not feasible because of lack of electricity, water under pressure, or other sanitary reasons, and the campground is designed for use only by tent campers or by independent recreational vehicles.

(e) If a sanitary station is required, as determined under (d) above, there must be at least one station for every

100 trailer spaces lacking individual sewer risers.

(f)(i) A sanitary station consists of:
(A) a minimum 4-inch sewer riser connected to the trailer court or campground sewage system;

(B) a concrete apron at the inlet end that is at least four feet square and sloped to the drain;

(C) a suitable self-closing hinged cover over the center drain;

(D) a water outlet with approved anti-back siphoning devices connected to the trailer court or campground water supply system to permit periodic washdown of the immediate adjacent area; and

(E) other features that ensure that the requirements of ARM 16.16.302 and 16.16.305, as applicable, are met.

(ii) The sanitary station apron must be in good repair and must prevent sewage from puddling or becoming a nuisance.

(iii) Signs must be placed at all sanitary stations stating the water is unsafe for drinking.

(g) If facilities for individual sewer connections are provided, the following requirements apply:

(i) The sewer riser must have a four-inch diameter and must be located on the trailer space so that a sewer connection to the trailer drain outlet will approximate a vertical position. The sewer riser must be separated from the water riser by at least 6 feet at finished grade.

(ii) Surface drainage must be diverted away from the riser.

(h) A sewer service lateral must be constructed as follows:

(i) The lateral must be water tight at all points.

(ii) The lateral must be constructed of schedule 40 PVC, schedule 40 ABS, or other pipe approved under the "Uniform Plumbing Code" (1991 edition) as a drain, waste, or vent pipe.

(iii) Lateral pipe size must be a minimum of 4 inches in diameter.

(iv) The lateral must be sloped to maintain a 2-foot/second flow velocity (1.2% slope for 4-inch line).

(i) The below-ground sewer connection must have a nominal inside diameter of at least 3 inches and the slope of any portion of the connection must be at least 1/4-inch per foot. The sewer connection must consist of one pipe line only, without any branch fitting. Each joint must be watertight.

(j) All materials used for sewer connections must meet "Uniform Plumbing Code" (1991 edition) requirements. The inner surface must be smooth. An exception to this requirement is that "flex hose" may be used for making the sewer connection only in a campground and only when the connection will be made for 14 days or less.

(2) The department, upon consultation with the local health authority, may allow a deviation from a specific requirement set forth under (1)(d)-(j) above, upon demonstration by the applicant to the department that the deviation does not have the potential to cause adverse public health effects or pollution of state waters.

(3) Upon department approval of plans and specifications, the sewage disposal system for the campground or trailer court, as applicable, must be constructed as designed in the plans and specifications.

(4) Upon installation of a sewage disposal system, the system must be tested by filling with water or other equivalent means approved by the department. For a system lateral constructed of schedule 40 PVC or standard weight cast iron pipe, the applicable test, unless approved otherwise by the department, is exposure to a pressure of at least a 10-foot head of water for a minimum of 15 minutes.

(5) Extension, alteration, or replacement of any sewage system must be in accordance with ARM 16.16.301 through 16.16.305 and, if the system is a public sewage system, ARM 16.20.401 and 16.20.402.

(6) The department hereby adopts and incorporates by reference the provisions of ARM 16.16.302 through 16.16.305, setting standards for sewage treatment and disposal systems; ARM 16.20.401 and 16.20.402, setting requirements for public water and sewer plans and cross connections; and the Uniform Plumbing Code (1991 edition), which describes plumbing requirements for sewage systems. Copies of ARM 16.16.302 through 16.16.305, 16.20.401, 16.20.402, and the Uniform Plumbing Code may be obtained from the Food and Consumer Safety Bureau or the Water Quality Division, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.703 LICENSURE (1) It is unlawful for any person to operate a ~~tourist~~ campground or trailer court unless ~~he~~ the person holds a current license issued by the department and validated by the local health officer in the name of ~~such a~~ the person for the specific ~~tourist~~ campground or trailer court.

~~(2) Licenses shall expire on December 31 of the year in which issued.~~

~~(3)(2) A The applicant shall submit a nonrefundable \$20 \$40 license application fee must be submitted by all applicants to the department. An applicant wishing to license a new establishment shall submit his a complete application and fee when prior to opening the establishment is complete and ready for inspection for use.~~

~~(4)(3) The department or the local health authority shall make a pre-licensing inspection after a complete license application and fee have been received. A license will be issued if If the tourist campground or trailer court is in compliance with this subchapter and the act, and the department has not received notification that the campground or court fails to meet building or fire codes, a license will be issued. If the establishment is not in compliance with this subchapter and the act, the department shall commence proceedings to deny the license application pursuant to 50-52-207, MCA.~~

~~(5)(4) A licensee shall give notice in writing to the department at least 30 within 7 days prior to after selling, transferring, giving away, or otherwise disposing of interest~~

in or control of any ~~tourist~~ campground or trailer court. ~~Such~~ The notice shall must include the name and address of the person succeeding to the ownership or control of the ~~tourist~~ campground or trailer court.

~~(6)(5) Upon receiving a complete application in writing for issue issuance or renewal of a license and deposit of a fee of \$20 \$40, the department shall issue or renew the license if the tourist campground or trailer court is in compliance with all applicable provisions of the act and this subchapter and the department has not received notification that the campground or court fails to meet building or fire codes.~~

~~(6) The holder of a license for a general services campground, limited services campground, or trailer court must post the license on the property at a location approved by the department or local health authority.~~

~~(7) The department hereby adopts and incorporates by reference the provisions of ARM Title 16, chapter 10, subchapter 7, setting requirements for operation and approval of tourist campgrounds and trailer courts. Copies of ARM Title 16, chapter 10, subchapter 7, may be obtained from the Food and Consumer Safety Bureau, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.~~
AUTH: 50-52-102, MCA; IMP: 50-52-102, 50-52-201, MCA

16.10.704 INSPECTIONS AND COMPLIANCE REQUIREMENTS

(1) A licensee shall permit representatives of the department and the or local health authority to inspect the ~~tourist~~ campground or trailer court at reasonable hours for determining compliance with the requirements of the act and this subchapter.

(2) A licensee shall arrange for access to any part of the trailer space or campsite at reasonable times for the purpose of making ~~such~~ necessary repairs or alterations ~~as are necessary~~ to effect compliance with this subchapter or with any lawful order issued pursuant to the provisions of this subchapter.

(3) ~~Immediately following~~ Within 15 days after each inspection, representatives of the department or the local health authority shall give the operator a copy of an inspection report ~~which that~~ notes any deficiencies and sets a time schedule for compliance.

(a) Remains the same.

(b) If plans for correction are required, ~~at the request of the department or health authority~~ the licensee shall submit ~~such~~ necessary plans and ~~that include~~ a proposed time schedule for ~~correction~~ corrective measures. ~~Such~~ The time schedule and plans, if approved, shall become ~~the basis for~~ conditions of licensure.

(4) ~~Modifications will are not be required to be made in for the water supply and distribution system or sewage collection treatment, and disposal system serving a tourist campground or trailer court licensed as of the date of adoption of this rule or approved and constructed in accordance with a prior regulation, unless upgrading is necessary due to system~~

failure as described in ARM 16.10.706(62) and 16.10.707(84).

(5) Violation of this subchapter or the act may be enjoined subject to an action for injunctive relief by the department pursuant to 50-1-103, 50-52-104, or 50-52-106, MCA, or a criminal charge may be brought pursuant to 50-52-105, MCA.

(6) A local board of health may adopt regulations which are more stringent than this subchapter, pursuant to 50-2-116, MCA.

~~(7) The department hereby adopts and incorporates by reference the provisions of ARM 16.10.706(6), defining failure of a water supply system, and ARM 16.10.707(8), defining failure of a sewage treatment and disposal system. Copies of ARM 16.10.706(6) and 16.10.707(8) may be obtained from the Food and Consumer Safety Bureau, Department of Health and Environmental Sciences, Cogswell Building, Helena, MT, 59620.~~

AUTH: 50-52-102, MCA; IMP: 50-52-102, 50-52-103, 50-52-301, MCA

16.10.706 WATER SUPPLY--ONGOING REQUIREMENTS (1)(a) An adequate and potable supply of water must be provided in any new or enlarged limited services campground approved by the department on or after (the effective date of these amendments), and in each tourist campground or trailer court and general services campground. Where a public water supply of satisfactory quantity and pressure is available, and the owner agrees to provide service, connection must be made thereto and its supply used exclusively. When a satisfactory existing public water supply is not available, a private or public water supply system may be developed and used as approved by the department.

(b) A supplier of a private or multiple family water supply shall conduct a coliform bacteria test of the system at least once in the spring quarter (April 1-June 30) and once in the summer quarter (July 1-September 30) of each year, and a nitrate test of the system at least once every 3 years.

(c) A supplier of a public water supply must undertake sample analyses for its system according to ARM Title 16, chapter 20, subchapter 2.

(d) An operator or licensee of a trailer court, general services campground, or limited services campground that has a water supply that is not used for human drinking or domestic purposes and is not analyzed under (b) or (c) above, shall post a sign at a conspicuous location near the water supply source stating that the water may be unsafe for human consumption or contact.

(2) A common watering station is required in each tourist campground or trailer court, except those in which each trailer space or campsite is provided with an individual water service connection. A water station consist of at least a water hydrant and the necessary appurtenances and must be protected against the hazards of backflow, back siphonage and hose contamination. Watering stations must be located so as to eliminate the possible use of the hose for sewage holding tank flushing.

~~(3) If facilities for individual water service connections are provided, the following requirements apply:~~

~~(a) Riser pipes provided for individual water service connections must be so located and constructed that they will not be damaged by the parking of trailers. Protection may consist of posts, fences, or other permanent barriers.~~

~~(b) Water riser pipes must extend at least 4 inches above ground elevation. The pipe size must be at least 3/4 of an inch.~~

~~(c) Adequate provisions must be made to prevent freezing of service lines, valves and riser pipes.~~

~~(d) Where water risers are provided for irrigation use, a "backflow preventer" must be installed in the water service line at or near the outlet.~~

~~(e) Stop and waste valves and cocks may be installed in an underground service line only under the following conditions:~~

~~(i) A stop and waste valve must be located a minimum of 2 feet above the level of the water table and in soil providing good drainage.~~

~~(ii) There must be at least 10 feet horizontal distance between a sewer line connection and a stop and waste valve.~~

~~(f) Valves must be provided for the outlet of each water service connection. They must be turned off and the outlets capped or plugged when not in use.~~

~~(4) A water service lateral must be constructed as follows:~~

~~(a) Pipe used for a water service lateral must be copper, 160 psi rated plastic approved for potable water supply use, or an equivalent.~~

~~(b) Inside pipe diameter must be a minimum of 3/4 inch.~~

~~(c) A water service lateral must be laid at least 10 feet horizontally from any existing or proposed sewer unless:~~

~~(i) it is laid in a separate trench or on an undisturbed earth shelf located on one side of the sewer, in either case at such an elevation that the bottom of the water service lateral is at least 12 inches above the top of the sewer.~~

~~(ii) the sewer is constructed of schedule 40 PVC, schedule 40 ABS, or standard weight cast iron pipe and tested for leakage in accordance with ARM 16.10.707(6)(a). In such a case, a lateral may be laid without regard to vertical separation from the sewer. In order to provide for maintenance of the sewer, the water service lateral must be kept to one side of the sewer, with crossings minimised.~~

~~(d) A water service lateral crossing a sewer line must be laid to provide a minimum vertical distance of 12 inches between the bottom of the water service lateral and the top of the sewer line unless a single length of schedule 40 PVC, schedule 40 ABS, or standard weight cast iron pipe tested for leakage in accordance with ARM 16.10.707(6)(a) is centered on the crossing, in which case the pipe may be laid without regard to vertical separation.~~

~~(5)(2) An operator of a community public water supply system serving a tourist campground or trailer court must be~~

certified in compliance with Title 37, chapter 42, MCA, and ARM 16.18.201 through 16.18.206.

(6)(3) A water supply system is determined to have failed and to require replacement or repair when the water supply becomes unsafe (exceeds the maximum contaminant levels as specified in ARM 16.20.201 through 16.20.207) or inadequate (less than 20 psi measured at the extremity of the distribution line during peak usage).

(7)(4) Extension, alteration, repair, or replacement of ~~water distribution~~ a water supply systems, or development of new water supply systems must be in accordance with ARM 16.16.301 through 16.16.305 and, if the system is a public water supply system, ARM 16.20.401 through 16.20.405.

(8)(5) The department hereby adopts and incorporates by reference the provisions of ARM 16.10.707(6)(a), which set forth a test for pipe leakage; ARM 16.20.201 through 16.20.207 16.18.201 through 16.18.206, which describe operator certification requirements; Title 16, chapter 20, subchapter 2, stating maximum allowable contaminant levels, sampling, and other requirements for public water supplies; and ARM 16.20.401 through 16.20.405, stating requirements for public water and sewer plans, cross connections, and drilling of water wells and ARM 16.16.301 through 16.16.305, which describe water system review requirements for subdivisions. Copies of ARM 16.10.707(6)(a), ARM 16.20.201 through 16.20.207, and ARM 16.20.401 through 16.20.405 the above mentioned rules may be obtained from the Food and Consumer Safety Bureau or the Water Quality Division, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.707 SEWAGE SYSTEM (1)(a) Except for primitive campgrounds, an adequate and safe sewage system must be provided in each tourist campground or trailer court for conveying, treating and disposing of all sewage. In addition, all campground and trailer court operators must take immediate measures to alleviate health and sanitation hazards caused by sewage at the campground or trailer court.

(b) Under this subchapter, a limited services campground may use a sealed vault pit privy or alternative system approved by the department for sewage disposal, provided the system does not place sewage in a location likely to cause pollution of state waters, in violation of Title 75, chapter 5, MCA, or pose potential adverse public health effects. Other regulations, including local ordinances, may preclude use of such systems, where a public sewage treatment and disposal system of adequate capacity is available, and the owner agrees to provide service; connection must be made thereto and its services used exclusively. When a public sewage system is not available, a private or public system may be developed and used as approved by the department and health authority. Such system must be designed and constructed in accordance with ARM 16.16.302, 16.16.304 or 16.16.305, whichever is appropriate. Where a local board of health has adopted a regulation governing individual

~~sewage treatment and disposal systems, the more stringent requirement will apply.~~

~~(2) A sanitary station is required in each tourist campground which provides trailer space for self-contained trailers, except the following:~~

~~(a) Where each trailer space is provided with an individual sewer riser.~~

~~(b) Where a sanitary station is available for public use on a full-time basis within a reasonable distance from the tourist campground.~~

~~(c) Where installation of a sanitary station is not feasible due to lack of electricity, water under pressure, or other considerations, and where the campground is designed for use only by tent campers and use by travel trailers is not expected, the requirement for a sanitary station may be waived.~~

~~(3) A sanitary station must be provided in the ratio of one for every 100 trailer spaces lacking individual sewer risers or fraction thereof.~~

~~(4) A sanitary station shall consist of at least a 4-inch sewer riser pipe connected to the trailer court or tourist campground sewage system surrounded at the inlet end by a concrete apron at least 4 feet square sloped to the drain and provided with a suitable self-closing hinged cover and a water outlet with approved anti-back siphoning devices connected to the trailer court or tourist campground water supply system to permit periodic washdown of the immediate adjacent area. Signs must be placed at such locations stating the water is unsafe for drinking.~~

~~(5) If facilities for individual sewer connections are provided, the following requirement shall apply:~~

~~(a) The sewer riser pipe shall have a 4-inch diameter and shall be so located on the trailer space that a sewer connection to the trailer drain outlet will approximate a vertical position. It must be separated from the water riser by at least 6 feet at finished grade.~~

~~(b) Surface drainage must be diverted away from the riser.~~

~~(6) A sewer service lateral must be constructed as follows:~~

~~(a) A sewer service lateral must be water tight at all points, tested by filling with water or other equivalent test. A sewer service lateral required to be constructed of schedule 40 PVC, schedule 40 ABS, or standard weight cast iron pipe must be tested under pressure of at least a 10-foot head of water for a minimum of 15 minutes, or other equivalent test.~~

~~(b) Pipe size must be a minimum of 4 inches in diameter.~~

~~(c) A sewer service lateral must be sloped to maintain a 2-foot/second flow velocity (1.2% slope for 4-inch line).~~

~~(7)(2) An operator of a public sewage treatment and disposal system serving a tourist campground or trailer court must be certified in compliance with Title 37, chapter 42, MCA.~~

~~(8)(3) A sewage treatment and disposal system must be deemed to have failed and requires replacement or repair if any of the following conditions occur:~~

(a) ~~The system refuses to accept sewage effluent at the rate of application.~~

(b) ~~Sewage effluent seeps from or ponds on or around the system, fails to accept, treat, or dispose of sewage as designed;~~

(c) ~~(b) Effluent from the sewage treatment and disposal system contaminates a potable water supply or state waters;~~

(d) ~~(c) The sewage system is subjected to mechanical failure, including electrical outage, or collapse or breakage of a septic tank, lead line, or drainfield line.~~

(9) ~~(4) Extension, alteration, or replacement of any sewage treatment and disposal system must be in accordance with ARM 16.16.301 through 16.16.305 and, if the system is a public sewage system, ARM 16.20.401 and 16.20.402.~~

(10) ~~The sewer connection shall have a nominal inside diameter of at least 3 inches and the slope of any portion thereof must be at least 1/4 inch per foot. The sewer connection shall consist of one pipe line only, without any branch fitting. Each joint must be watertight.~~

(11) ~~All materials used for sewer connections must be corrosion resistant, non absorbent and durable. The inner surface must be smooth.~~

(a) ~~An exception to the requirement of the foregoing sentence is that "flex hose" may be used for making the sewer connection only in a tourist campground and only when the connection will be made for 14 days or less.~~

(12) ~~(5) Provisions must be made for plugging or capping the sewer riser pipe with a tamper resistant type cap when a trailer does not occupy the space. Such The cap must provide an air tight seal.~~

(13) ~~(6) No liquid wastes from sinks, showers, toilets, or baths may be are not allowed to accumulate on the ground surface. Such waste must be discharged into the sewage treatment and disposal system serving the trailer court or tourist campground or into an alternate system approved by the department and local health authority.~~

(14) ~~(7) The department hereby adopts and incorporates by reference the provisions of ARM 16.16.302, 16.16.304, and 16.16.301 through 16.16.305, setting standards for sewage treatment and disposal systems; and ARM 16.20.401 and 16.20.402, setting requirements for public water and sewer plans and cross connections. Copies of ARM 16.16.302, 16.16.304, 16.16.305, 16.20.401 and 16.20.402 the above rules may be obtained from the Food and Consumer Safety Bureau or the Water Quality Division, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.~~

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.710 SOLID WASTE--STORAGE AND DISPOSAL (1) The operator or licensee of a campground or trailer court must ensure that the storage, collection and disposal of solid waste in the tourist campground or trailer court must be so conducted as to create no does not cause health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air

pollution.

(2) The operator or licensee of any campground or trailer court must take immediate measures to alleviate public health or sanitation hazards presented by the presence of solid waste at the campground or trailer court, and must comply with the following, unless the campground is a primitive campground or a limited services campground whose operator or licensee does not provide solid waste storage, collection, or disposal services:

(2)(a) All solid waste must be stored in galvanized fly-tight, watertight, rodent-proof containers or in other suitable containers with secured lids, which The containers must be located not more than 150 300 feet from any trailer space or campsite. Containers must be provided in sufficient number and capacity to properly store all solid waste between collections.

(2)(b) A solid waste collection stand must be provided for each solid waste container. A container The stand must be designed so as to prevent tipping, to minimize spillage and container deterioration, and facilitate cleaning. All solid waste containers must be secured in the stand.

(2)(c) All solid waste containing garbage organic material capable of spoilage must be collected at least weekly. Where if suitable collection service is not available from municipal or private agencies, the owner or operator of the tourist campground or trailer court shall provide this service transport the solid waste off-site. All solid waste must be collected and transported in a covered vehicle or covered containers to a solid waste disposal facility licensed by the department.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.711 NOXIOUS PLANT AND ANIMAL, DUST AND OTHER PUBLIC HEALTH CONTROLS (1) The operator of any campground or trailer court must take immediate measures to alleviate public health or sanitation hazards presented by the presence of solid waste at the campground or trailer court.

(2) The grounds, buildings and structures of a tourist campground or trailer court must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents shall must conform with the requirements of the local health authority.

(2)(3) Each campground and trailer court, with the exception of a primitive campground, must meet the following standards:

(a) All areas must be maintained free of accumulations of litter, rubbish, debris, burnable materials, or standing water which may provide rodent harborage or breeding places for flies, mosquitoes, rodents, and other pests.

(2)(b) Where potential for rodent infestation exists, storage areas and vegetative growth must be maintained so as to prevent rodent harborage, lumber, pipe and other building materials must be stored neatly at least one foot above the ground.

(2)(c) Where the potential for insect and rodent infestation exists, any skirting of trailers must be of a type and

construction which will not provide harborage. Where trailers are skirted, an access opening must be provided near service connections.

(d) The growth of brush, weeds and grass shall must be controlled to prevent harborage of noxious insects and other vermin. Rodent harborage is not allowed within 100 feet of established structures.

(e) Tourist-campgrounds and trailer courts must be ee maintained as to prevent the growth of noxious weeds considered detrimental to health.

(f) Trailer court roadways must be maintained in a manner that minimizes exposure of residences to continuing dust problems.

(g) All electrical cords used at a campground or trailer court must be in good repair. Driving over cords is prohibited.

(4) The operator and licensee of the campground or trailer court are responsible for ensuring that the requirements of this rule are met.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.714 OPERATOR REQUIREMENTS (1) The person to whom a license is issued at all times shall operate the tourist campground or trailer court in compliance with this subchapter and shall provide adequate supervision to maintain the tourist campground or trailer court, its facilities, and equipment in good repair and in a clean and sanitary condition. If a trailer court has a wastewater treatment or water treatment plant that requires an operator certified under Title 37, chapter 42, MCA, the person shall demonstrate to the department that he or she has retained a certified operator for the trailer court.

(2) The licensee of a trailer court shall have a manager on duty on the premises to maintain the trailer court and its facilities in accordance with this rule at all times subchapter and the act. The manager shall have authority to take immediate actions, including actions requiring expenditure of funds, to correct public health problems as they occur. The licensee shall ensure that all trailer court occupants are given an address and telephone number where the manager can be reached at all times.

(3) The licensee of a tourist campground shall have a manager who, if the manager is not a resident at the campground trailer court, the manager shall visit the campground trailer court as often as necessary to maintain the campground in accordance with this subchapter at all times ensure that these requirements are met.

(4)(3) Signs must be placed in conspicuous places indicating restrictions placed on the types of travel trailers permitted in a tourist general services or limited services campground, based on the type and amount of facilities provided.

(5)(4) Each campsite and trailer space in a tourist general services campground must be clearly marked with an identification number or other symbol.

~~(6)(5)~~ Addresses or identification numbers must be clearly marked on each ~~trailer~~ mobile home lot in a trailer court.

~~(7)(6)~~ Every owner, operator, attendant or other person operating a ~~tourist~~ campground shall notify the department or local health authority immediately of any suspected communicable or contagious disease within the ~~tourist~~ campground.

~~(8)~~ ~~Tourist campgrounds and trailer courts must be kept free of litter, rubbish, and other burnable material.~~

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.715 GUEST REGISTRATION (1) The licensee of a ~~tourist~~ campground, ~~except for a primitive campground~~, shall maintain a register that must be preserved for at least 6 months, ~~be made that is~~ available to the department and local health authority, and ~~record that records~~:

(a) the name and permanent address of each trailer space and campsite occupant;

(b) the make, model and license number of each trailer and tow vehicle; and

(c) the date of arrival and departure for each trailer and vehicle and its occupants.

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

16.10.717 SERVICE BUILDINGS AND OTHER SERVICE FACILITIES FOR GENERAL SERVICES CAMPGROUNDS (1) A central service building containing the ~~necessary~~ toilets and other plumbing fixtures ~~specified shall~~ must be provided in each ~~tourist general services~~ campground ~~that has spaces designated for use by dependent trailers or tents~~, as follows:

~~(1)(a)~~ Toilets are required at ~~each tourist campground which provides campsites or trailer spaces for dependent trailers at each general services campground in the ratios set forth under Table I of this rule. If a service building approved by the department on or after [the effective date of these amendments] provides showers, the showers must have hot water and be provided according to ratios set forth under Table I of this rule.~~

~~(2)~~ Toilets are required in each ~~tourist campground providing parking space for independent trailers only, in the ratio of one toilet for each sex for every 100 spaces or fraction thereof.~~

~~(3)~~ A lavatory and janitorial sink is required in any service building provided with running water.

~~(b)~~ The service building must be of permanent construction and equipped with lighting, heating, lavatories, and a janitorial sink. All windows, doors, and other openings must be screened.

~~(4)(c)~~ A The service building, where required, must be conveniently located within a radius of 300 feet from all trailer spaces or campsites to be served.

~~(5)(d)~~ Toilets and sinks, where required, ~~shall~~ For a general services campground that is not operated with a business establishment, urinals and lavatories must be provided in accordance with Table I below.

~~(a) When If a tourist general services campground requiring a service building is operated in connection with a resort or other business establishment such as rental cabins or a dude ranch, the number of sanitary facilities for such a business establishment the campground and the other establishment must be in excess of those exceed that required by the table Table I for trailer spaces and must be based on the total number of persons using such facilities, figured at 3 persons per trailer space or, campsite, cabin, or living unit.~~

~~(b) Where only toilets are required, privies will be considered only if water-carried sewage disposal is not feasible.~~

~~(6) A service building must be maintained as follows:~~

~~(a) Each sink, toilet, and other equipment must be kept in a clean and sanitary condition and in good repair. Each must be cleaned and sanitized at least daily, and more frequently if necessary to maintain a high standard of cleanliness.~~

~~(b) Floors must be swept and mopped at least twice weekly and more frequently if necessary.~~

~~(c) Each wall and any other exposed surface such as a storage shelf or window must be cleaned at least once weekly.~~

~~(d) Toilet tissue must be provided and conveniently located in each toilet room.~~

~~(e) The service building, and all equipment in the service building, must be kept clean and in good repair.~~

~~(f) The service building must contain a continuous supply of hand cleaner and toilet tissue.~~

TABLE I

No. of Dependent Parking Spaces	Toilets		Urinals	Lavatories		Other	Showers	
	Men	Women	Men	Men	Women	Fixtures	Men	Women
1 - 15	1	1	1	1	1	At least	2	2
16 - 30	1	2	1	2	2	one janitor	2	2
31 - 45	2	2	1	3	3	sink per	2	2
46 - 60	2	3	2	3	3	service	3	3
61 - 80	3	4	2	4	4	building	3	3
81 - 100	3	4	2	4	4		3	3

~~(7)(2) Each cabin, cooking shelter and other building must be maintained as follows:~~

~~(a) Each cooking or shelter house for common use must be cleaned after each day's use during the operating season.~~

~~(i)(b) Cooking, eating, and drinking utensils, if provided, must be of non-toxic, durable, and easily cleanable materials, in good repair, and must be washed and sanitized by tourist campground employees after usage by campers.~~

~~(b) Remains the same but is renumbered (c).~~

AUTH: 50-52-102, MCA; IMP: 50-52-102, MCA

RULE III. PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) For a local board of health to qualify for

reimbursement under 50-52-302, MCA, the local health authority shall either:

(a) Enter into a written, signed cooperative agreement with the department that meets the requirements of 50-52-302(1), MCA, and establishes the duties and responsibilities of the local health authority and department; or

(b) Meet each of the following requirements:

(i) Demonstrate by February 1 of each year that at least one person working for the local health authority has been determined by the department to be qualified to make trailer court and campground inspections under Title 50, chapter 52, MCA, and rules promulgated thereunder; and

(ii) Ensure that the local board of health, local health officer, sanitarian-in-training, or registered sanitarian:

(A) Using forms approved by the department, submits quarterly reports to the department within 10 days following the close of each quarter of the fiscal year (first quarter ending September 30; second quarter ending December 31; third quarter ending March 31; fourth quarter ending June 30);

(B) Upon request by the department, conducts an inspection to determine compliance with the requirements of this subchapter;

(C) Performs inspections of each campground and trailer court within its jurisdiction at least once every 12 months, unless waived on a case-by-case basis by the department;

(D) Provides copies of program documentation, including but not limited to inspection reports, plans of correction, and enforcement actions within 7 days after receipt of a written request by the department, and keeps all documentation for a period of 5 years from the date of its creation; and

(E) Demonstrates to the department, on a quarterly basis within 30 days following the close of each quarter of the fiscal year, that it has expended department reimbursements under this rule and 50-52-302, MCA, only for inspections of establishments licensed under Title 50, chapter 52, MCA, or for enforcement of Title 50, chapter 52.

(2) A failure by the local health authority to meet all of these minimum performance requirements shall result in withholding of funds payable to the local board of health under 50-52-302 for the period of noncompliance, as determined by the department.

AUTH: 50-52-102, 50-52-301, MCA; IMP: 50-52-302, MCA

3. The department is proposing new rules and rule amendments to its trailer court and campground rules in order to clarify and update various sanitary and public health requirements, updates that are necessary to incorporate the most currently acceptable standards for such facilities to protect public health. The amendments to definitions in ARM 16.10.702 include creation of "general services campground", "limited services campground", and "primitive campground" categories, with different requirements applying by category type; a new definition of "mobile home" that tracks a commonly-used definition in the trades; and a new definition of "trailer" that

relies on presently-used terms and is consistent with other definitions in these rules. The creation of multiple campground categories is necessary in order to apply reasonable requirements protective of public health in all types of campgrounds.

Rules I and II, and ARM 16.10.702, 16.10.706, and 16.10.707 are proposed in a format that separates design requirements for proposed campgrounds and trailer courts, and ongoing requirements for existing trailer courts and campgrounds. The changes are made to improve clarity of application and to update the requirements to present-day standards. ARM 16.10.703 is amended to raise the fee for licensure to \$40 to conform to the fee cited in 50-52-202, MCA; to clarify the licensing process; and to require posting of licenses as notice to the public.

ARM 16.10.711 is amended to exempt primitive campgrounds and to clarify or add requirements at other campgrounds and trailer courts that are necessary to adequately control rodents, prevent dust, and protect persons from improper use of electrical cords. ARM 16.10.714 specifies the authority that must be delegated to a trailer court manager, and describes requirements applicable to trailer courts and specific campground categories. ARM 16.10.715 is amended to eliminate the requirement of guest registration for primitive campgrounds, because of their remoteness.

ARM 16.10.717 is amended to update requirements applicable to service buildings. This rule also specifies new requirements that apply to showers provided after the effective date of these rule amendments.

Rule III sets forth requirements for reimbursement of money to local health authorities for costs of review of trailer courts and campgrounds under Title 50, chapter 52, MCA. The Department is required to develop these minimum requirements under 50-52-302, MCA.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Robert J. Thompson, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than October 22, 1994.

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


ROBERT J. ROBINSON, Director

Certified to the Secretary of State September 12, 1994.

Reviewed by: 
Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT)
of ARM 42.11.301; 42.11.303;)
and 42.11.304 and ADOPTION of)
NEW RULES I through V relating)
to Agency Franchise Agreements)
for the Liquor Division)

NOTICE OF EXTENSION OF THE
COMMENT PERIOD FOR THE PRO-
POSED AMENDMENT OF ARM
42.11.301; 42.11.303 and
42.11.304; and ADOPTION of
NEW RULES I through V
relating to Agency Franchise
Agreements for the Liquor
Division)

TO: All Interested Persons:

1. On September 9, 1994, at 1:30 p.m., a public hearing was held in the Fourth Floor Conference Room of the Mitchell Building, at Helena, Montana, to consider the amendment of ARM 42.11.301; 42.11.303 and 42.11.304 and the adoption of New Rules I through V relating to Agency Franchise Agreements for the Liquor Division, as was noticed by the Department in MAR Issue No. 15, page 2097, August 11, 1994.


2. At that hearing Capital Consultants International, representing several liquor store agents, requested a sixty day extension of the comment period so that they could prepare additional written comments regarding this proposal.

3. Upon due consideration, the Department grants this extension and continues the comment period for the amendments and adoption of the rules proposed above to be extended to November 18, 1994.

4. Interested parties may submit their data, views, or arguments in writing to:

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

no later than November 18, 1994.


CLEO ANDERSON
Rule Reviewer


MICK ROBINSON
Director of Revenue

Certified to Secretary of State September 12, 1994

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT)	NOTICE OF EXTENSION OF
of ARM 42.12.128 relating to)	COMMENT PERIOD FOR THE
Catering Endorsements)	PROPOSED AMENDMENT of
)	ARM 42.12.128 relating
)	to Catering Endorsements

TO: All Interested Persons:

1. On September 9, 1994, at 1:30 p.m., a public hearing was held in the Fourth Floor Conference Room of the Mitchell Building, at Helena, Montana, to consider the amendment of ARM 42.12.128 relating to catering endorsements for liquor licensees, as was noticed by the Department in MAR Issue No. 15, page 2094, August 11, 1994.

2. At that hearing the Montana Tavern Association, through its attorney Douglas Olson, requested a thirty day extension of the comment period so that they could review the matter with their members at their annual meeting and prepare additional written comments regarding this proposal.

3. Upon due consideration, the Department grants this extension and continues the comment period for the amendments and adoption of the rules proposed above to be extended to October 17, 1994.

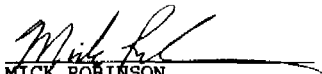
4. Interested parties may submit their data, views, or arguments in writing to:

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

no later than October 17, 1994.



CLEO ANDERSON
Rule Reviewer



MICK ROBINSON
Director of Revenue

Certified to Secretary of State September 12, 1994

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF
of rules pertaining to continu-) 8.16.1002 AND 8.16.1003
ing education and requirements) PERTAINING TO DENTISTS
and restrictions) AND DENTAL HYGIENISTS

TO: All Interested Persons:

1. On April 28, 1994, the Board of Dentistry published a notice of proposed amendment of the above-stated rules at page 988, 1994 Montana Administrative Register, issue number 8.

A public hearing was noticed on page 1506, 1994 Montana Administrative Register, issue number 11.

2. The Board has amended ARM 8.16.1002 exactly as proposed. The board has amended ARM 8.16.1003 as proposed, but with the following changes:

"8.16.1003 REQUIREMENTS AND RESTRICTION (1) through (3)(g) will remain the same as proposed.

(h) home study courses whose materials must be prepared by organizations listed as an approved sponsor of continuing education in ARM 8.16.1002. A licensee may submit such home study for no more than 25 percent of his or her continuing education requirements per three-year cycle. Home study courses are limited to two categories:

(i) audio/video tape presentations; and

(ii) correspondence/journal study with a successfully completed self-test.

(4) through (4)(e) will remain the same as proposed.

~~(f) home study (e.g. videotapes, journals, self-tests, etc.)~~."

Auth: Sec. 37-4-205, 37-4-307, 37-4-406, MCA; IMP, Sec. 37-4-205, 37-4-307, 37-4-406, MCA

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

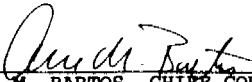
COMMENT NO. 1: Forty-seven comments were received stating some allowance should be made for continuing education through home study such as video and correspondence courses.

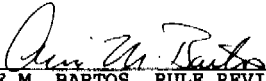
RESPONSE: The Board concurs with the comments and will amend the rule as shown above. The Board voted to allow such coursework if the courses contained a self-test that the licensee had completed. The Board additionally voted to allow

no more than 25 percent of the continuing education to be obtained in this manner.

BOARD OF DENTISTRY
CAROL SCRANTON, DDS, PRESIDENT

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 12, 1994.

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

In the matter of the repeal of) NOTICE OF REPEAL OF
rule 16.10.1001 dealing with) ARM 16.10.1001
annual jail inspections)

(Jail Inspections)

To: All Interested Persons

1. On August 11, 1994, the department published notice at page 2041 of the 1994 Montana Administrative Register, issue No. 15, of the proposed repeal of ARM 16.10.1001 pertaining to the inspection of jails.

2. The department has repealed the rule as proposed.

3. The department received one comment.

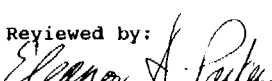
COMMENT: The Sheriffs and Peace Officers Association commented that the only problem it perceived with the proposed repeal was that the Montana Jail Standards and the American Correctional Association Standards for Adult Local Detention Facilities require inspections by health authorities on an annual basis. The Association also commented that, if the department would continue to provide the inspections on a request basis, there was an opportunity to look at the entire jail inspection process.

RESPONSE: The department will continue providing jail inspections on a request basis. However, because the department has no statutory rulemaking authority to promulgate rules for these inspections, it is appropriate to repeal the jail rule, especially given that the jail rule exceeds the statutory mandate for inspections.


ROBERT J. ROBINSON, Director

Certified to the Secretary of State September 12, 1994.

Reviewed by:


Eleanor Parker, DHES Attorney

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

In the matter of the) NOTICE OF ADOPTION OF
adoption of rules related to) NEW RULES I THROUGH VI
the workers' compensation) AND NEW RULES IX THROUGH XI
data base system)

TO ALL INTERESTED PERSONS:

1. On July 21, 1994, the Department published notice at pages 1949 to 1955 of the Montana Administrative Register, Issue No. 14, to consider the adoption of new rules I through XI.

2. On August 12, 1994, 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 19, 1994.

3. After consideration of the comments received on the proposed rules, the Department has adopted the rules as proposed with the following changes: (new text underlined, deleted text stricken)

RULE I [24.29.4301] PURPOSE Same as proposed.
AUTH: 39-71-203 MCA IMP: 39-71-225 MCA

RULE II [24.29.4303] DEFINITIONS Same as proposed.
AUTH: 39-71-203 MCA IMP: 39-71-225 MCA

RULE III [24.29.4307] CLAIM FILE RECORDS MAINTENANCE AND RETENTION (1) All insurers shall maintain their respective claim files. Upon request by the department, insurers shall provide to the department, in whole or part according to the request, a copy of the claim file, other than documents protected by the attorney-client privilege or attorney work-product doctrine. The copies must be provided at no cost to the department. If information is maintained by computer, "hard copy" information must be available upon request. Insurers shall submit requested copies of file information within 30 days of the department's request. ~~Insurers shall submit requested copies of claim files for mediation conferences prior to the date of the conference.~~

(2) All insurers shall retain complete copies of the claim file for the life of the claim or as long as liability or potential liability exists for the claim. The department ~~will not keep~~ is not responsible for maintaining a duplicate of any document pertaining to a claim. ~~The department recommends that an insurer retain a closed claim file a minimum of 5 years.~~

(3) Claim files must include, but need not be limited to, all of the following which exist in relation to the claim:

(a) through (d) Same as proposed.

(e) ~~supplemental reports;~~

~~(f) medical reports;~~

(~~gf~~) vocational rehabilitation reports;
(~~hg~~) payment record; and
(~~ih~~) official orders, whether those orders are from the department or court.

(4) Same as proposed.

AUTH: 39-71-203 MCA IMP: 39-71-225 MCA

RULE IV [24.29.4311] FORMS USED FOR REPORTING (1) The department will design and approve forms used for hard copy (~~i.e. paper, rather than electronic~~) reporting of the information required by these rules. Reporting parties may print their own supply of the approved form or may request a supply of the form from the department. The department will determine the cost of the printing and mailing of the forms and bill the ordering office directly for its order.

AUTH: 39-71-203 MCA IMP: 39-71-205, -208, and -225 MCA

RULE V [24.29.4314] ELECTRONIC REPORTING (1) Same as proposed.

(2) Reporting parties wishing to report electronically shall sign a written ~~information sharing trading partner~~ agreement with the department. The ~~information sharing trading partner~~ agreement will provide the effective date to send and receive the electronic reports, the acceptable data to be sent and received, the method of transmission to be used, and other pertinent agreements between the parties. The ~~information sharing trading partner~~ agreement must be signed by the insurer and approved by the department prior to initial data submission.

(3) Electronic reporting for the first report of injury and the subsequent report may be done pursuant to either the IAIABC flat file format, or the American national standards institute (ANSI) electronic reporting standards X.12 format, ~~or the proprietary "Claimix" format~~. The department will not accept electronic reports submitted in any other formats.

(4) Same as proposed.

AUTH: 39-71-203 MCA IMP: 39-71-225 MCA

RULE VI [24.29.4317] REPORTS PRODUCED BY THE DEPARTMENT

(1) ~~The department will produce and distribute at regular time intervals as it sees fit, but at least annually, certain reports concerning workers' compensation and occupational disease claims. These reports will be used to monitor regularly collected data and will be available to the public upon request.~~

(2) In addition to ~~regularly produced reports~~ providing the reports required by section 39-71-225, MCA, the department may prepare special reports.

(a) Special reports may be done at the request of the Governor governor's office or the Legislature legislative branch. These reports, once generated, will be given to the requesting party and any further distribution will be at the discretion responsibility of that party.

- (b) Same as proposed.
(i) through (iii) Same as proposed.
(iv) the availability and validity of relevant data in the data base system; ~~and~~
(v) the balancing of the individual right to privacy and the public's right to know, when the report seeks information that identifies or is identifiable with particular individuals or entities; and
(vi) the recommendations of the department's data base system technical advisory committee, if any.
(32) The department may determine the cost of printing and mailing of reports and charge an appropriate fee for copies of reports.
AUTH: 39-71-203 MCA IMP: 39-71-205, -209, -224 and -225 MCA

RULE IX [24.29.4321] INSURER REPORTING REQUIREMENTS - INJURIES AND OCCUPATIONAL DISEASES (1) All insurers and the UEF are required to submit the first report of injury/occupational disease to the department by the designated reporting office within 30 days of the report to the insurer of the accident or of an occupational disease. A first report of injury must be submitted for every injury accident or occupational disease.
(2) through (4) Same as proposed.
AUTH: 39-71-203 MCA IMP: 39-71-225 MCA

RULE X [24.29.4322] TRANSITIONAL RULE FOR INJURY AND OCCUPATIONAL DISEASE INFORMATION REPORTING REQUIREMENTS
Same as proposed.
AUTH: 39-71-203 MCA IMP: 39-71-225 MCA

RULE XI [24.29.4329] AUDITS VERIFICATION AND ADDITIONAL INFORMATION (1) To ensure the accuracy of the data information reported pursuant to [RULE IX], the department may make periodic audits of the designated reporting office's source documents used in the preparation and reporting of the reports required by [RULE IX] periodically verify the data by comparing the source documents with the information reported. Documents protected by the attorney-client privilege or attorney work-product doctrine are not subject to audit verification. At least 14 days advance notice of the time and place of the audit verification will be given to the insurer and designated reporting office. The insurer is responsible for full cooperation with an audit by the department during the verification process.
(2) and (3) Same as proposed.
AUTH: 39-71-203 MCA IMP: 39-71-203, -225, -304 MCA

4. As a result of public comment received, the Department has decided not to adopt either proposed RULE VII or proposed RULE VIII.

5. The Department has thoroughly considered the comments and testimony received on the proposed rules. The following is
18-9/22/94 Montana Administrative Register

a summary of the comments received, along with the Department's response to those comments:

General Comments

Comment 1: The Montana Self-Insurers Association ("The MSIA") generally objected to all portions of the rules that did not either require or prohibit actions. The commenter stated that it is inappropriate for an agency to include statements of policy or interpretations in the form of rules.

Response 1: According to § 2-4-102(10), MCA, a rule is an "agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of an agency." The Department believes that administrative rules are an appropriate forum for explaining how it will implement continuing legislative mandates, and that the persons affected by the rules are well served by being advised as to the direction that the Department intends to take in the future.

RULE I Comments

Comment 2: Jan Van Riper voiced a concern about whether the Department's use of IAIABC standards would mean that insurers or employers would have the ability to access information from a national data base, to the possible detriment of Montana workers.

Response 2: The Department is making use of the developing national standards for reporting of information. The Department's data base system is not connected to any sort of national data base, nor will insurers or employers be able to retrieve any information from the data base system, other than information published by the Department pursuant to RULE VI.

RULE II Comments

Comment 3: The MSIA stated that if a definition cannot be made without reference to a statute, the statutory language should be quoted in the rule.

Response 3: Section 2-4-305(2), MCA states that rules "may not unnecessarily repeat statutory language."

Comment 4: The MSIA objected to the use of the term "reporting parties" in RULE II, RULE IV and RULE V and suggested that either the rules should specify "insurers" or the particular party subject to the rule.

Response 4: Section 39-71-225, MCA, authorizes the Department to collect information from "insurers, employers, medical providers, the legal profession, and others" for purposes of the data base system. Because RULE II, RULE IV and RULE V will be applicable to all the rules implementing the data base system (including future rules that have not yet been adopted, such as the proposed consultant and legal expense rules), the Department

believes that the use of the broad term "reporting parties" is appropriate. For an example of a reporting party that is not an insurer, see proposed RULE II, found at 1994 MAR issue 17, at pages 2487-2490.

Comment 5: The MSIA objected to the use of the phrase in RULE II "unless the context clearly indicates otherwise" makes the definitions subject to interpretation and suggested that it be deleted.

Response 5: The use of the phrase in question is appropriate because the use of "closed" in the context of "closed claim" has a defined meaning. However, the use of the word "closed" may, in future portions of the data base system rules refer to an office or location that is closed and no longer doing business. Without the use of the objected-to phrase, the Department could not use the word "closed" for its ordinary meaning.

Comment 6: The MSIA requested that the term "claim" be defined.

Response 6: The term "claim" is used throughout the Workers' Compensation Act, without an express statutory definition. An understanding of what is meant by the term "claim" has developed by way of case law. The Department believes that it is not appropriate to try to create an express definition of "claim" that may either limit the development of the meaning of the term, or to restrict insurers from reporting what they believe to be a "claim" that has been made.

Comment 7: The MSIA objected to the proposed definition of "indemnity claim", and suggested that the definition include a requirement that the claim be in writing.

Response 7: Section 39-71-601, MCA, requires that claims for benefits be in writing. However, the Department is aware that some insurers (in certain limited circumstances) begin paying workers benefits without having a formal, written "claim" being filed. The Department, for the purpose of the data base system, wants to capture information about all claims, including those which an insurer pays without demanding a written claim for benefits.

Comment 8: The MSIA objected to the use of the term "designated reporting office" and stated that all reporting should be done by the in-state adjuster.

Response 8: The Department recognizes that some insurers have more than one in-state adjuster providing services in Montana and that requiring each in-state adjuster to individually report may not be economically feasible or efficient. The Department further recognizes that some insurers (who remain subject to the in-state adjuster requirement of ARM 24.29.804) may have a centralized claims system that makes it easier and cheaper to fulfill all of the Montana reporting requirements from a single location.

RULE III. Comments

Comment 9: The State Compensation Insurance Fund ("State Fund") commented on Rule III and noted that § 39-71-225, MCA, does not give the Department authority to implement a rule concerning making files available for mediation purposes.

Response 9: The Department agrees, and has amended the rule by removing the reference to mediation procedures. The Department will amend the mediation rules at a later date.

Comment 10: The State Fund commented that it would be helpful to know what information was needed for benefit rate calculations, pursuant to RULE III(3)(c).

Response 10: The intent of the Department is that insurers keep whatever information or calculations were used in determining the benefit rate(s) as part of the file, rather than purging the information. The Department recognizes that the information and calculations may vary from insurer to insurer and from claim to claim. However, if the insurer maintains the information in its file, an interested party can later verify (in the event of a dispute) whether the calculation was correctly made.

Comment 11: The State Fund also requested clarification of what is meant by the "supplemental reports" listed in RULE III(3)(e).

Response 11: The Department had intended to use the phrase "subsequent reports", such as are required by RULE IX(2). However, upon further review, the Department has decided that the reports do not need to be maintained in the claim file, and has amended the rule accordingly.

Comment 12: The MSIA objected to the language in RULE III(1) permitting insurers to maintain claim files by computer rather than original paper copies.

Response 12: The Department believes that the decision whether to maintain claim files on paper, electronically, or on microfilm / microfiche is a business decision best left to each insurer. The Department is more concerned that the insurer maintain the information, rather than the format in which the information is stored or retrieved.

Comment 13: The MSIA suggested that RULE III(2) should only require maintaining closed indemnity claim files for 5 years, thus allowing destruction of "simple medical claims" before 5 years expires.

Response 13: The Department has amended the rule by deleting the last sentence, in order not to imply to insurers that file destruction can take place after 5 years. The length of time that an insurer keeps a claim file is a business judgment that each insurer must make. Because the Department will not be maintaining duplicate files, each insurer must decide what level of risk it wants to accept when deciding how long to maintain old claim files. If an insurer destroys a claim file for which it later has liability, then the insurer may well lose certain defenses that depend on the contents of the claim file.

RULE IV Comments

Comment 14: The MSIA suggested that the Department should not only design but also approve forms.

Response 14: The Department agrees with the comment and has amended the rule accordingly.

Comment 15: The MSIA suggested that the term "hard copy" be defined in RULE II.

Response 15: The Department believes that the use of the term "hard copy" is clear within the context of these rules, but has amended the rule as to explain what is meant by the term.

Comment 16: The Montana Chamber of Commerce ("MCC") expressed the concern that the form of reporting matters to the data base system not create needless complications for employers who report accidents.

Response 16: Only insurers, not individual businesses, are required to report to the data base system. Unless a firm is in the business of being a workers' compensation insurer, there will be no direct impact on employer reporting of accidents as a result of these rules. The form that will directly effect employers, the new First Report Of Injury (FROI) form, was developed in conjunction with members of the workers' compensation insurance industry here in Montana. The FROI form reflects the needs of insurers and adjusters, not just the Department.

RULE V Comments

Comment 17: Farmers Insurance Group of Companies commented that because it has a low volume of Montana claims, it opposes mandatory electronic filing.

Response 17: The proposed rules do not mandate electronic filing. Before the Department changes its rules in the future to make electronic filing mandatory, the Department will undertake the formal rule-making process and seek public comment on any proposed change. If and when the Department decides that electronic reporting should be mandatory, it will consider whether to allow an exemption for small-volume reporting parties to report via hard copy.

Comment 18: Agency staff, after further consultation with the contractor developing the data base system, commented that the phrase "information sharing agreement" is inappropriate and that the phrase "trading partner agreement" is a more generally accepted term used within the technical field to describe the agreement.

Response 18: The Department has amended the rule accordingly.

Comment 19: Agency staff, after further consultations with the contractor developing the data base system, commented that the proprietary "Claimix" format is only a specific version of reporting software that uses the IAIABC format, and is not a

separate format as implied by the rule. Staff also pointed out that although "Claimix" currently uses the IAIABC format, any proprietary product is subject to change (without notice) to a non-compatible format, and because it may in the future be incompatible with the data base system, it should be deleted from the rule.

Response 19: The Department has amended the rule accordingly.

RULE VI Comments

Comment 20: The MSIA generally objected to the rule and stated that the rule should be written to severely limit what information the Department will report, and to specifically list the reports that the Department will produce. The commenter further stated that the cost of producing reports should be borne by the requesting party, not employers and their insurers.

Response 20: The Department has amended the rule to address some of the concerns raised. However, the statutory purpose of the data base system is to "generate management information about Montana's workers' compensation system" for "the legislative and executive branches for the purpose of making policy and management decisions." Accordingly, the Department believes that generally the cost of producing reports for government decision makers is a cost that properly rests upon industry. The Department further believes that it should not unduly limit the form of information provided to the decision makers by stating that it will only produce specific kinds of reports.

Comment 21: The MSIA commented on its concerns that the privacy and confidentiality of information in the data base system must be respected.

Response 21: The Department agrees with the comment and has amended the rule accordingly.

Comment 22: Agency staff commented that the language concerning requests from the Governor and Legislature might be construed to mean that only the entire Legislature (as a body, as opposed to an interim committee or the legislative fiscal analyst) could request a special report.

Response 22: The Department has amended the wording to clarify the intent of the rule.

RULE VII and VIII Comments

Comment 23: The MSIA objected to the adoption of these rules on the grounds that they conflict with the in-state adjuster rule, ARM 24.29.804.

Response 23: The Department agrees that the data base system rules are not the proper place to address problems with, or changes to, the in-state adjuster rule. The Department will not adopt either proposed RULE VII or proposed RULE VIII.

RULE IX Comments

Comment 24: The MSIA questioned whether the term "UEF" should be spelled out.

Response 24: Because the term "UEF" is defined in RULE II as the uninsured employers' fund, it is appropriate to use the common initials in the rule.

Comment 25: The MSIA suggested that RULE IX(4) is unnecessary.

Response 25: The Department believes that (4) is necessary in order to clarify the difference between the rule becoming effective on October 1, and the date that reporting becomes required (January 1, 1995). Section 39-71-225(3)(j), MCA specifies that the "implementation of reporting requirements . . . allow reasonable lead time for compliance."

RULE XI Comments

Comment 26: The MSIA stated that RULE XI represented a substantial expansion of department authority and questioned the usefulness of an audit.

Response 26: The Department disagrees that the rule represents a substantial expansion of department authority. Section 39-71-304(2), MCA, provides the department with the authority to obtain information in regard to any investigation or proceeding under the Workers' Compensation Act. Staff from the Legislative Auditor's office recommended that the Department include some sort of audit provision to ensure the accuracy of the information reported. In order to better communicate the intent of the Department, the rule has been amended to characterize the process as "verification", rather than an audit. The Department believes that the judicious use of spot checks to verify reporting accuracy is an appropriate means of ensuring the reliability of the data in the data base system. Because the use of spot checks is contemplated (rather than full-blown audits), the Department anticipates that there will only be minimal costs associated with the verification process.

Comment 27: The MCC raised a concern that RULE XI might be used for heavy-handed political purposes to embarrass businesses that fail to be in compliance with the reporting requirements.

Response 27: The Department does not intend to use RULE XI for the purpose of politically-motivated "witch hunts" against insurers and Montana businesses. The Department's intent with the rule is to have a means of verifying that it is receiving accurate data for the data base system. As such, the Department will endeavor to work with any insurer that is having a problem with accurate reporting to correct the problems. Please also see the response to Comment 26, above.

Comment 28: The MSIA questioned whether audit information would remain confidential.

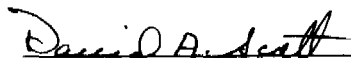
Response 28: The Department will strive to maintain an appropriate balance between the competing constitutional

principles of an individual's right of privacy and the public's right to know. Please also see the response to Comment 27, above.

Comment 22: The MSIA commented that RULE XI(3) should be amended to clarify that insurer's cooperation with requests for additional information is voluntary.

Response 22: The Department intends to seek the voluntary cooperation of insurers when seeking additional information for special studies. The Department believes that requesting voluntary cooperation from insurers is preferable to merely invoking the Department's power under § 39-71-304, MCA.

6. The new rules are effective October 1, 1994.



David A. Scott
Rule Reviewer



Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: September 12, 1994.

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

In the matter of a new rule)	NOTICE OF ADOPTION OF
to reject, modify, or)	ARM 36.12.1018 WILLOW
condition permit applications)	CREEK BASIN CLOSURE
in the Willow Creek Basin)	

TO: All Interested Persons

1. On July 7, 1994, the Department of Natural Resources and Conservation published a notice of public hearing on the proposed new rule to reject, modify, or condition permit applications in the Willow Creek Basin at page 1809, Montana Administrative Register, Issue number 13. Notices were also published on July 1, 8, and 15, 1994, in the Ravalli Republic. Individual notices were mailed on June 28, 1994, to 89 water users in the proposed closure area.

2. On August 16, 1994, at 6:30 p.m., a public hearing was held in the Upstairs Meeting Room of City Hall in Hamilton, Montana. During the hearing and the prescribed comment period, the Department received oral comments from the following persons: Bruce Chesebro, Ernest Gates, Fred Hosko, Janette Swensen, and John Robinson.

3. The proposed rules are being adopted as proposed from May 1 through September 30.

4. The Department has thoroughly considered all comments received. The comments and the Department's response are as follows:

COMMENTS: We gathered as much factual data as we could based on five years of daily measuring the flow rate in Willow Creek and found the amount of water available in Willow Creek only exceeded the decreed water on three days of one year and seven days of another year and no days on the three remaining years. It seems to us there are very few days when there is actually water in the creek exceeding the decreed amount. Some of our concerns are the DNRC calculations suggest there is enough water for use to meet agricultural needs during the month of May, but in fact, there is not enough water in May by anybody's calculations to exceed the decreed water use. The shortage goes, in most years, almost to the very end of May. The ground is very, very dry at the beginning of the irrigation season. We really need more water at that time than any other time of the year. We must apply double the amount of water to get going at the beginning of the year. This is compounded by something that did not go into the calculations; all the irrigators start irrigating simultaneously at the beginning of the season so naturally everybody wants the maximum amount of water at that time. That's a real critical time for us; May is our trouble month.

The water flow depends on the weather. If there is a flush of heat in the first part of May or the end of April, the water will come down. If there is cold weather or very

cold nights or if it doesn't get warm until July like it does sometimes, there isn't going to be a lot of water in the creek. All the water has been appropriated, but it does fluctuate according to the weather.

All comments by those in attendance at the hearing were similar and have therefore been paraphrased above.

RESPONSE: The Notice of Public Hearing proposed to reject surface water applications from May 1 through September 30, provided additional information was submitted at the hearing to support including the period of May 15 through June 15. Comments presented at the hearing reiterated that when the existing water users start diverting their water in May, there is not sufficient water for all users. Until the spring run-off occurs the existing water rights cannot all be satisfied. The timing of spring run-off is unpredictable and does not occur exactly during the same week or two every year. It is reasonable to conclude that it does not always occur between May 15 and June 15. During this period, if spring run-off has not transpired, existing water rights would be adversely affected by new appropriations of surface water. Therefore, the period of closure is as proposed, May 1 through September 30.

The closure of this basin does not waive the existing water right owners responsibility for maintaining their diversion and ditch systems, making a call on junior appropriators, and appropriating within the limits of their existing water rights. The existing water users are encouraged to install measuring devices and keep records of their water use to help protect and document their existing water rights.

5. No other written or oral comments were received.

Mark Simonich, Director

BY:

Mark Simonich
David D. MacIntyre
Rule Reviewer

Certified to the Secretary of State September 12, 1994.

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 46.13.303, 46.13.304,
46.13.303, 46.13.304,)	46.13.401 AND 46.13.502
46.13.401 and 46.13.502)	PERTAINING TO LOW-INCOME
pertaining to low-income)	ENERGY ASSISTANCE PROGRAM
energy assistance program)	

TO: All Interested Persons

1. On July 21, 1994, the Department of Social and Rehabilitation Services published notice of the proposed amendment of rules 46.13.303, 46.13.304, 46.13.401 and 46.13.502 pertaining to low-income energy assistance program at page 1983 of the 1994 Montana Administrative Register, issue number 14.

2. The Department has amended rules 46.13.303, 46.13.304, 46.13.401 and 46.13.502 as proposed.

3. No written comments or testimony were received.



Rule Reviewer



Director, Social and Rehabilitation Services

Certified to the Secretary of State, September 12, 1994.

VOLUME NO. 45

OPINION NO. 28

COMMERCE, DEPARTMENT OF - Deposit and use of earnings on funds agreed to be loaned by Montana Board of Science and Technology Development;
INVESTMENTS, BOARD OF - Deposit of earnings on funds agreed to be loaned by Montana Board of Science and Technology Development;
PUBLIC FUNDS - Deposit and use of earnings on funds agreed to be loaned by Montana Board of Science and Technology Development;
SCIENCE AND TECHNOLOGY DEVELOPMENT, BOARD OF - Deposit and use of earnings on funds agreed to be loaned;
MONTANA CODE ANNOTATED - Sections 17-5-704, 17-6-201(8), 90-3-101(3), 90-3-305;
MONTANA LAWS OF 1993 - Chapter 623.

HELD: Investment earnings on funds earmarked to be loaned, but not yet paid out to a loan recipient, are not "payback funds" or loan repayments and therefore may not be credited to the science and technology development account to be used to cover the costs of administering programs of the Montana Science and Technology Financing Act.

September 8, 1994

Mr. Clayton Schenck
Legislative Fiscal Analyst
State Capitol, Room 105
P.O. Box 201711
Helena, MT 59620-1711

Dear Mr. Schenck:

You have requested an Attorney General's Opinion on the following question:

May the Montana Board of Science and Technology Development deposit investment earnings on funds invested by the Board of Investments to the credit of the science and technology development account, and use the earnings to cover the costs of administering its programs?

The Montana Science and Technology Financing Act is intended to strengthen and diversify Montana's economy by establishing a public-private sector partnership to encourage scientific and technological development within the state in order to keep pace with a changing economic structure and to create new jobs and expand small business opportunities. Mont. Code Ann. § 90-3-101(3) (1993). The program is generally known as the Montana Science and Technology Alliance. It is administered by the

Montana Board of Science and Technology Development, which is attached to the Department of Commerce for administrative purposes. Mont. Code Ann. § 2-15-1818 (1993). The Board of Investments must allow the Board of Science and Technology Development to administer \$15.5 million of the permanent coal tax trust fund for seed capital project loans and \$8.1 million of the permanent coal tax trust fund for research and development project loans. Mont. Code Ann. § 17-6-308(3) (1993). Until the Board of Science and Technology Development makes a loan, the funds under its administration must be invested by the Board of Investments. Id.

You have informed me that when a science and technology development project loan agreement is entered into by the Montana Board of Science and Technology Development and a loan recipient, the funds are often not immediately provided to the loan recipient. Currently, the Board of Investments places the funds subject to the loan agreement in a separate account. The Board of Investments continues to invest the funds in the account. The earnings on the funds are deposited in the science and development account created by Mont. Code Ann. § 90-3-305 (1993), rather than to the state equalization aid account and the state general fund pursuant to Mont. Code Ann. § 17-5-704 (1993). Mont. Code Ann. § 90-3-305(3) (1993) authorizes the use of "payback funds" in the science and technology development account to cover administrative costs of programs authorized by the Montana Science and Technology Financing Act. You question whether interest or investment income on funds earmarked to be loaned may be deposited in the science and technology development account and used to pay such administrative costs.

Mont. Code Ann. § 90-3-305 (1993) provides that "payback of principal and earnings" on loans and agreements must be paid into the science and technology development account. It further provides:

The department [of commerce] may use all payback funds deposited in the account to cover administrative costs of programs authorized under [Mont. Code Ann. tit. 90, ch. 3]. Payback funds must be used to cover administrative costs before the funds received from the board of investments under 17-6-201(8) are used.

Mont. Code Ann. § 90-3-305(3) (1993). Similarly, Mont. Code Ann. § 17-6-201(8) (1993), pertaining to the Board of Investments, requires that, at the beginning of each fiscal year,

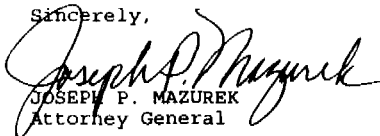
the board [of investments] shall, from the appropriate fund, reimburse the department of commerce for the costs of administering programs established under Title 90, chapter 3, that are not covered by payback funds available from the account established in 90-3-305.

The language of Mont. Code Ann. §§ 90-3-305 and 17-6-201(8) plainly contemplates only the deposit of the "payback of principal and earnings" or "payback funds" into the science and technology development account, and specifically provides that "payback funds" be used to cover administrative costs. Further, in House Bill 2, the act appropriating money to state agencies for the biennium ending June 30, 1995, the Montana Legislature specifically stated, "It is the intent of the legislature that the Montana science and technology alliance be funded only with revenue received from loan repayments in the 1995 biennium." 1993 Mont. Laws, ch. 623 (Department of Commerce appropriations). In my opinion, investment income on earmarked funds which have never been paid out to a loan recipient cannot be considered "payback funds" or a loan repayment. In construing a statute, my function is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted. Mont. Code Ann. § 1-2-101 (1993). The statutes make no provision for depositing such investment income into the science and technology development account and make no provision for paying administrative costs from such funds.

THEREFORE, IT IS MY OPINION:

Investment earnings on funds earmarked to be loaned, but not yet paid out to a loan recipient, are not "payback funds" or loan repayments and therefore may not be credited to the science and technology development account to be used to cover the costs of administering programs of the Montana Science and Technology Financing Act.

Sincerely,



JOSEPH P. MAZUREK
Attorney General

jpm/ks/brf

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

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

The Administrative Code Committee has the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend a rule.

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

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE
MONTANA ADMINISTRATIVE REGISTER

Definitions: Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|--|---|
| Known
Subject
Matter | 1. Consult ARM topical index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 1994. This table includes those rules adopted during the period July 1, 1994 through September 30, 1994 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 1994, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1994 Montana Administrative Register.

ADMINISTRATION, Department of, Title 2

- 2.5.201 and other rules - State Purchasing, p. 2469
- 2.21.137 and other rules - Sick Leave, p. 480, 1407
- 2.21.704 Leave of Absence Without Pay, p. 483, 1409
- 2.21.903 and other rules - Leave of Absence Due to Disability and Maternity, p. 473, 1410
- 2.21.1604 and other rule - Alternate Work Schedules, p. 476, 1411
- 2.21.3702 and other rules - Recruitment and Selection, p. 487, 1412
- 2.21.5006 and other rules - Reduction in Work Force, p. 498, 1419
- 2.21.6701 and other rules - Statewide Employee Incentive Award Program, p. 1784, 2511
- 2.21.8011 Grievances, p. 485, 1421
- 2.21.8109 Equal Employment Opportunity/Affirmative Action, p. 478, 1422
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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 June, July and August, 1994, are published. Vacancies scheduled to appear from October 1, 1994, through December 31, 1994, are also listed, as are current recent vacancies due to resignations or other reasons.

Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and 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 8, 1994.

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

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeded</u>	<u>Appointment/End Date</u>
Advisory Council on Disability (Administration)			
Ms. Sherri Anderson	Governor	not listed	6/16/1994
Helena			6/16/1996
Qualifications (if required): none specified			
Mr. Peter Leech	Governor	not listed	6/16/1994
Missoula			6/16/1996
Qualifications (if required): none specified			
Mr. James Meldrum	Governor	not listed	6/16/1994
Helena			6/16/1996
Qualifications (if required): none specified			
Ms. Mary Morrison	Governor	not listed	6/16/1994
Missoula			6/16/1996
Qualifications (if required): none specified			
Mr. Michael Regnier	Governor	not listed	6/16/1994
Missoula			6/16/1996
Qualifications (if required): none specified			
Mr. Bill Roberts	Governor	not listed	6/16/1994
Helena			6/16/1996
Qualifications (if required): none specified			
Mr. John Shea	Governor	not listed	6/16/1994
Anaconda			6/16/1996
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
Alfalfa Leafcutting Bee Advisory Committee (Agriculture)			
Mr. Gill M. Sorg	Governor	reappointed	6/3/1994
Wolf Point			7/1/1997
Qualifications (if required): representative of Montana Alfalfa Seed Growers Association			
Board of Barbers (Commerce)			
Ms. Amy Adler	Governor	reappointed	6/13/1994
Rosebud			7/1/1997
Qualifications (if required): barber			
Board of Hail Insurance (Agriculture)			
Mr. Vince Schmoeckel	Governor	Roehm	6/1/1994
Malta			4/18/1997
Qualifications (if required): public member			
Board of Horseracing (Commerce)			
Ms. Isabelle Devlin	Governor	Ostendorf	6/16/1994
Terry			1/20/1997
Qualifications (if required): represents District I			
Board of Plumbers (Commerce)			
Mr. Richard Grover	Governor	reappointed	6/13/1994
Missoula			5/4/1998
Qualifications (if required): master plumber			
Mr. Duane Steinmetz	Governor	Waldenberg	6/13/1994
Billings			5/4/1998
Qualifications (if required): journeyman plumber			

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Professional Engineers and Land Surveyors (Commerce)			
Mr. Richard Ainsworth	Governor	reappointed	6/21/1994
Missoula			7/1/1998
Qualifications (if required): professional land surveyor			
Mr. Daniel Prill	Governor	reappointed	6/21/1994
Great Falls			8/1/1998
Qualifications (if required): professional engineer			
Board of Public Education (Education)			
Mr. Storrs Bishop	Governor	Kinna	6/13/1994
Ennis			2/1/1996
Qualifications (if required): represents southwest quadrant of the state			
Board of Regents of Higher Education (Education)			
Mr. Jim Brown	Governor	Coleman	6/13/1994
Libby			6/1/1995
Qualifications (if required): student representative			
Board of Sanitarians (Commerce)			
Ms. Denise Moldroski	Governor	reappointed	6/13/1994
Superior			7/1/1997
Qualifications (if required): registered sanitarian			
Board of Veterans' Affairs (Military Affairs)			
Mr. Johnny Buck	Governor	Shepherd	6/16/1994
Glendive			5/18/1999
Qualifications (if required): veteran			

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Committee on Telecommunication Services for the Handicapped (Social and Rehabilitation Services)			
Ms. Sheri Devlin	Governor	reappointed	6/13/1994
Billings			7/1/1997
Qualifications (if required): represents Department of Social and Rehabilitation Services			
Mr. Eric Eck	Governor	reappointed	6/13/1994
Helena			7/1/1997
Qualifications (if required): represents Public Service Commission			
Mr. Norm Eck	Governor	reappointed	6/13/1994
Helena			7/1/1997
Qualifications (if required): non-handicapped senior citizen			
Ms. Barbara Ranf	Governor	reappointed	6/13/1994
Helena			7/1/1997
Qualifications (if required): represents largest local exchange company in Montana			
Council on Physical Fitness and Sports (Governor)			
Mr. Dan Thoene	Governor	Wren	6/3/1994
Butte			7/12/1995
Qualifications (if required): public member			
Education Advisory Council (Office of Public Instruction)			
Ms. Robin McCallum	Governor	Salo	6/20/1994
Helena			5/1/1995
Qualifications (if required): school counselor			
Sister Elizabeth Young	Governor	Sullivan	6/20/1994
Billings			5/1/1995
Qualifications (if required): represents private school			

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Flathead Basin Commission Ms. M. Colleen Allison Columbia Falls Qualifications (if required): public member	(Governor) Governor	Cumming	6/16/1994 6/30/1995
Ms. Marilyn Wood Kalispell Qualifications (if required): public member	Governor	Speelman	6/16/1994 6/30/1995
Microbusiness Finance Program Advisory Council (Commerce) Mr. David T. Bond Whitefish Qualifications (if required): microbusiness owner	Governor	Mehring	6/29/1994 6/30/1996
Mr. Doug Boutilier Helena Qualifications (if required): represents banking industry	Governor	Fraser	6/14/1994 6/30/1996
Ms. Janene Brown Libby Qualifications (if required): represents city with population less than 15,000	Governor	Ingels	6/14/1994 6/30/1996
Ms. Mary Brydich Helena Qualifications (if required): represents city with population greater than 15,000	Governor	Mott	6/29/1994 6/30/1996
Mr. Peter Graybull Lodge Grass Qualifications (if required): represents Indian tribes	Governor	Dupuis	6/14/1994 6/30/1996
Mr. Stephen Mehring Great Falls Qualifications (if required): microbusiness owner	Governor	Greenshields	6/14/1994 6/30/1996

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Microbusiness Finance Program Advisory Council (Commerce) cont.			
Mr. Garry Mott	Governor	Moller	6/14/1994
Great Falls			6/30/1996
Qualifications (if required):	represents city with population greater than 15,000		
Ms. Jody Smith	Governor	Johnston	6/14/1994
Miles City			6/30/1996
Qualifications (if required):	microbusiness owner		
Montana Historical Society Board of Trustees (Education)			
Ms. Marjorie King	Governor	reappointed	6/23/1994
Winnett			7/1/1999
Qualifications (if required):	public member		
Mr. William MacKay	Governor	reappointed	6/23/1994
Roscoe			7/1/1999
Qualifications (if required):	public member		
Ms. Susan McDaniel	Governor	reappointed	6/23/1994
Miles City			7/1/1999
Qualifications (if required):	public member		
Noxious Weed Advisory Council (Agriculture)			
Mr. Terry Turner	Director	Johnson	6/14/1994
Havre			6/30/1995
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Petroleum Tank Release Compensation Board	(Health and Environmental Sciences)		
Ms. Diane Savage	Governor	Guttenberg	6/30/1994
Sidney	public member		6/30/1997
Qualifications (if required):			
Mr. Gary Tschache	Governor	reappointed	6/30/1994
Bozeman			6/30/1997
Qualifications (if required):	represents service station dealers		
Risk Management Advisory Committee	(Administration)		
Ms. GERALYN Driscoll	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Ms. Cheryl Bozdog	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Mr. Michael Buckley	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Ms. Laura Calkin	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Ms. Donna Campbell	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Ms. Barb Charlton	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Advisory Council (Administration) cont.			
Mr. Pat Chenovick	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			
Mr. Forest Farris	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			
Mr. Thomas H. Gibson	Governor	not listed	6/22/1994
Bozeman			6/22/1996
Qualifications (if required): none specified			
Ms. Ann Gilkey	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			
Ms. Valencia Lane	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			
Mr. Gary Managhan	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			
Ms. Karen Munro	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			
Ms. Cathy Muri	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Advisory Council			
Captain Thomas Muri	(Administration) cont.		6/22/1994
Helena.	Governor	not listed	6/22/1996
Qualifications (if required):	none specified		
Mr. Ralph Peck	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Ms. Peggy Probasco	Governor	not listed	6/22/1994
Butte			6/22/1996
Qualifications (if required):	none specified		
Mr. John Skufca	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Mr. Jerry Smith	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Mr. Bruce Swick	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		
Ms. Janie Wunderwald	Governor	not listed	6/22/1994
Helena			6/22/1996
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES FROM JUNE, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Emergency Response Commission	(Governor)		
Mr. Steve Barry	Governor	Stotts	6/3/1994
Helena			7/21/1995
Qualifications (if required):	represents Department of Justice		
Mr. Pat Brannon	Governor	Strizich	6/3/1994
Helena			7/21/1995
Qualifications (if required):	represents Department of Transportation		
Ms. Judy Browning	Governor	Lavin	6/3/1994
Helena			7/21/1995
Qualifications (if required):	represents Governor's Office		
Ms. Beate Galda	Governor	Kent	6/21/1994
Helena			7/21/1995
Qualifications (if required):	represents Fish, Wildlife and Parks		
Teachers' Retirement Board (Administration)			
Dr. Rick Stuber	Governor	Brewington	6/21/1994
Culbertson			7/1/1998
Qualifications (if required):	teacher		
Western Interstate Commission on Higher Education (Education)			
Representative Emily Swanson	Governor	reappointed	6/14/1994
Bozeman			6/19/1998
Qualifications (if required):	legislator		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Aging Advisory Council Ms. Eloise England Dupuyer Qualifications (if required): representative of District VII	(Governor) Governor	Kennerly	7/18/1994 7/18/1997
Ms. Roberta Feller Stockett Qualifications (if required): representative of District X	Governor	Monroe	7/18/1994 7/18/1997
Mr. Dwight MacKay Billings Qualifications (if required): public member	Governor	reappointed	7/18/1994 7/18/1997
Board of Funeral Services Mr. David Fulkerson Plentywood Qualifications (if required): licensed mortician	(Commerce) Governor	Miser	7/1/1994 7/1/1999
Board of Nursing Ms. Kathy Barkus Kalispell Qualifications (if required): public member	Governor	Carey	7/27/1994 7/1/1998
Ms. Rita Harding Edgar Qualifications (if required): registered nurse	Governor	Lenau	7/27/1994 7/1/1998
Ms. Blanche Proul Anaconda Qualifications (if required): public member	Governor	reappointed	7/27/1994 7/1/1998

BOARD AND COUNCIL APPOINTEES FROM JULY, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Nursing (Commerce) cont.			
Ms. Suzzie Thomas	Governor	reappointed	7/27/1994
Stevensville			7/1/1998
Qualifications (if required):	licensed practical nurse		
Board of Pharmacy (Commerce)			
Ms. Shirley Baumgartner	Governor	Mikes	7/20/1994
Glasgow			7/1/1999
Qualifications (if required):	licensed pharmacist		
Board of Physical Therapy Examiners (Commerce)			
Ms. Charlotte Fannon	Governor	reappointed	7/20/1994
Billings			7/1/1997
Qualifications (if required):	physical therapist		
Board of Public Accountants (Commerce)			
Mr. Curtis Amundson	Governor	Warehime	7/1/1994
Great Falls			7/1/1999
Qualifications (if required):	certified public accountant		
Capitol Restoration Commission (Administration)			
Senator Chet Blaylock	President	not listed	7/1/1994
Laurel			0/0/0
Qualifications (if required):	none specified		
Governor's Advisory Council on Disability (Administration)			
Ms. Anne MacIntyre	Governor	not listed	7/20/1994
Helena			6/16/1996
Qualifications (if required):	ex-officio member		

BOARD AND COUNCIL APPOINTEES FROM JULY, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
Montana Library Services Advisory Council (Education)			
Ms. Sue Nissen	Director	Howell	7/1/1994
Butte			7/1/1995
Qualifications (if required): none specified			
Montana Mint Committee (Agriculture)			
Mr. Philip Clarke	Governor	reappointed	7/1/1994
Columbia Falls			7/1/1997
Qualifications (if required): mint grower			
Mr. Bruce Tutvedt	Governor	Ficken	7/1/1994
Kalispell			7/1/1997
Qualifications (if required): mint grower			
Peace Officers Standards and Training Advisory Council (Justice)			
Mr. Gary Boyer	Governor	Harvie	7/20/1994
Great Falls			12/31/1995
Qualifications (if required): educator			
State Electrical Board (Commerce)			
Mr. Max Griffin	Governor	Liebrand	7/1/1994
Billings			7/1/1999
Qualifications (if required): licensed electrician			
Mr. Ron VanDiest	Governor	Griffin	7/20/1994
Helena			7/1/1999
Qualifications (if required): licensed electrician			
Vocational Rehabilitation Divisions Advisory Council (Social and Rehabilitation Services)			
Mr. Scott Birkenbuel	Director	Betty	7/1/1994
Boraman			0/0/0
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
AIDS Advisory Council Mr. Steve Bennetts Great Falls Qualifications (if required): none specified	(Health and Environmental Sciences) Governor	not listed	8/18/1994 8/18/1996
Ms. Pam Carter Bozeman Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996
Ms. Terri Dunn Whitefish Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996
Ms. JoAnn Flaa Glasgow Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996
Pastor Paul Goodman Billings Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996
Mr. David Herrera Billings Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996
Ms. Rita Munzenrider Kalispell Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996
Dr. Connie O'Connor Helena Qualifications (if required): none specified	Governor	not listed	8/18/1994 8/18/1996

BOARD AND COUNCIL APPOINTERS FROM AUGUST, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
AIDS Advisory Council (Health and Environmental Sciences) cont.			
Dr. Elizabeth Olberding	Governor	not listed	8/18/1994
Helena			8/18/1996
Qualifications (if required): none specified			
Mr. David G. Rice	Governor	not listed	8/18/1994
Havre			8/18/1996
Qualifications (if required): none specified			
Ms. Verbena Saylor	Governor	not listed	8/18/1994
Poplar			8/18/1996
Qualifications (if required): none specified			
Reverend D. Gregory Smith	Governor	not listed	8/18/1994
Helena			8/18/1996
Qualifications (if required): none specified			
Ms. Louise Sullivan	Governor	not listed	8/18/1994
Townsend			8/18/1996
Qualifications (if required): none specified			
Board of Banking (Commerce)			
Mr. Tom Ryan	Governor	reappointed	8/3/1994
Hamilton			7/1/1997
Qualifications (if required): public member			
Mr. Jerry Wiedebush	Governor	reappointed	8/3/1994
Plentywood			7/1/1997
Qualifications (if required): state bank officer			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Hearing Aid Dispensers (Commerce)			
Mr. James Lopez	Governor	reappointed	8/18/1994
Kalispell			7/1/1997
Qualifications (if required): hearing aid dispenser			
Mr. Harry Richter	Governor	Higgs	8/18/1994
Sidney			7/1/1997
Qualifications (if required): otolaryngologist			
Board of Housing (Commerce)			
Ms. Barbara Hamlin	Governor	Hudson	8/17/1994
Helena			1/1/1995
Qualifications (if required): public member			
Board of Private Security Patrol Officers and Investigators (Commerce)			
Sheriff Lee Edmisten	Governor	Slaughter	8/18/1994
Sheridan			8/1/1997
Qualifications (if required): represents county sheriff's department			
Mr. Jeffrey "Jeff" T. Patterson	Governor	reappointed	8/18/1994
Missoula			8/1/1997
Qualifications (if required): licensed private investigator			
Colonel Craig Reap	Governor	Griffith	8/18/1994
Helena			8/1/1996
Qualifications (if required): represents Peace officers Standards & Training Advisory Council			
Mr. David C. Ward	Governor	reappointed	8/18/1994
Billings			8/1/1997
Qualifications (if required): represents city police department			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994		
<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>
Board of Psychologists (Commerce)		
Dr. Marian Martin	Governor	Looby
Billings		
Qualifications (if required):	licensed psychologist	
Board of Radiologic Technologists (Commerce)		
Dr. Stephen Becker	Governor	Richards
Libby		
Qualifications (if required):	radiologist	
Mr. Joseph Marcello	Governor	Curtiss
Helena		
Qualifications (if required):	radiologic technologist	
Board of Water Well Contractors (Natural Resources and Conservation)		
Mr. Wes Lindsay	Governor	reappointed
Clancy		
Qualifications (if required):	licensed water well contractor	
Child Care Advisory Council (Family Services)		
Mr. Randy Haight	Governor	Wehrman
Bozeman		
Qualifications (if required):	child care provider	
Ms. Claudine Hoyer	Governor	Broadhead
Glasgow		
Qualifications (if required):	child care provider	
Mr. David Lockie	Governor	reappointed
Bozeman		
Qualifications (if required):	parent representative	

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
Child Care Advisory Council	(Family Services) cont.		
Ms. LaNette Simonton	Governor	not listed	8/10/1994
Glendive			6/30/1997
Qualifications (if required):	public member		
Ms. Mary Jane Standaert	Governor	reappointed	8/10/1994
Helena			6/30/1997
Qualifications (if required):	parent representative		
Family Support Services Advisory Council	(Social and Rehabilitation Services)		
Ms. Jackie Jandt	Governor	Delong	8/9/1994
Helena			9/30/1994
Qualifications (if required):	represents Department of Social and Rehabilitation Services		
Indian Burial Preservation Board	(Commerce)		
Mr. Germaine DuMonteir	Governor	reappointed	8/22/1994
Pablo			8/22/1996
Qualifications (if required):	representative of Little Shell Tribe		
Mr. Gilbert Horn	Governor	reappointed	8/22/1994
Harlem			8/22/1996
Qualifications (if required):	representative of Gros Ventre Tribe		
Mr. Mickey Nelson	Governor	reappointed	8/22/1994
Helena			8/22/1996
Qualifications (if required):	representative of Coroners' Association		
Mr. Richard Periman	Governor	reappointed	8/22/1994
Butte			8/22/1996
Qualifications (if required):	representative of the Montana Archaeological Association		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Indian Burial Preservation Board (Commerce) cont.			
Mr. John Pretty On Top	Governor	reappointed	8/22/1994
Crow Agency			8/22/1996
Qualifications (if required):	representative of the Crow Tribe		
Mr. John Sunchild	Governor	reappointed	8/22/1994
Box Elder			8/22/1996
Qualifications (if required):	representative of the Chippewa-Cree Tribe		
Interagency Coordinating Council for Prevention Programs (Family Services)			
Ms. Robin Morris	Governor	Halberg	8/11/1994
Havre			7/1/1995
Qualifications (if required):	representative of prevention programs and services		
Lewis and Clark Bicentennial Celebration Advisory Council (Historical Society)			
Ms. Jan Blaydon	Governor	not listed	8/26/1994
Missoula			8/26/1996
Qualifications (if required):	represents Glacier Country		
Mr. Tim Crawford	Governor	not listed	8/26/1994
Helena			8/26/1996
Qualifications (if required):	represents Gold West Country		
Ms. Jeanne French	Governor	not listed	8/26/1994
Plentywood			8/26/1996
Qualifications (if required):	represents Missouri River Country		
Mr. Jack Hines	Governor	not listed	8/26/1994
Big Timber			8/26/1996
Qualifications (if required):	represents Yellowstone Country		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
Lewis and Clark Bicentennial Celebration Advisory Council (Historical Society) cont.			
Mr. Mike Labriola	Governor	not listed	8/26/1994
Great Falls			8/26/1996
Qualifications (if required):	represents Russell Country		
Mr. Robert Mann	Governor	not listed	8/26/1994
Plentywood			8/26/1996
Qualifications (if required):	represents Missouri River Country		
Ms. Edythe McCleary	Governor	not listed	8/26/1994
Hardin			8/26/1996
Qualifications (if required):	represents Custer Country		
Mr. Dennis Seibel	Governor	not listed	8/26/1994
Bozeman			8/26/1996
Qualifications (if required):	represents Yellowstone Country		
Ms. Gloria Wester	Governor	not listed	8/26/1994
Laurel			8/26/1996
Qualifications (if required):	represents Custer Country		
Ms. Diane Zimmerman	Governor	not listed	8/26/1994
Missoula			8/26/1996
Qualifications (if required):	represents Glacier Country		
Montana Coal Board (Commerce)			
Ms. Alice Jagiello	Governor	Anderson	8/11/1994
Colstrip			1/1/1995
Qualifications (if required):	educator		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

Appointee	Appointed by	Succeeds	Appointment/End Date
Montana Wheat and Barley Committee (Agriculture)			
Mr. Duane Arneklew	Governor	Sampson	8/18/1994
Plentywood.			8/20/1997
Qualifications (if required): Democrat representing District I			
Mr. Larry Barber	Governor	reappointed	8/18/1994
Coffee Creek			8/20/1997
Qualifications (if required): Republican representing District V			
Mr. Stephen P. McDonnell	Governor	reappointed	8/18/1994
Three Forks			8/20/1997
Qualifications (if required): Democrat representing District VI			
Pearl Harbor Memorial Committee (Governor)			
Mr. Roy Bergstrom	Governor	not listed	8/17/1994
Belgrade			0/0/0
Qualifications (if required): none specified			
Mr. Bill Emerson	Governor	not listed	8/17/1994
Great Falls			0/0/0
Qualifications (if required): none specified			
Mr. Paul Evers	Governor	not listed	8/17/1994
Big Timber			0/0/0
Qualifications (if required): none specified			
Mr. Victor Krueger	Governor	not listed	8/17/1994
Augusta			0/0/0
Qualifications (if required): none specified			
Mr. Tom Parr	Governor	not listed	8/17/1994
Great Falls			0/0/0
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Employee Benefits Advisory Council (Administration)			
Ms. Cathy Kendall	Director	Anders	8/1/1994
Helena			9/1/1995
Qualifications (if required):	none specified		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1994 through December 31, 1994

Board/current position holder	Appointed by	Term end
Alfalfa Seed Committee (Agriculture)		
Mr. Thomas W. Matchett, Chinook	Governor	12/21/1994
Qualifications (if required): member for Alfalfa Seed Association		
Mr. Gayle Patrick, Malta	Governor	12/21/1994
Qualifications (if required): member from Alfalfa Seed Association		
Board of Outfitters (Commerce)		
Mr. Irving "Max" Chase, Emigrant	Governor	10/1/1994
Qualifications (if required): licensed outfitter from District 2		
Mr. Dan J. Ekstrom, Clinton	Governor	10/9/1994
Qualifications (if required): licensed outfitter from District 1		
Historic Preservation Review Board (Historical Society)		
Mr. John Robert Horner, Bozeman	Governor	10/1/1994
Qualifications (if required): paleontologist		
Ms. Theo Hugs, Fort Smith	Governor	10/1/1994
Qualifications (if required): historian		
Dr. Arnold Olsen, Helena	Governor	10/1/1994
Qualifications (if required): state liaison officer for federal land & water conservation fund		
Historical Records Advisory Council (Education)		
Mr. Nathan Bender, Bozeman	Governor	10/6/1994
Qualifications (if required): none specified		
Mr. Timothy Bernardis, Crow Agency	Governor	10/6/1994
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1994 through December 31, 1994

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Historical Records Advisory Council (Education) cont.		
Mr. Robert M. Clark, Helena Qualifications (if required): none specified	Governor	10/6/1994
Mr. Brian E. Cockhill, Helena Qualifications (if required): none specified	Governor	10/6/1994
Ms. Connie Flaherty-Erickson, Helena Qualifications (if required): none specified	Governor	10/6/1994
Ms. Peggy Lamberson, Great Falls Qualifications (if required): none specified	Governor	10/6/1994
Ms. Georgia Lomax, Kalispell Qualifications (if required): none specified	Governor	10/6/1994
Ms. Kathryn Otto, Helena Qualifications (if required): none specified	Governor	10/6/1994
Ms. Marie L. Torosian, St. Ignatius Qualifications (if required): none specified	Governor	10/6/1994
Public Housing Task Force (Administration) Mr. Paul Bankhead, Heron Qualifications (if required): Governor's representative	Governor	12/1/1994
Ms. Ronda Carpenter, Great Falls Qualifications (if required): represents Montana Landlords Association	Governor	12/1/1994
Sen. Chris Christiaens, Great Falls Qualifications (if required): legislator	Governor	12/1/1994

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1994 through December 31, 1994

Board/current position holder	Appointed by	Term end
Public Housing Task Force (Administration) cont.		
Mr. Tim Evans, Missoula	Governor	12/1/1994
Qualifications (if required): represents Montana Realtors Association		
Mr. David Gentry, Missoula	Governor	12/1/1994
Qualifications (if required): represents physically disabled persons		
Mr. Kevin Hager, Great Falls	Governor	12/1/1994
Qualifications (if required): represents Association of Housing Officials		
Mr. Dan Hickey, Billings	Governor	12/1/1994
Qualifications (if required): represents Public Housing Authority		
Ms. Patt Leikam, Billings	Governor	12/1/1994
Qualifications (if required): represents low income groups		
Ms. Jan Martin, Helena	Governor	12/1/1994
Qualifications (if required): represents Montana Bankers Association		
Ms. Nora Nelson, Havre	Governor	12/1/1994
Qualifications (if required): represents Montana Association of Counties		
Mr. Bill Pierce, Helena	Governor	12/1/1994
Qualifications (if required): represents Montana Building Association		
Mr. Jeff Regnier, Billings	Governor	12/1/1994
Qualifications (if required): represents League of Savings Institutes		
Mr. Jeff Rupp, Bozeman	Governor	12/1/1994
Qualifications (if required): represents Human Resource Development Council		
Ms. Nancy Stephenson, Great Falls	Governor	12/1/1994
Qualifications (if required): represents Neighborhood Housing Services		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1994 through December 31, 1994

Board/current position holder	Appointed by	Term end
Public Housing Task Force (Administration) cont. Rep. Norm Wallin, Bozeman	Governor	12/1/1994
Qualifications (if required): legislator		
Mr. Tom Welch, Dillon	Governor	12/1/1994
Qualifications (if required): represents League of Savings Institutes		
Water and Wastewater Operators Advisory Council (Health and Environmental Sciences)		
Mr. Lee Leivo, Big Fork	Governor	10/16/1994
Qualifications (if required): water treatment operator		