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# **MONTANA ADMINISTRATIVE REGISTER**

**DOES NOT  
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1996 ISSUE NO. 18  
SEPTEMBER 19, 1996  
PAGES 2416-2472



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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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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In the matter of the ) NOTICE OF PUBLIC HEARING ON  
amendment of Teacher ) PROPOSED AMENDMENT TO ARM  
Certification ) 10.57.211 TEST FOR CERTIFICATION  
) AND 10.57.212 MINIMUM SCORES ON  
) THE NATIONAL TEACHER EXAMINATION  
) CORE BATTERY

1. On October 10, 1996, at 1:00 p.m., or as soon thereafter as it may be heard, a public hearing will be held at the Montana School for the Deaf and Blind, 3911 Central Avenue, Great Falls in the matter of the proposed amendment to 10.57.211 Test for Certification and 10.57.212 Minimum Scores on the National Teacher Examination Core Battery.

### 10.57.211 TEST FOR CERTIFICATION

(1) All new applicants for initial class 1, 2 or 3 certification must provide evidence of having completed the national teacher examination core battery with a minimum score established by the board of public education. Exception: a test of basic skills as described in \_\_\_\_\_ (2) of this rule.

(a) ~~applicants holding a valid Montana class 1, 2 or 3 certificate, and Those who have attempted the national teacher examination core battery tests and not met the minimum requirement as defined in this rule may request an alternative as described herein.~~

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

AUTH: Sec. 20-2-121(1), MCA IMP: Sec. 20-4-102(1), MCA

10.57.212 MINIMUM SCORES ON THE NATIONAL TEACHER EXAMINATION CORE BATTERY TESTS OF BASIC SKILLS (1) The board of public education designates the following levels as minimum qualifying scores:

(a) ~~communication skills~~ 648

national teacher examination:

(i) communication skills 648

(ii) general knowledge	644
------------------------	-----

(b) ~~general knowledge~~ 644

praxis series pre-professional skills test (PPST):

(i) reading	170
-------------	-----

(ii) writing	170
--------------	-----

(iii) mathematics	170
-------------------	-----

(c) ~~professional knowledge~~ 648

praxis I: computer based academic skills test (CBT):

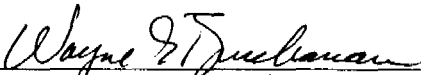
(i)	reading	316
(ii)	writing	314
(iii)	mathematics	315

AUTH: Sec. 20-2-121(1), MCA IMP: Sec. 20-4-102(1), MCA

3. The board proposes these amendments to the rules in order to correct language to assure that the preparation of future administrators will conform to higher standards as recommended by both professional organizations and the accrediting body.

4. Interested parties may submit their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than October 10, 1996.

5. Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, has been designated to preside over and conduct the hearing.

  
Wayne Buchanan, Executive Secretary  
Board of Public Education

Certified to the Secretary of State on 9/9/96.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the ) NOTICE OF PUBLIC HEARING ON  
amendment of rules ) THE PROPOSED AMENDMENT OF  
46.12.4804 through ) RULES  
46.12.4806, 46.12.4813, )  
46.12.4816, 46.12.4817 and )  
46.12.4827 pertaining to )  
health maintenance )  
organizations )

TO: All Interested Persons

1. On October 9, 1996, at 9:30 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of rules 46.12.4804 through 46.12.4806, 46.12.4813, 46.12.4816, 46.12.4817 and 46.12.4827 pertaining to health maintenance organizations.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you request an accommodation, contact the department no later than 5:00 p.m. on September 30, 1996, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970.

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

46.12.4804 HEALTH MAINTENANCE ORGANIZATIONS: RECIPIENT ELIGIBILITY (1) A recipient in any one of the following categories is eligible to enroll with an HMO contracting with the department:

- (a) remains the same.
- (b) beginning ~~July~~ January 1, ~~1996~~ 1997, an SSI recipient or SSI-related recipient required by ARM 46.12.5003 to participate in a primary care case management program.
- (2) remains the same.

AUTH: Sec. 53-2-201 and 53-6-113, MCA  
IMP: Sec. 53-2-201, 53-6-101, 53-6-113,  
53-6-116, and 53-6-117, MCA

46.12.4805 HEALTH MAINTENANCE ORGANIZATIONS: ENROLLMENT  
(1) through (11) remain the same.  
(12) The total number of enrollees and Part A and Part B medicare beneficiaries with a non-federally qualified HMO may

not exceed 75% of the HMO's total enrollment, as provided in 42 CFR 434.26(a), unless the HMO is the subject of one of the exceptions provided at 42 CFR 434.26(b). The department hereby adopts and incorporates by reference 42 CFR 434.26, dated October 1994. A copy of the incorporated provision may be obtained through the Department of Public Health and Human Services, Health Policy and Services Division, ~~111 N. Sanders, P.O. Box 4210~~ 1400 Broadway, P.O. Box 202951, Helena, MT ~~59604-4210~~ 59620-2951.

AUTH: Sec. 53-2-201, and ~~53-6-113~~, MCA  
IMP: Sec. 53-2-201, 53-6-101, ~~53-6-113~~,  
53-6-116, and 53-6-117, MCA

46.12.4806 HEALTH MAINTENANCE ORGANIZATIONS: DISENROLLMENT

(1) through (9) remain the same.

(10) Prior to ~~July~~ January 1, ~~1996~~ 1997, the date SSI recipients are eligible to enroll with an HMO, the department will retroactively disenroll a newborn enrollee if the newborn enrollee is determined retroactively SSI-eligible within 4 months of birth.

(11) remains the same.

AUTH: Sec. 53-2-201 and ~~53-6-113~~, MCA  
IMP: Sec. 53-2-201, 53-6-101, ~~53-6-113~~,  
53-6-116 and 53-6-117, MCA

46.12.4813 HEALTH MAINTENANCE ORGANIZATIONS: CONTRACTS FOR SERVICES (1) and (2) remain the same.

(3) A contract for the provision of services through an HMO must meet the requirements of 42 CFR part 434. The department hereby adopts and incorporates by reference 42 CFR part 434, dated October 1994. A copy of the incorporated provisions may be obtained through the Department of Public Health and Human Services, ~~Medicaid~~ Health Policy and Services Division, ~~111 N. Sanders, P.O. Box 4210~~ 1400 Broadway, P.O. Box 202951, Helena, MT ~~59604-4210~~ 59620-2951.

(4) through (14) remain the same.

AUTH: Sec. 53-2-201 and ~~53-6-113~~, MCA  
IMP: Sec. 53-2-201, 53-6-101, ~~53-6-113~~  
and 53-6-116, MCA

46.12.4816 HEALTH MAINTENANCE ORGANIZATIONS: REIMBURSEMENT OF PROVIDERS (1) An HMO must reimburse a federally qualified health center or a rural health clinic which is a participating provider either the same ~~capitation~~ payments per enrollee ~~or service~~ made to other primary care providers or the facility specific medicaid interim rate for each enrollee visit.

(2) through (8) remain the same.

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

IMP: Sec. 53-2-201, 53-6-101, 53-6-113 and  
53-6-116, MCA

46.12.4817 HEALTH MAINTENANCE ORGANIZATIONS: REIMBURSEMENT OF HMOs (1) through (4) remain the same.

(5) Prior to ~~July~~ January 1, ~~1996~~ 1997, the date SSI recipients are eligible to enroll with an HMO, the department will recoup any capitation payments made to an HMO for a newborn enrollee retroactively disenrolled per ARM 46.12.4806(10).

(6) Starting ~~July~~ January 1, ~~1996~~ 1997, the date SSI recipients are eligible to enroll with an HMO, the department will recoup the AFDC-based capitation payments made for a newborn enrollee retroactively determined SSI eligible within 4 months of life and instead pay the SSI-based capitation rate for each month of enrollment.

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

IMP: Sec. 53-2-201, 53-6-101, 53-6-113 and  
53-6-116, MCA

46.12.4827 HEALTH MAINTENANCE ORGANIZATIONS: QUALITY ASSURANCE (1) and (2) remain the same.

(a) Copies of 42 CFR 434.34 may be obtained through the Department of Public Health and Human Services, Medicaid Health Policy and Services Division, 111 N. Sanders, P.O. Box 4210 1400 Broadway, P.O. Box 202951, Helena, MT 59604-4210 59620-2951.

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

IMP: Sec. 53-2-201, 53-6-101, 53-6-113 and  
53-6-116, MCA

3. The changes to the rule contained in these amendments are fairly minor, but are needed to ensure rule provisions are accurate and conform to the model HMO contract.

The changes to ARM 46.12.4804, 46.12.4806, and 46.12.4817 are needed to incorporate a policy decision to delay the implementation of SSI enrollment into the HMO program. Currently, only AFDC and AFDC-related Medicaid recipients are eligible to enroll in an HMO. The reason is that this recipient group, which is comprised of low-income families with children, most closely resembles the commercial population served by HMOs. HMOs are fairly new to Montana, and brand new to Medicaid. The Department determined it was in everyone's best interest to gain a year's worth of experience before allowing the more complex SSI population -- comprised of aged, blind, and disabled Medicaid recipients -- to enroll in HMOs.

At the time this rule was first implemented, the date on which SSI recipients could begin to participate in the HMO program was July, 1997 -- a year after the program was scheduled to begin. However, the program's initial implementation was delayed so the



Department could conduct a small pilot program. The pilot concluded in January, 1996, and the HMO program became fully available to AFDC and AFDC-related recipients. As a result of the delay, and to ensure a full year's worth of experience prior to SSI participation, the decision was made to postpone the date SSI recipients could enroll from July, 1996, to January, 1997.

The changes to ARM 46.12.4805, 46.12.4813, and 46.12.4827 simply correct the Department's address. The Legislature had authorized a comprehensive reorganization of departments with jurisdiction over health, welfare, environment, and corrections. At the time this rule was implemented, new department names had been established, but internal reorganization within this Department had not been completed. That process has now concluded, and this rule change incorporates the new Division name and address in places where it is referenced.

Finally, the amendment to ARM 46.12.4816 is a correction. At the same time this initial rule was drafted, the Department was developing a model HMO contract. The model contract is made available to any HMO with a certificate of authority to operate in Montana. The capitation rates and terms and conditions are identical for each HMO. In areas addressed by both the rule and the model contract, it is critical the provisions conform to each other.

This amendment ensures the rule language governing HMO payments to federally qualified health centers (FQHC) and rural health clinics (RHC) conforms with the language in the HMO model contract. In general financial risk is transferred completely to HMOs for the services for which they are responsible. However, because of federal requirements, the Department maintains some financial risk for FQHCs and RHCs. As a result, the Department created a minimum level at which HMOs must pay these facilities so the HMOs could not return all the risk to the Department by paying unreasonably low rates. The initial version of this rule only created a floor for one way HMOs could pay FQHCs and RHCs: per enrollee capitation payments. This amendment adds the second type of possible payment, i.e. payment per service. The latter was inadvertently omitted when the rule was first implemented. This amendment corrects that omission, thereby protecting the Department from absorbing an inappropriate level of risk for these facilities.

4. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604, no later than October 17, 1996.

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

*Don Levin*  
Rule Reviewer

*Michael B. Bellings Jr*  
Director, Public Health and  
Human Services

Certified to the Secretary of State September 9, 1996.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the repeal of	)	NOTICE OF THE PROPOSED
rules 11.2.101, 11.2.102,	)	REPEAL OF RULES
16.2.216, 16.2.218, 46.2.301,	)	
46.2.302 and 46.2.320	)	
pertaining to department	)	
procedures	)	NO PUBLIC HEARING
	)	IS CONTEMPLATED

TO: All Interested Persons

1. On October 28, 1996, the Department of Public Health and Human Services proposes to repeal rules 11.2.101, 11.2.102, 16.2.216, 16.2.218, 46.2.301, 46.2.302 and 46.2.320 pertaining to department procedures.

2. The rules 46.2.301 STATE PLANS, and 46.2.302 CIVIL RIGHTS, as proposed to be repealed are on page 46-49, of the Administrative Rules of Montana.

AUTH: Sec. 53-2-201, MCA  
IMP: Sec. 53-2-201, MCA

Rule 46.2.320 STATE SUPERVISED OFFICERS as proposed to be repealed is on page 46-50 of the Administrative Rules of Montana.

AUTH: Sec. 53-2-803, MCA  
IMP: Sec. 53-2-301, MCA

Rule 16.2.216 AMBULANCE SERVICE RULES as proposed to be repealed is on page 16-19 of the Administrative Rules of Montana.

AUTH: Sec. 2-4-201 and 2-4-202, MCA  
IMP: Sec. 50-6-303, MCA

Rule 16.2.218 FLOUR AND BREAD RULES as proposed to be repealed is on page 16-19 of the Administrative Rules of Montana.

AUTH: Sec. 2-4-201 AND 2-4-202, MCA  
IMP: Sec. 50-34-103, MCA

Rule 11.2.101 PROCEDURES FOR ADOPTING, AMENDING AND REPEALING RULES as proposed to be repealed is on page 11-21, of the Administrative Rules of Montana.

AUTH: Sec. 2-3-201, MCA  
IMP: Sec. 2-4-201, MCA

Rule 11.2.102 PROCEDURE FOR ISSUANCE OF DECLARATORY RULINGS  
as proposed to be repealed is on page 11-21, of the  
Administrative Rules of Montana.

AUTH: Sec. 2-4-201(2), MCA

IMP: Sec. 2-4-201(2) and 2-4-501, MCA

3. Effective July 1, 1995, and in accordance with Chapter 546 of the 1995 Legislature, the Department of Social and Rehabilitation Services, Department of Health and Environmental Sciences and Department of Family Services were abolished and duties and programs of these departments were assumed by the new Department of Public Health and Human Services.

The Department is transferring rules in this register pertaining to department procedures from their existing title 46 to the new administrative rules title 37 for the new Department of Public Health and Human Services. The department is repealing rules in titles 11 and 16 which duplicate the transferred rules and are no longer necessary. The department is repealing rules in Title 46 that unnecessarily repeat statutory language or duplicate statutory requirements.

4. If a person who is directly affected by the proposed action 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 Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604, no later than October 17, 1996.

5. If the Department of Public Health and Human Services receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed action, 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. Ten percent of those directly affected has been determined to be in excess of 25.

  
Rule Reviewer

  
Director, Public Health and  
Human Services

Certified to the Secretary of State September 9, 1996.

BEFORE THE BOARD OF FUNERAL SERVICE  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment,	)	NOTICE OF AMENDMENT, REPEAL
repeal and adoption of rules	)	AND ADOPTION OF RULES
pertaining to morticians,	)	PERTAINING TO THE FUNERAL
mortuaries, crematories, crema-	)	SERVICE INDUSTRY
tory operators and crematory	)	
technicians	)	

TO: All Interested Persons:

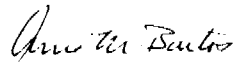
1. On August 8, 1996, the Board of Funeral Service published a notice of proposed amendment, repeal and adoption of rules pertaining to the funeral service industry, at page 2073, 1996 Montana Administrative Register, issue number 15.

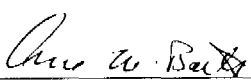
2. The Board has amended ARM 8.30.101, 8.30.201, 8.30.202, 8.30.404, 8.30.405, 8.30.407, 8.30.408, 8.30.501, 8.30.502, 8.30.504, 8.30.701 and 8.30.807; repealed ARM 8.30.409, 8.30.514, 8.30.705, 8.30.706 and 8.30.707; and adopted new rules I (8.30.411), II (8.30.412) and III (8.30.413) exactly as proposed.

3. The Board received one comment in support of the proposed rules. The Board acknowledged receipt of the comment. No other comments or testimony were received.

BOARD OF FUNERAL SERVICE  
DOUGLAS D. LOWRY, CHAIRMAN

BY:

  
\_\_\_\_\_  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
\_\_\_\_\_  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 9, 1996.

BEFORE THE BOARD OF PLUMBERS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment ) NOTICE OF AMENDMENT AND  
and adoption of rules pertaining) ADOPTION OF RULES PERTAINING  
to the plumbing industry ) TO THE PLUMBING INDUSTRY

TO: All Interested Persons:

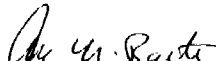
1. On August 8, 1996, the Board of Plumbers published a notice of proposed amendment and adoption of rules pertaining to the plumbing industry at page 2081, 1996 Montana Administrative Register, issue number 15.

2. The board has amended ARM 8.44.402, 8.44.403, 8.44.404, 8.44.405, 8.44.410, 8.44.412 and 8.44.415, and adopted new rules I (8.44.416), II (8.44.417) and III (8.44.418) exactly as proposed.

3. No comments or testimony were received.

BOARD OF PLUMBERS  
DICK GROVER, CHAIRMAN

BY:



ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE



ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, September 9, 1996.

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

In the matter of the repeal     ) CORRECTED NOTICE  
of ARM 24.29.701 through     ) OF ADOPTION  
24.29.7020 and the adoption    )  
of new rules related to       )  
workers' compensation plan    )  
one [Plan 1] requirements and   )  
eligibility.                    )

TO ALL INTERESTED PERSONS:

1. On April 25, 1996, the Department published notice at pages 1151 through 1156 of the Montana Administrative Register, Issue No. 8, of the repeal and adoption of the above-captioned rules, all related to Plan 1 requirements and eligibility.

2. In the notice of repeal and adoption, proposed new rule 24.29.601 ARM referenced "ARM 24.29.602 through 24.29.628". The more appropriate reference, and that used in the replacement pages, is "ARM Title 24, chapter 29, subchapter 6". The corrected new rule, ARM 24.29.601, should read as follows:

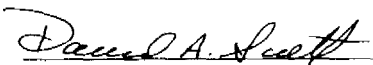
RULE 1 (24.29.601) DEFINITIONS For the purposes of ARM Title 24, chapter 29, subchapter 6, ~~24.29.602 through 24.29.628~~, the following definitions apply:

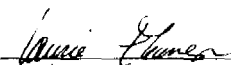
(1) through (11) Same as proposed.

AUTH: 39-71-203 MCA

IMP: 39-71-403 and 39-71-2101 through 39-71-2108 MCA

3. Replacement pages for the corrected notice of repeal and adoption were submitted to the Secretary of State on June 30, 1996.

  
David A. Scott  
Rule Reviewer

  
Laurie Ekanger, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: September 9, 1996

BEFORE THE BOARD OF MILK CONTROL  
OF THE STATE OF MONTANA

In the matter of adoption of ) NOTICE OF ADOPTION  
new rules and amendment of a ) AND AMENDMENT  
rule as they relate to milk )  
utilization and marketing of )  
class III milk. ) DOCKET #3-96

TO: ALL INTERESTED PERSONS:

1. On August 8, 1996, the Montana board of milk control published notice of the proposed adoption of new rules I, II, III and IV and amendment of ARM 32.24.301 as it related to the class I producer milk price. Notice was published at page 2114 of the 1996 Administrative Register, issue no. 15, as MAR NOTICE 32-2-134.

2. The board has adopted new rule I (ARM 32.24.520), new rule II (ARM 32.24.521) and new rule IV (32.24.523) as proposed. The board has adopted new rule III (32.24.522) with the following change:

"RULE III (32.24.522) PROCEDURES, PURCHASE PRICE AND TERMS

(1)-(6) Same as proposed.

(7) No pool handler shall be obligated to make surplus milk available to any other pool handler who is then in default on payment for any previous purchases of surplus milk. Any pool handler who makes surplus milk available and who has not been paid for that milk because of default in payment by the purchasing pool handler shall retain a direct right of action against the defaulting pool handler for the monies owed together with interest at the rate of 1.5% per month plus attorney's fees and costs."

AUTH: 81-23-104, MCA

IMP: 81-23-103, MCA

3. The board has amended rule 32.24.301 with the following changes: (text of rule with matter stricken interlined and new matter added, then underlined)

"32.24.301 PRICING RULES

(1)-(3)(a)(vii) remains the same.

(b) The class I butterfat differential will be calculated by multiplying the average most recent Chicago area butterfat price (grade A 92 score) ~~by or most recently as reported by the United States department of agriculture, by a factor of .118~~ and the resulting answer from this calculation shall be rounded to nearest half cent. When milk does not test 3.5 percent butterfat, the price per CWT will be adjusted by the above resulting calculation for each .1 percent the butterfat test moves up or down.



(c)-(8) Remains the same."

AUTH: 81-23-302, MCA

IMP: 81-23-302, MCA

4. No comments or testimony were received, however, the board chose to clarify and simplify the proposed amendment to ARM 32.24.301(5); and to correct a minor grammatical error in proposed rule III (ARM 32.24.522)(7).

5. These new rules and amendment will become effective October 1, 1996.

DEPARTMENT OF LIVESTOCK

By: 

A. Laurence Petersen, Exec.  
Officer, Board of Livestock  
Department of Livestock

By: 

Lon Mitchell, Rule Reviewer  
Livestock Chief Legal Counsel

Certified to the Secretary of State September 9, 1996.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the amendment )	
of rules 36.12.102, Forms and )	NOTICE OF
36.12.103, Application and )	AMENDMENT
Special Fees )	

TO: All Interested Persons

1. On July 18, 1996, the Department of Natural Resources and Conservation published a notice of public hearing on the proposed amendments at page 1954, Montana Administrative Register, Issue number 14. Individual notices were mailed on July 19, 1996 to 110 persons who may be directly affected or interested in the proposed amendments.

2. On August 22, 1996, at 7:00 p.m., a public hearing was held by the Department of Natural Resources and Conservation in the Lower Floor Conference Room of the USF&G Building, 1625 Eleventh Avenue, Helena, Montana to consider the proposed amendments to the above stated rules.

3. The Department has amended rules 36.12.102 and 36.12.103 as proposed with the following changes:

"36.12.102 FORMS (1) (a) through (y) remain the same as proposed.

(z) Form No. 618 "Notice of Completion of Water Right Change of Appropriation Water Right";

(aa) through (am) remain the same as proposed.

36.12.103 APPLICATION AND SPECIAL FEES (1) remains the same as proposed.

(a) For an Application for Beneficial Water Use Permit, Form No. 600, there shall be a fee of \$200, except for a groundwater well application with an appropriation of 35 gallons per minute or less, not to exceed 10 acre-feet, filed pursuant to the United States National Park Service-Montana Compact, Article II, section B.2.ii.(3)(b) or Article IV, section G.2.b.i(1), the fee shall be \$100.

(b) through (g) remain the same as proposed.

(h) For each Addendum to Water Right Transfer Certificate Form for Apportioned Water Right, Form No. 608A, there shall be an additional fee of \$50, up to a maximum of \$200.

(i) through (n) remain the same as proposed.

(o) For a Correction to Water Right Record, Form No. 625, where the error in an issued permit, authorization, certificate, or exempt water right filing caused by an applicant and a new document is issued, there shall be a fee of \$10. No fee shall be charged for correcting errors caused by the department."

4. No one appeared to offer testimony either in favor of or against the proposed rule changes. One written comment was received from the Richland County Conservation District. In addition the Department made comments concerning the permit application fee and clerical errors in the original notice.

The Department has thoroughly considered all comments received. These comments and the Department's responses are as follows:

COMMENT: The concern is the impact on applicants by doubled fees. Such single-step increases seem excessive.

RESPONSE: The fee for filing an objection to a proposed water right is reduced by half. The other filing fees are increased to bring the fees closer to the direct costs incurred while processing these applications.

COMMENT: The title of Form No. 606 was changed to "Application to Change a Water Right." Therefore, the new title of Form 618 should coincide similarly.

RESPONSE: The department agrees. The title of Form 618 is clarified.

COMMENT: The direct costs of processing a permit application under 85-2-302, MCA, are significantly greater than applications filed pursuant to Article II, section B.2.b.ii(3)(b) and Article IV, section G.2.b.i.(1) of the United States National Park Service-Montana Compact (1995). The \$200 fee is proportionally too great.

RESPONSE: The department agrees and makes an exception for these applications filed pursuant to the Compact. The fee for these applications is \$100.

COMMENT: The word "Form" was inadvertently omitted from the title of Form No. 608A.

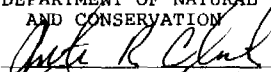
RESPONSE: It has been added to the title.

COMMENT: The word "Record" was inadvertently left in the title of Form No. 625.

RESPONSE: It has been removed.

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

BY:

  
Arthur R. Clinch, Director

  
Donald D. MacIntyre, Rule Reviewer

Certified to the Secretary of State September 9, 1996.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of a new rule )	NOTICE OF ADOPTION
to reject, modify, or )	OF NEW RULE I
condition permit applications )	(ARM 36.12-1021) HOULE
in the Houle Creek Basin )	CREEK BASIN CLOSURE

TO: All Interested Persons

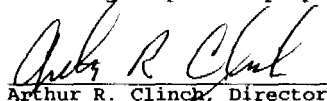
1. On July 18, 1996, the Department of Natural Resources and Conservation published a notice of public hearing on the proposed new rule to reject, modify, or condition permit applications in the Houle Creek Basin at page 1952, Montana Administrative Register, Issue number 14. Notices were also published on June 19 and 26 and July 3, 1996, in the Missoulian. Individual notices were mailed on July 3, 1996.

2. On September 5, 1996, at 7:00 p.m., a public hearing was held in the Visitor Center of the Nine Mile Range Station on Remount Road near Alberton, Montana. During the hearing and the prescribed comment period, the Department received no oral or written comments.

3. The proposed new rule is being adopted as proposed.

Reviewed by:

  
Donald D. MacIntyre

  
Arthur R. Clinch, Director

Certified to the Secretary of State, September 9, 1996.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the transfer )  
of rules 46.2.101, 46.2.102, )  
46.2.401, 46.2.402, 46.2.405, )  
46.2.406, 46.2.501 through )  
46.2.503, 46.2.505, 46.2.508, )  
46.2.509 and 46.2.511 through )  
46.2.513 pertaining to )  
department procedures )  
)  
)  
)  
)  
)  
)

NOTICE OF THE TRANSFER  
OF RULES

TO: All Interested Persons

1. Pursuant to Chapter 546, Laws of Montana 1995, effective July 1, 1995, overall departmental rules are transferred from ARM Title 46 to the Department of Public Health and Human Services ARM Title 37.

2. The Department has determined that the transferred rules will be numbered as follows:


<u>OLD</u>	<u>NEW</u>	
46.2.101	37.2.101	Procedures for Adopting, Amending and Repealing Agency Rules
46.2.102	37.2.102	Procedures for the Issuance of Declaratory Rulings
46.2.401	37.2.301	Purpose
46.2.402	37.2.302	Definitions
46.2.405	37.2.305	Referral for Recovery and Offset
46.2.406	37.2.306	Uncollectable Debt
46.2.501	37.2.501	Self-sufficiency Trusts: Purpose
46.2.502	37.2.502	Self-sufficiency Trusts: Definitions
46.2.503	37.2.503	Self-sufficiency Trusts: Eligible Beneficiary

46.2.505	37.2.505	Self-sufficiency Trusts: Qualifying Trusts
46.2.508	37.2.508	Self-sufficiency Trusts: Life Care Plan Approval and Payment
46.2.509	37.2.509	Self-sufficiency Trusts: Life Care Plan Implementation
46.2.511	37.2.511	Self-sufficiency Trusts: Special Charitable Account
46.2.512	37.2.512	Self-sufficiency Trusts: Reporting Requirements
46.2.513	37.2.513	Self-sufficiency Trusts: State Self-sufficiency Trust Account

3. Effective July 1, 1995, and in accordance with Chapter 546 of the 1995 Legislature, the Department of Social and Rehabilitation Services, Department of Health and Environmental Sciences and Department of Family Services were abolished and duties and programs of these departments were assumed by the new Department of Public Health and Human Services.

The rules referred to in this notice are being transferred from their existing title 46 to the new administrative rules title 37 for the new Department of Public Health and Human Services. The department is repealing rules in titles 11 and 16 which duplicate the transferred rules and are no longer necessary; and the department is repealing rules in Title 46 that unnecessarily repeat statutory language or duplicate statutory requirements in MAR Notice number 37-42 in this register.

  
Rule Reviewer

  
Director, Public Health and  
Human Services


Certified to the Secretary of State September 9, 1996.


BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT) NOTICE OF AMENDMENT  
of ARM 42.25.1810 relating to )  
Oil and Gas Rules )

TO: All Interested Persons:

1. On August 8, 1996, the Department published notice of the proposed amendment of ARM 42.25.1810 relating to Oil and Gas Rules at pages 2151 and 2152 of the 1996 Montana Administrative Register, issue no. 15.
2. No public comments were received regarding this rules.
3. Therefore, the Department amends the rule as proposed.

  
CLEO ANDERSON  
Rule Reviewer

  
MICK ROBINSON  
Director of Revenue

Certified to Secretary of State September 9, 1996

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

In the matter of: ) DECLARATORY RULING  
The applicability of )  
37-51-102(14) and (15), )  
MCA, as they relate to the )  
broker/owner or manager as )  
a dual agent )

TO: All Interested Persons:

1. On October 26, 1995, the Board of Realty Regulation published a Petition for Declaratory Ruling from Pat M. Goodover, II, on the applicability of 37-51-102(14) and (15), MCA, as they relate to the broker/owner or manager as a dual agent.
2. The regulation/statute as to which petitioner requests a declaratory ruling is to clarify the position of a broker/owner or broker/manager when he designates in-house buyer- and seller-agents, in accordance with 37-51-102(14) and (15), MCA, which provides that a broker/owner may designate in-house agents to act as exclusive agents of a buyer and seller without those two agents becoming dual agents.
3. The question presented for declaratory ruling by the Board was "Is a broker/owner or broker/manager a DUAL AGENT if he designates in-house agents as exclusive agents of the buyer and seller?" and "If so, would he then need to have both buyer & seller sign a dual agency authorization form?"
4. The Board met to consider the petition on November 3, 1995, at 10:00 a.m., in the conference room of the Developmental Disabilities Planning and Advisory Council, Arcade Building, 111 North Jackson, Helena, Montana. The Board extended the comment period until the January meeting because the Montana Association of Realtors requested an opportunity to make comment. The Board again tabled the final decision at the January meeting. The Board met on April 19, 1996, and makes the following declaratory ruling:  
  
"When an office elects to utilize in-house designations and the broker owner/managing broker acts only to supervise the in-house salespersons, but not represent or advise a party directly or indirectly the broker owner/managing broker is not a dual agent. However, a supervising broker who takes any action to advocate a position for either or both sides shall be deemed acting as a dual agent. As such, he/she must disclose himself or herself as a dual agent."
5. Any interested parties may request judicial review of this declaratory ruling by filing a petition for judicial review in a District Court of the State of Montana within thirty (30) days of this ruling pursuant to sections 2-4-501 and 2-4-702 MCA.



DATED this 16<sup>th</sup> day of August, 1996.

BOARD OF REALTY REGULATION

BY:

Jack K. Moore  
JACK K. MOORE, CHAIRMAN

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      | 1. Consult ARM topical index.                 |
| Subject    | Update the rule by checking the accumulative  |
| Matter     | table and the table of contents in the last   |
|            | Montana Administrative Register issued.       |
| Statute    | 2. Go to cross reference table at end of each |
| Number and | title which lists MCA section numbers and     |
| Department | 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, 1996. This table includes those rules adopted during the period July 1, 1996 through September 30, 1996 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, 1996, 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 1995 and 1996 Montana Administrative Registers.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number. These will fall alphabetically after department rulemaking actions. Accumulative Table entries will be listed with the department name under which they were proposed, e.g., Department of Health and Environmental Sciences as opposed to Department of Environmental Quality.

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## BOARD APPOINTEES AND VACANCIES

Section 2-15-108, MCA, 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 2-15-108, MCA, is 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 effective in August 1996, appear. Vacancies scheduled to appear from October 1, 1996, through December 31, 1996, are listed, as are current 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 necessary qualifications.

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 1, 1996.

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 AUGUST, 1996**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Aging Advisory Council</b> (Public Health and Human Services)			
Ms. Dorothea C. Neath	Governor	reappointed	8/26/1996
Helena			7/18/1999
Qualifications (if required):	public member		
Ms. Pauline Nikolaisen	Governor	reappointed	8/26/1996
Kaispell			7/18/1999
Qualifications (if required):	public member		
Ms. Mary Alice Rehbein	Governor	reappointed	8/26/1996
Lambert			7/18/1999
Qualifications (if required):	public member		
Ms. Vi Thomson	Governor	reappointed	8/26/1996
Missoula			7/18/1999
Qualifications (if required):	public member		
<b>Board of Barbers</b> (Commerce)			
Ms. Monica Eisenzimer	Governor	Grover	8/22/1996
Columbia Falls			7/1/1999
Qualifications (if required):	licensed barber		
Ms. Adeline Fisher	Governor	not listed	8/22/1996
Butte			7/1/1999
Qualifications (if required):	public member		
<b>Board of Directors of the Montana Consensus Council</b> (Governor's Office)			
Ms. Peggy Trenk	Governor	Dale	8/29/1996
Helena			1/20/1998
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Board of Hearing Aid Dispensers (Commerce)</b>			
Ms. Lee Micken	Governor	Hopkins	8/1/1996
Bozeman			7/1/1999
Qualifications (if required): hearing aid dispenser			
Mr. Ed VanTighem	Governor	Havdahl	8/1/1996
Great Falls			7/1/1999
Qualifications (if required): public member			
<b>Board of Nursing (Commerce)</b>			
Ms. Jean E. Ballantyne	Governor	reappointed	8/8/1996
Billings			7/1/2000
Qualifications (if required): registered nurse with teaching experience			
Ms. Nancy Walker	Governor	Hochberger	8/8/1996
Great Falls			7/1/2000
Qualifications (if required): licensed practical nurse			
<b>Board of Nursing Home Administrators (Commerce)</b>			
Ms. Tina Vauthier	Governor	Prather	8/26/1996
Billings			5/28/2001
Qualifications (if required): representing an institution concerned with the care of aged			
<b>Board of Radiologic Technologists (Commerce)</b>			
Ms. Debbie Sanford	Governor	reappointed	8/1/1996
Lewistown			7/1/1999
Qualifications (if required): radiologist technologist			
Mr. Alan Sevier	Governor	Martz	8/1/1996
Glendive			7/1/1999
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Board of Radiologic Technologists (Commerce) Cont.</b>			
Ms. Cynthia L. Smith Billings	Governor	reappointed	8/1/1996
Qualifications (if required):	radiologist technologist		7/1/1999
Dr. Dennis S. Yutani Glasgow	Governor	reappointed	8/1/1996
Qualifications (if required):	radiologist		7/1/1999
<b>Department of Corrections Advisory Council (Corrections)</b>			
Rep. Bob Keenan Bigfork	Governor	not listed	8/21/1996
Qualifications (if required):	representative of the Swan River Correctional Training Center		12/11/1997
Mr. Kirk Sandquist Deer Lodge	Governor	not listed	8/21/1996
Qualifications (if required):	public member		12/11/1997
<b>Governor's Advisory Council on Disability (Administration)</b>			
Mr. William Jones Great Falls	Governor	Anderson	8/6/1996
Qualifications (if required):	public member		8/1/1998
Mr. Peter Leech Missoula	Governor	reappointed	8/6/1996
Qualifications (if required):	public member		8/1/1998
Ms. Patricia Lockwood Laurel	Governor	Shea	8/6/1996
Qualifications (if required):	public member		8/1/1998

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Governor's Advisory Council on Disability (Administration) Cont.</b>			
Ms. Anne MacIntyre	Governor	reappointed	8/6/1996
Helena			8/1/1998
Qualifications (if required): ex-officio member			
Mr. James Meldrum	Governor	reappointed	8/6/1996
Helena			8/1/1998
Qualifications (if required): public member			
Ms. Mary Morrison	Governor	reappointed	8/6/1996
Missoula			8/1/1998
Qualifications (if required): public member			
Mr. Michael Regnier	Governor	reappointed	8/6/1996
Missoula			8/1/1998
Qualifications (if required): public member			
Mr. Bill Roberts	Governor	reappointed	8/6/1996
Helena			8/1/1998
Qualifications (if required): public member			
<b>Lewis and Clark Bicentennial Advisory Council (Montana Historical Society)</b>			
Ms. Jan Blaydon	Governor	not listed	8/1/1996
Missoula			8/1/1998
Qualifications (if required): public member			
Mr. Tim Crawford	Governor	not listed	8/1/1996
Helena			8/1/1998
Qualifications (if required): public member			
Mr. Jack Hines	Governor	not listed	8/1/1996
Big Timber			8/1/1998
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Lewis and Clark Bicentennial Advisory Council</b>		(Montana Historical Society) Cont.	
Ms. Nancy Maxson	Governor	not listed	8/1/1996
Missoula			8/1/1998
Qualifications (if required):	public member		
Ms. Edythe McCleary	Governor	not listed	8/1/1996
Hardin			8/1/1998
Qualifications (if required):	public member		
Ms. Mary Partridge	Governor	not listed	8/1/1996
Miles City			8/1/1998
Qualifications (if required):	public member		
Mr. John Pretty On Top	Governor	not listed	8/1/1996
Crow Agency			8/1/1998
Qualifications (if required):	public member		
Mr. Dennis Seibel	Governor	not listed	8/1/1996
Bozeman			8/1/1998
Qualifications (if required):	public member		
Colonel Harold Stearns	Governor	not listed	8/1/1996
Missoula			8/1/1998
Qualifications (if required):	public member		
Mr. Loren Stiffarm	Governor	not listed	8/1/1996
Harlem			8/1/1998
Qualifications (if required):	public member		
Ms. Gloria Wester	Governor	not listed	8/1/1996
Laurel			8/1/1998
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Lewis and Clark Bicentennial Advisory Council Ms. Betty White Ronan Qualifications (if required): public member	Governor	(Montana Historical Society) Cont. not listed	8/1/1996 8/1/1998
Ms. Diane Zimmerman Missoula Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998
Dr. Robert Bergantino Butte Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998
Ms. Mary Farver Urquhart Great Falls Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998
Ms. Jeanne French Plentywood Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998
Mr. Darrell Kipp Browning Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998
Mr. Mike Labriola Great Falls Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998
Mr. John G. Lepley Fort Benton Qualifications (if required): public member	Governor	not listed	8/1/1996 8/1/1998

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Lewis and Clark Bicentennial Advisory Council</b> (Montana Historical Society) Cont.			
Mr. Robert Mann	Governor	not listed	8/1/1996
Plentywood			8/1/1998
Qualifications (if required):	public member		
<b>Martin Luther King Holiday Commemorative Commission</b> (Commerce)			
Mr. Wyman McDonald	Governor	not listed	8/8/1996
Helena			1/12/1998
Qualifications (if required):	representing the Office of Indian Affairs		
<b>Risk Management Advisory Committee</b> (Administration)			
Ms. Jane Reed Benson	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Environmental Quality		
<b>Mr. Michael Buckley</b>			
Helena	Governor	not listed	8/26/1996
Qualifications (if required):	representing the Department of Transportation		8/26/1998
<b>Ms. Laura Calkin</b>			
Helena	Governor	not listed	8/26/1996
Qualifications (if required):	representing the Montana Public Service Commission		8/26/1998
<b>Ms. Donna Campbell</b>			
Helena	Governor	not listed	8/26/1996
Qualifications (if required):	representing the Department of Fish, Wildlife, and Parks		8/26/1998
<b>Ms. Barb Charlton</b>			
Helena	Governor	not listed	8/26/1996
Qualifications (if required):	representing the Department of Commerce		8/26/1998



BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Risk Management Advisory Committee</b> (Administration) Cont.			
Mr. Pat Chenovick	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Montana Judiciary		
Mr. Dick Crofts	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Office of the Commissioner of Higher Education		
Ms. Geraldyn Driscoll	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Office of Public Instruction		
Ms. Ann Gilkey	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Public Health and Human Services		
Mr. George Harris	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Livestock		
Mr. Mike Krings	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Administration		
Ms. Sandra Kuchenbrod	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Agriculture		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Risk Management Advisory Committee (Administration) Cont.</b>			
Mr. Gary Managhan	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Office of Secretary of State		
Ms. Sharon McCabe	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Montana Historical Society		
Ms. Lois A. Menzies	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Governor's Office		
Ms. Karen Munro	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Justice		
Captain Thomas Muri	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Military Affairs		
Mr. Bob Post	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Office of the State Auditor		
Mr. David Scott	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the Department of Labor and Industry		
Mr. Carl Swanson	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required):	representing the State Compensation Insurance Fund		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Risk Management Advisory Committee (Administration) Cont.</b>			
Mr. Bruce Swick	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required): representing the Department of Natural Resources and Conservation			
Ms. Janie Wunderwald	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required): representing the Department of Corrections			
Mr. Mike Zahn	Governor	not listed	8/26/1996
Helena			8/26/1998
Qualifications (if required): representing the Department of Revenue			
<b>Tourism Advisory Council (Commerce)</b>			
Ms. Thelma M. Baker	Governor	reappointed	8/22/1996
Missoula			7/1/1999
Qualifications (if required): public member representing Glacier Country			
Mr. Kelly Flynn	Governor	Elser	8/22/1996
Townsend			7/1/1999
Qualifications (if required): public member representing Gold West Country and outfitters			
Mr. Ed Henrich	Governor	reappointed	8/22/1996
Anaconda			7/1/1999
Qualifications (if required): representative of the Innkeepers Association			
Mr. Carl Kochman	Governor	reappointed	8/22/1996
Great Falls			7/1/1999
Qualifications (if required): public member representing Russell Country			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
<b>Tourism Advisory Council (Commerce) Cont.</b>			
Mr. Larry McRae	Governor	reappointed	8/22/1996
Kalispell			7/1/1999
Qualifications (if required): public member representing Glacier Country			
Ms. Debbie O'Day	Governor	Timchak	8/22/1996
Neihart			7/1/1997
Qualifications (if required): public member representing Russell Country			
<b>Virginia City/Nevada City Preservation Task Force (Montana Historical Society)</b>			
Mr. Roger Williams	Governor	not listed	8/21/1996
Virginia City			11/30/1996
Qualifications (if required): public member			
<b>Wheat and Barley Committee (Agriculture)</b>			
Mr. Lanny Christman	Governor	reappointed	8/20/1996
Dutton			8/20/1999
Qualifications (if required): Republican from District IV			
Mr. Leonard Schock	Governor	Squires	8/20/1996
Vida			8/20/1999
Qualifications (if required): Republican from District VII			
<b>Youth Justice Council (Justice)</b>			
Ms. Jani McCall	Governor	Bellingham	8/5/1996
Billings			6/16/1997
Qualifications (if required): public member			
Mr. Nate Schwebber	Governor	Pope	8/5/1996
Missoula			6/16/1997
Qualifications (if required): youth representative			

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

Board/current position holder	Appointed by	Term end
<b>Alfalfa Seed Committee</b> (Agriculture) Mr. Jack Delp, Hardin Qualifications (if required): represents Alfalfa Seed Growers Association	Governor	12/21/1996
Mr. Tom Helm, Toston Qualifications (if required): representing Montana Seed Growers Association	Governor	12/21/1996
Mr. Kenneth M. Sagmiller, Ronan Qualifications (if required): represents Montana Seed Trade Association	Governor	12/21/1996
<b>Board of Education Joint Planning and Coordination Committee</b> (Education) Mr. Wilbur Anderson, Dillon Qualifications (if required): member of the Board of Public Education	Governor	10/13/1996
Mr. Wayne Buchanan, Helena Qualifications (if required): Executive Secretary of the Board of Public Education	Governor	10/13/1996
Mr. Jim Kaze, Havre Qualifications (if required): member of Board of Regents	Governor	10/13/1996
Ms. Nancy Keenan, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	10/13/1996
Dr. Jeff Baker, Helena Qualifications (if required): Commissioner of Higher Education	Governor	10/13/1996
Governor Marc Racicot, Helena Qualifications (if required): Governor	Governor	10/13/1996
<b>Board of Outfitters</b> (Commerce) Mr. Kurt Hughes, Miles City Qualifications (if required): representative of District 5	Governor	10/1/1996

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

Board/current position holder	Appointed by	Term end
<b>Board of Outfitters</b> (Commerce) Cont.		
Mr. Jerry Wells, Helena	Governor	10/1/1996
Qualifications (if required): represents Department of Fish, Wildlife, and Parks		
Ms. Rita Orr, Libby	Governor	10/1/1996
Qualifications (if required): public member		
<b>Hazardous Materials Transportation Advisory Council</b> (Transportation)		
Ms. Patricia Abelin, Bozeman	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. David A. Galt, Helena	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. Curt Laingen, Helena	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. Ben Haydahl, Helena	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. Thomas Ellerhoff, Helena	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. Dale Link, Lewistown	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. Jim Greene, Helena	Governor	12/13/1996
Qualifications (if required): none specified		
Mr. Pat Keim, Helena	Governor	12/13/1996
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Hazardous Materials Transportation Advisory Council</b> (Transportation) Cont.		
Mr. Bill Reed, Missoula Qualifications (if required): none specified	Governor	12/13/1996
Mr. Joel Marshik, Helena Qualifications (if required): none specified	Governor	12/13/1996
Ms. Rona Alexander, Bozeman Qualifications (if required): none specified	Governor	12/13/1996
Colonel Craig Reap, Helena Qualifications (if required): none specified	Governor	12/13/1996
<b>Historic Preservation Review Board</b> (Montana Historical Society)		
Mr. Dennis L. Deppmeier, Billings Qualifications (if required): historical architect	Governor	10/1/1996
Mr. Kirk Michels, Livingston Qualifications (if required): architectural historian	Governor	10/1/1996
Mr. Brian Cockhill, Helena Qualifications (if required): represents Montana Historical Society	Governor	10/6/1996
Mr. Timothy Bernardis, Crow Agency Qualifications (if required): public member	Governor	10/6/1996
Ms. Connie Erickson, Helena Qualifications (if required): public member	Governor	10/6/1996
Ms. Peggy Lamberson Bourne, Great Falls Qualifications (if required): public member	Governor	10/6/1996

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

Board/current position holder	Appointed by	Term end
<b>Historic Preservation Review Board</b> (Montana Historical Society) Cont. Mr. Robert M. Clark, Helena Qualifications (if required): public member	Governor	10/6/1996
Ms. Marie L. Torosian, St. Ignatius Qualifications (if required): public member	Governor	10/6/1996
Ms. Kathryn Otto, Helena Qualifications (if required): state archivist	Governor	10/6/1996
Ms. Ellen Crain, Butte Qualifications (if required): public member	Governor	10/6/1996
<b>Missouri River Basin Advisory Council</b> (Natural Resources and Conservation) Ms. Diane Brandt, Glasgow Qualifications (if required): public member	Governor	11/3/1996
<b>Reserved Water Rights Compact Commission</b> (Natural Resources and Conservation) Rep. David E. Wanzenried, Kalispell Qualifications (if required): none specified	Speaker	10/12/1996
<b>Safety Employment Education and Training Advisory Committee</b> (Labor and Industry) Mr. Dale Johnson, Belt Qualifications (if required): represents employers	Commissioner	11/1/1996
Mr. John Manzer, Great Falls Qualifications (if required): represents employees	Commissioner	11/1/1996
Mr. John Maloney, Helena Qualifications (if required): represents Department of Labor and Industry	Commissioner	11/1/1996
Ms. Elizabeth Wing-Spooner, Butte Qualifications (if required): represents employees	Commissioner	11/1/1996



VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

Board/current position holder	Appointed by	Term end
<b>Safety Employment Education and Training Advisory Committee</b> (Labor and Industry) Cont. Mr. Michael Rocchio, Boulder Qualifications (if required): represents employers	Commissioner	11/1/1996
Mr. Bill Dahlgren, Missoula Qualifications (if required): represents employers	Commissioner	11/1/1996
Mr. John Monahan, Great Falls Qualifications (if required): represents employees	Commissioner	11/1/1996
<b>Small Business Compliance Advisory Council</b> (Health and Environmental Sciences) Ms. Juanita Stovall, Billings Qualifications (if required): public member	Governor	10/1/1996
Ms. Sandy Newton, Jefferson City Qualifications (if required): public member	Governor	10/1/1996
<b>Virginia City/Nevada City Preservation Task Force</b> (Montana Historical Society) Rep. Francis Bardanouve, Harlem Qualifications (if required): public member	Governor	11/30/1996
Ms. Edythe McCleary, Hardin Qualifications (if required): public member	Governor	11/30/1996
Mr. Ed Heinrich, Anaconda Qualifications (if required): public member	Governor	11/30/1996
Sen. Antoinette R. Hagener, Havre Qualifications (if required): public member	Governor	11/30/1996
Rep. Jeanette S. McKee, Hamilton Qualifications (if required): public member	Governor	11/30/1996

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

Board/current position holder	Appointed by	Term end
<b>Virginia City/Nevada City Preservation Task Force</b> Rep. Karl Ohs, Harrison Qualifications (if required): public member	(Montana Historical Society) Cont. Governor	11/30/1996
Mr. Ward Shanahan, Helena Qualifications (if required): public member	Governor	11/30/1996
<b>Water and Wastewater Operators Advisory Council</b> (Health and Environmental Sciences) Mr. Michael Holzwarth, Colstrip Qualifications (if required): water treatment operator	Governor	10/16/1996
<b>Whirling Disease Task Force</b> (Fish, Wildlife, and Parks) Mr. Jim Ahrens, Helena Qualifications (if required): none specified	Governor	10/1/1996
Mr. Matt Cohn, Helena Qualifications (if required): none specified	Governor	10/1/1996
Mr. Thomas Anacker, Bozeman Qualifications (if required): none specified	Governor	10/1/1996
Mr. Mike Hayden, Alexandria, VA Qualifications (if required): none specified	Governor	10/1/1996
Dr. Roger Herman, Kearneysville, WV Qualifications (if required): none specified	Governor	10/1/1996
Mr. Karl Johnson, Bozeman Qualifications (if required): none specified	Governor	10/1/1996
Mr. Robin Cunningham, Gallatin Gateway Qualifications (if required): not specified	Governor	10/1/1996

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Whirling Disease Task Force</b> Dr. Marshall Bloom, Hamilton Qualifications (if required): none specified	Cont. Governor	10/1/1996
Mr. Pat Graham, Helena Qualifications (if required): none specified	Governor	10/1/1996
Mr. Bob LeFever, Butte Qualifications (if required): none specified	Governor	10/1/1996
Mr. Bud Lilly, Bozeman Qualifications (if required): none specified	Governor	10/1/1996
Mr. Roger Nelson, Livingston Qualifications (if required): public member	Governor	10/1/1996
Mr. Dud Lutton, Helena Qualifications (if required): none specified	Governor	10/1/1996
Mr. Art Neill, Butte Qualifications (if required): none specified	Governor	10/1/1996
Ms. Chris Somers, Butte Qualifications (if required): none specified	Governor	10/1/1996
Ms. Marsha "Josh" Turner, Helena Qualifications (if required): none specified	Governor	10/1/1996
Mr. Bruce Whittenberg, Helena Qualifications (if required): none specified	Governor	10/1/1996
Mr. John Bailey, Livingston Qualifications (if required): none specified	Governor	10/1/1996

VACANCIES ON BOARDS AND COUNCILS -- October 1, 1996 through December 31, 1996

Board/current_position_holder	Appointed by	Term end
Whirling Disease Task Force (Fish, Wildlife, and Parks) Cont. Mr. Kirby Alton, Thousand Oaks, CA Qualifications (if required): none specified	Governor	10/1/1996
Mr. Ed Williams, Ennis Qualifications (if required): none specified	Governor	10/1/1996