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MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED
amendment of ARM 2.43.308) AMENDMENT
pertaining to mailing)
information on behalf of non-) NO PUBLIC HEARING
profit organizations.) CONTEMPLATED

TO: All Interested Persons.

1. On March 28, 1996, the Public Employees' Retirement Board proposes to amend ARM 2.43.308 pertaining to mailing information to retirement system participants on behalf of an eligible non-profit organization.

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

2.43.308. MAILING ON BEHALF OF NON-PROFIT ORGANIZATIONS -- ELIGIBILITY AND APPLICATION PROCESS -- PAYMENTS (1) Remains the same.

(2) Eligible non-profit organizations are limited to those organizations granted tax exempt status under section 501(c)(3) of the Internal Revenue Code and which possess a non-profit organization mailing permit from the U.S. postal service in Helena, Montana.

(3) Remains the same.

(a) Remains the same.

(b) a copy of the IRS exemption letter provided to non-profit organizations receiving exemption under section 501(c)(3) of the federal tax code;

(c) Remains the same.

(d) Remains the same.

(e) Remains the same.

(4) Remains the same.

(5) Remains the same.

AUTH: Sec. 19-2-403, MCA

IMP: Sec. 2-6-109, MCA

3. The proposed amendment to the rule is necessary to eliminate language that unduly repeats statutory language.

4. Interested persons may present their data, views, or arguments concerning the proposed amendments in writing no later than March 21, 1996 by any one of the following methods.

A letter may be sent to the following address.

Linda King, Administrator
Public Employees' Retirement Division
P.O. Box 200131
Helena, Montana 59620-0131

A FAX may be sent to (406) 444-5428.

An E-mail message may be sent to the Public Employees' Retirement Division on the State Bulletin Board.

An electronic message may be sent to the following Internet address:

Kelly Jenkins
kjenkins@MT.GOV

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, the person must make written request for a hearing and submit this request along with any written comments to the above address. A written request for hearing must be received no later than March 21, 1996.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25 persons based on the active and retired membership of the retirement systems administered by Public Employees' Retirement Division.

By:


Terry Teighrow, President
Public Employees' Retirement Board


Dal Smilie, Chief Legal Counsel and
Rule Reviewer

Certified to the Secretary of State on February 6, 1996.

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
AND THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC
amendments of ARM 12.4.202) HEARINGS ON PROPOSED
through 12.4.209 all relating) RULE AMENDMENTS
to hunter access and landowner)
incentives under the block)
management program.)

To: All Interested Persons.

1. On March 14, 19, and 20, 1996, the Fish, Wildlife and Parks Commission (commission) and the Department of Fish, Wildlife and Parks (department) will hold public hearings to consider the amendments of rules 12.4.202 through 12.4.209 as proposed in this notice. The amendments will implement part of HB 195 (Chapter 459, Laws of 1995) by establishing a hunting access enhancement program within the block management program. The hearings will be conducted at 7:00 p.m. on the following dates and at the following locations:

March 14th	Miles City Community College 2715 Dickinson - Room 106 Miles City, MT
March 19th	Holiday Inn - Aronson Room 400 10th Ave. South Great Falls, MT
March 20th	Village Red Lion Motor Inn - Canyon Room 100 Madison Street Missoula, MT

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

12.4.202 ADMINISTRATION OF BLOCK MANAGEMENT PROGRAM

(1) Under 87-1-301(1)(c), MCA and 87-1-303, MCA, the fish, wildlife and parks commission has authority to develop rules governing the use of lands controlled by the department or that it operates under agreement with federal, state or private landowners. These statutes are the basis for the block management program administered by the department. The hunter management program and the hunter enhancement program as described under 87-1-267, MCA, are similar in intent and differ only in terms of license benefits for non-resident landowners who are eligible for the program. Both programs are administered under these rules as block management areas.

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA
12.4.203 DEFINITIONS Wherever used in ARM 12.4.201 through 12.4.210, unless a different meaning clearly appears from the context:

(1) "Accessible state lands" means those state lands under the jurisdiction of the Montana department of ~~state lands~~ natural resources and conservation which are accessible as described in ARM 26.3.199B.

(2) through (7) remain the same.

(8) ~~"DCL"~~ "DNRC" means Montana department of ~~state lands~~ natural resources and conservation.

(9) "Hunter day" means one hunter who hunts on a cooperator's property during a calendar day.

(9) through (14) remain the same but are renumbered (10) through (15).

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA

12.4.204 CRITERIA FOR PARTICIPATION (1) A BMA may be established for any of the following reasons:

(a) through (d) remain the same.

(e) ~~implementation of a BMA can improve management of wildlife populations or address other resource issues associated with hunting, will enhance regional management needs which may include but are not limited to:~~

(i) history of wildlife damage;

(ii) quality of hunting opportunities;

(iii) condition of wildlife habitat; and

(iv) availability of local hunting opportunities.

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA
12.4.205 USE OF BLOCK MANAGEMENT AREAS (1) The following governs use of BMAs:

(a) through (d) remain the same.

(e) Priority consideration for block management enrollment will be given for lands that are open to all species and gender of game birds and animals ~~and that run concurrently with the duration of the big game hunting season~~ available in huntable numbers, with access provided by the cooperator concurrent with applicable fall hunting season dates. Any restrictions on the gender or species available for hunting on a BMA, other than those established by the commission, must be approved by the regional supervisor in writing, documenting any biological or management reasons for such restrictions before implementation of the BMA. Species and gender restrictions, other than those established by the commission, may not be imposed on state or federal land.

(f) remains the same.

(g) During periods when a BMA is not in operation and commission-established hunting seasons are in effect, access to private land is at the discretion of the landowner. These periods will be duly noted on enrollment forms as well as in information distributed to the public. During such non-block management periods, accessible federal and state lands will remain open to the public for recreation under rules and regulations adopted by the appropriate land management agency. Hunter days that occur when a BMA is not in operation and does not provide access to the general public will not be counted towards any compensation given the landowner to offset potential impacts of public hunting on the property.

(h) Enrollment in the block management program may be terminated by the department or the cooperator if the terms of

the contract or enrollment form are violated; or, by the department or the cooperator within 30 days following the end of the hunting season. ~~DEL DNRC~~ may withdraw state lands from inclusion in a BMA under ARM 26.3.199C. Any such notice must be in writing. A contract or enrollment may be canceled and a cooperator's property withdrawn from the program at any time due to circumstances beyond the control of the cooperator or the department, such as death, illness, natural disaster, or acts of nature.

(i) and (j) remain the same.

(k) On BMA's which restrict hunter numbers or require reservations, a hunter cannot reserve permission on more than one BMA per day.

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA

12.4.206 COMPENSATION TO COOPERATORS (1) Cooperators in the program may receive various forms of compensation for their participation including, but not limited to, the following:

(a) department oversight and supervision of hunting on a BMA including the development and implementation of a hunter reservation system administered by the department when practical. For cooperators who elect to have the department provide personnel whose primary duty it is to manage hunting on their property, a compensation value will be assigned to those services by the department, with that amount deducted from the total of any monetary compensation for which the cooperator is otherwise eligible under (1)(c) and (2) of this rule;

(b) supplying of permission books or other materials which document hunter use, signs or hunting-season related supplies; and

(c) monetary compensation based on an estimate of the hours spent by a cooperator attending to hunters utilizing the BMA. Payments to cooperators will be made immediately following the close of the use season to offset potential impacts associated with allowing public hunting access. These impacts include, but are not limited to, those identified in 87-1-267(5), MCA, and time spent dealing with hunters. Payments to cooperators will be made following the close of the use season and the submission of hunter use documents (permission slips, etc.) to the department.

(2) Payments to cooperators will be set by the department, figured in the following manner and dependant on available funding:

(a) basic enrollment payment which will be provided to anyone enrolled in the program;

(b) basic impact payment which will be provided to all cooperators and computed at an amount per hunter day;

(c) length of season impact payment which will be available in addition to other impact payments to cooperators who place no restrictions on commission-established fall hunting seasons for any species legally available in huntable numbers on their property. This rate will be set at one-third of the base impact payment;

(d) species/gender impact payment which will be available in addition to other impact payments, to cooperators who place

no restrictions on the species and gender available in huntable numbers on their property. This rate will be set at one-third of the base impact payment;

(e) cooperators who provide access corridors to isolated state or federal lands, with no enrollment of deeded land permitting public hunting access, will be eligible for compensation at 50% of the base impact payment and, if no restrictions are placed on the length of seasons, 50% of the length of season impact payment, based on the number of hunters for which access is provided;

(f) in situations involving unique hunting opportunities or special management circumstances, compensation may be negotiated on a case-by-case basis at a rate not to exceed limits set in 87-1-267(7), MCA. Compensation amounts in these situations will require written approval of the regional supervisor; and

(g) for those cooperators who elect to receive monetary compensation under this rule a method of measuring hunter use on the property must be used to document hunter days. This may include, but is not limited to permission slips, daily use rosters or other methods which will accurately reflect the hunter use of a cooperator's property. For those areas with unrestricted access where rosters or permission slips may not be practical, standard department hunter use accounting methods will be used to calculate hunter days.

(2) remains the same.

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA

12.4.207 OUTFITTING AND COMMERCIAL HUNTING ACTIVITY

(1) Outfitting and commercial hunting activities on BMAs are not consistent with the intent of providing free public access to recreational opportunities on private lands. Outfitting may not take place on a BMA unless public recreation and hunting opportunities are not restricted and the cooperator and regional supervisor approve the activity. This rule does not regulate licensed outfitters legally operating on federal or state lands under license or permit obtained from the bureau of land management, forest service, ~~department of state lands~~ DNRC or other resource management agency.

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA

12.4.208 INFORMATION DISSEMINATION

(1) Information concerning specific BMAs will be available at department regional offices in the region that the BMA operates. Information will be made available to the public upon request, either in person, by mail, telephone or FAX. Each region will have available to the public on or before ~~September 1~~ August 15 of each year:

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

(g) indication of the location of any state lands in the BMA and notification of the requirement to possess a state lands recreational use license to hunt state lands administered by ~~DGL~~ DNRC.

AUTH: 87-1-265 and 87-1-266 MCA IMP: 87-1-265 and 87-1-266 MCA

12.4.209 INCLUSION OF STATE LANDS IN BLOCK MANAGEMENT AREAS

(1) State lands administered by ~~DGL~~ DNRC may be included in BMAs. Whenever a proposed BMA includes accessible state

lands, the procedures set forth in ARM 26.3.199A through 26.3.199D shall be followed.

AUTH: 87-1-265 and 87-1-266, MCA

IMP: 87-1-265 and 87-1-266, MCA

3. House Bill 195 (Chapter 459, Laws of 1995), passed by the 1995 Legislature, provides authority for the department to establish within the block management program a hunting access enhancement program (HEP) consisting of incentives for private landowners who allow public hunting access on their lands. HB 195 also requires the commission to develop rules for determining tangible benefits to be provided to a landowner for providing public access (87-1-267 (5)). These amendments to the block management rules are intended to meet the intent of HB 195 with methods for providing incentives to landowners who allow free public hunting on private property. These rules establish direction by which eligibility for benefits can be determined, identify enrollment considerations, provide a means of determining the amount of compensation a cooperator is entitled to, and identify methods of accounting for the amount of hunter use that takes place on participating lands. Amendment of the rules is necessary to expand the scope of the block management program, to establish specific guidance in the recruitment, payment and accounting of tangible benefits distributed to landowners who participate in the program.

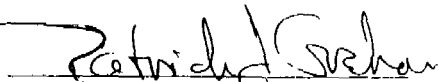
4. Interested persons may present their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearings. Written data, views or arguments may also be submitted to Amendments, c/o Jerry Wells, Field Services Division, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701, and must be received no later than March 21, 1996.

5. The department will designate department officials to conduct the public hearings.

RULE REVIEWER

FISH, WILDLIFE & PARKS COMMISSION
AND DEPARTMENT OF FISH, WILDLIFE
AND PARKS


Robert N. Lane


Patrick J. Graham, Secretary of
Fish, Wildlife & Parks Commission
and Director of Department of Fish
Wildlife and Parks

Certified to the Secretary of State on February 12, 1996.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF
rule 16.8.1107, regarding public)	PROPOSED
review of air quality preconstruc-)	RULE AMENDMENT
tion permit applications)	
)	NO PUBLIC HEARING
)	CONTEMPLATED
	(Air Quality)

To: All Interested Persons

1. On April 12, 1996, the board proposes to amend ARM 16.8.1107 regarding public review of air quality preconstruction permit applications.

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

16.8.1107 PUBLIC REVIEW OF PERMIT APPLICATIONS

(1) ~~Where~~ When an application for a permit requires the compilation of an environmental impact statement under the Montana Environmental Policy Act, the procedures for public review ~~shall be~~ are those required by the Montana Environmental Policy Act and the rules adopted by the board and department to implement the act, ARM 16.2.601, 16.2.624 through 16.2.646 and 16.2.760 through 16.2.762.

(2) ~~With the exception of~~ Except for those permit applications subjected to ~~(4)~~ (3) below, ~~where~~ when the application for a permit does not require the compilation of an environmental impact statement, an application ~~shall be~~ is deemed to be complete and filed on the date the department received receives it unless the department notifies the applicant in writing within 30 days thereafter that it is incomplete. The notice ~~shall~~ must list the reasons why the application is considered incomplete and ~~shall~~ must specify the date by which any additional information requested ~~shall~~ must be submitted. If the information is not submitted as required, the application ~~shall~~ must be considered withdrawn unless the applicant requests in writing an extension of time for submission of the additional information. The application is complete and filed on the date the required additional information is received.

(a) The applicant shall notify the public, by means of legal publication in a newspaper of general circulation in the area affected by the application of its application for a permit. The notice ~~shall~~ must be made not sooner than 10 days prior to submittal of an application nor later than 10 days after submittal of an application. Form of the notice ~~shall~~ must be provided by the department.

(b) Within 40 days after receiving a complete and filed application for a permit, the department shall make a preliminary determination whether the permit should be issued, issued with conditions or denied; and

(c) After making a preliminary determination, the department shall notify those members of the public who requested such notification subsequent to the notice required by (2)(a) of this rule and the applicant of the department's preliminary determination. The notice ~~shall~~ must specify that comments may be submitted on the information submitted by the applicant and the department's preliminary determination to issue, issue with conditions or deny the permit. The notice ~~shall~~ must also specify the following:

(i) ~~Where~~ where a complete copy of the application and the department's analysis of the ~~applicant application~~ can be reviewed. ~~One The department shall make a copy of this material shall be made available for inspection by the public in the air quality control region where the source or stack is located;~~

(ii) ~~A~~ a date by which all comments on the department's preliminary determination must be submitted in writing within 15 days after notice is mailed;

(iii) ~~Notwithstanding that notwithstanding~~ the opportunity for public comment, unless the review period is extended pursuant to (3) below, a final decision must be made within 60 days after a completed and filed application is submitted to the department as required by 75-2-211, MCA. The notice shall must specify the date upon which the 60-day review period expires, the person from whom a copy of the final decision may be obtained, and the procedure for requesting a hearing before the board concerning the department's decision.

(3) The time for issuing a department determination may be extended for 30 days by written agreement of the department and the applicant. Additional 30 day extensions may be granted by the department on request of the applicant.

~~(3)(4)~~ (4) If an application for an air quality permit is also an application for certification under the terms of the Major Facility Siting Act, public review is governed by the terms of ARM 16.2.501, 16.2.502, and 16.2.503.

AUTH: 75-2-111, 75-2-204, 75-20-216(3), MCA

IMP: 75-2-204, 75-2-211, 75-20-216(3), MCA

3. The proposed new section (3) is necessary to conform the rule to an amendment by the 1995 Legislature in Chapter 8, Laws of 1995, to 75-2-211, MCA. The amendment allows an applicant for an air quality preconstruction permit to request an extension of the 60-day deadline for the department to issue a permit. The department requested the amendment to 75-2-211, MCA, to allow the department additional time, upon request of an applicant, to attempt to resolve issues raised in comments on the department's preliminary determination. The department is now required to issue a permit within 60 days of receiving a complete application. An extension of the deadline would allow the department further time to consider comments and

obtain additional information regarding an application. Other amendments are made to improve grammar, clarify the rule, correct errors, or cross reference new section (3).

4. Interested persons may submit their data, views, or arguments concerning the proposed amendments, in writing, to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901, no later than March 25, 1996.

5. If a person who is directly affected by the proposed amendment wishes to express his/her data, views, and arguments orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901. A written request for a hearing must be received no later than March 25, 1996.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 25 persons, based on the large number of persons who may wish to comment on preliminary preconstruction permit determinations.

Reviewed by

BOARD OF ENVIRONMENTAL REVIEW


John F. North, Rule Reviewer

by 
CINDY E. YOUNKIN, Chairperson

Certified to the Secretary of State February 12, 1996.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the repeal of	)	NOTICE OF
rules 26.2.641 through 26.2.663,	)	PROPOSED REPEAL
the Montana Environmental Policy	)	OF RULES
Act for the Department of State)	
Lands.	)	NO PUBLIC HEARING
	)	CONTEMPLATED

(MEPA)

To: All Interested Persons

1. On April 12, 1996, the board proposes to repeal ARM 26.2.641 through 26.2.663, the Montana Environmental Policy Act for the Department of State Lands. ARM 26.2.641 through 26.2.663 can be found at pages 26-56 through 26-74.

AUTH: 2-3-103, 2-4-201, MCA; IMP: 2-3-104, 75-1-201, MCA

2. The Board is proposing this repealer because there are currently two sets of identical Montana Environmental Policy Act (MEPA) rules applicable to the Department of Environmental Quality. Chapter 418, Laws of 1995, created the Department of Environmental Quality and transferred to it the environmental regulation function of the former Department of Health and Environmental Sciences (DHES) and the reclamation functions of the Department of State Lands (DSL). Chapter 418 also abolished those agencies. Each agency had MEPA rules that were virtually identical. The DHES rules were contained in ARM Title 16, Chapter 2, Subchapter 6. The DSL rules were contained in Title 26, Chapter 2, Subchapter 16. Pursuant to 2-15-133, MCA, both sets of MEPA rules are transferred to DEQ. (Also, pursuant to 2-15-133, MCA, the Title 26 MEPA rules were transferred to the Department of Natural Resources and Conservation with the lands and forestry programs. That department has also repealed those rules for those programs. See, 1996 MAR, Issue No. 2, page No. 275.

3. Interested persons may submit their data, views, or arguments concerning the proposed repeal, in writing, to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901, no later than March 25, 1996.

4. If a person who is directly affected by the proposed repeal wishes to express his/her data, views, and arguments orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901. A written request for a hearing must be received no later than March 25, 1996.

legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 25 persons, based on the large number of persons who may wish to comment on preliminary preconstruction permit determinations.

Reviewed by

BOARD OF ENVIRONMENTAL REVIEW

J. F. North
John F. North, Rule Reviewer

by *Cindy E. Younkin*
CINDY E. YOUNKIN, Chairperson

Certified to the Secretary of State February 12, 1996.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND
THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the transfer and)	NOTICE OF TRANSFER
proposed amendment of Title 16,)	AND PROPOSED AMENDMENT
Chapters 16, 17, 18, 20, and 38,)	OF RULES
subchapter 1, pertaining to water)	
quality, with the exception of the)	NO PUBLIC HEARING
repealed rules.)	CONTEMPLATED

(Water Quality)

To: All Interested Persons

1. Pursuant to Chapter 418, Laws of Montana 1995, effective July 1, 1995, water quality programs were transferred from the Department of Health and Environmental Sciences to the Department of Environmental Quality. In order to implement that legislation, ARM Title 16, Subchapters 16, 17, 18, 20, and 38, subchapter 1 inclusive, with the exception of the repealed rules, were transferred to the Department of Environmental Quality, ARM Title 17, Subchapters 30, 36, 38, 40, and 82. Furthermore, on April 12, 1996, the Board of Environmental Review proposes to amend certain chapter, subchapter and rule titles and designations within the transferred rules.

2. The Department of Environmental Quality has determined that the transferred rules will be numbered, and the Board of Environmental Review proposes to amend, the titles as follows:

OLD	NEW
Chapter 16	<u>36. Subdivisions/On-Site Subsurface Wastewater Treatment</u>
Sub-Chapter 1	- <u>Subdivision</u> Application and Review
16.16.101	<u>17.36.101</u> Definitions
16.16.102	<u>17.36.102</u> Application--General
16.16.103	<u>17.36.103</u> Application Forms
16.16.104	<u>17.36.104</u> Information Submitted with Application
16.16.105	<u>17.36.105</u> Subdivision and Platting Act Exclusions Subject to Department Review
16.16.106	<u>17.36.106</u> Review Procedures
16.16.108	<u>17.36.108</u> Local Review
16.16.110	<u>17.36.110</u> Certification of Approval
16.16.111	<u>17.36.111</u> Mobile Homes and Recreational Camping Vehicles
16.16.116	<u>17.36.116</u> Certification of Local Department or Board of Health

Sub-Chapter 3 - Subdivision Requirements

16.16.301	<u>17.36.301</u> Lot Sizes
16.16.302	<u>17.36.302</u> Public Water and Sewer

16.16.303	<u>17.36.303</u>	Individual Water Supply Systems
16.16.304	<u>17.36.304</u>	Individual Sewage Treatment Systems
16.16.305	<u>17.36.305</u>	Multiple Family Systems
16.16.309	<u>17.36.309</u>	Solid Wastes
16.16.310	<u>17.36.310</u>	Storm Drainage
16.16.312	<u>17.36.312</u>	Subdivisions Adjacent to State Waters
16.16.313	<u>17.36.313</u>	Condominium Conversions

Sub-Chapter 6 - Subdivision Waivers and Exclusions

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16.16.603	<u>17.36.602</u>	Subdivisions in Master Planned Area
16.16.605	<u>17.36.605</u>	Exclusions
16.16.606	<u>17.36.606</u>	Exclusions--Compliance with Public Water Supply Act

Sub-Chapter 8 - Subdivision Review Fees

16.16.801	<u>17.36.801</u>	Purpose
16.16.803	<u>17.36.802</u>	Fee Schedules
16.16.804	<u>17.36.804</u>	Disposition of Fees
16.16.805	<u>17.36.805</u>	Changes in Subdivision

~~17. On-Site Subsurface Wastewater Treatment~~

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16.17.101	<u>17.36.901</u>	Scope
16.17.102	<u>17.36.902</u>	General Requirements
16.17.103	<u>17.36.903</u>	Definitions
16.17.104	<u>17.36.907</u>	Technical Requirements
16.17.105	<u>17.36.909</u>	Variance Appeals to the Department
16.17.106	<u>17.36.910</u>	Local Variances

Chapter 18 40. Water Treatment Plants and Operators

Sub-Chapter 1 - Water and Waste Water Operators Advisory Council

16.18.101	<u>17.40.101</u>	Council Organization
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Sub-Chapter 2 - Water and Waste Water Plants and Operators

16.18.201	<u>17.40.201</u>	Definitions
16.18.202	<u>17.40.202</u>	Classification of Plants
16.18.203	<u>17.40.203</u>	Certification of Operators
16.18.204	<u>17.40.206</u>	Examinations
16.18.205	<u>17.40.207</u>	Experience/Education
16.18.206	<u>17.40.208</u>	Certified Operator in Charge of Facility; Exceptions
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16.18.305	<u>17.40.309</u>	Criteria for Financial Assistance to Municipalities
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- 16.38.102 17.82.102 Appointment of Laboratory Evaluation
Officer
- 16.38.104 17.82.104 Requirements for a Laboratory Doing
Chemical Analyses of Public Water
Supplies
- 16.38.105 17.82.105 Requirements for a Laboratory Doing
Microbiological Analyses of Public
Water Supplies
- 16.38.111 17.82.111 Records
- 16.38.112 17.82.112 Reports
- 16.38.115 17.82.115 Procedure for Licensure
- 16.38.116 17.82.116 Activities covered by License
- 16.38.117 17.82.117 Provisional Licenses
- 16.38.118 17.82.118 Temporary Licenses
- 16.38.119 17.82.119 Reciprocity

16.38.120 17.82.120 Duration of License
16.38.125 17.82.125 Suspension of License to Perform
Microbiological Analyses
16.38.126 17.82.126 Revocation of License



3. The amendment of chapter, subchapter, and rule titles, and chapter and subchapter designations is necessary to make titles more descriptive of chapter, subchapter and rule content and to group rules in a more logical fashion. This will make the rules more readable and easier to understand. No substantive change in the rules is proposed.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendments, in writing, to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901, no later than March 22, 1996. To guarantee consideration, a mailed submission must be postmarked no later than March 22, 1996.

5. If a person who is directly affected by the proposed amendments wishes to express his/her data, views, and arguments orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901. A written request for a hearing must be received or postmarked no later than March 22, 1996.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 25 persons, based on the more than 250 persons who are regulated or affected by water quality regulation.

DEPARTMENT OF ENVIRONMENTAL BOARD OF ENVIRONMENTAL REVIEW
QUALITY

 
CURT CHISHOLM, Deputy Director CINDY E. YONKIN, Chairperson

Certified to the Secretary of State February 12, 1996.

Reviewed by:


JOHN F. NORTH, Rule Reviewer

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the	) NOTICE OF PUBLIC HEARING
adoption of proposed rules	) ON PROPOSED RULES
pertaining to the operation,	) I THROUGH VIII
inspection, classification,)
rotation and insurance of)
tow trucks)

TO: All Interested Persons.

1. On Monday, March 18, 1996, at 10:00 a.m., the Montana Highway Patrol will hold a public hearing in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to receive comments from the public on the rules it proposes to adopt pertaining to the operation of tow trucks.

The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you desire an accommodation, please contact the department no later than Friday, March 8, 1996, to advise it of the nature of the accommodation that you need. Please contact Rob Smith at 215 North Sanders, Helena, MT 59620; tel. (406) 444-2026.

2. The rules to be adopted are as follows:

RULE I. DEFINITIONS In addition to the definitions contained in Secs. 61-8-903 & 61-9-416, MCA, and unless the context requires otherwise, the following definitions apply to this subchapter:

(1) "CVSA" means the Commercial Vehicle Safety Alliance.

(2) "Garage keeper's legal liability insurance" means insurance coverage for loss or damage to motor vehicles (as defined in the policy) which are in the care of the insured, an entity that keeps customer's motor vehicles for storage or repair, which loss or damage is caused by the insured's failure to exercise the degree of care required by law.

(3) "Manufacturer's rating" means the rating set forth on the vehicle's nomenclature plate. If the nomenclature plate is not available, the rating is established using a static load test with actual loads meeting the requirements of the class, done in the presence of a patrol officer.

(4) "Operator" means, for the purposes of these rules, the business entity that owns or operates a commercial tow truck as defined in Sec. 61-9-416, MCA; the business entities referred to include, but are not limited to, sole proprietorships, partnerships, and corporations.

(5) "Patrol" means the Highway Patrol Division of the Montana Department of Justice.

(6) "State rotation system" or "system" means the state law enforcement rotation system established in Sec. 61-8-908,

MCA.

(7) "Tow truck equipment" means: (a) the specialized equipment mounted on a truck chassis and designed and intended for towing or recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways which is classified pursuant to Sec. 61-8-905, MCA; and (b) the equipment listed in Sec. 61-9-416, MCA.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-903 MCA

RULE II CLASSIFICATION OF TOW TRUCK EQUIPMENT (1) All operators of commercially manufactured tow truck equipment who seek to be placed on the state law enforcement rotation system must submit to the department proof of the manufacturer's rating of their tow truck(s) prior to their placement on the rotation system.

(2) All operators of non-commercially manufactured or modified tow truck equipment who seek to be placed on the state rotation system must have their equipment classified by the department (equipment in service on October 1, 1995), or independently certified (new equipment placed in service after October 1, 1995), prior to placement on the rotation system.

(3) In order to have its non-commercially manufactured or modified tow truck equipment classified, an operator must submit a written and signed application to the patrol which contains the following:

(a) a request that a particular tow truck be classified and included on the state law enforcement rotation system;
(b) the tow truck's serial number and base of operations;
(c) the operator's name, address and telephone number;
and

(d) an affidavit that the equipment was in use on October 1, 1995.

(4) In order to have its new non-commercially manufactured or modified tow truck equipment qualified, an operator must submit to the patrol a written and signed independent certification from a person or firm manufacturing or certifying the equipment with a suitable policy of product liability insurance.

(5) Upon receipt of an operator's application for participation in the state law enforcement rotation system, the patrol shall set and inform the operator of a time for inspecting and classifying the equipment.

(6) Upon completion of the classification inspection, the patrol shall inform the operator in writing of the classification; in addition, the patrol shall inform the operator that it has twenty days in which to inform the Chief of the Patrol that the operator disputes the classification of its equipment.

(7) Operators who participated in the state law enforcement rotation system as of July 1, 1995, have until July 1, 1996, to comply with these rules.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-905 MCA

RULE III TOW TRUCK CLASSIFICATION DISPUTE RESOLUTION
ADVISORY COMMITTEE - ESTABLISHMENT (1) Pursuant to Sec. 61-8-905, MCA, there is a tow truck classification dispute resolution advisory committee (hereafter "the committee"), consisting of three members, as set forth in Sec. 61-8-905, MCA.

(2) The Attorney General shall appoint the members of the committee. Applications for appointment to the committee from the Highway Patrol and the Department of Transportation shall come from the heads of those agencies. Applications from the tow truck industry may be made by anyone involved in that industry.

(3) All applications must be in writing and must be received by September 1 of the year of appointment. The deadline and procedure for applications for initial appointment to the committee shall be established by the Attorney General.

(4) The terms of the members of the committee shall be three years, starting on October 1 of the year of appointment. The Attorney General shall stagger the terms and shall appoint the successor to any committee member unable to complete his or her term.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-905 MCA

RULE IV TOW TRUCK CLASSIFICATION DISPUTE RESOLUTION
ADVISORY COMMITTEE - JURISDICTION AND PROCEDURE (1) Pursuant to Sec. 61-8-905, MCA, the dispute resolution advisory committee shall hear all disputes that arise regarding the classification or qualification of tow truck equipment. In addition, the committee shall hear any dispute concerning the Montana Professional Tow Truck Act that the Attorney General refers to it.

(2) At its initial meeting following the appointment of any new member, the committee shall elect a chairman to preside over its meetings and hearings. The committee shall also elect a vice chairman to preside in the chairman's absence. A quorum of the committee shall consist of at least two members and shall be necessary to vote on all matters that require official action by the committee.

(3) After receiving an operator's written notification that it disputes the classification of its equipment, or after the Attorney General has referred a dispute to it, the committee shall:

(a) give all parties to the dispute reasonable notice of the date, time, and location that the committee will hear the dispute;

(b) request notification by any party of its desire to call witnesses, and the reasons therefore;

(c) provide the complaining party an opportunity to present reasons why the proposed action should not be taken;

(d) provide the responding party an opportunity to answer the complaining party;

(e) provide any other party an opportunity to address the

committee regarding the dispute;

(f) provide any witness it deems relevant an opportunity to address the committee;

(g) keep a tape recording of any hearing that may be transcribed at the request of any party who pays the costs thereof;

(h) ensure that all hearings are public unless the presiding officer determines that, as a matter of law, the hearing must be closed; and

(i) issue a final recommendation in writing.

(4) Other procedural matters not addressed in these rules shall be decided by a quorum of the committee.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-905, MCA

RULE V. VEHICLE STORAGE REQUIREMENTS - INSURANCE (1) For purposes of compliance with Sec. 61-8-906, MCA, an operator's storage facility is deemed to be part of its business premises.

(2) Two or more operators may share a storage facility as long as all requirements of Sec. 61-8-906, MCA, are met.

(3) The chief of a local law enforcement agency of the Patrol may request that a qualified operator in the state rotation system improve its storage facility so as to comply with Sec. 61-8-906, MCA.

(4) Pursuant to Sec. 69-12-102, MCA, each and every commercial tow truck operator shall file proof of insurance coverage with the Montana Public Service Commission in accordance with ARM 38.3.712.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-906 MCA

RULE VI. SAFETY INSPECTION PROCESS (1) Every operator of a commercial tow truck operating in the state of Montana must comply with the requirements of Secs. 61-8-906 and 61-9-416, MCA, and these rules, and must submit to random inspections by the patrol to verify compliance.

(2) Every qualified tow truck must be inspected to determine that the mechanical condition of the vehicle is in accordance with all Montana safety, mechanical and registration requirements before being placed in the state rotation system.

(3) Every qualified tow truck must be inspected to determine compliance with all applicable Federal Motor Carriers requirements, and the Department hereby adopts by reference CVSA level 1 inspection: 49 CFR Chapter III, Subchapter B, Appendix G. Compliance must be determined before the tow truck is placed in the state rotation system. The inspector need not complete the CVSA level 1 form unless the tow truck operator requests CVSA certification, but all applicable standards must be met.

(4) All inspectors will have a level 1 CVSA certification before being qualified to inspect tow trucks.

(5) A Department approved inspection form will be completed by the inspector. If minimum standards are met, a Department approved decal will be affixed to the lower right hand corner of the windshield indicating the qualification. The decal will

indicate the date of the inspection, the expiration date of the insurance, the class of tow trucks as well as the license plate number of the tow truck.

(6) The certification period will be for one year, beginning October 1st of each year. There will be a 60 day grace period at the expiration of the certification to allow for the scheduling of and inspection of the tow truck.

(7) It is the responsibility of the tow truck owner/operator to contact the Montana Highway patrol and request the inspection. The inspection site must be relatively flat and of a hard surface to allow for movement of the inspector under the tow truck.

(8) The Department has the authority to do inspections of any tow truck when questions or concerns arise as to the safety or serviceability of the tow truck and there are reasonable grounds for those concerns.

(9) If any additional tow truck is put into service the tow truck must be qualified and classified prior to any calls for law enforcement are responded to.

(10) If any tow truck is sold, the seller must forward their copy of the certification to the Department and remove and forward the classification sticker, as the tow truck is not qualified until it is reinspected by the Department.

(11) This rule is subject to the following qualifications:
(a) if the inspection identifies a non-safety related defect or deficiency, the defect or deficiency must be corrected within ten (10) calendar days and reinspected. If a re-inspection for the defect or deficiency is not called for by the operator the tow truck will be removed from the state rotation system;

(b) if the inspection identifies a safety related defect or deficiency the tow truck will be immediately taken out of service. The tow truck cannot be used in the state rotation system until the reinspection confirms that the defect or deficiency has been corrected; and

(c) if either the inspection form or certification decal is lost, removed, rendered unreadable, or destroyed, the operator must immediately notify the nearest patrol office that can provide a copy of the inspection report from its files and/or re-issue a certification decal.

(12) Once a successful inspection is completed, the inspecting officer will provide a copy of the approved inspection report to the tow truck operator. The inspector will also personally affix the certification decal to the windshield.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-907 MCA

RULE VII STATE LAW ENFORCEMENT ROTATION SYSTEM -- ADMISSION AND SUSPENSION (1) An operator seeking to participate in the state law enforcement rotation program must:

(a) meet the requirements of Secs. 61-8-906 and 61-9-416, MCA;

(b) be classified in accordance with Sec. 61-8-905, MCA;

(c) exhibit a decal in accordance with Sec. 61-8-907, MCA;

(d) meet the safety standards of the patrol, as set forth in ARM 23.5.101, 23.5.102, and 23.5.105;

(e) possess and provide to the patrol their IRS tax identification number, indicating their independence from any parent company or business associate; and

(f) provide proof of insurance to the Montana Public Service Commission in accordance with ARM 38.3.712, notwithstanding the fact that the operator is a subsidiary of another operator and may be covered by the parent operator's insurance.

(2) If the operator's insurance expires on a date different than the due date of the inspection, the following procedure will be followed:

(a) The inspector will determine that the policy is at a minimum an annual policy;

(b) The inspector will enter the date of the insurance expiration on the inspection form and decal;

(c) If upon review the sticker indicates that the insurance is expired, the tower owner/operator only needs to produce written proof of current insurance which is to be carried in the tow truck at all times;

(d) If the Department is advised at any time by the Public Service Commission that an operator's insurance is expired or cancelled, the operator will be removed from the rotation list;

(e) If insurance proof is provided at a later date, the operator will be placed back on the rotation list (such placement is not retroactive). A complete inspection will not be required.

AUTH: Sec. 61-8-911 MCA

IMP: Sec. 61-8-908 MCA

RULE VIII STATE LAW ENFORCEMENT ROTATION SYSTEM -- TOW TRUCK STANDARDS (1) All qualified tow truck operators placed in the state law enforcement rotation system must meet the following standards:

(a) all wire rope used shall be 6 X 19 or 6 X 37 or 6 X 26 class and be graded IP or XIP ([extra] improved plow steel). For any wire rope purchased or received after October 1, 1995, and placed into service, the operator must have documentation of the type of wire rope installed and the date of installation and which tow truck it was installed in; and

(b) all drums must be capable of fully extending the wire rope and retracting the same fully onto its drum.

(2) Wire rope with any of the following defects will be deemed not to be of grade IP or XIP:

(a) no more than six (6) randomly distributed broken wires in one lay or three (3) broken wires in one strand;

(b) any abrasion that causes more than 1/3 loss of any individual wire;

(c) any evidence of deterioration from corrosion;

(d) any kinking, crushing, flattened or damage that distorts the rope structure;

(e) any heat damage;

(f) opening up of any tucked splice or core protrusion

along the entire length;

(g) hooks that have had more than 10% loss of material at the load bearing point or twisted more than 10 degrees;

(h) any indication of attachment slippage or more than one broken wire at the fitting;

(i) more than three (3) forged clamps or clamps placed closer than the length equal to the diameter of the cable X 6. (Swedged Clamps);

(j) any winch equipment, snatch blocks or block and tackle equipment that shows any deformation, significant wear or damage;

(k) any winches, snatch blocks, etc. that do not have the working load limit permanently affixed to the particular piece of equipment;

(l) any "J" or "T" hooks and chain used with sling lift systems that are not of grade "7" or better;

(m) any safety chains used to secure the load that are not a minimum of grade "4" and attached to the tow truck;

(n) the operator's business name, city and state is not visible on both sides of the tow truck and readable at 250 feet in normal sunlight; and

(o) lacks two-way radio equipment capable of communicating to a base station. A mobile or cellular phone is acceptable.

(3) In addition to the standards listed above for all qualified tow truck operators, operators of class "A" qualified tow trucks must have:

(a) a minimum manufacturer's gross weight rating of 10,000 lbs. or more;

(b) dual tires on the rear axle with a minimum load rating of "E"; except that, tow trucks with single rear wheels in service prior to October 1, 1995 with established records and history of capability are acceptable;

(c) at least 1 winch drum with a minimum of 100 feet of 6 X 19, 26, or 37 XIP or IP wire cable on each drum and a minimum wire rope diameter of 3/8 inch;

(d) a dual or single boom with a rate capacity of four (4) tons;

(e) a minimum of two (2) snatch blocks;

(f) a portable dolly capable of hauling untowable vehicles;

(g) if equipped with a wheel lift system, the system must be capable of lifting 2,000 lbs. when fully extended; and

(h) a minimum of one 10 foot chain or two 5 foot chains of grade "7" or better with equivalent or better fittings. The chains must be a minimum of 3/8" in size.

(4) In addition to the standards listed above for all qualified tow truck operators, operators of class "B" qualified tow trucks must have:

(a) a minimum manufacturer's gross weight rating of 18,000 lbs. or more;

(b) dual tires on the rear with a minimum load rating of "E";

(c) two (2) winch drums with a minimum of 150 feet of 6 X

19, 26 or 37 XIP or IP wire rope on each drum and a minimum diameter of 7/16" wire rope;

(d) a dual or single boom with a rated capacity of eight (8) tons;

(e) a minimum of two standard brake release tools;

(f) a minimum of 2 snatch blocks;

(g) if equipped with a wheel lift system, the system must have a minimum of a 4,000 lb. working lift capacity when fully extended. The wheel lift system is acceptable if it qualifies under the class A wrecker if it is used to tow only class A vehicles; and

(h) a minimum of two eight (8) foot chains of grade "8" or better with matched or better fittings.

(5) In addition to the standards listed above for all qualified tow truck operators, operators of class "C" qualified tow trucks must have:

(a) a minimum manufacturer's gross weight rating of 32,000 lbs. or greater;

(b) a minimum of dual wheels on rear axle and be equipped with tires with a load rating of "H";

(c) a minimum of a 16 ton either single or dual boom with a minimum of two (2) winch drums;

(d) a minimum of 150 feet of 6 X 19, 26 or 37 XIP or IP wire rope with a minimum wire rope diameter of 9/16";

(e) an air brake system capable of supplying air to the towed vehicle;

(f) a minimum of 4 standard brake release tools;

(g) if the tow truck is equipped with a wheel lift system, the system must have a working load rating of 8,000 lbs. when fully extended;

(h) a minimum of two (2) eight foot chains 1/2" in diameter or greater with a rating of grade "8" or better; and

(i) a minimum of four (4) snatch blocks.

(6) Class "D" tow trucks are class "A", "B" and/or "C" tow trucks including rollbacks and car carriers. These rollbacks or car carriers must be mounted on a chassis that is minimally equal to the gross weight rating of the rollback or car carrier.

In addition to the safety standards listed above for all qualified commercial tow truck operators, operators of class "D" qualified commercial tow trucks must meet the following standards:

(a) one 4 ton winch with 50 feet of 6 X 19, 26 or 37 wire rope, 3/8" or larger in diameter;

(b) one snatch block;

(c) one five (5) foot grade "8" chain;

(d) a minimum of four (4) securing devices each with a working load limit of 3,500 lbs; and

(e) dual tires on the rear axle with a minimum load rating of "G".

(7) Class "E" tow trucks include two or more Class "C" tow trucks with a combined manufacturer's rating of 80,000 lbs. or more and supportive equipment (banders, air bags, skidder,

forklift, etc.)). In addition to the standards listed above for all qualified tow truck operators, operators of class "D" qualified tow trucks must meet the following standards:

(a) each tow truck utilized must have the minimum equipment identified in the aforementioned classes relative to its particular class;

(b) if any tow truck 24 tons or larger is utilized, 6 X 19, 26 or 37 XIP or IP wire rope, with a minimum of 5/8" diameter, must be utilized; and

(c) all chains must be of 5/8" diameter and of grade "8" rating or better.

AUTH: Sec. 61-8-911 MCA IMP: Sec. 61-8-908 MCA

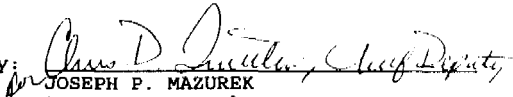
3. The rules are necessary in order to implement 1995 Mont. Laws ch. 283.


4. Interested persons may submit their data, views or arguments concerning the proposed rules either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Major Bert Obert, Montana Highway Patrol, Scott Hart Building, 303 North Roberts, Helena, MT 59620, and must be received no later than March 21, 1996.

5. Rob Smith, Assistant Attorney General, has been designated to conduct the hearing.

DEPARTMENT OF JUSTICE

By:


JOSEPH P. MAZUREK
Attorney General


Rule Reviewer

Certified to the Secretary of State February 12, 1996.

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

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
adoption of new rules and the) THE PROPOSED ADOPTION OF NEW
proposed repeal of ARM) PLAN 1 RULES AND THE PROPOSED
24.29.702 through 24.29.702O) REPEAL OF EXISTING PLAN 1
related to workers') RULES
compensation plan number one)
[Plan 1] requirements and)
eligibility.)

TO ALL INTERESTED PERSONS:

1. On March 15, 1996 at 10:00 a.m., a public hearing will be held in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the repeal of existing rules and the adoption of new rules related to workers' compensation Plan Number One (Plan 1) requirements.

The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you require an accommodation, contact the Department by not later than 5:00 p.m., March 8, 1996, to advise us of the nature of the accommodation that you need. Please contact the Employment Relations Division, Attn: Ms. Linda Wilson, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6531; TDD (406) 444-5549; fax (406) 444-4140. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Ms. Wilson.

2. The Department of Labor and Industry proposes to adopt new rules as follows:

RULE I. DEFINITIONS For the purposes of [RULES II through XVII], the following definitions apply:

(1) "Ability to pay" means sufficient financial strength and stability to:

- (a) pay debts as they mature;
- (b) pay compensation, benefits and all liabilities which are likely to be incurred under the Workers' Compensation and Occupational Disease Acts; and
- (c) have sufficient cash or cash equivalents, security deposit, and excess insurance to make benefit and compensation payments as they come due.

(2) "Applicant" means an employer or employer group that makes an election to self-insure under compensation plan no. 1, regardless of whether the election is a new election or a renewal of a prior election.

(3) "Audited financial statements" means a set of documents that includes the applicant's: income statement, balance sheet, statement of cash flow, notes to the financial

statements, and a signed, dated independent certified public accountant's independent audit report.

(4) "Claims summary" means a compilation of information relating to prior and existing claims made under the Workers' Compensation and Occupational Disease Acts of Montana, showing by policy year, the total number of medical and indemnity claims, total compensation benefits paid and the total amount reserved for future liabilities.

(5) "Compensation benefits" means wage loss, legal, medical, rehabilitation and all other benefits that are payable under the Montana Workers' Compensation and Occupational Disease Acts, including assessments or financial obligations.

(6) "Department" means the Montana department of labor and industry.

(7) "Employer" means an "employer" as defined in 39-71-117(1), MCA, except that state agencies are excluded from the definition pursuant to 39-71-403, MCA.

(8) "Employer group" means employers engaged in the same trades, businesses, occupations or professions who are members of an association which was formed for purposes other than becoming a self-insurer and has existed for a period of at least two years.

(9) "Guaranty Fund" means the Montana self-insurers guaranty fund, established pursuant to 39-71-2609, MCA.

(10) "Public employer" means a city, county, city and county, school district, irrigation district, all other districts established by law, and all public corporations and quasi-public corporations and public agencies therein.

(11) "Reviewed financial statements" means a set of documents that includes the applicant's: income statement, balance sheet, statement of cash flow, notes to the financial statements, and a signed, dated statement from an independent certified public accountant expressing limited assurance that there are no material modifications that should be made to the statements in order for them to be in conformity with generally accepted accounting principles.

AUTH: Sec. 39-71-203 MCA

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

RULE II. MONTANA SELF-INSURERS GUARANTY FUND--ACCEPTANCE REQUIRED

(1) The department's approval of requests from private applicants to self-insure is contingent upon the acceptance of membership in the guaranty fund in accordance with 39-71-2609 MCA.

(2) The department will exchange information with the guaranty fund regarding financial statements, security deposit requirements, excess insurance requirements and any other information pertinent to the department's review of the application.

(3) The guaranty fund shall demonstrate concurrence/nonconcurrence with department approval of a private plan no. 1 applicant by submitting in writing to the department a formal acceptance or denial of the plan no. 1 applicant.

(4) If the department does not approve an applicant to

self-insure, or if the guaranty fund does not accept the applicant as a member, then the applicant may not be granted permission to self-insure under plan no. 1.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2101, 39-71-2103 through 39-71-2106 and 39-71-2608 MCA

RULE III PUBLIC EMPLOYERS OTHER THAN STATE AGENCIES

(1) [RULES I through XVII] apply to public employers and public employer groups, other than state agencies as defined in 39-71-403, MCA, except that the guaranty fund has no involvement in department decisions regarding public employers or public employer groups.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2101 through 39-71-2108, 39-71-2603 and 39-71-2609 MCA

RULE IV ELECTION TO BE BOUND BY COMPENSATION PLAN NO. 1--ELIGIBILITY

(1) Any employer or employer group, except state agencies specified in 39-71-403, MCA, may elect to apply to be bound as a self-insurer under plan no. 1, if in accordance with 39-71-2102, MCA, and [RULE V], the employer or employer group submits, on forms provided by the department, satisfactory proof of ability to pay the compensation benefits which are reasonably likely to be incurred under the Workers' Compensation and Occupational Disease Acts during the year or the portion of the year for which election under this plan is effective. Approval to be bound as a self-insurer under plan no. 1 will be granted by the department with the concurrence of the guaranty fund.

AUTH: Sec. 39-71-203 and 39-71-2102 MCA

IMP: Sec. 39-71-403, and 39-71-2101 through 39-71-2103 MCA

RULE V ABILITY TO PAY--EVIDENCE REQUIRED (1) Employers or employer groups electing to be self-insured shall demonstrate ability to pay compensation benefits by providing audited financial statements, evidence of excess insurance, if required, and a security deposit, if required, that upon analysis indicate ability to pay, as determined by the department, with the concurrence of the guaranty fund.

(2) An employer electing to self-insure that does not have audited statements prepared as a normal business practice may, with the prior approval of the department, and the concurrence of the guaranty fund, substitute reviewed financial statements for audited financial statements if the employer furnishes an increased security deposit.

(3) The department will analyze the information provided by the employer or employer group. The analysis will include review of excess insurance, security deposit and financial conditions, current and historical, related to their ability to pay compensation benefits.

AUTH: Sec. 39-71-203 and 39-71-2102 MCA

IMP: Sec. 39-71-403 and 39-71-2102 MCA

RULE VI WHEN SECURITY REQUIRED (1) A security deposit

must be deposited with the department by the applicant on order of the department, with the concurrence of the guaranty fund.

(2) The security deposit requirement may be waived in whole or in part by the department, with the concurrence of the guaranty fund, for applicants who provide substantive evidence that the statutory amount of the security deposit is not needed. This evidence must reflect the applicant's ability to pay the compensation benefits provided for in chapter 71, Title 39 of the Montana Code Annotated.

(3) The self-insurer who does not have sufficient securities on deposit with the department with which to pay the compensation benefits shall be required to furnish additional security.

AUTH: Sec. 39-71-203 and 39-71-2106 MCA

IMP: Sec. 39-71-403 and 39-71-2106 MCA

RULE VII SECURITY DEPOSIT--CRITERIA (1) When a security deposit is required under [RULE VI], it may be a surety bond, government bond, letter of credit, or certificate of deposit acceptable to the department and the guaranty fund. When a security deposit is required, the following criteria apply:

(a) The department shall accept a surety bond only from companies certified by the United States department of treasury as "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," as published in the most recent Federal Register.

(b) The security deposit must name the department as obligee and must be held by the department as security for payment of all workers' compensation and occupational disease liabilities. The department, with the concurrence of the guaranty fund, shall retain a security deposit until all liabilities have been paid. In the event liabilities have not been met by the self-insurer, the department shall convert the security deposit to cash in order to pay claims. If the self-insurer has placed multiple forms of security deposits, the department shall, at its discretion, convert the deposits needed to pay claims.

(c) A security deposit in the form of a surety bond or letter of credit must include a statement that the grantor of the security deposit is required to give to the principal, the department and the guaranty fund, 60 days notice of its intent to terminate future liability. The grantor of the security deposit is not relieved of liability for injuries occurring prior to the effective date of termination.

(d) The security deposit must be issued on the forms prescribed by the department.

(e) Certificates of deposits must be issued by financial institutions insured by the FDIC or FSLIC and may not exceed the limits of the FDIC or FSLIC insurance coverage.

(f) Letters of credit must be issued by a financial institution located within the United States with a Sheshunoff percentile ranking of 50 or greater.

AUTH: Sec. 39-71-203 and 39-71-2106 MCA

IMP: Sec. 39-71-403 and 39-71-2106 MCA

RULE VIII EXCESS INSURANCE--WHEN REQUIRED (1) Specific excess insurance is required of an employer or an employer group electing coverage under plan no. 1.

(2) Aggregate excess insurance is required by the department, with the concurrence of the guaranty fund, for an employer or an employer group unless substantive evidence is provided that it is not warranted. This evidence must include diversification of risk, industry type, financial resources, self-insured retention levels, policy limits of the specific excess policy, safety program, loss experience and other appropriate factors as determined relevant by the department, with the concurrence of the guaranty fund.

(3) The contract or policy of specific excess insurance and aggregate excess insurance must comply with the following:

(a) It is issued by a carrier licensed in Montana with a Best's Rating of A- or better and a financial size rating of VI or greater. Excess coverage issued by a carrier not rated by Best's will be considered for approval at the discretion of the department, with the concurrence of the guaranty fund.

(b) It may be canceled or its renewal denied only upon written notice by registered or certified mail to the other party to the policy and to the department and the guaranty fund, not less than 60 days before termination by the party desiring to cancel or not renew the policy. A carrier is liable for payment of all claims that occur from the date of inception of the policy to the cancellation date of the policy.

(c) Any contract or policy containing a commutation clause must provide that any commutation effected thereunder will not relieve the underwriter or underwriters of further liability in respect to claims and expenses unknown at the time of such commutation or in regard to any claim apparently closed at the time of initial commutation which is subsequently reopened by the department or a court. If the underwriter proposes to settle the liability as provided in the commutation clause of the policy for future compensation benefits payable for accidents or occupational diseases occurring during the term of the policy by the payment of a lump sum to the self-insurer, then not less than 60 days prior notice to such commutation must be given by the underwriter(s) or agent(s) by registered or certified mail to the department and the guaranty fund. If any commutation is effected, the department with the concurrence of the guaranty fund, shall have the right to direct such sum be placed in trust for payment of benefits of the injured employee(s) entitled to such future payments.

(d) If a self-insurer becomes insolvent and, or, fails to make benefit payments, the excess carrier, after it has been determined the retention level has been reached on the excess insurance policy, shall make payments to the entity making payments on behalf of the insolvent self-insured in the same manner as payments would have been made by the excess carrier to the self-insured.

(e) All of the following will be applied toward the retention level in the excess insurance contract:

- (i) payments made by the self-insurer;
 - (ii) payments made on behalf of the self-insurer from the proceeds of any security deposit as ordered by the department; and
 - (iii) payments made on behalf of the insolvent self-insurer by the guaranty fund.
- (f) Copies of the certificates and policies of the excess insurance must be filed with the department for a determination that such certificates and policies fully comply with the provisions of the Workers' Compensation and Occupational Disease Acts and [RULES I through XVII].
- AUTH: Sec. 39-71-203 and 39-71-2103 MCA
- IMP: Sec. 39-71-403, 39-71-2101 and 39-71-2103 MCA

RULE IX INITIAL ELECTION--INDIVIDUAL EMPLOYERS (1) An employer initially electing to be bound as a self-insurer shall provide the following:

- (a) a completed application on forms provided by the department;
- (b) audited financial statements for the last 2 years, or, an employer that does not have audited financial statements prepared as a normal business practice may, with the prior approval of the department and the concurrence of the guaranty fund, substitute reviewed financial statements if the employer furnishes an increased security deposit approved by the department with the concurrence of the guaranty fund;
- (c) proof that it has been in business for a period of not less than 3 years; however, at the discretion of the department, with the concurrence of the guaranty fund:
 - (i) a new employer created from the split of a self-insured employer may elect to self-insure even though it has not been in existence for a period of 3 years. Such election must be made on the effective date of creation of the new employer;
 - (ii) an employer in business less than 3 years may be considered if its liability is guaranteed by a parent corporation which has been in business for a period of not less than 3 years. The department, with the concurrence of the guaranty fund, may accept a guarantee from an employer in lieu of a parental guarantee;
 - (iii) an employer whose liability is guaranteed by a parent corporation or an employer shall provide a resolution and an agreement of assumption and guarantee of workers' compensation liabilities on forms prescribed by the department and submit 2 years of audited financial statements demonstrating the ability to pay compensation benefits;
- (d) evidence that it has obtained an insurance policy of specific excess and if required, aggregate excess insurance with policy limits, nature of coverage, and retention amounts acceptable to the department, with the concurrence of the guaranty fund, as required in [RULE VIII];
- (e) evidence that it had a minimum of 50 employees per year over the preceding 2 years; however, an employer with a minimum of less than 50 employees per year over the preceding 2

years may be considered if its liability is guaranteed by a parent corporation as provided in [RULE IX(1)(c)(iii)]. The department, with the concurrence of the guaranty fund, may accept a guarantee from an employer in lieu of a parental guarantee. [This paragraph will sunset January 1, 1998];

(f) a claims summary of claims incurred in Montana from insurance companies who provided coverage for the preceding 3 years;

(g) evidence that its internal or contracted claims adjustment service is in compliance with ARM 24.29.804;

(h) evidence that it has a written safety and loss control program;

(i) a security deposit in an amount required by the department with the concurrence of the guaranty fund;

(j) certification that the self-insurance plan is not funded by a regulated or unregulated insurance company;

(k) evidence that internal policies and procedures are satisfactory to administer a self-insurance program; and

(l) evidence of permission to self-insure in other states, if applicable.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403 and 39-71-2101 through 39-71-2103 MCA

RULE X INITIAL ELECTION--EMPLOYER GROUPS (1) An employer group applicant shall provide the following:

(a) a completed application on forms provided by the department;

(b) a list of individual employers making up the employer group;

(c) a signed copy of the by-laws adopted by the employer group, and all documents pertaining to formation, operation and contractual arrangements, including amendments and addenda;

(d) a copy of an agreement signed by each individual employer showing:

(i) each employer's agreement to accept joint and several liability for all workers' compensation and occupational disease liabilities incurred by the employer group;

(ii) provisions for addition of a new member to the self-insured employer group;

(iii) provisions for withdrawal and expulsion of a member from the self-insured employer group;

(iv) provision for power of attorney between the individual employers and the self-insured employer group;

(v) agreement to be bound by the by-laws and by the employer group's decisions; and

(vi) provisions for assessment for deficits;

(e) a copy of at least the most recent year's audited financial statements, or reviewed financial statements, if audited statements are not prepared as part of the employer's normal business practice. The total premiums payable to the group from employers having reviewed financial statements shall not constitute more than 10% of the group's total premium. The department or the guaranty fund may require copies of additional years audited or reviewed financial statements from the

applicant. Upon request of the applicant, and when approved by the department and the guaranty fund, the submission of these financial statements may be to an independent certified public accountant (CPA). The department will advise the CPA of the nature and format of the information to be provided to the department. The applicant shall pay the cost of such a submission and review;

(f) evidence that each private employer in the group has been in business for a period of not less than 3 years;

(g) evidence the employer group had a combined minimum of 100 employees per year over the preceding 2 years. [This paragraph will sunset January 1, 1998];

(h) a claims summary from insurance carriers who provided coverage for claims incurred in Montana for each member of the employer group for the preceding 3 years;

(i) evidence of specific excess and if required; aggregate excess insurance with policy limits and retention amounts acceptable to the department and guaranty fund;

(j) a security deposit in an amount as required by the department, with the concurrence of the guaranty fund;

(k) evidence of its internal or contracted claims adjustment service in compliance with ARM 24.29.804;

(l) identification of the financial institution the employer group will use to deposit and withdraw funds for purposes of paying workers' compensation and occupational disease liabilities;

(m) an explanation of how claims reserves will be established on each case and the method of review to assure accuracy and adequacy of the amount of the reserves;

(n) the estimated annual premium to be paid by each member of the employer group;

(o) a projection of annual administrative expenses;

(p) evidence that the employer group has an effective written safety and loss control program;

(q) evidence that internal policies and procedures are satisfactory to operate a group self-insurance program;

(r) resolution by each member authorizing participation in the program;

(s) resolution designating authorized signatures for participation in the program;

(t) a feasibility study conducted by a certified actuary to include an actuarial forecasting of losses and recommended premium levels;

(u) a general plan of operation;

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

(w) copies of any contracts including, but not limited to, contracts with an administrative service company, claims adjuster, and fiscal agent.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2101 through 39-71-2103, and 39-71-2106 MCA

RULE XI NEW MEMBERS OF EMPLOYER GROUPS (1) An employer group which has been self-insured for at least one year may add employers with the approval of the department, and the concurrence of the guaranty fund. New members may only be added on the annual anniversary date of the employer group's approval and at 6 month intervals. The employer group shall provide the following information about the new employer at least 90 days prior to the requested date of addition to the employer group:

(a) a completed application on forms provided by the department;

(b) resolution designating authorized signatures for participation in the program;

(c) a copy of a signed agreement showing:

(i) agreement to accept joint and several liability for all workers' compensation benefits and occupational disease obligations incurred by the employer group;

(ii) provision for power of attorney between the new applicant and the employer group; and

(iii) agreement to be bound by the by-laws and by the employer group's decisions;

(d) copies of additional years audited or reviewed financial statements may be required from each new applicant by the department or the guaranty fund. Upon request of the applicant, and when approved by the department and the guaranty fund, the submission of these financial statements may be to an independent certified public accountant. The department will advise the CPA of the nature and format of the information to be provided to the department. The applicant shall pay the cost of such a submission and review;

(e) the employer group may accept a new applicant who provides reviewed financial statements, provided the total premiums payable to the group from individual members having reviewed financial statements, including the new applicant, shall not exceed 25% of the employer group's total normal premium for the year the applicant joins the employer group;

(f) a claims summary from insurance carriers who provided coverage for claims incurred in Montana during the preceding 3 years;

(g) evidence that the applicant has been accepted for coverage by the employer group's excess insurance carrier; and

(h) evidence that the private employer has been in business for a period of not less than 3 years; however, a new entity created from the reorganization of one or more self-insured entities may elect to self-insure individually or as a member of a employer group even though the new entity has not been in existence for a period of 3 years. Such election shall be made on the effective date of the new employer entity.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2101 through 39-71-2103, 39-71-2106 MCA

RULE XII PERMISSION TO SELF-INSURE (1) When the department, with the concurrence of the guaranty fund, finds the applicant has met the requirements of these rules, the

department will issue an order granting the applicant permission to self-insure for the period specified in the order or until the order is revoked, suspended, or the application is withdrawn.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, and 39-71-2101 through 39-71-2103 MCA

RULE XIII RENEWAL REQUIRED (1) An employer who has been self-insured may renew the election each ensuing year, by meeting all the requirements of these rules except that the claims summary required in [RULE IX(1)(f)] must be a claims summary for the preceding year(s) for claims incurred as a self-insurer in Montana. Application for renewal must be made 60 days prior to the renewal date, or on such other date as determined by the department and the guaranty fund.

(2) An employer group which has elected to be bound by plan no. 1 may renew the election for each ensuing year by meeting all the requirements of these rules except [RULE X (1)(c), (1)(d), (1)(e), (1)(f), (1)(h), (1)(m), (1)(n), (1)(r), (1)(s), (1)(t), (1)(u), (1)(v), and (1)(w)]. Application for renewal must be made at least 90 days prior to the renewal date, or on such other date as determined by the department and the guaranty fund. In addition to the information required in [RULE X], the employer group shall submit:

(a) A copy of the preceding year's audited financial statements for the self-insured group;

(b) An actuarial report for the preceding year which includes recommended premium levels considered adequate to fund losses; and

(c) A claims summary for the preceding 3 years for claims incurred as a self-insurer in Montana.

(3) If a self-insurer does not renew its election, the employer(s) shall elect to be bound by compensation plan no. 1, plan no. 2, or plan no. 3 on the effective date of the termination of permission to self-insure.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403 and 39-71-2104 MCA

RULE XIV REVOCATION, SUSPENSION, TERMINATION AND WITHDRAWAL OF PERMISSION (1) The department may revoke its order granting permission to self-insure after determining that the self-insurer no longer meets the requirements of the statutes or [RULES I through XVII]. The self-insurer may appeal the department's revocation order in accordance with ARM 24.29.207. If a self-insurer's permission to self-insure is revoked, the employer(s) shall elect to be bound by compensation plan no. 1, plan no. 2, or plan no. 3 on the effective date of the revocation of permission to self-insure.

(2) Suspension or termination of membership in the Montana self-insurers guaranty fund or failure to pay the department's annual assessment may result in automatic and immediate termination of the department's permission to self-insure in accordance with 39-71-2609 and 39-71-2105, MCA.

(3) An employer or employer group which is self-insured

under plan no. 1 which intends to withdraw as a self-insurer or withdraw the self-insurance status of any subsidiaries, or members, shall notify the department and the guaranty fund, in writing, of its intent at least 60 days in advance of the change in status. Until all liabilities have been paid, the employer or employer group remains subject to these rules.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2101 through 39-71-2108, and 39-71-2609 MCA

RULE XV SECURITY DEPOSIT--BY EMPLOYERS OR EMPLOYER GROUPS WHO ARE NO LONGER SELF-INSURED (1) The employer or employer group shall place, within 30 days of non-renewal, revocation, withdrawal, or suspension, an amount sufficient to cover all outstanding liabilities they incur during the entire self-insured period with a provision for incurred but not reported, adverse loss development, and loss adjustment expense.

(2) This requirement may be waived by the department only with the concurrence of the guaranty fund and upon satisfactory demonstration of ability to pay claims.

(3) The amount of the security deposit will be determined with, but not limited to, information contained in loss runs, an examination of reserves and reserving practices, claim history and statistical information.

(4) If the employer or employer group fails to post security, the department may:

(a) convert the existing deposit to cash;

(b) place liens on any property the employer or employer group holds; and

(c) collect any reimbursements due the employer or employer group from Montana state agencies.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2105 and 39-71-2106 MCA

RULE XVI RIGHT TO REVIEW (1) If the application to self-insure is denied, the applicant may request an administrative review in accordance with ARM 24.29.206. If the applicant does not agree with the department's decision after completion of administrative review procedures, it may request contested case procedures in accordance with ARM 24.29.207.

AUTH: Sec. 39-71-203 MCA

IMP: Sec. 39-71-403, 39-71-2101 through 39-71-2108, and 39-71-2905 MCA

RULE XVII NOTIFICATION OF CHANGES IN SELF-INSURER STATUS REQUIRED (1) The self-insurer shall notify the department in writing:

(a) 60 days prior to implementing changes that may affect its self-insurance status including but not limited to:

(i) name, controlling ownership, legal status, change in proposed employer group membership, or permanent employment location;

(ii) permanent increase or decrease of more than 25% in the number of employees in Montana; or

- (iii) changes in the policies, procedures or administration of its self insurance program; and
- (b) within 30 days subsequent to:
 - (i) adverse material change in financial status;
 - (ii) adverse material change in liabilities;
 - (iii) permanent reductions, shutdowns, suspensions, or closures of Montana operations; or
 - (iv) new or additional location of employment in Montana as a result of a significant change of operations.

AUTH: Sec. 39-71-203 MCA

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

REASON: Members of the Department of Labor and Industry and the Montana State Guaranty Fund determined that there exists a reasonable necessity to adopt the proposed rules in order to better meet the needs of the Department, the Guaranty Fund, and those who elect to self-insure in the state of Montana. Meetings between the two entities resulted in such significant changes to existing Plan 1 rules that it was determined necessary to adopt new rules in place of the existing rules.

3. The Department of Labor and Industry proposes to repeal ARM 24.29.701 and 24.29.702 through 7020 in their entirety. The rules proposed for repeal are found at pages 24-2093 through 24-2093.13 of the Administrative Rules of Montana. Authority to repeal the rules is found at 39-71-203. The rules proposed for repeal implement 39-71-203, 39-71-403, 39-71-2101 through 39-71-2108, 39-71-2603, 39-71-2609 and 39-71-2905, MCA.

There is reasonable necessity for the proposed repeal of ARM 24.29.701 as portions are outdated and the remainder of the rule is duplicative of statutes. There is reasonable necessity for the proposed repeal of ARM 24.29.702 through 7020 because the Department and the Montana State Guaranty Fund have determined it necessary to revise Plan 1 requirements, as reflected in the proposed new rules herein.

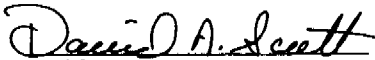
4. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to:

Dennis Zeiler, Bureau chief
Workers' Compensation Regulations Bureau
Employment Relations Division
Department of Labor and Industry
P.O. Box 8011
Helena, MT 59604-8011

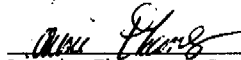
and must be received by no later than 5:00 p.m., March 22, 1996.

5. The Department proposes to make the new rules and repeals effective May 1, 1996. The Department reserves the right to adopt only portions of the rules, or to adopt some or all of the rules at a later date.

6. The Hearings Bureau of the Legal/Centralized Services Division of the Department has been designated to preside over and conduct the hearing.



David A. Scott
Rule Reviewer



Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: February 12, 1996.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
adoption of Rule I setting	)	THE PROPOSED ADOPTION OF A
conditions for contracts	)	RULE
funded with federal)	
maternal and child health)	
block grant funds)	

TO: All Interested Persons

1. On March 15, 1996, at 3:00 p.m., a public hearing will be held in Room C307 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the proposed adoption of a new rule establishing requirements that must be met by local entities wishing to contract with the department to receive federal Maternal and Child Health Block Grant funds.

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 March 8, 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 rule as proposed to be adopted provides as follows:

[RULE I] MATERNAL AND CHILD HEALTH BLOCK GRANT - STANDARDS FOR RECEIPT OF FUNDS (1) In order for any county or other local entity to receive federal maternal and child health (MCH) block grant funding from the department, that entity must contractually agree to the following:

(a) MCH block grant funds will be used solely for providing health services to mothers and children.

(b) No MCH block grant funds will be used to supplant local funds that would be otherwise available.

(c) MCH block grant funds will be used solely for the core maternal and child health services listed in (2) below, unless the contractor has proved to the department prior to entering into the contract that all core services have already been provided for or, through a formal needs assessment process meeting the requirements of (3) below, that the contractor has shown there is no need for the particular core service not being provided. If there is such an exception made to provision of all of the core services, the exception must be specifically set out in the contract.

(d) For every \$4.00 of MCH block grant funding it spends, it must expend \$3.00 from other non-federal funding sources to

provide the services required of it by the contract.

(e) If the contractor has a medicaid billing mechanism in place, it will bill medicaid for services provided under the contract that qualify for medicaid reimbursement; and if a medicaid billing mechanism is not in place, the contractor will work with department staff to establish such a mechanism or to determine the feasibility of medicaid billing by the contractor, and will utilize the mechanism once it is established.

(f) No more than 10% of the funds available under the contract may be used for administration of the contract.

(g) If the contractor conducted maternal and child health programs during the state fiscal year prior to that in which the contract is to be performed, the contractor must maintain during the term of the contract at least the same level of effort as it provided for those programs during prior fiscal year.

(h) Any grant-related income (for example, income from fees charged or donations) accruing to the contractor from activities funded, in whole or in part, under the contract will be used only to pay for the allowable costs of providing the services described in the contract.

(2) Core maternal and child health services are the following, when provided to pregnant women, non-pregnant women of childbearing age, infants younger than one year of age, children and adolescents 18 years of age or younger, or children with special health care needs:

(a) population based individual services, such as immunizations, public health education, and screening for health problems;

(b) enabling and non-health support services, such as outreach and referral, that ensure that persons are informed about and referred to other services and programs which they need or for which they may be eligible;

(c) direct health services, including but not limited to public health nursing, home visiting, school health services, nutrition services, health care coordination, preventive and primary care, and other specific health services meeting the specific requirements or needs of the above target groups; and

(d) addressing public health infrastructure needs, including but not limited to assessment of local health problems, health program development, augmentation of service capacity, evaluation and management, and quality assurance.

(3) In order to use MCH block grant funds for services other than the core services listed in (2) above, a contractor must use a formal needs assessment process that includes developing a broad-based and local working group composed of representatives of health professionals, educators, consumers, social services providers, business leaders, and others interested in the health needs of the groups named in (2) above, and with that group, analyzing available statistics and utilizing consensus decision-making to determine the extent to which the objectives are met that are contained in Healthy People 2000 National Health Promotion and Disease Prevention Objectives,

published by the U.S. department of health and human services.

(4) In distributing MCH block grant funds, the department will give priority to the counties, regions, and communities with the least resources, the largest proportion of underserved families, and the most serious maternal and child health problems, and will determine who should have priority by utilizing objective health indicators, including, at a minimum, the following:

- (a) the number of children in poverty;
- (b) the number of women of childbearing age; and
- (c) the number of children and adolescents age 18 and

under.

(5) The calculations required by (4) above must be based on 1990 census data, updated by projections made by the census and economic information center of the state department of commerce.

(6) The department hereby adopts and incorporates by reference Healthy People 2000 National Health Promotion and Disease Prevention Objectives (DPHHS Publication No. 91-50213), published by the U.S. department of health and human services, September, 1990, and which contains a national strategy for significantly improving the nation's health through the 1990s, and addresses prevention of major chronic illness, injuries, and infectious diseases. A copy of Healthy People 2000 may be obtained from the department's family health bureau, Cogswell Building, P.O. Box 202951, Helena, MT 59620-2951 (phone: 406-444-4743).

AUTH: Sec. 50-1-202, MCA

IMP: Sec. 50-1-202, MCA, Ch. 593, 1995 Session Laws

3. The rule proposed to be adopted is necessary because Section B of House Bill 2 (Ch. 593), the general appropriations bill passed by the 1995 Legislature, contained a mandate that the department adopt rules setting conditions on the expenditure of federal Maternal and Child Health (MCH) Block Grant funds. More specifically, HB 2 required the department to, by rule, reflect amendments to the federal Omnibus Budget Reconciliation Act of 1989, including its local match requirement; establish a core set of MCH services; ensure that no MCH funds are used for noncore services unless each core service is ensured or unless the funding recipient has demonstrated through a formal needs assessment process that the omitted core service is not needed; address medicaid billing and reimbursement; prohibit spending MCH money on non-MCH services; prohibit supplanting of local funds with MCH funds; and specify a formula for distributing funds to ensure they go where most needed. The rule applies only to contracts because contracting is the only method by which the department distributes MCH block grant funds to the local level and by which it can impose the required conditions.

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 Laura Harden, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, Montana 59620-2951, no later than March 22, 1996.

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

Jean Shira
Rule Reviewer

Michael J. Billups
Director, Public Health and
Human Services

Certified to the Secretary of State February 12, 1996.

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

In the matter of the	)	NOTICE OF PROPOSED
amendment of rules 11.16.128	)	AMENDMENT OF RULES
and 11.16.143 pertaining to)	
the licensure of adult	)	NO PUBLIC HEARING
foster care homes	)	CONTEMPLATED

TO: All Interested Persons

1. On March 25, 1996, the Department of Public Health and Human Services proposes to amend rules 11.16.128 and 11.16.143 pertaining to the licensure of adult foster care homes.

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

11.16.128 ADULT FOSTER HOME, LICENSES (1) The department shall issue a ~~one-year~~ license ~~for a period of 1 to 3 years in duration~~ for an adult foster home to any license applicant meeting all of the requirements established by these rules ~~in this sub-chapter~~ and the governing statutes.

(2) Remains the same.

(3) The department shall renew the license ~~annually~~ on the expiration date of the ~~previous year's~~ current license if:

(a) the licensee makes written application for issuance at least 30 days prior to the expiration date of the current license; and

(b) the licensee continues to meet all requirements established by these rules in this sub-chapter, as determined by the department after a licensing study.

(4) Remains the same.

AUTH: Sec. 50-5-103, 50-5-215, and 53-5-304, MCA

IMP: Sec. 50-5-103, 50-5-201, 50-5-204, 50-5-215 and 53-5-303, MCA

11.16.143 ADULT FOSTER HOME, ENVIRONMENTAL REQUIREMENTS

(1) through (11) Remain the same.

(12) With respect to any conditions in existence prior to [the amendment date of this rule], any requirement of ARM 11.16.143 may be waived at the discretion of the department if:

(a) physical limitations of the adult foster care home would require disproportionate expense or effort to comply with a requirement, with little or no increase in the level of safety to the residents and staff; or

(b) compliance with a requirement would involve unreasonable hardship or unnecessary inconvenience, with little or no increase in the level of safety to the residents and staff.

(13) With respect to any conditions in existence prior to the amendment date of this rule, the specific requirements of ARM 11.16.143 may be modified by the department to allow alternative arrangements that will provide the same level of safety to the residents and staff, but in no case shall the modification afford less safety than that which, in the discretion of the department, would be provided by compliance with the corresponding requirement in ARM 11.16.143.

AUTH: Sec. 50-5-103, 50-5-215, and 53-5-304, MCA

IMP: Sec. 50-5-103, 50-5-215, and 53-5-303, MCA

3. Pursuant to 50-5-201, MCA, the Department of Public Health and Human Services, through its Quality Assurance Division, is permitted to issue a 1, 2, or 3 year license to a health care facility. A health care facility is defined under 50-5-101 (17), MCA, to include a residential treatment facility, which in turn, is defined under 50-5-101 (40), MCA, to include an adult foster care home. Currently, ARM 11.16.128 in the adult foster care home rules allows the issuance of only a one year license. Therefore, it is necessary to amend the above rule to make it consistent with the provisions of 50-5-201, MCA, and to enable the Quality Assurance Division to award exemplary facilities with an extended license while concentrating resources on facilities which may be less than exemplary.

Adult foster care homes are located in a wide variety of private residential dwellings. The department finds that certain licensed homes cannot meet all the requirements found in the rule. Costly construction to correct preexisting conditions will force the closure of some facilities. Some preexisting conditions cannot be reasonably corrected as may be required under the current rules, with little or no impact on safety, or alternatives exist which would secure the same level of safety as provided by the current rules. The proposed amendments to ARM 11.16.143 are necessary to avoid the closure of adult foster care homes and the subsequent transfer of residents from a setting in which they have resided for years with no appreciable enhancement of their level of safety or well being.

As required by 50-5-215, MCA, the proposed amendments to ARM 11.16.143 in relation to fire and safety requirements for adult foster care homes have been reviewed and approved by the Deputy State Fire Marshall, Fire Prevention and Investigation Bureau, of the Department of Justice.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendment in writing to Laura Harden, Department of Public Health and Human Services, Office of Legal Affairs, Cogswell Building, P.O. Box 202951, Helena, MT 59620-2951, no later than March 21, 1996.

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 Laura Harden, Department of Public Health and Human Services, Office of Legal Affairs, Cogswell Building, P.O. Box 202951, Helena, MT 59620-2951, no later than March 21, 1996.

6. If the Department of Public Health and Human 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. Ten percent of those directly affected has been determined to be eight, based on the number of adult foster care homes in Montana.

Dawn J. Ilin
Rule Reviewer

Michael J. Billings
Director, Public Health and
Human Services

Certified to the Secretary of State this 12th day of February, 1996.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING
amendment of rules	)	ON THE PROPOSED AMENDMENT
46.12.1919 and 46.12.1920	)	OF RULES
pertaining to targeted case)	
management for high risk)	
pregnant women)	

TO: All Interested Persons

1. On March 19, 1996, at 2:00 p.m., a public hearing will be held in Room 306 of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of rules 46.12.1919 and 46.12.1920 pertaining to targeted case management for high risk pregnant women.

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 March 8, 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:

46.12.1919 CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. FINANCIAL RECORDS AND REPORTING (1) Services for high risk pregnant women delivered on an allowable cost basis are subject to the financial records and reporting requirements of this rule.

(1) through (6)(b) Remain the same in text but are renumbered (2) through (7)(b).

~~(7) (8)~~ Overpayments and underpayments ~~will be~~ are collected or paid as provided in ARM 46.12.509 and references in that rule to a "hospital" shall be deemed to be references to a case management provider.

(8) Remains the same in text but is renumbered (9).

AUTH: Sec. ~~53-6-113~~, MCA

IMP: Sec. 2-4-201, 53-2-201, 53-2-606, ~~53-6-101~~,
53-6-111 and 53-6-113 MCA

46.12.1920 CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN. REIMBURSEMENT (1) Case management services for

high risk pregnant women provided on or after January 1, 1996 are reimbursed at the lower of the following:

- (a) the provider's customary charge for the service; or
- (b) \$6.00 for each 15 minutes of service.

(1) (2) A provider of case management services for high risk pregnant women will be provided prior to January 1, 1996 are reimbursed, in accordance with (2)(a) through (4) subsection (3), for the allowable costs of providing case management services to eligible medicaid recipients.

- (1)(a) Remains the same in text but is renumbered (2)(a).
- (2) through (4) Remain the same in text but are renumbered (2)(b) through (2)(d).

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-6-101, MCA

3. The Department of Public Health and Human Services provides coverage under the medicaid program, known as targeted case management services, to manage the identification and delivery of medicaid and other necessary services to certain populations of persons who are in need of those services. Among the targeted case management services currently being provided is case management for high risk pregnant women.

The proposed amendments to ARM 46.12.1919 and 46.12.1920, relating to case management services for high risk pregnant women, are necessary to change the reimbursement system for the service from a cost based reimbursement system to a fee for services reimbursement system.

The fee for services reimbursement system is necessary to simplify the administration of the reimbursement system. The fee for service reimbursement system provides for simple administration, allows providers to accurately calculate on a current basis their income from medicaid, and avoids labor intensive and dilatory cost-reporting and reconciliation.

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 March 21, 1996.

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

Dana Ellis
Rule Reviewer

Russell E. Carter, acting
Director, Public Health and
Human Services

Certified to the Secretary of State February 12, 1996.

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

In the matter of the)
amendment of rules)
46.12.1930, 46.12.1948, and)
46.12.1951 pertaining to)
targeted case management for)
the mentally ill)

NOTICE OF PUBLIC HEARING
ON THE PROPOSED AMENDMENT
OF RULES

TO: All Interested Persons

1. On March 13, 1996, at 1:30 p.m., a public hearing will be held in Room 107 of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of rules 46.12.1930, 46.12.1948, and 46.12.1951 pertaining to targeted case management.

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 March 8, 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:

46.12.1930 CASE MANAGEMENT SERVICES FOR ADULTS WITH SEVERE AND DISABLING MENTAL ILLNESS. REIMBURSEMENT (1) through (3) remain the same.

(a) for individual case management services:

Each 15 minute unit:

<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Region V</u>
\$11.67	\$10.03	\$10.02	\$ 9.23	\$10.40
13.83	11.48	8.81	10.52	10.77

(b) for group case management services:

Each 15 minute unit:

<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Region V</u>
\$ 3.89	\$ 3.34	\$ 3.34	\$ 3.08	\$ 3.47
4.61	3.83	2.94	3.53	3.52

(4) For case management services delivered in Regions I, II, IV and V, the fee schedule is effective for services delivered on or after July 1, 1995.

AUTH: Sec. 53-6-113, MCA
IMP: Sec. 53-6-101, MCA

46.12.1948 CASE MANAGEMENT SERVICES FOR YOUTH WITH SEVERE EMOTIONAL DISTURBANCE. CASE MANAGEMENT PLAN (1) through (1)(d) remain the same.

(e) identify agencies, service providers and ~~contracts~~ contacts which will assist in achieving the defined objectives and specify how they will assist;

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

AUTH: Sec. 53-6-113, MCA
IMP: Sec. 53-6-101, MCA

46.12.1951 CASE MANAGEMENT SERVICES FOR YOUTH WITH SEVERE EMOTIONAL DISTURBANCE. REIMBURSEMENT (1) through (3) remain the same.

(a) for individual case management services:
each 15 minute unit: _____

<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Region V</u>
\$11.67	\$10.03	\$10.02	\$ 9.23	\$10.40
13.83	11.48	8.81	10.59	10.77

(b) for group case management services:
each 15 minute unit: _____

<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Region V</u>
\$ 3.89	\$ 3.34	\$ 3.34	\$ 3.00	\$ 3.47
4.61	3.83	2.94	3.53	3.59

(4) For case management services delivered in Region I, II, IV and V, the fee schedule is effective for services delivered on or after July 1, 1995.

AUTH: Sec. 53-6-113, MCA
IMP: Sec. 53-6-101, MCA


3. The Department of Public Health and Human Services provides coverage under the medicaid program identifying and obtaining the delivery of medicaid and other necessary services to certain populations of persons who are in need of those services.

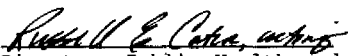
The proposed amendment to 46.12.1948 relating to case management services for youth with severe emotional disturbance, is necessary to correct a mistake in the text of the rules.

The proposed amendments to ARM 46.12.1930 and 46.12.1951 providing for new rates of reimbursement are necessary to more appropriately and adequately compensate the provision of services. The new rates, with the exception of one region, provide for increases in reimbursement for services. The new rates provide for a more equitable rate system on a statewide basis by bringing regional rates more into line with the cost basis for the services. Those rates resulting in an increase in reimbursement are being applied retroactive to July 1, 1995. The retroactive application allows the contractors to be more appropriately reimbursed based on the availability of appropriated monies to cover the additional costs to the medicaid program arising out of the increased rates. Those rates resulting in a loss of monies will only be effective upon the adoption of the amendments.

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 59604-4210, no later than March 21, 1996.

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


Rule Reviewer


Director, Public Health and
Human Services

Certified to the Secretary of State February 12, 1996.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE ADOPTION) NOTICE OF PUBLIC HEARING ON THE
of RULE I, II, and III) PROPOSED ADOPTION OF NEW RULES
relating to Infrastructure)
User Fee Credit) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On April 5, 1996, the Department of Revenue proposes to adopt new rules I, II, and III relating to infrastructure user fee credit.

2. The proposed rules do not replace or modify any section currently found in the Administrative Rules of Montana. The rules as proposed to be adopted provide as follows:

RULE I WHO MAY CLAIM THE INFRASTRUCTURE USER FEE CREDIT

(1) A taxpayer may claim a credit for the infrastructure user fee paid to a local government for an "infrastructure loan". The "infrastructure loan," as defined under ARM 8.97.1301, is a loan to the local government from the Montana department of commerce. The Montana department of commerce, board of investments, will determine if such loan qualifies for this credit.

(2) A taxpayer claiming the credit must follow both of the following criteria:

(a) The taxpayer must meet the provisions set forth in 17-6-309, MCA; and

(b) The taxpayer must pay the infrastructure user fee.

AUTH: Sec. 15-1-201, MCA; IMP: Sec. 17-6-309 and 17-6-316, MCA.

RULE II CLAIMING THE INFRASTRUCTURE USER FEE CREDIT (1) A taxpayer who qualifies for the infrastructure user fee credit may take the full credit for the fees paid. The credit is not to exceed the loan principal paid plus interest.

(2) When claiming the credit, the taxpayer must attach to their return a completed copy of the form provided by the department. This form must be certified by the county, verifying the amount of the infrastructure user fee paid and that the fee has been paid timely.

(3) A credit will not be allowed for any infrastructure user fee that was not timely paid.

(4) The credit is non-refundable. Any excess credit must first be carried back to each of the three preceding taxable periods, reducing the tax liability to zero, and then carried forward to each of the seven taxable periods following the taxable period of the credit. The credit cannot be carried back to any tax years beginning prior to January 1, 1995.

AUTH: Sec. 15-1-201, MCA; IMP: Sec. 17-6-309 and 17-6-316, MCA.

RULE III RECAPTURE OF THE INFRASTRUCTURE USER FEE CREDIT

(1) If the board of investments determines that the loan to the local government has not met the conditions set forth in 17-6-309, MCA, the credit for the infrastructure user fee shall be subject to recapture.

(2) The credit recaptured will be the credit claimed to date to offset the taxpayer's tax liability plus any applicable interest, pursuant to Title 15, Chapters 30 and 31, MCA.

(3) Any credit previously eligible for the carry forward on a loan that the board of investments determines does not qualify will not be available for carry forward.

AUTH: Sec. 15-1-201 MCA; IMP: Sec. 17-6-309 and 17-6-316 MCA.

3. The Department is proposing the rules because the 1995 legislature passed House Bill 602. This bill authorized loans to local governments and created a credit for qualifying businesses paying the infrastructure user fee. Rule I clarifies who may claim the credit. Rule II describes the amount of credit available to be claimed, how a taxpayer may claim this credit, and the carry back/carry forward provisions of the law. Rule III is needed to clarify that the credit is subject to recapture and applicable interest.


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

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

no later than March 21, 1996.

5. If a person who is directly affected by the proposed amendments wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Cleo Anderson at the above address no later than March 21, 1996.

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


CLEO ANDERSON
Rule Reviewer


MICK ROBINSON
Director of Revenue

Certified to Secretary of State February 12, 1996

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of adoption of)	NOTICE OF PROPOSED
proposed Rules I through VIII)	ADOPTION
outlining the code of ethics)	
complaint procedures)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Interested Persons.

1. On March 25, 1996, the Commissioner of Political Practices, proposes to adopt new Rules I through VIII, which outline the code of ethics complaint procedures, according to Title 2, chapter 2, MCA.

2. The proposed rules provide as follows:

RULE I DEFINITIONS The following definitions shall apply throughout this chapter:

(1) "Commissioner" means the commissioner of political practices created under 2-15-411 and 13-37-102, MCA.

(2) "Complainant" means any person who files a complaint with the commissioner under Title 2, chapter 2, MCA.

(3) "Ethics Code" means the code of ethics, Title 2, chapter 2, part 1, MCA.

(4) "Ethics Commission" means the ethics commission created under 2-2-138, MCA.

(5) "Hearing Examiner" means a hearing examiner appointed by the commissioner.

(6) "Respondent" means any person against whom a complaint is filed with the commissioner.

AUTH: 2-2-136, MCA IMP: 2-2-136, MCA

RULE II COMPLAINT. WHO MAY FILE (1) A complaint may be filed with the commissioner by any person alleging a violation of the ethics code by a state officer, state employee, or a legislator, so long as the alleged violation against a legislator does not pertain to a legislative act. The complaint must:

(a) be filed with the commissioner either by certified mail or delivered in person;

(b) be filed within two years of the date of the alleged violation of the code. A complaint is considered filed on the date it is received by the commissioner.

AUTH: 2-2-136, MCA IMP: 2-2-136, MCA

RULE III FILING, AMENDING COMPLAINTS (1) Complaints alleging violations of the ethics code shall be filed with the commissioner of political practices by certified mail or personal delivery. Complaints shall be in writing and shall be sworn to before a notary public or other person authorized by law to administer oaths.

(2) A complaint may be amended to cure defects, omissions, verify the original claim, swear or affirm that the charge is true, clarify allegations, or allege new, but related matters.

(3) The commissioner shall promptly notify all parties in writing of any amendments.

AUTH: 2-2-136, MCA

IMP: 2-2-136, MCA

RULE IV COMPLAINT CONTENTS (1) A complaint shall contain the following:

(a) The full name, address, and telephone number, if any, of the person making the complaint (complainant);

(b) The full name, address, and telephone number, if any, of the person against whom the complaint is made (respondent);

(c) A clear and concise statement of the fact(s), including pertinent date(s) constituting the alleged violation(s) of the ethics code;

(d) The specific provision of the ethics code which is allegedly violated;

(e) The verified signature of the complainant swearing or affirming that the charge is true.

AUTH: 2-2-136, MCA

IMP: 2-2-136, MCA

RULE V WITHDRAWAL OF A COMPLAINT (1) Any person who has filed a complaint with the commissioner may make a request in writing that the complaint be withdrawn. Upon receipt of a written request for withdrawal of the complaint, the commissioner shall dismiss the complaint.

AUTH: 2-2-136, MCA

IMP: 2-2-136, MCA

RULE VI NOTICE OF FILING A COMPLAINT (1) After a complaint is filed, the commissioner shall promptly furnish the respondent with written notice of the complaint. The notice shall include identification of the person filing the complaint and a copy of the complaint.

AUTH: 2-2-136, MCA

IMP: 2-2-136, MCA

RULE VII CONFIDENTIALITY (1) The commissioner shall maintain the confidentiality of privacy interests entitled to protection by law.

(2) No complaint, or factual information pertaining to the

complaint obtained in the course of the administrative complaint process, shall be made a matter of public information prior to an informal contested case hearing. The commissioner's decision is considered a public record.

(3) This rule shall not limit the commissioner's disclosures of such information to a party, individual, or agency as may be necessary to carry out the commissioner's obligation under the law or these rules. The commissioner may disclose any record or information with the prior written consent of the individual to whom the record pertains.

AUTH: 2-2-136, MCA

IMP: 2-2-136, MCA

RULE VIII INFORMAL CONTESTED CASE HEARING (1) After the commissioner has asserted jurisdiction over a complaint, a hearing date will be set by the hearing examiner.

(2) The matter shall proceed in accordance with the Administrative Procedure Act, Title 2, chapter 4, part 6, MCA.

(3) For purposes of these ethics complaint procedures, the commissioner incorporates by reference the attorney general's model rules for contested case hearings, ARM 1.3.212, 214, 217. Copies of these model rules are available from the commissioner.

AUTH: 2-2-136, MCA

IMP: 2-2-136, MCA

3. The purpose of these rules is to provide procedures necessary to carry out the responsibilities and duties assigned in 2-2-136, MCA.

4. Interested parties may submit their data, views or arguments concerning the proposed adoption in writing to Commissioner of Political Practices, Ethics Office, 1215 Eighth Ave, PO Box 202401, Helena, MT 59620-2401. Any comments must be received no later than March 21, 1996.

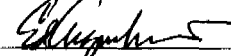

5. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit his request along with any written comments he has to the Commissioner of Political Practices, 1205 Eighth Ave, PO Box 202401, Helena, MT 59620-2401. The comments must be received no later than March 22, 1996.

6. If the agency receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed adoption; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be

directly affected, a hearing will be held at a later date. Notice of hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 1,800 based on 18,000 state and university employees, elected officials and legislators.

Commissioner of Political Practices

By:



Agency Rule Reviewer

Certified to the Secretary of State February 12, 1996

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the repeal) NOTICE OF REPEAL
of ARM 2.11.101 related to)
Solicitation and ARM 2.11.102)
related to Access Limitations)

TO: All Interested Persons:

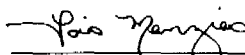
1. On January 11, 1996 the Department of Administration published a notice at page one of the 1996 Montana Administrative Register, Issue one.

2. After consideration of the comments received on the proposed repeal, the Department of Administration has repealed Rules 2.11.101 and 2.11.102 and responds as follows:

Comment: A comment was made that the Montana Administrative Procedure Act contains an exemption from rulemaking requirements for rules relating to the use of public works, facilities, streets, and highways when the substance of the rules is indicated to the public by means of signs and signals.

Response: The Department of Administration concurs and will post notices in public buildings as to Department policy regarding solicitation and access limitations.

BY: 
Dal Smilie
Rule Reviewer


Lois Menzies
Director

Certified to the Secretary of State February 12, 1996

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA


In the matter of the repeal of)	NOTICE OF REPEAL AND
ARM 4.3.401 through 4.3.406;)	AMENDMENT OF RULES
ARM 4.9.513 through 4.9.536;)	AND COMPLIANCE
ARM 4.10.703 through ARM 4.10.708;)	WITH HJR 5
ARM 4.10.903; ARM 4.10.1205)	
through ARM 4.10.1207; ARM)	
4.10.1405 through ARM 4.10.1407;)	
ARM 4.10.1701 through 4.10.1707;)	
ARM 4.14.101, 4.14.201,)	
4.14.202; and ARM 4.16.601 and the)	
Amendment of ARM 4.10.702, ARM)	
4.10.1204 and ARM 4.10.1404.)	

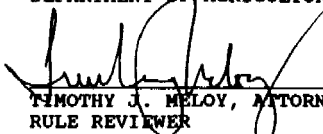
TO: All Interested Persons:

1. On December 21, 1995, the Department of Agriculture proposed to amend and repeal the above mentioned rules at page 2714 of the 1995 Montana Administrative Register, issue no. 24. These rules are repealed and amended to respond to and satisfy the rule reduction directives of HJR 5, 1995 Montana Legislative session.

2. The department has repealed and amended exactly as proposed.

3. No comments or testimony were received.


W. RALPH PECK, DIRECTOR
DEPARTMENT OF AGRICULTURE


TIMOTHY J. MELOY, ATTORNEY
RULE REVIEWER

Certified to the secretary of state this 12th day of
February, 1996.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 4.12.1428 dealing with) of ARM 4.12.1428
assessment fees on all produce)

TO: All Interested Persons

1. On December 21, 1995, the Department of Agriculture published a notice of proposed amendment of the above-stated rule at page 2712 of the 1995 Montana Administrative Register, issue no. 24.
2. The department has adopted the rules as proposed.
3. No comments were received.

MONTANA DEPARTMENT OF AGRICULTURE

W. Ralph Peck
W. Ralph Peck
W. RALPH PECK, DIRECTOR
DEPARTMENT OF AGRICULTURE

Timothy J. MeLOY
TIMOTHY J. MELOY
RULE REVIEWER

Certified to the secretary of state this 12th day of
February, 1996

BEFORE THE CLASSIFICATION REVIEW COMMITTEE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of rule 6.6.8301, concerning)
updating references to the NCCI)
Basic Manual for Workers')
Compensation and Employers')
Liability Insurance, 1996 ed.)

TO: All Interested Persons.

1. On December 21, 1995, the classification review committee published a notice of proposed amendments to rule 6.6.8301 concerning updating references to the NCCI Basic Manual for Workers' Compensation and Employers' Liability. The notice was published at page 2728, of the 1995 Montana Administrative Register, issue number 24.

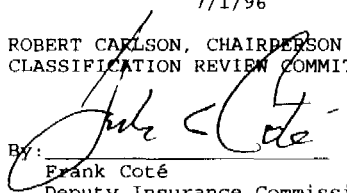
2. The classification review committee has approved the rule as proposed.

3. No comments or requests for hearing were received regarding the proposed amendments.

4. The proposed changes to the NCCI Basic Manual for Workers' Compensation and Employers' Liability become effective as follows:

Volunteer Firefighters	3/1/96
Corporate Officers and Managers of Manager-Managed Limited Liability companies	3/1/96
Revised Replacement Classifications for code 9529 - Scaffolds or Sidewalk Bridges --Installation	7/1/96

ROBERT CARLSON, CHAIRPERSON
CLASSIFICATION REVIEW COMMITTEE

By: 
Frank Coté
Deputy Insurance Commissioner


Gary L. Spaeth
Rules Reviewer

Certified to the Secretary of State this 12th day of February,
1996.

BEFORE THE SCIENCE AND TECHNOLOGY DEVELOPMENT BOARD
DEPARTMENT OF COMMERCE
STATE OF MONTANA

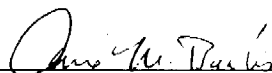
In the matter of the amendment	)	NOTICE OF AMENDMENT OF
of a rule pertaining to seed	)	8.122.601 APPLICATION
capital technology loans	)	PROCEDURES FOR A SEED
	)	CAPITAL TECHNOLOGY LOAN
	)	SUBMISSION AND USE OF
	)	EXECUTIVE SUMMARY

TO: All Interested Persons:

1. On October 26, 1995, the Science and Technology Development Board published a notice of proposed amendment of the above-stated rule at page 2204, 1995 Montana Administrative Register, issue number 20.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

SCIENCE AND TECHNOLOGY
DEVELOPMENT BOARD
REBECCA MAHARIN, CHAIRMAN

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 1996.

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION and
THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the repeal of) NOTICE OF REPEAL
ARM 12.9.208 relating to the)
abandonment of the Skalkaho)
Game Preserve.)

To: All Interested Persons.

1. On December 21, 1995, the Department of Fish, Wildlife and Parks (department) and Fish, Wildlife and Parks Commission (commission) published notice of a public hearing on the proposed repeal of the above-referenced rule at page 2731 of the 1995 Montana Administrative Register, issue number 24.

2. The department and commission have repealed ARM 12.9.208, as proposed.

3. The department and commission received 63 written comments during the formal comment period. During the public hearing 47 people expressed concerns and asked questions about the proposed change. Comments were also received during the environmental assessment process and are included below. The comments and department and commission's joint responses follow:

Comment: The department's rationale that the approximately \$13,000 spent on elk herders each year is not a valid reason for closing the preserve because that is just a drop in the bucket when considering the department's total budget.

Response: When considering the department's wildlife budget for R-2, the \$13,000 is significant. In addition, closing the preserve will allow the department to manage the elk herd rather than managing for elk depredation problems as is done currently.

Comment: Will this closure eliminate the problem ranchers are having with elk depredations?

Response: The department will utilize a variety of hunts such as an early hunt to ensure that elk are harvested out of the lower elevations where depredations are a problem.

Comment: If depredation is a problem, an early archery hunting season will disperse the herd early and cause greater depredation problems.

Response: This has not occurred in other elk management situations. Elk will go to a more roadless, secure area.

Comment: Will elk be driven toward Philipsburg and cause depredation problems there?

Response: Some may, but secure areas are available in the preserve and that means they likely will not migrate that far.

Comment: Will hunting in preserve disrupt traditional elk patterns?

Response: Some, but most elk will stay in secure areas of preserve, because they are traditional use areas.

Comment: Will reduction of cow permits manage elk or people of Bitterroot area?

Response: If it will ease concerns about an elk slaughter, then reduction of cow permits will occur.

Comment: If there is further elk damage, do we pay?

Response: The department does not pay for depredation, but does herd and supply panels. In hay fields, where the major problem is, the department will herd.

Comment: How many weeks traditionally has the herder been hired?

Response: Traditionally beginning during April and May, and continuing through gun season.

Comment: Will there be herding of elk not living in the preserve or summer herding?

Response: Yes.

Comment: Opening the preserve will not solve depredation problem.

Response: A consistent harvest is needed. That cannot be maintained if preserve or stock farm is closed. Preserve is a relic and is a poor management tool. An open preserve and better distribution will decrease time, expenses and depredation.

Comment: The problem is not with elk going back to the preserve, but with elk habituated to hay fields. There is nothing for them to eat in preserve. Thus, the concern is that elk may come back Philipsburg way. Need more hunting.

Response: There is feed for elk in the higher country. Previously hay fields had 150-450 elk; now 25+ since stock farm allowed hunting. Similar results would occur from opening the preserve.

Comment: Can the preserve be opened on a trial basis for a certain number of years?

Response: There is little value to opening and closing the preserve. Management of elk numbers and hunter distribution are the key factors.

Comment: Will the Rocky Mountain Elk Foundation (RMEF) easement give the right to manage to RMEF? Will four home sites preclude elk hunting on 4000 acres?

Response: No. The intent is to manage elk by hunting over time.

Comment: It would be best to leave the preserve as is and increase the fees to ranchers for crop damage.

Response: That is an alternative, but the department does not pay game damage to landowners.

Comment: There has been an increase in the herd numbers. Logging operations have moved a number of elk out, and FWP will have to herd elk even if only 50 elk are down below. Thus, what FWP proposes to achieve can be accomplished by leaving things at status quo.

Response: Hunting is and will be needed to regulate elk numbers.

Comment: Reduce the size of the preserve and create a compromise between department and those users who are opposed to the abandonment. This could be achieved by keeping Dam Creek Lake in the Skalkaho Basin free from hunting.

Response: This would not accomplish the elk management goals intended.

Comment: The Electric Coop has been approached to provide service to elk habitat back in the ranch. Owner would like to build 150 houses per year. This should be addressed because Stock Farm habitat will be gone, thus department could leave game preserve closed.

Response: The department is unable to alter a private landowner's development plans. This comment reflects even more how important the proposal is to managing elk.

Comment: I believe opening the preserve will create far more problems than it will eliminate. You will need spotlights to direct traffic and game officials to find areas for non-existing parking for vehicles. You'll need search and rescue teams to go in and haul out, locate and resuscitate lost, stranded hunters who will certainly be ill-equipped to handle the arctic weather that is the norm at these elevations.

Response: These conditions are faced in numerous other hunting locales and are handled there just as they will be in the Skalkaho -- one situation at a time.

Comment: There is a rare and sensitive plant found in the Skalkaho basin called the marsh felwort (*Lomatogonium rotatum*).

Response: This plant is considered a species of special concern by the Montana Natural Heritage Program, but it is not listed as a sensitive plant by the Forest Service at this time. The act of hunting would not destroy the habitat the plant occupies nor the plant itself. The small increase in foot, off road vehicles, and horse usage would cause minimal disturbance compared to the heavy elk grazing and wallowing that presently exists in these meadows. For these reasons the department feels the impacts from hunting elk would be negligible to the marsh felwort or any other plant within the preserve.

Comment: By abandoning the preserve there would be an increase in the number of motorized users which could lead to erosion of the trails and loss of wildlife habitat from motorized disturbance.

Response: Opening of the preserve to hunting will undoubtedly increase the motorized use somewhat. But there are only approximately six miles of open roads and six miles of open trails in a total acreage of 22,000 acres, which is only one mile of open roads and trails per 1800 acres. This is well below the guidelines for open road densities for excellent elk security. Erosion may increase, but would be addressed on a site-specific basis if necessary. Due to this very low density of roads and the high security values in this area, the department believes the impacts will be negligible.

Comment: It is okay to hunt elk within the preserve, but don't hunt the other game animals within the preserve.

Response: All other game animals would be managed under the existing regulations for hunting district 261 to ensure a regulated harvest. Other game animals are increasing in hunting district 261 and there are no management plans to change that trend.

Comment: There will be a loss of watchable wildlife opportunity if this area is open to hunting.

Response: Based on the fact that the hunting season is approximately three months, nine months of every year are still available for the non-consumptive user. Since the preserve is used very little for watchable wildlife, it is believed the loss will be minimal.

Comment: Snowmobilers have used a portion of the preserve for many years as an early winter area where they could avoid conflict with hunters. Opening of the preserve will renew these conflicts. The snowmobilers will be in jeopardy of losing their early season snowmobiling area.

Response: Based on these concerns the department met with the Ridge Runners Snowmobile Club. Assurances were made by the Forest Service that there is no plan to remove them from this area. The Forest Service and the department agreed to designate this area as an early snowmobiling area and sign it to warn hunters that snowmobiling is permitted in the basin and trails during the hunting season. Seven of the 12 snowmobilers attending the meeting agreed this proposal would work, while five of the members still did not want hunters in the area. Based on the results of that meeting and the fact that most of the elk leave these higher elevations when there is adequate snow for snowmobiling, the department believes conflicts will be rare. There may be some conflict during marginal snow conditions, but by informing the hunters of the snowmobiling activity, these can be minimized.

Comment: There should be no new outfitters allowed in the preserve if it is opened.

Response: At present there is a moratorium on new outfitters on the Bitterroot National Forest. This however does not mean an existing outfitter couldn't apply to use the preserve in the future. That proposal would have to go through the Forest Service application process and public review before use by an outfitter could be authorized. Usually if there is a conflict with existing use the application is denied.

Comment: I am opposed to closing of the existing trails and roads in this area.

Response: Forest Service plans are to leave the motorized use as it now exists. Open road densities are well within guidelines for maintaining elk security for the size of this area.

Comment: Concern was expressed for sensitive species such as the spotted frog, bull trout, and westslope cutthroat trout that they might be impacted from the abandonment of the preserve.

Response: These species exist both inside and outside of the preserve boundary where hunting has taken place for years. The department has never observed nor has it been notified that hunting seasons have impacted the three species mentioned. There will be more use of horses and off road vehicles, but this increased usage will be minimal on the habitat of these species. Other areas in the Bitterroot have similar road and trail densities, such as Overwhich Falls, with no known degradation to any of the mentioned species.

Comment: Walk-in hunting wasn't considered.

Response: Existing road densities are well within guidelines for maintaining excellent elk security. As mentioned above there is one mile of open road or trail per three sections (1800 acres). There is no reason to close the existing roads in this area. If new roads were constructed in the future their status would be addressed at that time.

Comment: The preserve still serves a useful purpose by harboring a population of elk and mature bulls.

Response: The most recent elk classification data for the early fall of 1995 revealed a bull/cow ratio of 45.2 bulls per 100 cows for Hunting District 261, which is an excellent bull/cow ratio. When compared to the 1995 Bitterroot Valley average of 44.1 bulls per 100 cows, it is just average for the Bitterroot. The brow tine regulation, at this point, can provide for an excellent bull to cow ratio without the need for a preserve. Total elk numbers are regulated by antlerless permits that can be adjusted annually to assure there is no over-harvest.

Comment: The Stock Farm is being subdivided and ruining the winter range. The preserve needs to be maintained.

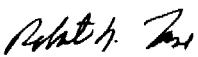
Response: The Skalkaho preserve would not provide winter range if the winter range is damaged. The preserve is summer

and fall range when snow depths are minimal. Even though there is subdividing on the Stock Farm, housing is being "clustered" to provide for more open space. The result will be adequate winter range to support the wintering elk herd. A conservation easement has also been donated on 4000 acres of the transitional winter range of the Stock Farm to protect this area.

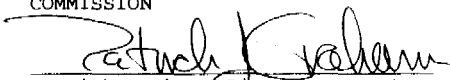
Comment: If the preserve is opened, a slaughter of elk would occur since they have never been hunted there.

Response: If the preserve is opened to hunting, elk permits for Hunting District 261 may be reduced for the first year help compensate for the expected increased hunting pressure in the newly opened area. In addition, the preserve contains some excellent habitat security where elk will likely be displaced, making them less vulnerable to harvest.

RULE REVIEWER


Robert N. Lane

DEPARTMENT OF FISH, WILDLIFE AND
PARKS and FISH, WILDLIFE AND PARKS
COMMISSION


Patrick Graham, Director, DFWP,
and Secretary of Fish, Wildlife
and Parks Commission

Certified to the Secretary of State on February 12, 1996.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment)
of rules 16.20.603, 617, 618,)
619, 620, 621, 622, 623, 624,)
641, 707, 1003, and 1802)
concerning surface and ground-)
water water quality standards,)
mixing zones, and)
nondegradation of water)
quality.)

NOTICE OF
AMENDMENT OF RULES

(Water Quality)

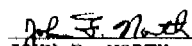
To: All Interested Persons

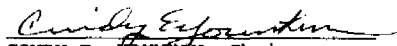
1. On October 26, 1995, the Board published notice of the proposed amendment of the above captioned rules at page 2212 of the Montana Administrative Register, Issue No. 20.

2. The board has amended the rules as proposed. The December, 1995, Edition of WQB-7 was changed in two respects from the [August] 1995 Edition. On page 8, the human health standard for Benzo[a]Pyrene is changed from "0.02" to "0.2" micrograms per liter. On page 36, the formula for conversion of un-ionized ammonia as nitrogen to total ammonia as nitrogen is changed from " $\text{NH}_3\text{-Nx} \times 10^{\text{pH}-\text{pK}_a}$ " to " $\text{NH}_3\text{-Nx} (1 + 10^{\text{pH}-\text{pK}_a})$ ".

3. No comments were received.

BOARD OF ENVIRONMENTAL REVIEW


JOHN F. NORTH
Rule Reviewer


CINDY E. YOUNKIN, Chairperson

Certified to the Secretary of State February 12, 1996.

BEFORE THE MONTANA BOARD OF CRIME CONTROL
DEPARTMENT OF JUSTICE
STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT)
OF RULE 23.14.405, PERTAINING TO) NOTICE OF AMENDMENT
PEACE OFFICERS WITH OUT-OF-STATE)
EXPERIENCE WHO SEEK CERTIFICATION)
IN MONTANA)

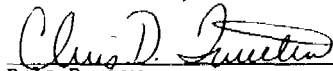
TO: All Interested Persons:

1. On December 21, 1995, the Montana Board of Crime Control published notice of the proposed amendment of the above-captioned rule, pertaining to peace officers with out-of-state experience who seek certification in Montana. The notice was published at pages 2745 and 2746 of the Montana Administrative Register, Issue No. 24.
2. The agency has amended the rule as proposed.
3. No comments or testimony were received.

MONTANA BOARD OF CRIME CONTROL

By:


ELLIS E. KISER, Executive Director


Rule Reviewer

Certified to the Secretary of State, February 12, 1996.

BEFORE THE OFFICE OF THE WORKERS' COMPENSATION JUDGE
OF THE STATE OF MONTANA

In the matter of the adoption)
of Rules I and II) NOTICE OF ADOPTION,
and the amendment of Rules) AND AMENDMENT OF
24.5.316, 24.5.318, 24.5.324,) RULES OF THE WORKERS'
24.5.336, 24.5.343, 24.5.348,) COMPENSATION COURT
and 24.5.350 of the Workers')
Compensation Court.)

TO: All Interested Persons

1. On January 11, 1996, the Workers' Compensation Court published a Notice of Proposed Amendment of Rules ARM 24.5.316, 24.5.318, 24.5.324, 24.5.336, 24.5.343, 24.5.348, and 24.5.350, and Proposed Adoption of Rules I and II at page 50 Montana Administrative Register, Issue No. 1 of 1996.

2. No public hearing was held but interested parties were asked to submit their data, views or arguments to the court in writing by February 8, 1996. The Court has considered all written commentary received subsequent to the original notice date and responds to those comments as follows:

COMMENT: 24.5.350 APPEALS TO WORKERS' COMPENSATION COURT UNDER TITLE 39, CHAPTERS 71 AND 72. I have some concern with respect to the deletion of the provisions of receipt of new evidence by the Court, as opposed to remand of the case to the Department for receipt of new evidence. I think the the remand procedure is much slower and results in unnecessary delay. But perhaps a bigger concern is the fact that the Department insists on keeping the record of its proceedings by way of a tape recording system that results in records that are, more often than not, completely unintelligible in many portions. The Court, on the other hand, uses court reporters and the record is much more reliable. I think there are situations where it would be desirable to have the matter heard by the Court, with a reliable record, rather than remanding the matter to the Department where the record is unreliable or unintelligible.

RESPONSE: The new procedure comports with statutory requirements. The old rule put the Court in the position of de novo fact finding, thus expanding its role beyond judicial review. Where time is a concern, the Court has found the Department

responsive. If necessary, the Court could fix deadlines for completion of proceedings on remand. The comment about tape recording would apply to all Department proceedings. Over the past two years the Court has found the Department's recordings adequate.

COMMENT: PROPOSED RULE 1 - TAXATION COSTS. I think the rule is basically sound, but I have concerns about a couple of items. I agree with the concept that an award of reasonable costs should be allowed for costs that are ordinarily billed to a client. With that principle in mind, I fail to see why costs for expert witness fees should be limited to testimony either at deposition or trial, but not both. I know that a defense counsel will certainly bill his client for expert witness fees incurred in testimony at both a deposition and at trial if the witness is called at both; and I can see no legitimate reason for limiting claimant's counsel to one or the other. I can see situations where, for example, a rehabilitation witness might be called by the claimant to testify by way of a deposition. Then facts could develop which require additional testimony at trial by the same witness, and it would seem to me that the expert witness fees for both should be includable as a legitimate cost as a matter of course. I think that if the restriction were removed, the Court would still have the authority to deny costs for one or the other if it was unreasonable to call the witness at both a deposition and at trial.

RESPONSE: The Court is not persuaded that both deposition and trial testimony of experts are necessary and is concerned with the duplication in costs. If unusual circumstances require both deposition and trial testimony, the Court will consider a motion requesting costs for both. The rule sets forth items that are "typically" allowed or denied, leaving the Court the flexibility to consider exceptions in exceptional cases.

COMMENT: A point in the PROPOSED RULE 1 - TAXATION ON COSTS that I cannot support is the provision that disallows costs for trial transcripts ordered by parties prior to any appeal. Trial transcripts are, in most cases, invaluable in preparing proposed findings and conclusions of law. When an attorney is engaged at trial in asking questions and keeping track of witnesses, exhibits, and the flow of the questioning, it is extremely difficult to keep accurate notes. When I defend a case, I always order the transcript for use in preparing my findings and conclusions, and I assure you that the cost of that transcript


Montana Administrative Register 4-2/22/96

is passed on to my defense client. I see no reason to not allow claimant's counsel to recover also. It would seem to me that this is a much more legitimate cost item than photocopies, postage, or long-distance phone calls.

RESPONSE: While it may have been past practice to order transcripts to aid in the preparation of post-trial findings, the Court now requires proposed findings to be filed in advance of trial and rarely has need of post-trial proposed findings. It finds no compelling need for transcripts. If in an unusual case a transcript is essential the Court will consider a motion requesting the Court to make an exception to the general rule.

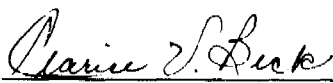
3. The Office of the Workers' Compensation Judge has amended Rules 24.5.316, 24.5.318, 24.5.324, 24.5.336, 24.5.343, 24.5.348, and 24.5.350 as proposed. The Court adopts Rule I - Taxation of Costs as 24.5.342 and Rule II - Summary Judgment as 24.5.329 as proposed. The amendments to, and adoption of these rules are necessary in order to comply with Supreme Court decisions, statutes, and the recommendations of the rules committee.

4. These rules become effective February 23, 1996.



MIKE McCARTER, JUDGE

February 12, 1996
CERTIFIED TO THE SECRETARY OF STATE



Clarice V. Beck, Hearing Examiner

February 12, 1996
CERTIFIED TO THE SECRETARY OF STATE

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

In the matter of the) NOTICE OF REPEAL OF RULES
repeal of ARM 24.12.201)
through 24.12.206, and)
24.12.208 through 24.12.211,)
pertaining to the New Horizons) program
program)

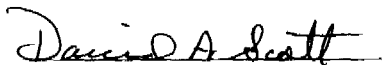
TO ALL INTERESTED PERSONS:

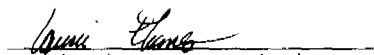
1. On December 21, 1995, at pages 2747 through 2748 of the 1995 Montana Administrative Register, issue number 24, the Department of Labor and Industry published notice of its proposal to repeal rules related to the New Horizons program.

2. The Department has repealed ARM 24.12.201 through 24.12.206 and 24.12.208 through 24.12.211 in their entirety.

3. The Department did not receive any comments regarding the proposed repeals or requests for a hearing on the proposed repeals.

4. The repeals are effective March 1, 1996.


David A. Scott
Rule Reviewer


Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: February 12, 1996.

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

In the matter of the) NOTICE OF REPEAL OF RULES
repeal of ARM 24.14.101,)
24.14.201 through 24.14.204,)
24.14.301 through 24.14.306,)
pertaining to maternity leave)

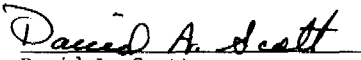
TO ALL INTERESTED PERSONS:

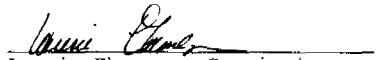
1. On December 21, 1995, at pages 2749 through 2750 of the 1995 Montana Administrative Register, issue number 24, the Department of Labor and Industry published notice of its proposal to repeal rules related to maternity leave.

2. The Department has repealed the rules in ARM Title 24, chapter 14, in their entirety, consisting of ARM 24.14.101, 24.14.201 through 24.14.204 and 24.14.301 through 24.14.306.

3. The Department did not receive any comments regarding the proposed repeals or requests for a hearing on the proposed repeals.

4. The repeals are effective March 1, 1996.


David A. Scott
Rule Reviewer


Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: February 12, 1996.

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

In the matter of the) NOTICE OF REPEAL OF RULES
repeal of ARM 24.31.101,)
24.31.401 and 24.31.402,)
pertaining to the crime)
victims compensation program)

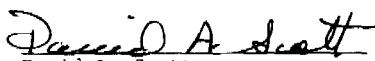
TO ALL INTERESTED PERSONS:

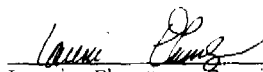
1. On December 21, 1995, at pages 2751 through 2752 of the 1995 Montana Administrative Register, issue number 24, the Department of Labor and Industry published notice of its proposal to repeal rules related to crime victim compensation.

2. The Department has repealed the rules in ARM Title 24, chapter 31 in their entirety, consisting of ARM 24.31.101, 24.31.401 and 24.31.402.

3. The Department did not receive any comments regarding the proposed repeals or requests for a hearing on the proposed repeals.

4. The repeals are effective March 1, 1996.


David A. Scott
Rule Reviewer


Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: February 12, 1996.

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

In the matter of the amendment)
of rule 36.12.1101 establishing)
procedures for collecting)
processing fees for late claims)

NOTICE OF
AMENDMENT

TO: All Interested Persons.

1. On December 12, 1995, the Department of Natural Resources and Conservation published a notice of proposed amendment of rule 36.12.1101, which establishes procedures for collecting processing fees for late claims, at page 2763 of the 1995 Montana Administrative Register, Issue No. 24.

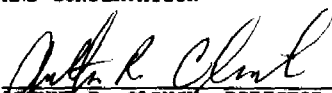
2. The department has amended rule 36.12.1101 as proposed.

AUTH: 85-2-225, MCA

IMP: 85-2-225, MCA

3. No comments were received.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION


ARTHUR R. CLINCH, DIRECTOR


DONALD D. MACINTYRE, RULE REVIEWER

Certified to the Secretary of State February 12, 1996

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

In the matter of the	)	CORRECTED NOTICE OF
adoption of Rules I through	)	ADOPTION AND AMENDMENT
XL and the amendment of	)	OF RULES
rules 46.10.801, 46.10.803,)	
46.10.805, 46.10.808,)	
46.10.809, 46.10.810,)	
46.10.811, 46.10.823,)	
46.10.825, 46.10.833 and)	
46.10.835 pertaining to the)	
traditional JOBS program,)	
the FAIM JOBS program and)	
FAIM employment and training)	

TO: All Interested Persons

1. On January 25, 1996, the Department of Public Health and Human Services published notice of the adoption of Rules I through XL and the amendment of rules 46.10.801, 46.10.803, 46.10.805, 46.10.808, 46.10.809, 46.10.810, 46.10.811, 46.10.823, 46.10.825, 46.10.833 and 46.10.835 pertaining to the traditional JOBS program, the FAIM JOBS program and FAIM employment and training at page 277 of the 1996 Montana Administrative Register, issue number 2.

2. The Department inadvertently failed to include a statement of the general subject matter of the federal regulations being adopted by reference in Rule I (46.18.201), as required by 2-4-307(2), MCA. These corrections are being made to correct this omission. The rule is adopted with the following changes:

[RULE I] 46.18.201 FAIM JOBS PROGRAM:
PURPOSE (1) Remains as proposed.

(2) The FAIM JOBS program shall be governed by the regulations of the administration of children and families of the U.S. department of health and human services ~~pertaining to the JOBS program~~ contained in 45 CFR, part 250, ~~pertaining to the purpose, definitions, administration, participation requirements, sanctions and program components of the JOBS program~~, except as the rules in this chapter make specific provisions which are contrary to the federal regulations. The department hereby adopts and incorporates by reference 45 CFR, part 250 as amended through October 1, 1995. A copy of 45 CFR, part 250 as amended through October 1, 1995 may be obtained from the Department of Public Health and Human Services, Office of Legal Affairs, 111 N. Sanders, P.O. Box 4120, Helena, MT 59604-4210.

AUTH: Sec. 53-4-212, MCA

IMP: Sec. 53-2-201, 53-4-211, 53-4-601 and 53-4-613, MCA

3. All portions of the January 25, 1996 notice of adoption and amendment not specifically changed by this corrected notice remain the same.


Rule Reviewer


Director, Public Health and
Human Services

Certified to the Secretary of State February 12, 1996.

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

In the matter of the adoption	)	CORRECTED NOTICE OF
of Rules I through XXXV and	)	ADOPTION AND AMENDMENT
the amendment of 46.12.501,	)	OF RULES
46.12.3204, 46.12.3401,)	
46.12.3805, 46.12.4805,)	
46.12.4806 and 46.12.5003)	
pertaining to AFDC, food)	
stamps and medicaid)	
assistance under the FAIM)	
project)	

TO: All Interested Persons

1. On January 25, 1996, the Department of Public Health and Human Services published notice of the adoption of Rules I through XXXV and the amendment of 46.12.501, 46.12.3204, 46.12.3401, 46.12.3805, 46.12.4805, 46.12.4806 and 46.12.5003 pertaining to AFDC, food stamps and medicaid assistance under the FAIM project at page 284 of the 1996 Montana Administrative Register, issue number 2.

2. The Department inadvertently failed to include a statement of the subject matter of the federal food stamp regulations being adopted by reference in Rule XXII (46.18.401), as required by 2-4-307(2), MCA. These corrections are being made to correct that omission. The rule is adopted with the following changes:

[RULE XXII] 46.18.401 FAIM FOOD STAMP PROGRAM: PURPOSE (1)
Remains as proposed.

(2) The FAIM food stamp program shall be governed by the regulations of the food and consumer service of the U.S. department of agriculture contained in ~~7 CFR, parts 271 through 275, the following parts,~~ except as the rules in this chapter make specific provisions which are contrary to the federal food stamp regulations, in which case these rules shall take precedence over the federal regulations; 7 CFR, parts 271 through 275, pertaining to the purpose, definitions, administration, eligibility and certification and issuance and use of coupons in the food stamp program. The department hereby adopts and incorporates by reference 7 CFR 271 through 275, as amended through January 1, 1995. A copy of 7 CFR 271 through 275 as amended through January 1, 1995 may be obtained from the Department of Public Health and Human Services, Office of Legal Affairs, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210.

AUTH: Sec. 53-2-201 and 53-2-901, MCA
IMP: Sec. 53-2-901, MCA

3. All portions of the January 25, 1996 notice of adoption and amendment not specifically changed by this corrected notice remain the same.


Rule Reviewer


Director, Public Health and
Human Services

Certified to the Secretary of State February 12, 1996.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules, amendment or repeal of existing rules filed with the Secretary of State, except rules proposed by the Department of Revenue. Proposals of the Department of Revenue are reviewed by the Revenue Oversight Committee.

The Administrative Code Committee has the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with the existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana 59620.

**HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE
MONTANA ADMINISTRATIVE REGISTER**

Definitions: Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|--|---|
| Known
Subject
Matter | 1. Consult ARM topical index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 1995. This table includes those rules adopted during the period September 1, 1995 through December 31, 1995 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 September 30, 1995, 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 and 1995 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 January 1996, appear. Vacancies scheduled to appear from March 1, 1996, through May 1, 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 February 7, 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 JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
AIDS Advisory Council (Public Health and Human Services)			
Mr. Frank Gary	Governor	Morris	1/2/1996
Butte			8/18/1996
Qualifications (if required):	public member		
Agricultural Advisory Council (Revenue)			
Ms. Nancy Espy	Governor	not listed	1/23/1996
Broadus			1/23/1997
Qualifications (if required):	representing local government		
Mr. Tim Gill	Governor	not listed	1/23/1996
Helena			1/23/1997
Qualifications (if required):	representing financial interests		
Mr. Don Jenni	Governor	not listed	1/23/1996
Lewistown			1/23/1997
Qualifications (if required):	representing grazing interests		
Ms. Beth Murphy	Governor	not listed	1/23/1996
Great Falls			1/23/1997
Qualifications (if required):	representing urban interests		
Mr. Mike Murphy	Governor	not listed	1/23/1996
Helena			1/23/1997
Qualifications (if required):	representing irrigation interests		
Rep. Linda J. Nelson	Governor	not listed	1/23/1996
Medicine Lake			1/23/1997
Qualifications (if required):	State Senator and a Democrat		
Mr. Mark Rasmussen	Governor	not listed	1/23/1996
Hogeland			1/23/1997
Qualifications (if required):	representing non-irrigated cropland interests		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Agricultural Advisory Council Rep. John 'Sam' Rose Choteau Qualifications (if required): State Representative and a Republican	(Revenue) cont. Governor	not listed	1/23/1996 1/23/1997
Mr. Myles Watts Bozeman Qualifications (if required): representing Montana State University, College of Agriculture	Governor	not listed	1/23/1996 1/23/1997
Appellate Defender Commission Mr. Daniel Donovan Great Falls Qualifications (if required): public defender	(Administration) Governor	reappointed	1/1/1996 1/1/1999
Ms. Randi Hood Helena Qualifications (if required): public defender	Governor	reappointed	1/1/1996 1/1/1999
Blue Ribbon Telecommunications Task Force (Governor's Office) Mr. Patrick Hogan Butte Qualifications (if required): ex-officio member	Governor	Meldahl	1/29/1996 1/1/1997
Board of Chiropractors (Commerce) Dr. Patrick Montgomery Missoula Qualifications (if required): chiropractor	Governor	Buzan	1/11/1996 1/1/1999

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Board of Directors of the Montana Consensus Council (Governor)			
Mr. Larry Anderson	Governor	reappointed	1/5/1996
Chester			1/20/1998
Qualifications (if required):	none specified		
Mr. Nick Cladis	Governor	Kober	1/5/1996
Billings			1/20/1998
Qualifications (if required):	none specified		
Mr. Tad Dale	Governor	reappointed	1/5/1996
Butte			1/20/1998
Qualifications (if required):	none specified		
Ms. Janet Ellis	Governor	reappointed	1/5/1996
Helena			1/20/1998
Qualifications (if required):	none specified		
Ms. Elaine Forest	Governor	Shields	1/5/1996
Helena			1/20/1998
Qualifications (if required):	Native American		
Ms. Molly M. Hobgood	Governor	reappointed	1/5/1996
Whitefish			1/20/1998
Qualifications (if required):	none specified		
Governor Marc Racicot	Governor	reappointed	1/5/1996
Helena			1/20/1998
Qualifications (if required):	none specified		
Lt. Governor Dennis Rehberg	Governor	reappointed	1/5/1996
Helena			1/20/1998
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996			
Appointee	Appointed by	Succeeds	Appointment/End Date
Board of Directors of the Montana Consensus Council (Governor) cont.			
Mr. James R. Scott	Governor	reappointed	1/5/1996
Billings			1/20/1998
Qualifications (if required):	none specified		
Mr. Donald Snow	Governor	reappointed	1/5/1996
Missoula			1/20/1998
Qualifications (if required):	none specified		
Ms. Monica Switzer	Governor	reappointed	1/5/1996
Richer			1/20/1998
Qualifications (if required):	none specified		
Mr. Mike Zimmerman	Governor	reappointed	1/5/1996
Butte			1/20/1998
Qualifications (if required):	none specified		
Board of Horseracing (Commerce)			
Dr. Sheldon John "Skip" Score	Governor	reappointed	1/20/1996
Helena			1/20/1999
Qualifications (if required):	representing District 4		
Board of Occupational Therapy Practice (Commerce)			
Ms. Diana Margaret Leonard	Governor	not listed	1/29/1996
Great Falls			12/31/1999
Qualifications (if required):	occupational therapist		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Board of Respiratory Care Practitioners (Commerce)			
Dr. Richard Blevins	Governor	reappointed	1/1/1996
Great Falls			1/1/2000
Qualifications (if required):	being a physician		
Mr. Rich Lundy			
Billings	Governor	reappointed	1/1/1996
Qualifications (if required):	being a respiratory care practitioner		1/1/2000
Capitol Advisory Council (Administration)			
Sen. Bob Brown	Director	not listed	1/25/1996
Whitefish			1/25/1998
Qualifications (if required):	none specified		
Secretary Mike Cooney			
Helena	Director	not listed	1/25/1996
Qualifications (if required):	none specified		1/25/1998
Mr. Bob Frazier			
Missoula	Director	not listed	1/25/1996
Qualifications (if required):	none specified		1/25/1998
Mr. Hal Jacobson			
Helena	Director	not listed	1/25/1996
Qualifications (if required):	none specified		1/25/1998
Mr. Bob Marks			
Clancy	Director	not listed	1/25/1996
Qualifications (if required):	none specified		1/25/1998
Mr. Allan Mathews			
Missoula	Director	not listed	1/25/1996
Qualifications (if required):	none specified		1/25/1998

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capitol Advisory Council (Administration) cont.			
Ms. Lois A. Menzies	Director	not listed	1/25/1996
Helena			1/25/1998
Qualifications (if required): none specified			
Rep. John Mercer	Director	not listed	1/25/1996
Polson			1/25/1998
Qualifications (if required): none specified			
Rep. Ray Peck	Director	not listed	1/25/1996
Havre			1/25/1998
Qualifications (if required): none specified			
Mr. Bob Person	Director	not listed	1/25/1996
Helena			1/25/1998
Qualifications (if required): none specified			
Mr. Paul Putz	Director	not listed	1/25/1996
Vermillion			1/25/1998
Qualifications (if required): none specified			
Ms. Madalyn Quinlan	Director	not listed	1/25/1996
Helena			1/25/1998
Qualifications (if required): none specified			
Mr. Fredric L. Quivik	Director	not listed	1/25/1996
Froid			1/25/1998
Qualifications (if required): none specified			
Mr. Mark Reavis	Director	not listed	1/25/1996
Butte			1/25/1998
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capitol Restoration Commission (Administration)			
Ms. Jeanne Michael	Lieutenant Governor not listed		1/2/1996
Billings			12/3/1999
Qualifications (if required):	public member		
Mr. Loren Smith			
Great Falls	Lieutenant Governor not listed		1/2/1996
Qualifications (if required):	public member		12/3/1999
Community Services Advisory Council (Governor)			
Ms. Norma Bixby	Governor	reappointed	1/3/1996
Lame Deer			7/1/1996
Qualifications (if required):	representing tribal government		
Ms. Candace Bowman			
Lewistown	Governor	reappointed	1/3/1996
Qualifications (if required):	representing human services		7/1/1998
Ms. Susan Callaghan			
Butte	Governor	reappointed	1/3/1996
Qualifications (if required):	representing business		7/1/1998
Ms. Nancy Coopersmith			
Helena	Governor	reappointed	1/3/1996
Qualifications (if required):	representing K-12 education		7/1/1997
Mr. George Dennison			
Missoula	Governor	reappointed	1/3/1996
Qualifications (if required):	representing higher education		7/1/1997
Ms. Gertrude Downey			
Butte	Governor	reappointed	1/3/1996
Qualifications (if required):	representing private citizens		7/1/1997

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Community Services Advisory Council (Governor) cont.			
Ms. Patricia J. Gunderson	Governor	reappointed	1/3/1996
Belgrade			7/1/1998
Qualifications (if required):	representing labor unions		
Ms. Jan Kenitzer	Governor	reappointed	1/3/1996
Baker			7/1/1996
Qualifications (if required):	representing private citizens		
Ms. Billie Krenzler	Governor	reappointed	1/3/1996
Billings			7/1/1998
Qualifications (if required):	representing local government		
Mr. Joseph Lovelady	Governor	reappointed	1/3/1996
Helena			7/1/1997
Qualifications (if required):	representing volunteer organizations		
Mr. Charles McCarthy	Governor	reappointed	1/3/1996
Helena			7/1/1996
Qualifications (if required):	representing human services		
Major Loren Oelkers	Governor	reappointed	1/3/1996
Helena			7/1/1997
Qualifications (if required):	representing Military Affairs		
Ms. Kathy Ramirez	Governor	reappointed	1/3/1996
Helena			7/1/1997
Qualifications (if required):	representing not-for-profit agencies		
Mr. Bob Simoneau	Governor	reappointed	1/3/1996
Helena			7/1/1998
Qualifications (if required):	representing the Department of Labor and Industry		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services)			
Mr. Vern Anderson	Governor	Lorenz	1/1/1996
Billings			1/1/2002
Qualifications (if required):	representing consumers		
Sen. Ethel Harding	Governor	reappointed	1/1/1996
Polson			1/1/1998
Qualifications (if required):	state senator		
Mr. Cort Harrington	Governor	reappointed	1/1/1996
Helena			1/1/2002
Qualifications (if required):	attorney		
Dr. Allen Hartman	Governor	reappointed	1/1/1996
Billings			1/1/2002
Qualifications (if required):	physician		
Ms. Vonnie Koenig	Governor	reappointed	1/1/1996
Kalispell			1/1/2002
Qualifications (if required):	representing consumers		
Mr. Wallace Melcher	Governor	reappointed	1/1/1996
Helena			1/1/2002
Qualifications (if required):	representing consumers		
Ms. Judy Rolfe	Governor	reappointed	1/1/1996
Helena			1/1/2002
Qualifications (if required):	representing consumers		
Mr. Allen Smith	Governor	reappointed	1/1/1996
Helena			1/1/2002
Qualifications (if required):	representing the Montana Advocacy Program		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services) cont.			
Rep. Roger Somerville	Governor	Kasten	1/2/1996
Lakeside			1/1/1997
Qualifications (if required): state representative			
Mr. Robert Tallon	Governor	reappointed	1/1/1996
Bozeman			1/1/2002
Qualifications (if required): representing service provider organizations			
Dr. Timm Vogelsburg	Governor	reappointed	1/1/1996
Missoula			1/1/2002
Qualifications (if required): representing a university program			
Lewis and Clark Bicentennial Celebration Advisory Committee (Montana Historical Society)			
Mr. John G. Lepley	Governor	Doerk, Jr.	1/2/1996
Fort Benton			8/26/1996
Qualifications (if required): representing Russell Country			
Ms. Betty White	Governor	Woodcock	1/2/1996
Ronan			8/26/1996
Qualifications (if required): representing Glacier Country			
Martin Luther King, Jr., Holiday Commemorative Commission (Commerce)			
Mr. Anthony Caldwell	Governor	Russell	1/12/1996
Great Falls			1/12/1998
Qualifications (if required): public member			
Reverend Phillip Caldwell	Governor	reappointed	1/12/1996
Great Falls			1/12/1998
Qualifications (if required): representing ethnic and religious groups			

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Martin Luther King, Jr., Holiday Commemorative Commission (Commerce) cont.			
Ms. Angelina Vallejo Cormier	Governor	reappointed	1/12/1996
Billings			1/12/1998
Qualifications (if required):	representing ethnic and business groups		
Ms. Bonnie Craig	Governor	not listed	1/12/1996
Missoula			1/12/1998
Qualifications (if required):	representing ethnic and education groups		
Mr. Robert Fourstar	Governor	not listed	1/12/1996
Wolf Point			1/12/1998
Qualifications (if required):	representing ethnic groups		
Reverend Bob Freeman	Governor	not listed	1/12/1996
Billings			1/12/1998
Qualifications (if required):	representing ethnic and religious groups		
Dr. Frederick Gilliard	Governor	not listed	1/12/1996
Great Falls			1/12/1998
Qualifications (if required):	representing education groups		
Mr. Bill Jones	Governor	not listed	1/12/1996
Great Falls			1/12/1998
Qualifications (if required):	representing human rights groups		
Ms. Kay Maloney	Governor	not listed	1/12/1996
Great Falls			1/12/1998
Qualifications (if required):	representing human rights groups		
Ms. Christina Medina	Governor	not listed	1/12/1996
Helena			1/12/1998
Qualifications (if required):	representing ethnic and human rights groups		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Martin Luther King, Jr., Holiday Commemorative Commission (Commerce) cont.			1/12/1996
Ms. Carol Murray	Governor	Monteau	1/12/1998
Browning			
Qualifications (if required):	Public member		
Mrs. Pat Ojo	Governor	Bearcrane	1/12/1996
Missoula			1/12/1998
Qualifications (if required):	Public member		
Mr. Benjamin Pease, Jr.	Governor	Naomi Rohr	1/12/1996
Billings			1/12/1998
Qualifications (if required):	Public member		
Ms. Donna Ruff	Governor	not listed	1/12/1996
Fairview			1/12/1998
Qualifications (if required):	representing labor and ethnic groups		
Mr. Brian Schnitzer	Governor	not listed	1/12/1996
Billings			1/12/1998
Qualifications (if required):	representing religious and business groups		
Ms. Michelle Wilkerson	Governor	not listed	1/12/1996
Great Falls			1/12/1998
Qualifications (if required):	representing ethnic and human rights groups		
Noxious Weed Trust Fund Advisory Council (Agriculture)			
Mr. Dan DeBuff	Director	Derks	1/12/1996
Shawmut			6/30/1997
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Private Land-Public Wildlife Advisory Council			
Mr. Tony Carroccia	Governor	(Fish, Wildlife and Parks)	1/18/1996
Big Timber		not listed	1/18/1998
Qualifications (if required):	landowner		
Mr. Alan Charles	Governor	not listed	1/18/1996
Miles City			1/18/1998
Qualifications (if required):	hunter		
Mr. Steve Christensen	Governor	not listed	1/18/1996
Corvallis			1/18/1998
Qualifications (if required):	landowner		
Mr. Dave Cole	Governor	not listed	1/18/1996
Helena			1/18/1998
Qualifications (if required):	hunter		
Ms. Darlyne Dascher	Governor	not listed	1/18/1996
Fort Peck			1/18/1998
Qualifications (if required):	landowner		
Sen. John Hertel	Governor	not listed	1/18/1996
Moore			1/18/1998
Qualifications (if required):	legislator		
Ms. Jean Kelly	Governor	not listed	1/18/1996
Kalispell			1/18/1998
Qualifications (if required):	sportsman		
Mr. Lonnie McCurdie	Governor	not listed	1/18/1996
Conrad			1/18/1998
Qualifications (if required):	sportsman		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Private Land-Public Wildlife Advisory Council (Fish, Wildlife and Parks) cont.			
Mr. Verle Rademacher	Governor	not listed	1/18/1996
White Sulphur Springs			1/18/1998
Qualifications (if required):	media representative		
Mr. Steve Roth	Governor	not listed	1/18/1996
Big Sandy			1/18/1998
Qualifications (if required):	landowner		
Mr. Russ Smith	Governor	not listed	1/18/1996
Philipsburg			1/18/1998
Qualifications (if required):	outfitter		
Rep. Emily Swanson	Governor	not listed	1/18/1996
Bozeman			1/18/1998
Qualifications (if required):	legislator		
Public Health Improvement Advisory Council (Public Health and Human Services)			
Ms. Jodi Martz	Governor		1/2/1996
Butte		Ruppert	9/30/1996
Qualifications (if required):	representing concerned citizens		
Public Health Improvement Task Force (Public Health and Human Services)			
Mr. Dale Taliaferro	Governor	not listed	1/23/1996
Helena			9/30/1996
Qualifications (if required):	ex-officio member		
Ms. Kathleen Winters	Governor	not listed	1/23/1996
Bozeman			9/30/1996
Qualifications (if required):	ex-officio member		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeded	Appointment/End Date
Resource Conservation Advisory Council (Natural Resources and Conservation)			
Mr. Dennis L. DeVries	Director	not listed	1/10/1996
Polson			11/30/1997
Qualifications (if required): none specified			
Ms. Jamie Doggett	Director	not listed	1/10/1996
White Sulphur Springs			11/30/1997
Qualifications (if required): none specified			
Mr. Sever Enkerud	Director	not listed	1/10/1996
Glasgow			11/30/1997
Qualifications (if required): none specified			
Mr. Robert Fossum	Director	not listed	1/10/1996
Richland			11/30/1997
Qualifications (if required): none specified			
Mr. Ellis Hagen	Director	not listed	1/10/1996
Westby			11/30/1997
Qualifications (if required): none specified			
Ms. Marieanne Hanser	Director	not listed	1/10/1996
Billings			11/30/1997
Qualifications (if required): none specified			
Mr. Tom Stelling	Director	not listed	1/10/1996
Fort Shaw			11/30/1997
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Whirling Disease Task Force			
Mr. Jim Ahrens	(Fish, Wildlife and Parks)	reappointed	1/1/1996
Helena	Governor		10/1/1996
Qualifications (if required):	not specified		
Mr. Kirby Alton	Governor	reappointed	1/1/1996
Thousand Oaks			10/1/1996
Qualifications (if required):	not specified		
Mr. Thomas Anacker	Governor	reappointed	1/1/1996
Bozeman			10/1/1996
Qualifications (if required):	not specified		
Mr. John Bailey	Governor	reappointed	1/1/1996
Livingston			10/1/1996
Qualifications (if required):	not specified		
Dr. Marshall Bloom	Governor	reappointed	1/1/1996
Hamilton			10/1/1996
Qualifications (if required):	not specified		
Mr. Matt Cohn	Governor	reappointed	1/1/1996
Helena			10/1/1996
Qualifications (if required):	not specified		
Mr. Robin Cunningham	Governor	reappointed	1/1/1996
Gallatin Gateway			10/1/1996
Qualifications (if required):	not specified		
Mr. Pat Graham	Governor	reappointed	1/1/1996
Helena			10/1/1996
Qualifications (if required):	not specified		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Whirling Disease Task Force			
Mr. Mike Hayden	(Fish, Wildlife and Parks) cont.	reappointed	1/1/1996
Alexandria	Governor		10/1/1996
Qualifications (if required):	not specified		
Dr. Roger Herman	Governor	reappointed	1/1/1996
Kearneysville			10/1/1996
Qualifications (if required):	not specified		
Mr. Karl Johnson	Governor	reappointed	1/1/1996
Bozeman			10/1/1996
Qualifications (if required):	not specified		
Mr. Bob LeFever	Governor	reappointed	1/1/1996
Butte			10/1/1996
Qualifications (if required):	not specified		
Mr. Bud Lilly	Governor	reappointed	1/1/1996
Bozeman			10/1/1996
Qualifications (if required):	not specified		
Mr. Dud Lutton	Governor	reappointed	1/1/1996
Helena			10/1/1996
Qualifications (if required):	not specified		
Mr. Art Neill	Governor	reappointed	1/1/1996
Butte			10/1/1996
Qualifications (if required):	not specified		
Mr. Roger Nelson	Governor	reappointed	1/1/1996
Livingston			10/1/1996
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Whirling Disease Task Force	(Fish, Wildlife and Parks) cont.		
Ms. Chris Somers	Governor	reappointed	1/1/1996
Butte			10/1/1996
Qualifications (if required):	not specified		
Ms. Marsha "Josh" Turner	Governor	reappointed	1/1/1996
Helena			10/1/1996
Qualifications (if required):	not specified		
Mr. Bruce Whittenberg	Governor	reappointed	1/1/1996
Helena			10/1/1996
Qualifications (if required):	not specified		
Mr. Ed Williams	Governor	reappointed	1/1/1996
Ennis			10/1/1996
Qualifications (if required):	not specified		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

Board/current position holder	Appointed by	Term end
Advisory Council on Corrections and Criminal Justice Policy (Corrections and Human Services)		
Lieutenant Jim Casshell, Bozeman	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. John P. Connor, Jr., Helena	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Frank DiFonzo, Sidney	Governor	4/28/1996
Qualifications (if required): none specified		
Ms. Dana Donahue, Warm Springs	Governor	4/28/1996
Qualifications (if required): none specified		
Ms. Linda Hickman, Harlowton	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. William J. "Bill" LaBrie, Whitefish	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Michael A. Lavin, Helena	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Ted O. Lympus, Kalispell	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Steve McArthur, Butte	Governor	4/28/1996
Qualifications (if required): none specified		
Justice Jim Nelson, Helena	Governor	4/28/1996
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

Board/current position holder	Appointed by	Term end
Advisory Council on Corrections and Criminal Justice Policy (Corrections and Human Services) cont.		
Ms. Candyce Neubauer, Deer Lodge	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Earl Peace, Bozeman	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Mike Salvagni, Bozeman	Governor	4/28/1996
Qualifications (if required): none specified		
Judge Jeffrey Sherlock, Helena	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Bill Smith, Deer Lodge	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. John Strandell, Great Falls	Governor	4/28/1996
Qualifications (if required): none specified		
Mr. Bud Walsh, Butte	Governor	4/28/1996
Qualifications (if required): none specified		
Board of Architects (Commerce)		
Mr. Keith Eugene Rupert, Billings	Governor	3/27/1996
Qualifications (if required): architect		
Board of Athletics (Commerce)		
Mr. John Kinna, Bozeman	Governor	4/25/1996
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

Board/current position holder	Appointed by	Term end
Board of Dentistry (Commerce) Dr. Scott D. Erler, Missoula Qualifications (if required): dentist	Governor	3/29/1996
Board of Rail Insurance (Agriculture) Mr. Lanny Christman, Dutton Qualifications (if required): public member	Governor	4/18/1996
Ms. Rebecca McCabe, Ekalaka Qualifications (if required): none specified	Governor	4/18/1996
Board of Nursing Home Administrators (Commerce) Ms. Fern Prather, Big Timber Qualifications (if required): member of public organization	Governor	5/28/1996
Board of Optometrists (Commerce) Mr. Larry J. Bonderud, Shelby Qualifications (if required): optometrist	Governor	4/3/1996
Board of Plumbers (Commerce) Mr. Thor A. Jackola, Kalispell Qualifications (if required): mechanical engineer	Governor	5/4/1996
Board of Real Estate Appraisers (Commerce) Mr. Patrick Asay, Cardwell Qualifications (if required): licensed appraiser	Governor	5/1/1996
Board of Realty Regulation (Commerce) Ms. Marcia Allen, Helena Qualifications (if required): realty business and democrat from Western Congressional District	Governor	5/9/1996

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1998 through May 31, 1996

Board/current position holder	Appointed by	Term end
Board of Veterans' Affairs (Military Affairs)		
Mr. Thaddeus Mayer, Missoula	Governor	5/18/1996
Qualifications (if required): honorably discharged from military service		
Capitol Finance Advisory Council (Administration)		
Mr. Marvin Dye, Helena	Governor	3/30/1996
Qualifications (if required): Director of the Department of Transportation		
Sen. Delwyn Gage, Cut Bank	Governor	3/30/1996
Qualifications (if required): represents legislature		
Mr. Leo Giacometto, Helena	Governor	3/30/1996
Qualifications (if required): Director of the Department of Agriculture		
Mr. Jim Kaze, Havre	Governor	3/30/1996
Qualifications (if required): represents Board of Regents		
Mr. David Lewis, Helena	Governor	3/30/1996
Qualifications (if required): Director of the Office of Budget and Program Planning		
Dr. Amos R. Little, Jr., Helena	Governor	3/30/1996
Qualifications (if required): represents Montana Health Facilities Authority		
Ms. Lois A. Menzies, Helena	Governor	3/30/1996
Qualifications (if required): Director of the Department of Administration		
Mr. Jon Noel, Helena	Governor	3/30/1996
Qualifications (if required): Director of the Department of Commerce		
Rep. Ray Peck, Havre	Governor	3/30/1996
Qualifications (if required): legislator		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Capitol Finance Advisory Council (Administration) cont. Mr. Mark A. Simonich, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	3/30/1996
Mr. Bob Thomas, Stevensville Qualifications (if required): represents Board of Housing	Governor	3/30/1996
Mr. Warren Vaughan, Billings Qualifications (if required): represents Board of Investments	Governor	3/30/1996
Executive Board of MT College of Mineral Science & Technology (University System) Ms. Constance B. Lord, Phillipsburg Qualifications (if required): none specified	Governor	4/15/1996
Executive Board of Eastern Montana College (University System) Mr. James Sites, Billings Qualifications (if required): none specified	Governor	4/15/1996
Executive Board of Montana State University (University System) Mr. Rory D. Abraham, Kalispell Qualifications (if required): none specified	Governor	4/15/1996
Executive Board of Northern Montana College (University System) Mr. David G. Rice, Havre Qualifications (if required): none specified	Governor	4/15/1996
Executive Board of Western Montana College (University System) Ms. Agnes Helle, Dillon Qualifications (if required): none specified	Governor	4/15/1996

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

Board/current position holder	Appointed by	Term end
Executive Board of the University of Montana (University System) Colonel Sam A. Roberts, Missoula Qualifications (if required): none specified	Governor	4/15/1996
Family Services Advisory Council (Family Services) Ms. Patricia Coats, Whitefish Qualifications (if required): public member	Governor	4/15/1996
Ms. Joan-Nell Macfadden, Great Falls Qualifications (if required): public member	Governor	4/15/1996
Ms. Jani McCall, Billings Qualifications (if required): public member	Governor	4/15/1996
Ms. Barbara Sample, Billings Qualifications (if required): public member	Governor	4/15/1996
Ms. Jeri Snell, Miles City Qualifications (if required): public member	Governor	4/15/1996
Mental Health Managed Care Advisory Group (Social and Rehabilitation Services) Mr. Dan Anderson, Helena Qualifications (if required): Department of Corrections and Human Services	Governor	4/28/1996
Mr. Peter Blouke, Helena Qualifications (if required): Department of Social and Rehabilitation Services	Governor	4/28/1996
Mr. Bill Diers, Kalispell Qualifications (if required): hospital	Governor	4/28/1996
Rep. Mike Foster, Townsend Qualifications (if required): legislator	Governor	4/28/1996

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

Board/current position holder	Appointed by	Term end
Mental Health Managed Care Advisory Group (Social and Rehabilitation Services) cont.		
Mr. Howard W. Gipe, Kalispell	Governor	4/28/1996
Qualifications (if required): county government		
Ms. Donna Hale, Helena	Governor	4/28/1996
Qualifications (if required): social worker		
Ms. Linda Hatch, Great Falls	Governor	4/28/1996
Qualifications (if required): community mental health center		
Mr. Carl Keener, Warm Springs	Governor	4/28/1996
Qualifications (if required): state hospital		
Mr. Jack Kober, Helena	Governor	4/28/1996
Qualifications (if required): advocate		
Ms. Sandra Mihelish, Helena	Governor	4/28/1996
Qualifications (if required): family member		
Ms. Kelly Moore, Helena	Governor	4/28/1996
Qualifications (if required): advocate		
Dr. Nathan Munn, Helena	Governor	4/28/1996
Qualifications (if required): physician		
Mr. Pat Pope, Helena	Governor	4/28/1996
Qualifications (if required): consumer		
Dr. Debra Sanchez, Helena	Governor	4/28/1996
Qualifications (if required): psychologist		
Ms. Kathy Standard, Helena	Governor	4/28/1996
Qualifications (if required): consumer		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

Board/current position holder	Appointed by	Term end
Mental Health Managed Care Advisory Group (Social and Rehabilitation Services) cont.		
Mr. Ray Venzke, Helena	Governor	4/28/1996
Qualifications (if required): licensed professional counselor		
Sen. Mignon Waterman, Helena		
Qualifications (if required): legislator	Governor	4/28/1996
Multistate Tax Commission Advisory Council (Revenue)		
Ms. Lynn Chenoweth, Helena	Director	3/1/1996
Qualifications (if required): none specified		
Ms. Judy Paynter, Helena		
Qualifications (if required): none specified	Director	3/1/1996
Mr. Neil Peterson, Helena		
Qualifications (if required): none specified	Director	3/1/1996
Mr. David W. Woodgerd, Helena		
Qualifications (if required): none specified	Director	3/1/1996
Petroleum Tank Release Compensation Board (Health and Environmental Sciences)		
Mr. Bob Robinson, Helena	Governor	3/12/1996
Qualifications (if required): Director of Department of Health and Environmental Sciences		
Public Employees Retirement Board (Administration)		
Ms. Carol Lambert, Hammond	Governor	4/1/1996
Qualifications (if required): member at large		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Lands Advisory Council (State Lands) Sen. Chet Blaylock, laurel Qualifications (if required): public member	Governor	3/1/1996
Dr. Charles E. Buehler, Butte Qualifications (if required): public member	Governor	3/1/1996
Sen. William Crismore, Libby Qualifications (if required): public member	Governor	3/1/1996
Ms. Kelly Flaherty, Canyon Creek Qualifications (if required): public member	Governor	3/1/1996
Mr. Kenneth Greslin, Broadus Qualifications (if required): public member	Governor	3/1/1996
Mr. Rick Hartz, Dillon Qualifications (if required): public member	Governor	3/1/1996
Ms. Lois Hill, Geyser Qualifications (if required): public member	Governor	3/1/1996
Ms. Dorothy Laird, Whitefish Qualifications (if required): public member	Governor	3/1/1996
Ms. Marilyn Laughery, Lewistown Qualifications (if required): public member	Governor	3/1/1996
Mr. Thomas Loftsgaard, Peerless Qualifications (if required): public member	Governor	3/1/1996
Sen. Ken Mesaros, Cascade Qualifications (if required): public member	Governor	3/1/1996

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1996 through May 31, 1996

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>State Lands Advisory Council</u> (State Lands) cont. Mr. Richard L. Miller, Missoula Qualifications (if required): public member	Governor	3/1/1996
Mr. Dave Moore, Big Timber Qualifications (if required): public member	Governor	3/1/1996
Mr. Mark Rasmussen, Hogeland Qualifications (if required): public member	Governor	3/1/1996
Ms. Joan Schmidt, Fairfield Qualifications (if required): public member	Governor	3/1/1996
<u>State Library Commission</u> (Education) Ms. Anne Hauptman, Billings Qualifications (if required): public member	Governor	5/22/1996
Ms. Myrna Z. Lundy, Fort Benton Qualifications (if required): public member	Governor	5/22/1996