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MONTANA ADMINISTRATIVE REGISTER

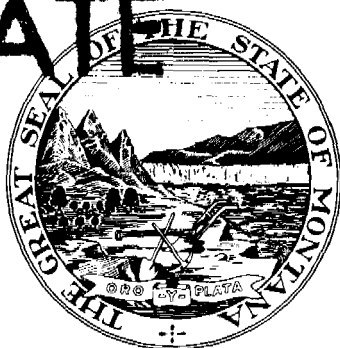
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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
amendment of rules pertaining) THE PROPOSED AMENDMENT AND
to inactive to active status) ADOPTION OF RULES PERTAINING
licenses for dentists and) TO DENTISTS, DENTAL
dental hygienists, general) HYGIENISTS AND DENTURISTS
standards, denturist examin-
ation and denturist inactive to)
active status license and the)
proposed adoption of a new rule)
pertaining to reinstatement of)
denturist licenses)

TO: All Interested Persons:

1. On June 10, 1997, at 9:00 a.m., a public hearing will be held in the Professional and Occupational Licensing Conference room, Lower Level, Arcade Building, 111 North Jackson, Helena, Montana, to consider the proposed amendment and adoption of rules pertaining to dentists, dental hygienists and denturists.

2. The proposed amendment of ARM 8.16.408, 8.16.607, 8.16.719, 8.17.404 and 8.17.709 will read as follows: (new matter underlined, deleted matter interlined)

"8.16.408 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE (1) through (2)(a)(i) will remain the same.

(ii) evidence that the applicant has not been out of practice for more than three five years. If the applicant has been out of practice for longer than three five years, the request for reactivation will be at the board's discretion; or

(iii) through (d) will remain the same.

(e) applicant must take and pass the jurisprudence examination if the applicant has been inactive for three five years or longer."

Auth: Sec. 37-1-319, 37-4-205, 37-4-307, MCA; IMP, Sec. 37-1-319, 37-4-307, MCA

REASON: The proposed amendments will increase the years allowed on inactive status from three to five, to be more consistent with reinstatement language, which allows five years also.

"8.16.607 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE (1) through (2)(a)(i) will remain the same.

(ii) evidence that the applicant has not been out of active practice for more than three five years. If the applicant has been out of practice for longer than three five

years, the request for reactivation will be at the board's discretion; or

(iii) through (d) will remain the same.

(e) applicant must take the jurisprudence examination if the applicant has been inactive for ~~three~~ five years or longer."

Auth: Sec. 37-1-131, 37-1-319, 37-4-205, 37-4-406, MCA; IMP, Sec. 37-1-319, 37-4-406, MCA

REASON: The proposed amendments will increase the years allowed on inactive status from three to five, to be more consistent with reinstatement language, which allows five years also.

"8.16.719 GENERAL STANDARDS (1) through (c) will remain the same.

(d) will remain the same, but will be renumbered (2)."

Auth: Sec. 37-4-205, ~~37-4-321~~, MCA; IMP, Sec. 37-4-103, 37-4-301, ~~37-4-321~~, MCA

REASON: The proposed amendments will delete reference to a repealed statute and allow insertion of the correct citations.

"8.17.404 DENTURIST EXAMINATION (1) The examination approved by the board for licensure shall include a practical component on a live patient.

(1) will remain the same, but will be renumbered (2).

~~(2) (3)~~ Grading will be done by Montana licensed dentists and denturists conducting the examination or the board's designees.

~~(3) (4)~~ The chief examiner shall be the denturist currently serving on the board of dentistry or the board's designees.

(4) through (6) will remain the same, but will be renumbered (5) through (7)."

Auth: Sec. 37-29-201, MCA; IMP, Sec. 37-29-305, MCA

REASON: The proposed amendment will clarify the board's requirement for a denturist examination to include a practical component, as the current rule language could be interpreted differently. The amendments will also allow the board to designate out-of-state proctors and examiners, should the examination be offered exclusively in another state.

"8.17.709 DENTURIST INACTIVE STATUS LICENSE TO ACTIVE STATUS LICENSE (1) through (2)(a)(i) will remain the same.

(ii) evidence that the applicant has not been out of active practice for more than ~~three~~ five years. ~~if the applicant has been out of practice for longer than three five years, the request for reactivation will be at the board's discretion; or~~

(iii) through (d) will remain the same.

(e) applicant must take the jurisprudence examination if the applicant has been inactive for ~~three~~ five years or longer."

Auth: Sec. 37-1-319, 37-4-205, 37-29-201, MCA; IME, Sec. 37-1-319, MCA

REASON: The proposed amendments will increase the years allowed on inactive status from three to five, to be more consistent with reinstatement language, which allows five years also.

3. The proposed new rule will read as follows:

"1. DENTURIST LICENSE REINSTATEMENT (1) Upon application and payment of the appropriate fee, the board may reinstate a license previously revoked for non-payment of fee if the applicant does each of the following:

(a) presents satisfactory evidence of operative competency, which may include, but not be limited to:

(i) evidence that the applicant has actively engaged in direct clinical patient care denturistry in another jurisdiction for a minimum of 1000 hours during the year immediately preceding the application for reinstatement; or

(ii) evidence that the applicant has been actively engaged in direct clinical patient care denturistry three of the last five years immediately preceding application for reinstatement. If the applicant has been inactive for two out of the preceding five years, the request for reinstatement will be at the board's discretion. If inactive in direct clinical patient care for five years or longer, the applicant must pass a board-approved examination; or

(iii) evidence that, within the last year, the applicant has successfully passed a board-approved examination for licensure. If the applicant must take the examination, the applicant will be exempt from the continuing education requirement.

(b) submits license verification from all jurisdictions where the applicant is licensed or has held a license;

(c) provides evidence the applicant is not the subject of an unresolved or adverse decision based on a complaint, investigation, review procedure or other disciplinary proceeding undertaken by a state, territorial, local or federal dental/denturist licensing jurisdiction, or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice or negligent dental care;

(d) submits verification of 36 hours of continuing education related to denturistry in the 36 months immediately preceding application. Continuing education will not be required, however, if an applicant has passed the board-approved examination within the year immediately preceding application;

(e) submits a current CPR card;

(f) takes and passes the jurisprudence examination if the license was revoked for three years or longer; and

(g) pays renewal fees for each year they were unpaid, plus a late penalty fee for each year."

Auth: Sec. 37-1-141, 37-29-201, MCA; IMP, Sec. 37-1-141, MCA

REASON: The proposed rule will provide for reinstatement for a denturist license which has lapsed, if application is within five years of the lapse. This rule will make denturist reinstatement consistent with dentist and dental hygienist which currently allows five years to re-apply.


4. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., June 2, 1997, to advise us of the nature of the accommodation that you need. Please contact Sharon McCullough, Board of Dentistry, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 444-3745; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-1667. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rulemaking process should contact Sharon McCullough.

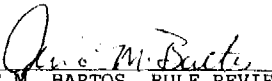
5. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Dentistry, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile, number (406) 444-1667, to be received no later than 5:00 p.m., June 16, 1997.

6. Carol Grell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF DENTISTRY
DONALD NORDSTROM, DDS, CHAIRMAN

BY:


ANNIE M. BARTOS, CHIEF COUNSEL


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 5, 1997.

BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of rules pertaining) OF 8.42.402 EXAMINATIONS,
to examinations, fees and) 8.42.403 FEES AND 8.42.405
temporary licenses) TEMPORARY LICENSES

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On June 18, 1997, the Board of Physical Therapy Examiners proposes to amend the above-stated rules.
2. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

"8.42.402 EXAMINATIONS (1) through (4)(e) will remain the same.

(5) The applicant shall score a passing grade equal to or higher than a scaled score of 600, the criterion-referenced passing point recommended nationally by the federation of state boards of physical therapy. The passing score on the jurisprudence examination shall be ~~75%~~ 90%.

(a) and (6) will remain the same."

Auth: Sec. ~~37-1-131, 37-11-201~~, MCA; IMP, Sec. ~~37-11-303, 37-11-304~~, MCA

REASON: The proposed amendment will raise the jurisprudence examination passing score to 90%, as this is an open book examination, provided to all candidates to take at their convenience. The passing rate of ~~75%~~ is too low for the low degree of difficulty of this type of open-book test.

"8.42.403 FEES (1) will remain the same.

(a) Application for NPTE and NPTE examination ~~(for each examination taken paid directly to examination service)~~ \$125 185

(b) through (j) will remain the same."

Auth: Sec. ~~37-1-134, 37-11-201~~, MCA; IMP, Sec. ~~37-11-201, 37-11-304, 37-11-307, 37-11-308, 37-11-309~~, MCA

REASON: The proposed amendment will increase the examination fee to the amount currently being charged by the examination service. The amendment will also reflect the change to having the fee sent directly to the examination service, as the examination is now computer-based, scheduled by each applicant on an individual basis. The fees should therefore be handled on an individual basis also.

"8.42.405 TEMPORARY LICENSES (1) will remain the same.

(2) Applicants for licensure by examination may not be issued a temporary license. ~~The temporary license shall identify the licensed physical therapist who shall be responsible for providing direct supervision. After issuance of the temporary license, the applicant must sit for the next scheduled examination. The temporary license shall be valid until the board makes its final determination on licensure. Only one temporary license will be issued per applicant.~~

(3) and (4) will remain the same."

Auth: Sec. 37-1-131, 37-11-201, MCA; IMP, Sec. 37-1-305, 37-11-309, MCA

REASON: The proposed amendment will eliminate issuance of a temporary license for examination candidates, as there is no longer a need for a temporary license. The ease of computerized testing means there is no time delay in obtaining full licensure. In addition, supervision is difficult and cumbersome, as the supervisor must sign off on all work.

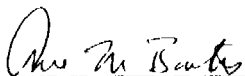
3. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Physical Therapy Examiners, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., June 16, 1997.

4. If a person who is directly affected by the proposed amendments wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Physical Therapy Examiners, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., June 16, 1997.

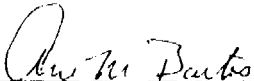
5. If the Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed amendments, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision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

affected has been determined to be 57 based on the 570 licensees in Montana.

BOARD OF PHYSICAL THERAPY
EXAMINERS
CHARLOTTE FANNON, CHAIRMAN



ANNIE M. BARTOS
RULE REVIEWER

BY: 

ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, May 5, 1997.

BEFORE THE BUILDING CODES BUREAU
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
amendment of rules pertaining) AMENDMENTS OF 8.70.101,
to the Uniform Building Code) INCORPORATION BY REFERENCE
and Boiler Inspections) OF UNIFORM BUILDING CODE AND
) 8.70.906, BOILER INSPECTION
) FEES

TO: All Interested Persons:

1. On June 17, 1997, at 10:00 a.m., a public hearing will be held in the downstairs conference room at the Department of Commerce, 1424 Ninth Avenue, Helena, Montana, to consider the proposed amendment of rules pertaining to the uniform building code and boiler inspections.

2. The proposed amendments to ARM 8.70.101 and 8.70.906 will read as follows: (new matter underlined, deleted matter interlined)

"8.70.101 INCORPORATION BY REFERENCE OF UNIFORM BUILDING CODE

(1)(a) through (1)(c) will remain the same.

(d) Subsections 107.2 and 107.3 of section 107 of the Uniform Building Code, 1994 Edition, are amended to read as follows:

Subsection 107.2 Permit fees. The fee for each permit shall be as set forth in ~~the~~ Table No. 13-A of the Uniform Building Code, 1991 Edition.

Subsection 107.3 Plan review fees. When submittal documents are required by Section 106.3.2, a plan review fee shall be paid. Said plan review fee shall be 25% percent of the building permit fee as set forth in Table No. 13-A of the Uniform Building Code, 1991 Edition. When only plan review services are provided, the plan review fee shall be 65% of the building permit fee as set forth in Table No. 13-A of the Uniform Building Code, 1991 Edition.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire-extinguishing systems and any other permanent equipment. Whenever the building official is the state of Montana, acting through the department of commerce, building codes bureau, the value or valuation of a building or structure under any of the provisions of this code will be determined using the cost per square foot method of valuation and the cost per square foot figures for the type and quality of construction listed in the most current "Building Valuation Data" table published by "International Conference of

Building Officials Building Standards" magazine, the trade magazine published by the international conference of building officials, as modified by the regional modifiers set forth in said "Building Valuation Data" table. The building codes bureau may, for public buildings or projects that exceed \$25,000 in building value, use firm bids for establishing the building valuation as an alternative to using "Building Valuation Data" table when such bids include all construction work associated with the building as described earlier in this section and the bidding process is determined as having been open and competitive. Valuation of projects may also be based on firm total project contract amounts if the entire project is contracted and such contracts cover all construction work associated with the building as described earlier in this section, provided this contracted valuation is less than 75% of the valuation as determined by use of "Building Valuation Data" table. Valuation of remodel and/or addition projects, where use of "Building Valuation Data" table is not appropriate, will be based on use of typical and reasonable construction cost. When only plan review fees are charged, the building valuation for determining fees will be based on the design professional's preliminary cost estimate, if such estimate is available or "Building Valuation Data" table, if such estimate is not available. For purposes of calculation of fees, the building valuation shall be rounded off to the nearest \$1,000 and any calculated building and plan review fees shall be rounded off to the nearest \$1. As provided in ARM 8.70.208, local governments certified to enforce the state building code may establish their own permit fees. Local governments may also establish their own method of building valuation. During the period ending on June 30, 1996 ~~1998~~, the building permit fee above shall be reduced to a sum equal to 85% of the sum calculated above and no plan review fee shall be applied, except where plan review services only are provided, the plan review fee shall remain 65% of the building permit fee as set forth in Table No. ~~13-A~~ of the Uniform Building Code, 1991 Edition.

(1)(e) through (30) will remain the same."

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

REASON: On February 9, 1996, the 1994 edition of the Uniform Building Code was incorporated by reference into the State Building Code under ARM 8.70.101(1). Table No. 1-A, the building permit fee schedule of the 1994 edition of the Uniform Building Code requires building permit fees which are considerably greater than the fees set forth in Table No. 3-A of the previously repealed 1991 edition of the Uniform Building Code. Because the increased building permit fees allowed under the 1994 edition of the Uniform Building Code will exceed the administration and enforcement costs of the state's building code program; because excess revenues are continuing; and because the statewide building boom is still underway, the Department of Commerce is amending ARM

8.70.101(1)(d) to repeal the building permit fee schedule of Table No. 1-A of the 1994 edition of the Uniform Building Code and replacing it with the building permit fee schedule which appears in Table No. 3-A of the 1991 edition of the Uniform Building Code. In addition, the Department of Commerce is amending ARM 8.70.101(1)(d) to extend the temporary building permit fee reduction of 15 percent, until June 30, 1998. The rationale for extending the temporary building permit fee reduction is identical to the rationale for restoring the building permits fee schedule set forth in Table No. 3-A of the 1991 edition of the Uniform Building Code.

"8.70.906 FEES (1) will remain the same.

(a) operating certificate	\$2026
(b) internal inspection	4075
(c) external inspection:	
(i) hot water heating and supply	1530
(ii) steam heating	2040
(iii) power boiler	3055
(d) will remain the same.	

(2) through (5) will remain the same."

Auth: Sec. 50-60-203, 50-74-101, MCA; IMP, Sec. 50-60-203, 50-74-219, MCA

REASON: The Bureau proposes these amendments to conform the boiler inspection fees as stated in the rules to new fees as established by the 55th Legislature, SB 290, which amended Sec. 50-74-219, MCA.

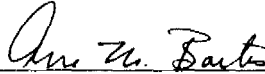
3. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Building Codes Bureau, Department of Commerce, 1218 E. Sixth, P.O. Box 200517, Helena, Montana 59620, no later than June 17, 1997.

4. The Department of Commerce will make reasonable accommodations for person with disabilities who wish to participate in the public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., June 9, 1997, to advise us of the nature of the accommodation that you need. Please contact the Building Codes Bureau, Department of Commerce, 1218 E. Sixth, P.O. Box 200517, Helena, Montana 59620; telephone (406) 444-3933, Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-4240. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Eric Fehlig at the above address.

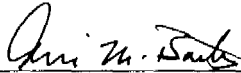
5. Eric Fehlig, attorney, has been designated to preside over and conduct the hearing.

BUILDING CODES BUREAU

BY:



ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE



ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 5, 1997.

BEFORE THE BOARD OF INVESTMENTS
DEPARTMENT OF STATE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
amendment of rules pertaining) THE AMENDMENTS OF THE GENERAL
to General Requirements for) REQUIREMENTS FOR ALL
All Investments in Mortgages) INVESTMENTS IN MORTGAGES AND
and Loans) LOANS

TO: All Interested Persons:

1. On June 16, 1997, at 9:00 a.m., a public hearing will be held in the conference room at the Board of Investments, 555 Fuller Avenue, Helena, Montana, to consider the proposed amendment of rules pertaining to the general requirements for all investments in mortgages and loans.

2. The proposed amendments to ARM 8.97.1301, 8.97.1302, 8.97.1303, 8.97.1305, 8.97.1401, 8.97.1402, 8.97.1403, 8.97.1404, 8.97.1405, 8.97.1410, 8.97.1411, 8.97.1412, 8.97.1413, 8.97.1414, 8.97.1501, 8.97.1502, and 8.97.1503 will read as follows: (new matter underlined, deleted matter interlined)

"8.97.1301 DEFINITIONS (1) through (19) will remain the same.

(20) "Insider" means an executive officer, director or principal shareholder of the seller/servicer further defined under 12 CFR 215.4, Regulation O, of the Federal Reserve System. Loans to an insider include loans to any "related interest", including any company controlled by the insider.

~~(20)~~ (21) "Job credit" means the credit allocated for the creation of any job which pays at least 100% of the average weekly wage as determined by the quarterly statistical report published by the Montana department of labor defined in 39-71-116.

(21) and (22) will remain the same, but will be renumbered (22) and (23).

~~(23) "MAR" means monthly activity report.~~

(24) "Mobile home" means any factory produced home which has metal I beam on centerline of floor or "C" channel perimeter type floor support which has the wheel and axle and/or towing tongue attached. "Manufactured home" means a modular structure which meets the FHLMC required characteristics for manufactured homes.

(25) through (28) will remain the same.

(29) "Primary residence" means a one-to-four single family owner-occupied home including land which is the principal residence of one of the mortgagor(s) and which meets the FHLMC definition of primary residence.

(30) through (43) will remain the same."

Auth: Sec. 17-5-1503, 17-5-1521, 17-6-324, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1503, 17-6-201, 17-6-211, 17-6-302, MCA

"8.97.1302 SELLER/SERVICER APPROVAL PROCEDURES - GENERAL REQUIREMENTS (1) through (2)(e) will remain the same.

(f) an applicant that is not governed by a regulatory agency defined herein, must submit copies of its last three years' audited financial statements, including both balance sheets and income statements plus its most recent quarter-end balance sheet and income statement which have been prepared within 60 days of submission. Current financial statements must indicate a positive return on average assets, and must indicate total capital as a percentage of average assets of at least 6% with a minimum GAAP net worth of \$1,000,000. Evidence of current corporate and ownership structure demonstrating more than three years of existence must be included.

(3) through (7)(c) will remain the same."

Auth: Sec. 17-5-1521, 17-6-324, MCA; IMP, Sec. 17-5-1521, 17-6-211, MCA

"8.97.1303 FORWARD COMMITMENT FEES AND YIELD REQUIREMENTS FOR ALL LOANS (1) will remain the same.

(a) a offering, other than a residential offering, will be considered without a forward commitment fee. For residential offerings considered without a fee, the loan's net yield must be adjusted to compensate the board for the lack of a fee. Only checks or drafts drawn on seller/servicer controlled accounts will be accepted as a forward commitment fee and personal check will not be accepted. The fee for offerings requiring a fee will be electronically transferred by Automated Clearing House (ACH). The seller/servicer must provide written authorization to initiate the transfer.

(b) a forward commitment fee will be refunded only if the application is rejected or the counter offer made by the board is not accepted within 10 days by the seller/servicer. A minimum of \$500 will be withheld from the forward commitment fee on commercial and multi-family loans to compensate the board for loan analysis; and \$100 will be withheld on economic development linked deposit loans, federally guaranteed loans, and residential loans;

(1)(c) through (3)(c) will remain the same.

(d) a forward commitment fee is required on infrastructure loans equal to 1/4% of the amount committed for each year that the commitment is outstanding;

(d) will remain the same but will be renumbered (e).

(e) a borrower has a one time option during the life of the loan to convert a fixed interest rate to an adjustable interest rate of 2% over prime net yield. If the rate is capped, the ceiling will be 4% over the initial rate and the floor will be 2% below the initial rate. The conversion fee is 1% based on the remaining loan balance;

(f) a borrower has a one time option to convert from an adjustable interest rate to the board's currently quoted fixed

~~interest rate during the life of the loan. The conversion fee is 1% based on the remaining balance;~~

(g) will remain the same, but will be renumbered (f).

(4) A financial institution that originates a small business loan for no larger than 0.05% of the balance of the Montana permanent coal tax trust fund at the end of the last completed fiscal year, is entitled to an additional service fee ~~in the form of a discount equal to 0.5% of the board's participation in the loan.~~

Auth: Sec. 17-5-1504, 17-5-1521, 17-6-311, 17-6-315, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-304, 17-6-308, 17-6-315, 17-6-324, MCA

"8.97.1305 APPLICATION PROCEDURE (1) through (4) will remain the same.

(5) An application and all its attachments, including all information submitted to the board subsequent to the submission of the original application for purposes of assisting the board in its evaluation of the application, shall become property of the board, once submitted, and ~~shall~~ may be retained by the board in its loan file.

(6) will remain the same."

Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA

REASON: The Board is proposing the above amendments to subchapter 13 to achieve underwriting guidelines similar to FHLMC (FreddieMac) Federal Home Loan Mortgage Corporation Underwriting Guidelines. This should induce lenders to sell mortgages to the Board on a similar underwriting basis as required by other secondary markets. The proposed amendments to the rules in subchapter 13 dealing with "loans to insiders" are intended to mirror federal governmental agency (Small Business Administration, Rural Economic and Community Development and Comptroller of the Currency) requirements in this regard and to have better clarification of fees charged for the Infrastructure program.

"8.97.1401 RESIDENTIAL LOAN PROGRAMS - GENERAL REQUIREMENTS (1) will remain the same.

(a) mortgages must be secured by property owned by fee simple interest and located within the state of Montana; ~~but additional collateral may be located outside the state of Montana;~~

(b) will remain the same.

(c) ineligible loans include:

(i) loans to trusts;

(ii) effective August 5, 1997, loans to "insiders" of the seller/servicer as defined under 8.97.1301(20);

(c) through (f) will remain the same, but will be renumbered (d) through (g).

(h) all loan offerings approved for purchase by the board and considered without a forward commitment fee, if closed by

the seller/servicer, must be delivered to the board for funding at the committed net yield."

Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA

"8.97.1402 APPRAISALS (1) Financial institutions must have all offerings appraised by an appraiser licensed in Montana. In submitting the appraisal, the financial institution certifies that the appraiser is competent, has the appropriate experience, and lacks conflict of interest regarding the appraised property and that the appraisal report has been made in conformity with USPAP.

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

(4) The following specific appraisal formats and requirements will be required for different classes of real or personal property:

(a) FHLMC/FNMA uniform residential appraisal report for single family residential properties:

(b) FHLMC/FNMA small residential income property report for 2-12 unit residential properties:

(c) Complete summary appraisal report under USPAP Standards Rule 2-2(b) will be required for commercial and multi-family (over 12 units) loans under \$250,000:

(d) Complete self-contained appraisal report under USPAP Standards Rule 2-2(a) will be required for commercial and multi-family loans \$250,000 and over:

(e) Complete summary appraisal report under USPAP Standards Rules 7 and 8 for personal property will be required for loans under \$250,000:

(f) Complete self-contained appraisal report under USPAP Standards Rules 7 and 8 will be required for personal property loans \$250,000 and over.

(5) All conventional loan offerings must be supported by, and include, an appraisal prepared by an appraiser licensed in Montana.

(6) All commercial and multi family loan offerings must be supported by and include an acceptable appraisal prepared by a member of a commonly recognized professional appraisal organization.

(7) Commercial and multi family (over 12 units) appraisals must be a full narrative report prepared in a format consistent with standards established by the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers to include at a minimum:

(a) a summary of important facts and conclusions;

(b) a listing of assumptions and limiting conditions;

(c) a statement of the purpose and function of the appraisal reflecting that the appraisal was prepared for use in obtaining financing;

(d) a statement of property ownership and the date of valuation;

(e) identification of the property including a legal description;

- ~~(f) pertinent general information concerning the geographical area in which the subject property is located and trends in that area;~~
- ~~(g) pertinent specific information concerning the subject site to include a discussion of soil conditions, neighborhood trends, existing zoning requirements and any anticipated changes in zoning requirements;~~
- ~~(h) an estimate of assessment and property taxes;~~
- ~~(i) a detailed description of improvements (existing "as is", existing as rehabilitated, or planned new constructions);~~
- ~~(j) an analysis of the subject property's highest and best use;~~
- ~~(k) a determination of site value based upon comparison of subject site with recent sales of similar sites in the area;~~
- ~~(l) a determination of the cost approach to value using the site value estimated by market comparison and the depreciated replacement cost value of subject improvements. The method used to estimate replacement costs of improvements must be explained;~~
- ~~(m) a determination of the income approach to value based upon comparison of market rents for similar properties in the area and upon projected expenses. The method used to calculate capitalization rates must be explained;~~
- ~~(n) a determination of market approach to value based upon recent sales of comparable properties in the area;~~
- ~~(o) a correlation of the three approaches to value and a conclusion of value;~~
- ~~(p) a certification by the appraiser as to the appraisal and value estimate including:~~
 - ~~(i) certification that the appraiser's valuation of subject property is not influenced in any way to accommodate an anticipated loan amount;~~
 - ~~(ii) certification that the appraiser has no present or contemplated future interest in the subject property;~~
 - ~~(iii) certification that neither the request to make the appraisal, nor the compensation for the appraisal, is contingent upon the appraised value of the subject property;~~
 - ~~(iv) certification that the appraiser has personally inspected the subject property;~~
 - ~~(v) certification that all statements and information in the appraisal report are true and correct and that the appraiser has not knowingly withheld any information;~~
 - ~~(vi) certification that all contingent and limiting conditions are included in the appraisal;~~
 - ~~(vii) certification that the appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the appraisal organizations with which the appraiser is affiliated;~~
 - ~~(viii) certification that all conclusions and opinions concerning the subject property as set forth in the appraisal report were prepared by the appraiser;~~
 - ~~(q) schedules detailing information relating to comparable sales and leases used in determining appraised value~~

of subject property;

(x) ~~other addenda necessary to document statements made in the appraisal;~~

(y) ~~photographs, site maps and floor plans of subject property; and,~~

(t) ~~a listing of the appraiser's qualifications including experience, education, memberships in professional societies, and client references."~~

Auth: Sec. 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA

"8.97.1403 CONVENTIONAL LOAN PROGRAM - GENERAL REQUIREMENTS (1) will remain the same.

(a) ~~FHLMC underwriting guidelines, with the exception of the maximum dollar limit,~~ will be used in evaluating all conventional loans. The FHLMC underwriting guidelines contain those guidelines and criteria relied upon by the FHLMC when underwriting conventional loans. A copy of the FHLMC underwriting guidelines can be examined ~~or a copy obtained by~~ contacting the board in Helena, Montana. ~~The board's maximum loan to value on an uninsured loan is:~~

Lower of Cost/Appraisal

Up to \$250,000	80%
\$250,001-285,000	70%
\$285,001-385,000	65%
\$385,001-500,000	60%
\$500,001-1,000,000	50%
*Max mortgage amount is \$500,000	

(b) Jumbo loans which exceed the FHLMC maximum loan amount will be considered for one unit single family residential properties using the following chart to determine maximum loan-to-values for uninsured loans:

<u>Loan Amount</u>	<u>Maximum Loan-to-Values Purchase/Refinance</u>
<u>FHLMC Maximum</u>	
<u>One-unit loan amount-\$275,000</u>	<u>70%</u>
<u>\$275,001-\$325,000</u>	<u>60%</u>
<u>\$325,001-\$500,000*</u>	<u>50%</u>

* Maximum mortgage amount is \$500,000

(b) will remain the same, but will be renumbered (c).
(c) ~~a loan secured by a mobile home will not be considered, even if the home is secured on a permanent foundation;~~

(d) a manufactured home will be considered if it meets all FHLMC underwriting requirements, but is subject to the following limitations:

(i) no single-wide manufactured homes;

(ii) must have been built after June 15, 1976;
 (iii) foundations must meet FHA requirements;
 (d) and (e) will remain the same, but will be renumbered (e) and (f).

~~(f)~~ (g) escrow impounds are required for taxes, hazard insurance, mortgage insurance, and flood insurance for all loans with loan-to-values exceeding 50 percent;

(g) and (h) will remain the same, but will be renumbered (h) and (i)."

Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

"8.97.1404 CONVENTIONAL LOAN PROGRAM - PURPOSE AND LOAN RESTRICTIONS (1) through (4) will remain the same.

~~(5) A mortgage offering for refinance purposes will be considered as follows:~~

~~(a) For a borrower's primary residence, the maximum loan-to-value ratio for uninsured loans will be 75 percent up to the FHLMC maximum and then the graduated scale in ARM 8.97.1403(1)(a) will be used.~~

~~(b) (5) For a property which is not a borrower's primary residence, the maximum loan-to-value ratio for uninsured loans will be 70 percent up to the FHLMC maximum and then the graduated scale in ARM 8.97.1403(1)(a) will be used less five percent. An investor owned property which is not a borrower's primary residence or second home will be considered at a maximum loan-to-value ratio for uninsured loans of 70 percent. The graduated scale listed below will be used to determine maximum loan-to-values, based upon loan amounts.~~

<u>Loan Amount</u>	<u>Purchase</u>	<u>Refinance</u>
<u>Up to \$275,000</u>	<u>70%</u>	<u>65%</u>
<u>\$275,001-\$325,000</u>	<u>60%</u>	<u>55%</u>
<u>\$325,001-\$500,000*</u>	<u>50%</u>	<u>50%</u>

* Maximum mortgage amount is \$500,000

Use of refinance proceeds must be limited to paying off the existing first mortgage, for paying off junior liens against the property at least one year old as of the origination date of the refinance mortgage, and for paying related closing costs associated with the refinance loan. Cash out to be disbursed to the borrower or any other payee will not be permitted.

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

(a) a written request to cancel is submitted to the board by the servicer;

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

~~(c) (d) the loan balance as a percent of the lower of original cost or current appraised value must not exceed original approved loan-to-value exposure to the board, not to exceed 80 percent;~~

(d) will remain the same, but will be renumbered (e).

(f) satisfying any other reason(s) for requiring private mortgage insurance."

Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-624, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

"8.97.1405 CONVENTIONAL LOAN PROGRAMS - OFFERING CHECKLIST (1) through (1)(b) will remain the same.

(c) a copy of a legible, signed loan application, ~~dated within 90 days~~, including the most recent FNMA or FHLMC application form;

(d) will remain the same.

(e) a copy of the formal written credit report(s) on all borrowers and co-borrowers from a credit reporting agency, ~~dated within 90 days~~;

(f) a written verification of significant deposits and liabilities not listed on the credit reports, ~~dated within 90 days or alternative documentation~~;

(g) a written verification of employment, ~~dated within 90 days or alternative documentation~~;

(h) a copy of the borrower's complete federal tax return for the past two years along with a completed FHLMC/FNMA cash flow analysis form, ~~to be provided by the board~~, if the borrowers or co-borrowers are self-employed or have cash flow from other sources, including but not limited to: depreciation, interest, dividends, partnerships, corporations;

(i) through (2)(1) will remain the same."

Auth: Sec. 17-6-201, MCA; IMPLIED, Sec. 17-6-201, 17-6-324, MCA; IMP, Sec. 17-6-201, 17-6-211, MCA

"8.97.1410 LOAN PROGRAMS FOR COMMERCIAL, MULTI-FAMILY AND NON-PROFIT CORPORATIONS - GENERAL REQUIREMENTS (1) through (9) will remain the same.

(10) Ineligible loans include:

(a) a loan for land development, tax shelter, or speculative ventures ~~will not be considered~~;

(b) effective August 5, 1997, loans to "insiders" of the seller/servicer as defined under 8.97.1301(20);

(11) through (14) will remain the same.

(15) Multi-family and investor loans are not eligible for the additional service fee discussed in 8.97.1303(4).

(15) will remain the same, but will be renumbered (16)."

Auth: Sec. 17-5-1504, 17-5-1521, 17-6-308, 17-6-315, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-308, 17-6-315, 17-6-324, MCA

"8.97.1411 LOAN PROGRAMS FOR COMMERCIAL, MULTI-FAMILY AND NON-PROFIT CORPORATIONS - TERMS AND LOAN LIMITS (1) will remain the same.

(2) The maximum loan-to-value ratio will be based upon the lower of the appraised value, market value, leased fee value, in use value or cost/purchase amount. Interim interest, closing costs and other soft costs will not be considered as part of the cost/purchase amount when calculating the loan-to-value ratio. The maximum loan-to-value ratio applies to the following types of collateral:

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

Auth: Sec. 17-5-1503, 17-5-1521, 17-6-308, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-211, 17-6-308, 17-6-324, MCA

"8.97.1412 LOAN PROGRAMS FOR COMMERCIAL, MULTI-FAMILY AND NON-PROFIT CORPORATIONS - OFFERING CHECKLIST (1)(a) through (1)(d) will remain the same.

(e) a copy of the business's assumed name certificate(s), partnership agreement, or corporate charter, limited liability company articles of organization and bylaws, if applicable;

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

Auth: Sec. 17-5-1504, 17-5-1521, 17-6-308, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-304, 17-6-305, 17-6-308, 17-6-314, 17-6-324, MCA

"8.97.1413 ECONOMIC DEVELOPMENT LINKED DEPOSIT PROGRAM - GENERAL REQUIREMENTS (1) through (4) will remain the same.

(5) The additional service fee discussed in 8.97.1303(4) is not available under this program."

Auth: Sec. 17-6-324, MCA; IMP, Sec. 17-6-324, MCA

"8.97.1414 CONVENTIONAL, FHA, VA, COMMERCIAL, AND MULTI-FAMILY LOAN PROGRAMS - ASSUMPTIONS (1) will remain the same.

(2) The servicer must enforce the "due-on-sale" clause where it exists for all transfers and sales. The acceleration of the due date may be waived upon underwriting and approval by the board of purchaser's credit risk and upon written agreement on the rate of interest payable on the remaining amount secured may be waived.

(3) will remain the same.

(4) When a conventional loan is assumed, the servicer may charge a fee, in addition to inclusive of the board fee, of an amount not to exceed the FHLMC limit of \$900 where the transfer is subject to board consent.

(5) If an agreement is reached to assume the remaining balance, a one-half of one percent (1/2 of 1%) assumption/processing fee will be required by the board on a conventional loan, and three-fourths of one percent (3/4 of 1%) assumption/processing fee will be required on commercial and multi-family loans. The board may waive such fee if action by a third party improves the board's status in the loan. A copy of the settlement statement and assumption agreement will be required for conventional, commercial and multi-family loans. An assumption/processing fee will not be required with an assumption of an FHA/VA loan."

Auth: Sec. 17-6-201, 17-5-1504, 17-5-1521, MCA; IMPLIED, Sec. 17-6-201, 17-6-315, 17-6-324, MCA; IMP, Sec. 17-5-1504, 17-5-1521, 17-6-201, 17-6-211, 17-6-315, 17-6-324, MCA

REASON: The Board is proposing the above amendments to subchapter 14 to achieve underwriting guidelines similar to FHLMC (FreddieMac) Federal Home Loan Mortgage Corporation Underwriting Guidelines. This should induce lenders to sell mortgages to the Board on a similar underwriting basis as required by other secondary markets. The proposed rule in

subchapter 14 dealing with "loans to insiders" is intended to mirror federal governmental agency (Small Business Administration, Rural Economic and Community Development and Comptroller of the Currency) requirements in this regard. The proposed changes to appraisal requirements are intended to respond to USPAP regulations imposed upon lenders, to utilize FHLMC underwriting guidelines for residential properties and to reduce the size of this rule.

"8.97.1501 INVESTMENT POLICY, CRITERIA, AND PREFERENCES

(1) through (4) will remain the same.

(5) The board will not fund loans to any local governmental entity except as provided for under 17-6-305, 17-6-308, 17-6-309, 17-6-311, 317-6-312 and 17-6-316, MCA.

(6) through (8) will remain the same."

Auth: Sec. 17-6-308, 17-6-324, MCA; IMP, Sec. 17-6-304, 17-6-305, 17-6-308, 17-6-314, 17-6-324, MCA

"8.97.1502 INTEREST RATE REDUCTION FOR LOANS FUNDED FROM THE COAL TAX TRUST (1) The board will provide an interest rate reduction to for-profit borrowers, ~~and non-profit borrowers, and local government borrowers~~ based on the number of jobs the loan generates over a two-year period. A borrower who used the proceeds of a loan made pursuant to 17-6-309(2) to create jobs is entitled to a job credit interest rate reduction for each job created in the four-year period provided for in 17-6-311(4)(a). The date of the formal written interim or permanent loan application to the seller/servicer will be used as a beginning date for counting jobs created. Except for local government borrowers, the interest rate reduction shall be limited to a maximum loan size of 1% of the permanent coal trust fund as of the month end preceding the application date for the interest rate reduction and calculated as follows:

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

(3) If the borrower eliminates 10 or more qualifying jobs, the board may increase the interest rate commensurate with the number of qualifying jobs eliminated, if it is determined that such increase is in the best interest of the board's programs.

(3) will remain the same, but will be renumbered (4)."

Auth: Sec. 17-6-308, 17-6-324, MCA; IMP, Sec. 17-6-304, 17-6-308, MCA

"8.97.1503 LOAN PROGRAM FOR INFRASTRUCTURE LOANS - GENERAL DESCRIPTION (1) will remain the same.

(2) A single loan may not be less than \$500,000, ~~and loans must be made in \$250,000 increments.~~ A loan may not exceed \$10,000 per job that is estimated to be created. The estimated number of jobs to be created must be determined within a four-year period from the time that the loan is made for the project.

(3) will remain the same."

Auth: Sec. 17-6-308, 17-6-324, MCA; IMP, Sec. 17-6-304, 17-6-308, MCA

REASON: The Board is proposing the above amendments to subchapter 15 to implement law change (HB 350). In addition, to clarify when the Board may increase the interest rate when qualifying jobs are eliminated.

3. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board of Investments, 555 Fuller Avenue, Helena, Montana 59620, no later than June 24, 1997.

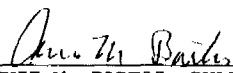
4. The Department of Commerce will make reasonable accommodations for person with disabilities who wish to participate in the public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., June 9, 1997, to advise us of the nature of the accommodation that you need. Please contact the Board of Investments, 555 Fuller Avenue, Helena, Montana 59620; telephone (406) 444-0001, Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 449-6579. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Bob Pancich at the above address.

5. Michael Mulroney, attorney, Luxan & Murfitt law firm, has been designated to preside over and conduct the hearing.

BOARD OF INVESTMENTS

BY: 

ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 5, 1997.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

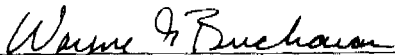
In the matter of the) AMENDED NOTICE OF PUBLIC HEARING
amendment of Assessment) ON PROPOSED AMENDMENT TO ARM
) 10.56.101 STUDENT ASSESSMENT

To: All Interested Persons

1. On May 5, 1997, the department published notice at page 754 of the 1997 Montana Administrative Register, Issue No. 9 of the proposed amendment of the above captioned rule. The notice of proposed agency action is amended as follows because the original notice does not comply with the 20 day advance notice of hearing required by the Montana Administrative Procedure Act. The Secretary of State's Office commented on this lack of compliance in the first notice and upon further consideration, it has been decided to re-notice the hearing to follow the MAPA requirements as is the Board's normal practice. The hearing will be held on June 17, 1997 at 9:00 a.m. at the Board of Public Education Office, located at 2500 Broadway, Helena, in room 149 via telephone conference.

2. 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 Wayne Buchanan, Executive Secretary of the Board of Public Education, 2500 Broadway, Helena, MT, 59620-0601, and must be received no later than June 16, 1997.

3. Storrs Bishop, Chairman of the Board of Public Education, has been designated to preside over and conduct the hearing.


Wayne Buchanan, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 5/5/97.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the	)	AMENDED NOTICE OF PUBLIC HEARING
amendment of	)	ON PROPOSED AMENDMENT TO ARM
Accreditation	)	10.55.603 CURRICULUM DEVELOPMENT
	)	AND ASSESSMENT

To: All Interested Persons

1. On May 5, 1997, the department published notice at page 756 of the Montana Administrative Register, Issue No. 9 of the proposed amendment of the above captioned rule. The notice of proposed agency action is amended as follows because the original notice does not comply with the 20 day advance notice of hearing required by the Montana Administrative Procedure Act. The Secretary of State's Office commented on this lack of compliance in the first notice and upon further consideration, it has been decided to re-notice the hearing to follow the MAPA requirements as is the Board's normal practice. The hearing will be held on June 17, 1997 at 9:00 a.m. at the Board of Public Education Office, located at 2500 Broadway, Helena, in room 149 via telephone conference.

2. 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 Wayne Buchanan, Executive Secretary of the Board of Public Education, 2500 Broadway, Helena, MT, 59620-0601, and must be received no later than June 16, 1997.

3. Storrs Bishop, Chairman of the Board of Public Education, has been designated to preside over and conduct the hearing.


Wayne Buchanan, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 5/5/97.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

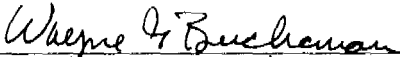
In the matter of the	)	AMENDED NOTICE OF PUBLIC HEARING
amendment of Teacher	)	ON PROPOSED AMENDMENT TO ARM
Certification	)	10.57.211 TEST FOR CERTIFICATION

To: All Interested Persons

1. On May 5, 1997, the department published notice at page 757 of the Montana Administrative Register, Issue No. 9 of the proposed amendment of the above captioned rule. The notice of proposed agency action is amended as follows because the original notice does not comply with the 20 day advance notice of hearing required by the Montana Administrative Procedure Act. The Secretary of State's Office commented on this lack of compliance in the first notice and upon further consideration, it has been decided to re-notice the hearing to follow the MAPA requirements as is the Board's normal practice. The hearing will be held on June 17, 1997 at 9:00 a.m. at the Board of Public Education Office, located at 2500 Broadway, Helena, in room 149 via telephone conference.

2. 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 Wayne Buchanan, Executive Secretary of the Board of Public Education, 2500 Broadway, Helena, MT, 59620-0601, and must be received no later than June 16, 1997.

3. Storrs Bishop, Chairman of the Board of Public Education, has been designated to preside over and conduct the hearing.



Wayne Buchanan, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 5/5/97.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

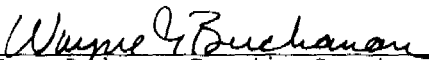
In the matter of the) AMENDED NOTICE OF PUBLIC HEARING
amendment of Teacher) ON PROPOSED AMENDMENT TO ARM
Certification) 10.57.215 RENEWAL REQUIREMENTS

To: All Interested Persons

1. On May 5, 1997, the department published notice at page 759 of the Montana Administrative Register, Issue No. 9 of the proposed amendment of the above captioned rule. The notice of proposed agency action is amended as follows because the original notice does not comply with the 20 day advance notice of hearing required by the Montana Administrative Procedure Act. The Secretary of State's Office commented on this lack of compliance in the first notice and upon further consideration, it has been decided to re-notice the hearing to follow the MAPA requirements as is the Board's normal practice. The hearing will be held on June 17, 1997 at 9:00 a.m. at the Board of Public Education Office, located at 2500 Broadway, Helena, in room 149 via telephone conference.

2. 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 Wayne Buchanan, Executive Secretary of the Board of Public Education, 2500 Broadway, Helena, MT, 59620-0601, and must be received no later than June 16, 1997.

3. Storrs Bishop, Chairman of the Board of Public Education, has been designated to preside over and conduct the hearing.


Wayne Buchanan, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 5/5/97.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
17.8.316, regarding particulate) FOR PROPOSED AMENDMENT
matter emissions from incinerators) OF RULES

(Air Quality)

To: All Interested Persons

1. On June 11, 1997, at 2:00 p.m., or as soon thereafter as it may be heard, the board will hold a public hearing at Room 111 of the Metcalf Building, 1520 E. 6th Ave., Helena, Montana, to consider amendment of the above-captioned rule.

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

17.8.316. INCINERATORS (1) ~~No~~ An incinerator ~~shall be~~ may ~~not be~~ used for the burning of refuse to burn solid or hazardous waste unless ~~such~~ the incinerator is a multiple chamber incinerator or ~~one of other~~ has a design of equal effectiveness approved by the department prior to installation or use.

(2) ~~No~~ A person ~~shall~~ may not cause or authorize to be discharged into the outdoor atmosphere from any incinerator, particulate matter in excess of 0.10 grains per standard cubic foot of dry flue gas, adjusted to 12% carbon dioxide and calculated as if no auxiliary fuel had been used.

(3) ~~No~~ A person ~~shall~~ may not cause or authorize to be discharged into the outdoor atmosphere from any incinerator emissions which exhibit an opacity of 10% or greater averaged over 6 consecutive minutes.

(4) ~~To determine compliance with this rule, the~~ The department ~~may, for purposes of evaluating compliance with this rule, direct that no person shall operate or cause or authorize the operation of any an~~ incinerator ~~not be operated~~ at any time other than between the hours of 8:00 a.m. and 5:00 p.m. ~~At these times when the~~ When operation of ~~incinerators an~~ incinerator is prohibited by the department, the owner or operator of the incinerator shall store ~~the refuse any solid or hazardous waste~~ in a manner that will not create a fire hazard or arrange for the removal and disposal of the ~~refuse solid or hazardous waste~~ in a manner consistent with ARM Title 17, chapter 50, subchapter 5.

(5) ~~The provisions of this~~ This rule ~~are applicable~~ applies to performance tests for determining emissions of particulate matter from incinerators. All performance tests shall be conducted while the affected facility is ~~operating at or above the maximum refuse charging rate at which such facility will be operated and the refuse burned shall be representative of normal operation and under such other relevant conditions as~~

~~the department shall specify based on representative performance of the affected facility. Test methods set forth in 40 CFR Part 60, or equivalent methods approved by the department shall be used burning solid or hazardous waste representative of normal operation. Testing shall be conducted in accordance with ARM 17.8.106 and the Montana Source Testing Protocol and Procedures Manual.~~

(6) This rule does not apply to incinerators for which an air quality preconstruction permit has been issued under 75-2-215, MCA, and ARM 17.8.706(5).

AUTH: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, MCA

3. ARM 17.8.316, adopted in 1972, limits the mass amount, and opacity of, particulate matter emissions from all incinerators. Prior to 1993, the only incinerators that required an air quality permit were those that burned large volumes of waste material; incinerators that were not subject to emission limits in an air quality permit were still subject to the limits in ARM 17.8.316.

In 1993, the Montana Legislature enacted §75-2-215, MCA, which contains air quality preconstruction permit requirements for all new or altered incinerators, regardless of size. Section 75-2-215, MCA, requires a facility to obtain an air quality preconstruction permit prior to installing or altering any incinerator, requires best available control technology on a new or altered incinerator and prohibits the Department from issuing an air quality permit for a new or altered incinerator that poses more than a negligible risk to public health, safety, and welfare and to the environment. Section 75-2-215, MCA, is implemented through ARM 17.8.706(5). Section 75-2-215, MCA, and ARM 17.8.706(5), make ARM 17.8.316 obsolete regarding new or altered incinerators subject to the best available control technology and negligible risk standards. Under § 75-2-215, MCA, and ARM 17.8.706(5), the Department has authority to determine the emission limits that are necessary and appropriate for each particular incinerator. The best available control technology and negligible risk standards may require limits that are more or less stringent than those in ARM 17.8.316.

The proposed addition of subsection (6) to ARM 17.8.316 would exempt new or altered incinerators, for which a permit has been issued under ARM 17.8.706(5), from the limits in ARM 17.8.316, and provide the Department with authority to determine the necessary and appropriate opacity and mass emission limits based upon the best available control technology review and negligible risk assessment.

The Board is proposing to change the word "refuse" to the phrase "solid or hazardous waste." "Refuse" is not defined by rule or statute. The terms "solid waste" and "hazardous waste" are defined in the Clean Air Act and are the terms used in the Clean Air Act statutes regarding incinerators. "Solid or hazardous waste" includes refuse.

Since adoption of ARM 17.8.316, the Board has adopted ARM 17.8.106, which incorporates by reference the Department's Montana Source Testing Protocol And Procedures Manual. The manual specifies the procedures for source testing, including

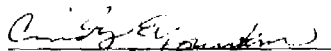
those now specified in ARM 17.8.316(5). To be more concise, the Board is proposing to amend ARM 17.8.316(5) to refer to the procedures in the manual.

The Board is also proposing other clerical amendments to make the rule more concise and to conform with current rule drafting style.

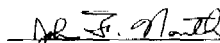
4. Interested persons may submit their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to the Board of Environmental Review, P.O. Box 200901, Helena, MT 59620-0901, no later than June 16, 1997.

5. David Rusoff has been designated to preside over and conduct the hearing.

BOARD OF ENVIRONMENTAL REVIEW


CINDY YOUNK, Chairperson

Reviewed by:


JOHN F. NORTH, Rule Reviewer

Certified to the Secretary of State May 5, 1997.

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

In the matter of the	)	NOTICE OF THE PROPOSED
amendment of ARM 16.32.922	)	AMENDMENT OF A RULE
pertaining to inspection fees)	
for personal care facilities	)	NO PUBLIC HEARING IS
	)	CONTEMPLATED

TO: All Interested Persons

1. On June 23, 1997, the Department of Public Health and Human Services proposes to amend 16.32.922 pertaining to inspection fees for personal care facilities.

2. The rule as proposed to be amended provides as follows. New language that is to be added is underlined. Language that is being deleted is interlined.

16.32.922 FEES (1) remains the same.

~~(2) The department shall collect fees for each initial inspection of a personal care facility at the rate of \$40 per proposed bed, provided there are no residents in the facility.~~

~~(3) With the exception noted in (2) above, the department shall collect the following fees for each inspection of a personal care facility:~~

~~(a) \$70 per bed for a category A facility;~~

~~(b) \$90 per bed for a category B facility.~~

~~(4)~~ (2) The department shall collect a screening fee of \$100 from a prospective resident, resident, or facility appealing a rejection or relocation decision made pursuant to ARM 16.32.917.

AUTH: Sec. 50-5-103 and 50-5-227, MCA

IMP: Sec. 50-5-227, MCA

3. 50-5-227, MCA grants the department the discretion to establish license fees, inspection fees, and fees for patient screening for personal care facilities. The department, in 1994, established by rule inspection fees for personal care facilities. Upon review of inspection fees collected by the Quality Assurance Division of the Department of Public Health and Human Services, a personal care facility is the only facility type out of 18 licensed and inspected facility categories that is assessed an onsite inspection fee. Given that disparate treatment and the fact that the legislature has provided adequate funding through the general fund for recovery of the costs of inspection of personal care facilities, the amendment of 16.32.922 is proposed to eliminate inspection fees for personal care facilities. The department believes that the proposed amendment will ultimately benefit the personal care

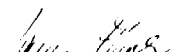
facility resident by reducing the facility costs of operation thereby contributing to more affordable health care for the resident.

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Laura Harden, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than June 18, 1997.

5. If a person who is directly affected by the proposed action wishes to express data, views and arguments orally or in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments to Laura Harden, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than June 18, 1997.

6. If the Department of Public Health and Human Services receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed 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 persons directly affected has been determined to be 7 based on the 70 licensed personal care facilities and 2 organizations affected by rules covering inspection fees for personal care facilities.


Rule Reviewer


Director, Public Health and
Human Services

Certified to the Secretary of State May 5, 1997.

In the matter of the) NOTICE OF PUBLIC HEARING
amendment of ARM 11.5.1002) ON THE PROPOSED
pertaining to day care rates) AMENDMENT OF A RULE

1. On June 9, 1997 at 9:00 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services, 111 North Sanders, Helena, Montana to consider the proposed amendment of 11.5.1002 pertaining to day care rates.

2. The rule as proposed to be amended provides as follows. New language that is being added is underlined. Language that is to be deleted is interlined.

(2) Part-time care (less than six hours per day/night) is paid at a rate of \$2.00 per hour per child in family day care homes, \$2.00 per hour per child in group day care homes, ~~\$2.00~~ \$2.50 per hour per child in all day care centers, and \$1.50 per hour per child in all legally unregistered homes up to a maximum of a full day or night care rate.

(3) Special needs child or exceptional child day care is paid at a rate of ~~\$13.00~~ \$15.00 per child per day/night of care in family day care homes, upon approval of the department, or its designated representative. Special needs or exceptional child day care is paid at a rate of ~~\$13.00~~ \$15.00 per child per day/night of care in group day care homes, upon approval of the department, or its designated representative. Special needs or exceptional child day care is paid at a rate of ~~\$14.50~~ \$15.00

per day/night of care in day care centers, upon approval of the department, or its designated representative. Special needs or exceptional child day care is paid at a rate of ~~\$14.50~~ \$15.00 per day/night of care in day care centers, upon approval of the department, or its designated representative. Special needs or exceptional child day care is paid at a rate of \$12.00 per child per day/night of care in legally unregistered homes, upon approval of the department, or its designated representative. Part-time care (less than six hours per day/night) for special needs child or exceptional child day care is paid at a rate of \$2.00 per hour per child in family day care homes, upon approval of the department, or its designated representative, up to a maximum of a full day or night care rate. Part-time care (less than six hours per day/night) for special needs child or exceptional child day care is paid at a rate of ~~\$2.00~~ \$2.25 per hour per child in group day care homes, upon approval of the department, or its designated representative, up to a maximum of a full day or night care rate. Part-time care (less than six hours per day/night) for special needs child or exceptional child day care is paid at a rate of ~~\$2.00~~ \$2.50 per hour per child in day care centers, upon approval of the department, or its designated representative, up to a maximum of the full day or night care rate. ~~No special needs rates are available for care of special needs children in legally unregistered homes. Part-time care (less than 6 hours per day/night) for special needs child or exceptional child day care is paid at a rate of \$1.75 per hour per child in legally unregistered homes, upon approval of the department, or its designated representative, up to a maximum of the full day or night care rate.~~

(4) The infant care rate may be charged for children under the age of twenty-four months as follows: full day care services (six or more hours per day) are paid at a rate of ~~\$14.00~~ \$15.00 per day/night per infant in care in family day care homes. The maximum rate for group day care homes is ~~\$14.50~~ \$15.00 per infant per day/night of care. The maximum rate for day care centers is ~~\$15.00~~ \$16.00 per infant per day/night of care. The maximum rate for legally unregistered providers is \$12.00 per infant per day/night of care. Part-time care (less than six hours per day) is paid at a rate of \$2.00 per hour per infant in family day care homes, ~~\$2.00~~ \$2.25 per hour per infant in group day care homes, ~~\$2.00~~ \$2.40 per hour per infant in all day care centers, and \$1.50 per hour per infant for all legally unregistered providers, up to a maximum of a full day or night care rate, as such rate is calculated for the provider.

(5) and (6) remain the same.

AUTH: Sec. ~~52-2-704~~, 53-4-201 and 53-4-212, MCA

IMP: Sec. ~~52-2-713~~, 53-4-201, 53-4-716 and 53-4-719, MCA

3. The changes are reasonably necessary to comply with the federal regulations governing the child care programs, and to implement new day care rates based on federal requirements

and state law. The new Child Care and Development Fund Block Grant funding became available in October, 1996. States are required to submit new state plans to the federal Department of Health and Human Services on July 1, 1997. In the interim planning period of time, states are operating under the former JOBS Program Supportive Services State Plan and the Child Care and Development Block Grant State Plan. The JOBS State plan and the associated Code of Federal Regulations mandate that states pay child care providers receiving state reimbursement at the 75th percentile of the market rate. The market rate must be established by conducting a market rate survey every two years and establishing the 75th percentile of the market from the survey. Montana conducted a market rate survey in April, 1996, and as a result of this survey, found the 75th percentile of the market to be higher than the current child care provider payment rates. Additionally, the 55th Montana Legislature gave the Department the flexibility to pay child care providers at the level federally mandated. During the Child Care program staff testimony at the Joint Appropriations Subcommittee hearings, it was suggested that child care provider rates be set by the Department, rather than be approved by the Legislature. The reason for the change is that with the advent of the Child Care and Development Fund, which block granted child care, increasing child care provider rates do not result in a general fund increase. The subcommittee agreed to allow the Department to set child care provider rates in order to comply with the federal mandates for the child care programs. Language regarding this action has been inserted in the part of House Bill 2 covering these funds. Thus, the Department has chosen to increase state paid child care provider rates to the 75th percentile of the cost of care.

The Department is currently in the process of writing the new Child Care and Development Fund State Plan. The advisory group chosen to help the Department make decisions for the Fund has advised the Department to continue to pay child care providers at the 75th percentile of the market, based on the survey. Additionally, in the future, the survey results will be separated by counties to determine if different child care provider rates should be paid in different counties.

If the federal recommendations are not followed, the Department may lose the federal funding for the child care programs. Additionally, welfare reform success is dependent on child care services being available to families as they leave welfare. If state paid child care providers are not paid adequately, their services may not be available to welfare families as they leave welfare for work. Also, many state assisted low income families must pay child care providers fees "over and above" the state reimbursement rate, because the state rate is not adequate to cover child care providers fees. This creates an undue burden for low income families who are trying to become or remain self-sufficient.

4. In the event that the changes are approved, the Department proposes to apply the amendments retroactive to July 1, 1997 because the department was unable to propose the rate changes until House Bill 2 was passed. The filing date of this notice is the first filing date since passage of House Bill 2. Even so, there is insufficient time for public consideration of the amendments prior to July 1, 1997. The department anticipates that the earliest date of publication of a final notice in this rulemaking will be July 21, 1997, making the amendments effective July 22, 1997.

However, the day care rate changes are already planned for implementation on July 1, 1997. Rate changes are traditionally planned to be effective on July 1, the first month of the fiscal year. Public and legislative expectations are also tied to the notion that rate changes are implemented beginning with the change in fiscal year. In addition, given that the rates increase amounts paid for child care, a retroactive application creates no hardship on providers and parents, the parties directly affected by the proposed changes. Therefore, the department proposes to apply the changes retroactively.

5. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Laura Harden, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than July 7, 1997.

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

Dawn Hleva
Rule Reviewer

Wm. H. S.
Director, Public Health and
Human Services

Certified to the Secretary of State May 5, 1997.

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 ARM 46.12.503,	)	ON THE PROPOSED AMENDMENT
46.12.505, 46.12.507 and	)	OF RULES
46.12.508 pertaining to)	
medicaid coverage and)	
reimbursement of hospital)	
services)	

TO: All Interested Persons

1. On June 9, 1997, at 2:00 p.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of 46.12.503, 46.12.505, 46.12.507 and 46.12.508 pertaining to medicaid coverage and reimbursement of hospital services.

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 May 27, 1997, 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. New language that is being added is underlined. Language that is to be deleted is interlined.

46.12.503 INPATIENT HOSPITAL SERVICES, DEFINITION

(1) through (14) remain the same.

(15) "Large referral hospital" means an acute care hospital located in the state of Montana that serves as a referral center and has been determined by the department as of April 1, 1993 to have a case mix with a statistically demonstrated level of intensity of care which is higher than the norm for Montana acute care hospitals. Such facilities are ~~Columbus Hospital~~ Benefis Health Care (Great Falls), Deaconess Medical Center (Billings), Community Medical Center (Missoula), ~~Montana Deaconess Medical Center (Great Falls)~~, St. James Hospital (Butte), St. Patrick's Hospital (Missoula) and St. Vincent's Hospital (Billings).

(16) and (17) remain the same.

(18) "Medical assistance facility" means a facility licensed by the department as a limited-service rural hospital as defined in 50-5-101, MCA, and participating in a demonstration project authorized by the United States department

of health and human services.

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-113 and
53-6-141, MCA

46.12.505 INPATIENT HOSPITAL SERVICES, REIMBURSEMENT

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

(c) The department computes a Montana average base price per case. This average base price per case is \$1,921.80 \$1,950.63, effective beginning for services provided on or after July 1, 1996 1997.

(2)(d) through (8)(c)(ii) remain the same.

(d) ~~The total catastrophic case funds available will be limited as specified in (8)(d)(iv).~~ Catastrophic payments will be distributed as follows:

(i) Providers will receive the base DRG payment and any appropriate outlier payments for each catastrophic case through the regular claims payment process, and, ~~subject to settlement as provided in (8)(d)(ii) and (iii),~~ shall receive an amount equal to the estimated cost for the inpatient hospital stay less the base DRG payment amount and any applicable outlier payment amounts.

~~(ii) After the end of the state fiscal year the department will determine the total catastrophic case payment to which the provider is entitled as provided in (8)(d)(iii) for each catastrophic case claim submitted during the fiscal year, and shall recover any overpayment as provided in ARM 46.12.509(6).~~

~~(iii) The total available catastrophic funds, will be apportioned to the eligible cases, except that no payment for any individual case will exceed the maximum payment described in subsection (c). If sufficient catastrophic case funds are not available, the provider payment for each catastrophic case claim submitted for the fiscal year will be adjusted to reduce the payment, so that the provider receives a proportionate share of the remaining available catastrophic funds for each claim, subject to the maximum payment described in subsection (c). Proportionate shares shall be determined so that all claims submitted by providers are reimbursed at the same percentage of the estimated cost for the inpatient stay.~~

~~(iv) Based on the estimate of 16,000 DRG discharges in state fiscal year 1996, the funds available for catastrophic cases, including the base DRG, add-on and outlier amounts, is estimated to be \$1,800,500. For state fiscal year 1997, the estimate is 16,000 DRG discharges and total catastrophic case funds of \$1,852,500. Should the number of DRG discharges vary from the estimate, then the available catastrophic funds will vary proportionately. The state is under no obligation to disburse all available catastrophic case funds if there are an insufficient number of claims that qualify for the payments.~~

(9) through (13) remain the same.

(14) The Montana medicaid DRG relative weight values, average length of stay (ALOS), outlier thresholds and stop loss thresholds are contained in the DRG table of weights and thresholds (June ~~1996~~ 1997 edition). The DRG table of weights and thresholds is published by the department of public health and human services. The department hereby adopts and incorporates by reference the DRG table of weights and thresholds (June ~~1996~~ 1997 edition). Copies may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

(15) through (17) remain the same.

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

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-113 and 53-6-141, MCA

46.12.507 OUTPATIENT HOSPITAL SERVICES, SCOPE AND REQUIREMENTS (1) through (3)(e)(ii) remain the same.

(f) diabetic education services provided by a hospital whose diabetic education protocol has been approved by the Medicare Part A program, P.O. Box 5017, Great Falls, MT 59403. Coverage of diabetic education services is limited to those services meeting the requirements of the Health Care Financing Administration Hospital Manual, ~~HIM-10~~ HCFA Pub. 6 (HIM 6), Coverage Issues, Appendix Section 80-2. A copy of this section is available through the Department of Public Health and Human Services, Health Policy and Services Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

(4) remains the same.

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

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-113 and 53-6-141, MCA

46.12.508 OUTPATIENT HOSPITAL SERVICES, REIMBURSEMENT

(1) through (5)(a)(iii) remain the same.

(b) Fees for emergency room and clinic service groups described in (5)(a)(i) through (iii) above for sole community hospitals and non-sole community hospitals are specified in the department's outpatient hospital emergency room fee schedule. The department hereby adopts and incorporates herein by reference the outpatient hospital emergency room fee schedule (June ~~1996~~ 1997). A copy of the emergency room fee schedule may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

(5)(c) through (8) remain the same.

(9) Other diagnostic services will be reimbursed on a fee basis. For each diagnostic service or procedure, the fee will be the lower of the provider's usual and customary charges or 160% of the technical component of the medicare resource based

relative value scale (RBRVS) or, if there is no technical component under RBRVS for the procedure, the fee will be 100% of the global amount of the medicare RBRVS. The individual diagnostic services reimbursed under this subsection are those listed in the Current Procedural Terminology, Fourth Edition (CPT-4) in Addendum ~~K to Chapter VII, Bill Review I~~, of the Medicare ~~Part A Intermediary Hospital Manual, Part 3~~ (HCFA Pub. ~~13-3 10~~).

(a) Other diagnostic services contained in the CPT-4 manual that are not listed in Addendum ~~K I~~ will be reimbursed under the retrospective cost basis as specified in ARM 46.12.508(2).

(10) and (10)(a) remain the same.

(b) The department determines a fee for each day procedure group which reflects the estimated cost of hospital resources used to treat cases in that group relative to the statewide average cost of all medicaid cases. Fees for day procedure groups for sole community hospitals and non-sole community hospitals are specified in the department's outpatient hospital fee schedule. The department hereby adopts and incorporates by reference the outpatient hospital ambulatory surgery fee schedule (June ~~1996~~ 1997). A copy of the fee schedule may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

(10)(c) through (11) remain the same.

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

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-113 and 53-6-141, MCA

3. The proposed changes to the Medicaid inpatient and outpatient hospital reimbursement rules are necessary to implement aggregate legislative funding increases for inpatient and outpatient hospital reimbursement for state fiscal year 1998, update the reference to the department's diagnosis related groups (DRG) table of weights and thresholds, update the department's fee schedules for emergency room and ambulatory surgical services, eliminate the language regarding funding limits for catastrophic case reimbursement and correct and update miscellaneous rule language.

The proposed changes are necessary to implement aggregate legislative funding increases for hospital reimbursement for state fiscal year 1998. It appears that the 1997 legislature will appropriate funds under HB 2 for increases in Medicaid rates to hospitals. For fiscal year 1998, the department proposes to implement the inpatient hospital funding increases by increasing the average DRG base price specified in ARM 46.12.505(2)(c) from \$1,921.80 to \$1,950.63 effective for services provided on or after July 1, 1997. This represents a 1.5% increase in the base price. The average DRG base price is

used to calculate payment rates for inpatient hospital care provided to medicaid recipients and is usually updated once each year. This change is necessary to make hospital payments more equitable in terms of the somewhat higher prices hospitals must pay for goods and services.

The proposed change to ARM 46.12.505(14) is necessary to incorporate by reference an updated version of the department's DRG table of weights and thresholds. The DRG table of weights and thresholds must be modified to update the outlier thresholds to account for increases in provider charges for services.

The proposed changes to ARM 46.12.505(8) are necessary to eliminate the funding limits for catastrophic case reimbursement. The 1993 inpatient hospital study found that catastrophic cases do exist and recommended additional reimbursement for these cases. The department implemented a methodology beginning in fiscal year 1994 to provide additional reimbursement for such cases and estimated the funding that would be necessary for catastrophic case reimbursement. In adopting this methodology, the department assumed part of the risk for these cases. Over the past four years, the department added language to the rule each year stating the estimated amount of catastrophic reimbursement. The rule increased or decreased the allocated amount proportionately depending upon the extent to which actual discharges increased or decreased in relation to estimated discharges. The purpose of this policy was to limit the department's risk by limiting the funds available for catastrophic reimbursement. The department believes that the rule adequately funded catastrophic reimbursement.

The department proposes to eliminate the funding limit from the rule because the department has not applied the proration methodology in the four years since implementing the catastrophic reimbursement methodology. The department believes that the funding for catastrophic reimbursement is adequately accounted for in the hospital budget and the proration rules are no longer necessary. The reimbursement for catastrophic cases will continue to be monitored through retrospective review by the department's utilization review contractor.

For fiscal year 1998, the department proposes to implement the outpatient hospital funding increases by increasing fees for emergency room services and ambulatory surgical services effective for services provided on or after July 1, 1997. The fee schedules for these services are incorporated by reference in ARM 46.12.508(5)(b) and 508(10)(b). The prospective rates for emergency room services and ambulatory surgical services under outpatient hospital services will be increased by 1.5%. This change is necessary to make hospital payments more equitable in terms of the somewhat higher prices hospitals must

pay for goods and services.

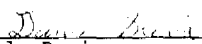
The proposed rule changes are necessary to make additional minor miscellaneous clarifications and corrections to the department's rules. The proposed changes to ARM 46.12.503(15) are necessary to reflect the name of the new hospital entity formed by the merger of Columbus Hospital and Montana Deaconess Medical Center in Great Falls. The proposed changes to ARM 46.12.503(18) are necessary to correct the name of the state licensing agency and to reword the provision for clarity. The proposed changes to 46.12.507(3)(f) are necessary to correct an erroneous citation to the applicable medicare hospital manual used to determine coverage of diabetic education services. The proposed changes to 46.12.508(9) and (9)(a) are necessary to correct an erroneous citation to the applicable medicare hospital manual used to determine coverage of other diagnostic services.

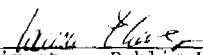
The estimated total state and federal funding increase for fiscal year 1998 is approximately \$940,802. This figure is based upon budget figures from the 1997 legislature as of February 24, 1997. Copies of this notice are available from local county human services offices.

4. The proposed changes will apply to services provided on or after July 1, 1997.

5. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604, no later than June 16, 1997.

6. 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 May 5, 1997.

BEFORE THE BOARD OF HORSE RACING
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of rules pertaining to pari-) 8.22.502, 8.22.503, AND
mutuel wagering, fees and) 8.22.1402 PERTAINING TO
permissible medication) HORSE RACING

TO: All Interested Persons:

1. On March 24, 1997, the Board of Horse Racing published a notice of proposed amendment of rules pertaining to horse racing at page 526, 1997 Montana Administrative Register, issue number 6.

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

3. The Board accepted written comment if received by April 21, 1997. The Board has thoroughly considered all comments received. Those comments, and the Board's responses thereto, are as follows:

COMMENT NO. 1: One comment was received stating ARM 8.22.502(17)(f) should not eliminate the patrol judge position as an official, as video backside cameras do not provide good coverage at all points necessary to review races. The comment also stated the smaller tracks may not have camera coverage, and the cameras may malfunction, so the patrol judge official should remain a requirement.

RESPONSE: The Board did not agree with the comment and stated that in the event a camera is unavailable, a patrol judge could be utilized, but otherwise, this official is not necessary. The Board noted that all tracks do have a backside camera available. In the past, the patrol judges who were hired were not trained individuals anyway, and were thus unreliable in analyzing races anyway. Finally, if a camera malfunctioned, the track and stewards could always choose to use the identifier or other official as a patrol judge until the camera was repaired.

COMMENT NO. 2: One comment was received stating ARM 8.22.1402 on permissible medication should change the language in (7), as it is contradictory and confusing. The comment contained suggested language for this subsection.

RESPONSE: The Board noted the suggested language in the comment did not accomplish the same purpose in distinguishing between the "bleeder's" list and the "medication" list. The bleeder list language in (7) has always existed, and is not currently proposed for change, but the proposed amendment was merely re-naming this list as the "medication" list, to attempt to differentiate between the "bleeder" and "medication" list. The proposed amendment to (7) did not change the method for placing a horse on the medication list voluntarily.

COMMENT NO. 3: One comment was received stating ARM 8.22.1402(7)(a) and (b) do not treat horses the same at all, as

a Montana certified bleeder would be allowed to leave the state, but retain that bleeder status when it returned, but an out-of-state horse would not be allowed to retain its bleeder status when coming to Montana for the first time. The comment stated the purpose of the use of lasix is to allow horses to race to their abilities, and to allow the wagering public to be confident the industry is trying to keep racing on an even keel as far as horse performances.

RESPONSE: The Board noted that the proposed language in ARM 8.22.1402(7)(a) and (b) DOES allow an out-of-state horse to retain its EIPH status when returning to Montana. Montana certified bleeders can also retain this status when traveling out of state. The comment appeared to be based on a misreading of the proposed rule language.

COMMENT NO. 4: One comment was received stating ARM 8.22.1402(8) should use the comment's suggested language in setting up the 10, 20, or 60 days off of racing for bleeding incidents.

RESPONSE: The Board noted, again, that (8) is proposing to create a new "bleeder's" list, as opposed to the "medication" list. The bleeder's list is a mandatory list requiring certain time off of racing, but will not mandate the trainer to give medication. Trainers will still have the option to either put the horse on the medication list and begin lasix, or not.

COMMENT NO. 5: One comment was received stating ARM 8.22.1402(9) should use the comment's suggested language in administration of lasix.

RESPONSE: The Board noted it had not proposed to change anything in this existing subsection except changing the words "bleeder" to "medication." The suggested language did not clarify the existing language any further, and no change is therefore necessary.

COMMENT NO. 6: One comment was received stating ARM 8.22.1402(14) requiring a minimum amount of bute should be left in place, and not eliminated. The comment stated that horses may need bute in their system to remain competitive. If there is no required minimum amount of bute, the outcome of a race may be manipulated by withholding the drug. Lack of this medication can prevent a horse from performing to its abilities.

RESPONSE: The Board did not agree with the comment, and noted that bute was never intended as a race day medication, but was to be used for relief during training, etc. Administering two grams of bute (the allowable amount) 24 hours before a horse runs allows only a tiny amount in the horse's system, and does not give a performance-enhancing effect. The drug is out of a horse's system quickly, and the absence of

bute has created a controversy in the past. The Board will continue to test for high bute levels, which could, in fact, affect a horse's performance.

BOARD OF HORSE RACING
JOE ERICKSON, CHAIRMAN

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


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, May 5, 1997.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF AMENDMENT
amendment of rule	)	OF RULE RELATING TO
relating to protection	)	PROTECTION IN
in evaluation procedures.	)	EVALUATION PROCEDURES

TO: All interested persons.

1. On February 24, 1997, the Superintendent of Public Instruction published notice at page 373 of the 1997 Montana Administrative Register, Issue No. 4, of a public hearing on the proposed amendment of the above referenced rule.

2. A public hearing was held on March 19, 1997. The hearing was recorded and the tape is included in the file on this matter. In addition, written comments were received at the hearing and prior to the closing of the comment period.

3. After consideration of the comments received, the following rule is being amended with the changes given below, new material underlined, deleted material interlined.

10.16.1101 PROTECTION IN EVALUATION PROCEDURES (1) through (5) remain the same as proposed.

(6) A supplementary written report of individualized assessments is required in areas related to specific disabilities as follows:

(a) through (k) remain the same as proposed.

(l) Vision impairment: medical or optometric assessments, and a determination of the student's need for assistive technology. Assistive technology includes ~~including~~ but is not limited to ~~b~~Braille instruction, ~~b~~Braille reader textbooks, ~~or~~ large print ~~or~~ and tape recorded instructional material.

(7) remains the same as proposed.

The Office of Public Instruction (OPI) received six written comments:

COMMENT: OPI received three comments related to the problems associated with performing quality evaluations.

Judith Gosnell-Lamb, Director of the Big Sky Special Needs Cooperative, commented that compliance with this rule should not be monitored unless "OPI gives us an avenue inclusive of state agency personnel who can meet the standards and criteria for these evaluations."

Leonard Orth, President of the Montana Council of Administrators of Special Education, commented that "It's easy to make a rule, but the state needs to assist us in developing

or clarifying the sources for acquiring these types of assessments." He also expressed concern for the potential cost and the need for standards stated in rule.

Betty Lou Berg, Secretary of the Montana Association for the Blind (MAB), commented that the rule was not detailed enough regarding assessments "... firm guidelines will have to be put into place. The changes made in the evaluation process do not do this." She wants the rule to state that the evaluator must be independent of the district and that the evaluation must address all aspects of the child's learning ability.

RESPONSE: The range of opinions in these comments illustrates the difficulty of developing rules that resolve the concerns of all interested parties. The rule change states in greater detail what is current practice in Montana schools -- a written report of individualized assessments is required for students with vision impairment. OPI will continue to work with the Montana School for the Deaf and Blind, school districts, cooperatives, parent groups, the MAB, etc., to improve the quality and availability of assessments and the usefulness of OPI's rules.

COMMENT: Jim Benish, Program Specialist with the Helena Public Schools, commented that the IEP team should make the determination of what assistive technology is appropriate and the word "Braille" should be capitalized.

RESPONSE: OPI agrees that only appropriate assistive technology is required. The assessment of what technology is appropriate should be made in the evaluation process. Final determination of the content of the IEP is made by the IEP team. This rule is consistent with that standard. OPI agrees with the comment concerning capitalization.

COMMENT: Dale Lambert, Chairperson of the State Special Education Advisory Panel, commented that the Advisory Panel supports the changes to the rule.

RESPONSE: OPI agrees with this comment.

COMMENT: Verne Beffert, Superintendent of Livingston School District No. 4 & 1, commented in opposition to the rule change. It expands the protections provided to specific classes of individuals and will have adverse financial and workload impact on school districts.

RESPONSE: State and federal law state the educational rights of students with disabilities, including students with visual impairment. Section 20-7-401, MCA. This rule implements, it does not expand, current law.

Twelve people attended the hearing and comments were heard from 9 people.

COMMENT: Seven people commented that the proposed rule should provide more stringent standards stated in more detail.

Ron Marks, Montana School for the Deaf and Blind, commented that the rule should state who is qualified to perform the assessment and that reassessment is necessary to consider a student's changing abilities.

Jim Marks, Montana Association for the Blind (MAB) and University of Montana Director of Disability Services for Students, commented that he supports the concept of assessment, but the proposed rule is weak. MAB wants a change in statute. MAB wants a Braille literacy statute to cover four issues: assessment; access to textbooks on disc that can be converted to Braille, voice synthesizer, etc.; default to teaching Braille; and, certification of Braille instructors. Mr. Marks emphasized that, like sighted students, students with visual impairment need to develop reading and written language skills.

Duran Duboise supported Jim Marks' comments and commented that students with visual impairment need to develop skills to work independently. Skills such as punctuation, spelling, etc., cannot be developed from tape recordings.

Pat Donne, President of MAB, commented that he is in favor of the rule change in general. The wording of the rule is vague, however, because it implies that a tape recording may be used as a substitute for Braille or large print in all cases. The rule should identify and detail the intent of each type of assistive technology and should address certification of teachers and method of instruction.

Marty Greiser, MAB and National Organization of Parents of Blind Children, supports the rule in part but commented that a much stronger and more detailed rule is needed. Braille must be the default medium of literacy. Standards need to be set for people who teach Braille. Students with visual impairment need appropriate textbooks at the same time as their peers.

Dan Burke, MAB -- Missoula, commented that he supports the rule but it does not go far enough.

Merle Tompkins commented that Braille is the written word for people who are blind and students with visual impairment need written language skills.

RESPONSE: ARM 10.16.1101 states requirements for assessment and the proposed amendments deal with that issue. OPI agrees that the education needs of students with visual impairments must be assessed on a student by student basis. An overly detailed rule would impede a flexible response.

OPI does not agree with the comments concerning teacher certification and instruction because these issues are already addressed in other rules. ARM 10.16.1713 deals with personnel qualifications and is not affected by this rule. ARM 10.16.1101(5)(c), as currently drafted, requires the individualized assessment to consider the student's ability to acquire written language skills. The existing language of ARM 10.16.1101(2)(c) requires that assessments be performed by trained individuals.

OPI agrees that the original wording of the rule implied that a tape recording may be used as a substitute for Braille or large print in all cases. That was not the intent of the rule and the wording has been changed.


COMMENT: Two people commented in support of the rule as drafted.

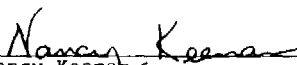
Janice Frankino Doggett, Montana School Boards Association, commented that she believes the rule is flexible enough to properly meet the educational needs of students with multiple disabilities.

Dennis Slonaker, Outreach Consultant for Montana School for the Deaf and Blind (MSDB), commented that MSDB supports the rule. MSDB would be available for evaluations.

RESPONSE: OPI agrees with these comments.

4. Based on the foregoing, the Superintendent of Public Instruction hereby amends the rule as proposed, with changes noted above.


GERALYN DRISCOLL
Rule Reviewer
Office of Public Instruction


NANCY KEENAN
Superintendent
Office of Public Instruction

Certified to the Secretary of State May 5, 1997.

BEFORE THE TRANSPORTATION COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of) CORRECTED NOTICE OF
the rules concerning railroad) ADOPTION
crossing signalization, signal)
removal and improved crossing)
surface installation.)

TO: All Interested Persons.

1. On April 7, 1997, the Department of Transportation published a notice at page 642 of the Montana Administrative Register, issue number 7, of the adoption of new Rules I through XV (18.6.301 through 18.6.315) concerning railroad crossing signalization, signal removal and improved crossing surface installation.

2. Following publication of the notice, the Department received a comment from the staff of the Administrative Code Committee, suggesting that the Manual on Uniform Traffic Control Devices referenced in Rule XI should state who publishes the manual and the version or edition of the Manual that is being adopted and incorporated by reference. The corrected rule reads as follows:

RULE XI (18.6.311) OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR PUBLIC AT-GRADE RAIL HIGHWAY CROSSINGS

(1) same as proposed rule.

(2) Except in cases in which there is an encroachment onto the roadway by a railroad track, the road authority is responsible for installation and maintenance of the roadway, signs, except for crossbucks, and pavement markings in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), 1988 edition, and any amendments thereto which are in effect as of the date this rule is adopted, published by the U.S. department of transportation, federal highway administration, which is hereby incorporated by reference. A copy of the current MUTCD can be obtained from the Supervisor of the Utilities Section, Montana Department of Transportation, 2701 Prospect Avenue, Helena, MT 59620-1001. The road authority is responsible for the roadway between multiple tracks. In cases in which there is an encroachment onto the roadway by a railroad track, all construction and maintenance costs associated with the encroachment will be paid by the owner of the encroaching railroad track, including grade crossing signals if deemed necessary.

(3) and (4) same as proposed rule.

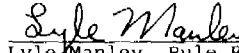
AUTH: 60-2-121 and 2-3-103, MCA; IMP: 60-2-121 and 60-2-201, MCA

3. Replacement pages for the corrected notice of adoption will be submitted to the Secretary of State on June 30, 1997.

MONTANA TRANSPORTATION COMMISSION

By:


THOM FORSETH, Chairman


Lyle Manley, Rule Reviewer

Certified to the Secretary of State April 29, 1997

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

In the matter of the amendment)
of rules pertaining to targeted) CORRECTED NOTICE OF
case management and mental) AMENDMENT OF RULES
health managed care)

TO: All Interested Persons

1. On March 10, 1997, the Department of Public Health and Human Services published notice of amendment on page 496 of the 1997 Montana Administrative Register, issue number 5 and on March 24, 1997, published notice of adoption on page 548 of the 1997 Montana Administrative Register, issue number 6. These notices pertain to targeted case management and mental health managed care.

2. This corrected notice is being filed to correct errors in rules 46.12.501, 46.12.1901 and 46.12.1902.

3. Rules 46.12.501 and 46.12.1901 are corrected as follows:

46.12.501 SERVICES PROVIDED (1) through (3)(a) remain as amended.

(b) on an emergency basis. For purposes of this ~~section~~ rule, an emergency is a situation which:

(3)(b)(i) through (4) remain as amended.

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

IMP: Sec. 53-6-101, 53-6-103, 53-6-111, 53-6-113,
53-6-131, 53-6-141 and 53-6-201, MCA

46.12.1901 CASE MANAGEMENT SERVICES. GENERAL PROVISIONS

(1) through (6) remain as amended.

(7) A client in accordance with the following criteria may temporarily receive case management services from more than one case management service provider if:

(7)(a) through (10)(c) remain as amended.

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-6-101, MCA

4. The correction to rule 46.12.501, from the mental health managed care notices, is necessary to correct terminology and the correction to rule 46.12.1901, from the targeted case management rule notices, is necessary to correct language inadvertently left out. The intent of these rules is not altered in any way by these corrections. These corrections will appear in the 6/30/97 replacement pages of the ARM.

5. Rule 46.12.1902 was amended in the targeted case

management rule notices and again amended in the mental health care rule notices. This has caused an internal numbering problem. The following shows first, the way the rule was amended in the targeted case management notices, second, the way the rule was amended in the mental health management notices and, third, the corrected numbering sequence for this rule.

46.12.1902 CASE MANAGEMENT SERVICES, GENERAL ELIGIBILITY

(1) Persons who are medicaid recipients and are from the following groups are eligible for case management services:

- (a) high risk pregnant women;
- (b) adults with severe and disabling mental illness;
- (c) persons age 16 and over with developmental disabilities; and
- (d) youth with severe emotional disturbance;
- (e) children at risk for abuse and neglect; and
- (f) children with special health care needs.

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-6-101, MCA

46.12.1902 CASE MANAGEMENT SERVICES, GENERAL ELIGIBILITY

(1) Persons who are medicaid recipients and are from the following groups are eligible for case management services:

- (a) high risk pregnant women; and
- ~~(b) adults with severe and disabling mental illness;~~
- ~~(c) (b) persons age 16 and over with developmental disabilities; and~~
- ~~(d) youth with severe emotional disturbance.~~

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

IMP: Sec. 53-6-101, MCA

46.12.1902 CASE MANAGEMENT SERVICES, GENERAL ELIGIBILITY

(1) Persons who are medicaid recipients and are from the following groups are eligible for case management services:

- (a) high risk pregnant women; and
- (b) persons age 16 and over with developmental disabilities;
- (c) children at risk for abuse and neglect; and
- (d) children with special health care needs.

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

IMP: Sec. 53-6-101, MCA

6. The correct numbering sequence for ARM 46.12.1902 will appear in the 3/31/97 replacement pages of the ARM. The amendment to (1)(a) will appear in the 6/30/97 replacement pages of the ARM.

7. All other rule changes adopted within the targeted case management and mental health managed care notices remain the same.

Jan Sluis
Rule Reviewer

Gene Elms
Director, Public Health and
Human Services

Certified to the Secretary of State May 5, 1997.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 1997. This table includes those rules adopted during the period April 1, 1997 through June 30, 1997 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 March 31, 1997, 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 1996 and 1997 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.

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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 April 1997, appear. Vacancies scheduled to appear from June 1, 1997, through August 31, 1997, 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 May 7, 1997.

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 APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Air Pollution Control Advisory Council (Governor)			
Mr. Dennis Alexander	Governor	not listed	4/17/1997 0/0/0
Helena Qualifications (if required): conservationist			
Dr. Brad Black	Governor	not listed	4/17/1997 0/0/0
Libby Qualifications (if required): physician			
Mr. Clifford Cox	Governor	not listed	4/17/1997 0/0/0
Winston Qualifications (if required): representative of agriculture			
Ms. Sandra Fisher	Governor	not listed	4/17/1997 0/0/0
Billings Qualifications (if required): urban planning consultant			
Mr. Dean Johnson	Governor	not listed	4/17/1997 0/0/0
Glendive Qualifications (if required): representative of the fuel industry			
Mr. Mitchell Leu	Governor	not listed	4/17/1997 0/0/0
Columbia Falls Qualifications (if required): representative of the manufacturing industry			
Ms. Diane Lorenzen	Governor	not listed	4/17/1997 0/0/0
Jefferson City Qualifications (if required): chemical engineer			
Mr. Mike Machler	Governor	not listed	4/17/1997 0/0/0
Billings Qualifications (if required): meteorologist			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Air Pollution Control Advisory Council (Governor) Cont.			
Mr. Dave Noell	Governor	not listed	4/17/1997
Billings			0/0/0
Qualifications (if required):	representative of labor		
Dr. Edward Peretti	Governor	not listed	4/17/1997
Butte			0/0/0
Qualifications (if required):	veterinarian		
Board of Athletics (Commerce)			
Dr. Andrew Vandolah	Governor	reappointed	4/25/1997
Conrad			4/25/2000
Qualifications (if required):	public member		
Board of County Printing (Commerce)			
Mr. Roy Aafedt	Governor	reappointed	4/1/1997
Great Falls			4/1/1999
Qualifications (if required):	county commissioner		
Ms. Nancy Clark	Governor	reappointed	4/1/1997
Ryegate			4/1/1999
Qualifications (if required):	public member		
Ms. Fern Hart	Governor	reappointed	4/1/1997
Missoula			4/1/1999
Qualifications (if required):	county commissioner		
Mr. Verle Radenacher	Governor	reappointed	4/1/1997
White Sulphur Springs			4/1/1999
Qualifications (if required):	member of the printing industry		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of County Printing (Commerce) Cont.			
Mr. Curtis Starr	Governor	reappointed	4/1/1997
Malta			4/1/1999
Qualifications (if required): member of the printing industry			
Board of Hail Insurance (Agriculture)			
Mr. Larry Barbie	Governor	Schmoedel	4/23/1997
Inverness			4/18/2000
Qualifications (if required): public member			
Board of Optometry (Commerce)			
Dr. Cynthia Johnson	Governor	reappointed	4/3/1997
Bozeman			4/3/2001
Qualifications (if required): optometrist			
Board of Pardons and Parole (Corrections)			
Mr. Mark Fournier	Governor	not listed	4/29/1997
Great Falls			1/1/2003
Qualifications (if required): auxiliary member			
Ms. Maureen Neihart	Governor	not listed	4/29/1997
Billings			1/1/2002
Qualifications (if required): public member			
Board of Professional Engineers and Professional Land Surveyors (Commerce)			
Mr. David M. Hummel	Governor	reappointed	4/23/1997
Billings			7/1/2001
Qualifications (if required): professional engineer			
Mr. Daniel M. McCauley	Governor	Carver	4/23/1997
Helena			7/1/2001
Qualifications (if required): professional engineer			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Clinical Laboratory Science Practitioners (Commerce)			
Ms. Sonja Bennett	Governor	reappointed	4/16/1997
Billings			4/16/2001
Qualifications (if required): clinical laboratory science practitioner			
Ms. Loraine Kay Crull	Governor	reappointed	4/16/1997
Missoula			4/16/2001
Qualifications (if required): clinical laboratory science practitioner			
Dr. David Walker	Governor	reappointed	4/16/1997
Kalispell			4/16/2001
Qualifications (if required): physician qualified to direct a high complexity laboratory			
Commission on Practice (Justice)			
Mr. Donald R. Marble	elected	not listed	4/1/1997
Chester			4/1/2001
Qualifications (if required): elected			
Mr. John V. Potter	elected	not listed	4/1/1997
White Sulphur Springs			4/1/2001
Qualifications (if required): elected			
Mr. John Warren	elected	not listed	4/1/1997
Dillon			4/1/2001
Qualifications (if required): elected			
Commission on Practice of the Supreme Court (Justice)			
Mr. Gary Ryder	elected	not listed	4/1/1997
Hysham			4/1/2001
Qualifications (if required): elected			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Community Services Advisory Council (Governor)			
Major Joel Cusker	Governor	Oelkers	4/16/1997
Helena			7/1/1997
Qualifications (if required):	representing Military Affairs		
Ms. Sherry Stevens Wulf	Governor	Kenitzer	4/16/1997
Kalispell			7/1/1999
Qualifications (if required):	representing a non-profit agency		
Governor's Council on Families (Public Health and Human Services)			
Rep. Loren Soft	Governor	Kasten	4/22/1997
Billings			6/25/1998
Qualifications (if required):	public member		
HIV/AIDS Advisory Council (Public Health and Human Services)			
Dr. R.D. Marks	Governor	O'Connor	4/25/1997
Missoula			11/26/1998
Qualifications (if required):	public member		
Mr. Steven C. Yeakel	Governor	Goodman	4/25/1997
Helena			11/26/1998
Qualifications (if required):	public member		
Mental Disabilities Board of Visitors (Commerce)			
Ms. Nicki Ellerd	Governor	Breum	4/22/1997
Billings			8/1/1999
Qualifications (if required):	representative of organization concerned with welfare of the mentally ill		
Mr. Wallace A. King	Governor	reappointed	4/22/1997
Helena			8/1/1999
Qualifications (if required):	professional person		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

Appointee	Appointed by	Succeeds	Appointment/End Date
Mental Disabilities Board of Visitors (Commerce) Cont.			
Ms. Jennifer Pryor	Governor	Green	4/22/1997
Boulder			8/1/1999
Qualifications (if required):	representative of organization concerned with welfare of the mentally retarded		
Mr. John Sampsel	Governor	Fehrer	4/22/1997
Miles City			8/1/1999
Qualifications (if required):	consumer		
Mr. Robert W. Visscher	Governor	reappointed	4/22/1997
Livingston			8/1/1999
Qualifications (if required):	professional person		
Montana State University Executive Board (Education)			
Ms. Sue Leigland	Governor	Martin	4/24/1997
Bozeman			4/15/1999
Qualifications (if required):	public member		
Montana State University-Billings Executive Board (Education)			
Ms. Carolyn Ennis	Governor	Holmes	4/24/1997
Billings			4/15/1999
Qualifications (if required):	public member		
Montana Tech of the University of Montana (Education)			
Ms. Carol Vega	Governor	Williams	4/24/1997
Butte			4/15/1999
Qualifications (if required):	public member		
Public Employees' Retirement Board (Administration)			
Ms. Carole Carey	Governor	reappointed	4/7/1997
Eklatka			4/1/2002
Qualifications (if required):	public employee		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Compensation Mutual Insurance Fund (Administration)			
Mr. James A. Broulette	Governor	not listed	4/28/1997
Stevensville			4/28/2001
Qualifications (if required):	policy holder		
Mr. Herbert Leuprecht	Governor	not listed	4/28/1997
Butte			4/28/2001
Qualifications (if required):	policy holder		
University of Montana Executive Board (Education)			
Mr. Leonard Landa	Governor	reappointed	4/24/1997
Missoula			4/15/1999
Qualifications (if required):	public member		
Vocational Rehabilitation Advisory Council (Public Health and Human Services)			
Mr. Bill Jones	Director		4/15/1997
Great Falls			4/15/1999
Qualifications (if required):	not specified		
Mr. Scotty MacLeod	Director	Williard	4/15/1997
Billings			4/15/1999
Qualifications (if required):	not specified		
Ms. JoAnn Null	Director	not listed	4/28/1997
Great Falls			4/28/1999
Qualifications (if required):	not specified		
Western Montana College of the University of Montana (Education)			
Ms. Barbara Holt Harrington	Governor	Womack	4/24/1997
Dillon			4/15/1999
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Workforce Preparation Coordinating Council (Labor and Industry)			
Ms. Susan Christofferson	Governor	Bush	4/16/1997
Kalispell			9/7/1997
Qualifications (if required):	representing community based organizations		
Mr. Kevin Justis	Governor	Ramirez	4/16/1997
Billings			9/7/1997
Qualifications (if required):	representing community based organizations		
Mr. Aron King	Governor	Criner	4/16/1997
Wolf Point			9/7/1997
Qualifications (if required):	representing local government		

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Aging Advisory Council (Governor)		
Ms. Eloise England, Dupuyer	Governor	7/18/1997
Qualifications (if required): Representative of District VII		
Ms. Roberta Feller, Stockett		
Qualifications (if required): Representative of District X	Governor	7/18/1997
Mr. Dwight Mackay, Billings		
Qualifications (if required): public member	Governor	7/18/1997
Alfalfa Leaf-Cutting Bee Advisory Committee (Agriculture)		
Mr. Gill M. Sorg, Wolf Point	Governor	7/1/1997
Qualifications (if required): represents Montana Alfalfa Seed Growers Association		
Apprenticeship Training Council (Corrections)		
Mr. Riley Johnson, Helena	Director	8/1/1997
Qualifications (if required): none specified		
Mr. Gary Curtis, Helena		
Qualifications (if required): none specified	Director	8/1/1997
Mr. Ed Leipheimner, Anaconda		
Qualifications (if required): none specified	Director	8/1/1997
Ms. Ingrid Danielson, Helena		
Qualifications (if required): none specified	Director	8/1/1997
Ms. Candyce Neubauer, Deer Lodge		
Qualifications (if required): none specified	Director	8/1/1997
Mr. Alan Kuoppala, Deer Lodge		
Qualifications (if required): none specified	Director	8/1/1997

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Apprenticeship Training Council (Corrections) Cont.		
Mr. Jack Powers, Deer Lodge	Director	8/1/1997
Qualifications (if required): none specified		
Mr. Ray Lincoln, Butte		
Qualifications (if required): none specified	Director	8/1/1997
Mr. David Watkins, Deer Lodge		
Qualifications (if required): none specified	Director	8/1/1997
Board of Banking (Commerce)		
Mr. Tom Ryan, Hamilton	Governor	7/1/1997
Qualifications (if required): public member		
Mr. Jerry Wiedebush, Plentywood		
Qualifications (if required): state bank officer	Governor	7/1/1997
Board of Cosmetologists (Commerce)		
Ms. Karen Underwood, Billings	Governor	7/1/1997
Qualifications (if required): licensed cosmetologist		
Ms. Janet Markle, Glasgow		
Qualifications (if required): public member	Governor	7/1/1997
Ms. Lynn Campbell, Deer Lodge		
Qualifications (if required): cosmetologist and manicurist	Governor	7/1/1997
Ms. Verna Dupuis, Bozeman		
Qualifications (if required): cosmetologist	Governor	7/1/1997
Ms. Geraldine Sorenson, Billings		
Qualifications (if required): licensed cosmetologist	Governor	7/1/1997

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Hearing Aid Dispensers Mr. Dudley Anderson, Missoula Qualifications (if required): hearing aid dispenser	Governor	7/1/1997
Board of Landscape Architects Ms. Pati O'Reilly, Shelby Qualifications (if required): public member	Governor	7/1/1997
Ms. Shelly Engler, Bozeman Qualifications (if required): licensed landscape architect	Governor	7/1/1997
Board of Morticians (Commerce) Mr. Dale M. Stevenson, Miles City Qualifications (if required): mortician	Governor	7/1/1997
Mr. John A. Anderson, Superior Qualifications (if required): public member	Governor	7/1/1997
Board of Nursing (Commerce) Rep. Charlotte K. "Char" Messmore, Great Falls Qualifications (if required): registered nurse	Governor	7/1/1997
Board of Pharmacy (Commerce) Ms. Judy Coldwell, Jordan Qualifications (if required): public member	Governor	7/1/1997
Board of Physical Therapy Examiners (Commerce) Ms. Charlotte Pannon, Billings Qualifications (if required): physical therapist	Governor	7/1/1997
Board of Private Security Patrol Officers and Investigators (Commerce) Mr. Jeffrey "Jeff" T. Patterson, Missoula Qualifications (if required): licensed private investigator	Governor	8/1/1997

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Private Security Patrol Officers and Investigators (Commerce) Mr. David C. Ward, Billings Qualifications (if required): represents city police department	Governor	8/1/1997
Sheriff Lee Edmisten, Virginia City Qualifications (if required): represents county sheriff's department	Governor	8/1/1997
Board of Public Accountants (Commerce) Ms. Elizabeth Hallowell, Helena Qualifications (if required): public member	Governor	7/1/1997
Board of Radiologic Technologists (Commerce) Ms. Jane Christman, Dutton Qualifications (if required): radiologic technologist	Governor	7/1/1997
Board of Sanitarians (Commerce) Ms. Denise Moldroski, Superior Qualifications (if required): registered sanitarian	Governor	7/1/1997
Board of Veterinary Medicine (Commerce) Dr. W. Dean Holmes, Harlowton Qualifications (if required): veterinarian	Governor	7/31/1997
Board of Water Well Contractors (Natural Resources and Conservation) Mr. Wes Lindsay, Clancy Qualifications (if required): licensed water well contractor	Governor	7/1/1997
Capitol Restoration Commission (Administration) Mr. Bob Marks, Clancy Qualifications (if required): public member	Governor	6/10/1997

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Child Care Advisory Council (Family Services)		
Mr. David Lockie, Bozeman	Governor	6/30/1997
Qualifications (if required): parent representative		
Ms. LaNette Simonton, Glendive	Governor	6/30/1997
Qualifications (if required): public member		
Ms. Claudine Hoyer, Glasgow	Governor	6/30/1997
Qualifications (if required): child care provider		
Mr. Randy Haight, Bozeman	Governor	6/30/1997
Qualifications (if required): child care provider		
Ms. Mary Jane Standaert, Helena	Governor	6/30/1997
Qualifications (if required): parent representative		
Committee on Telecommunications Services for the Handicapped (Social and Rehabilitation Services)		
Mr. Eric Eck, Helena	Governor	7/1/1997
Qualifications (if required): represents Public Service Commission		
Mr. Norm Eck, Helena	Governor	7/1/1997
Qualifications (if required): non-handicapped senior citizen		
Ms. Barbara Ranf, Helena	Governor	7/1/1997
Qualifications (if required): represents largest local exchange company in Montana		
Ms. Sheri Devlin, Billings	Governor	7/1/1997
Qualifications (if required): represents Department of Social and Rehabilitation Services		

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

Board/current position holder	Appointed by	Term end
Community Services Advisory Council (Governor)		
Ms. Nancy Coopersmith, Helena	Governor	7/1/1997
Qualifications (if required): representing K-12 education		
Ms. Kathy Ramirez, Helena	Governor	7/1/1997
Qualifications (if required): representing private citizens		
Mr. George Dennison, Missoula	Governor	7/1/1997
Qualifications (if required): representing higher education		
Mr. Joseph Lovelady, Helena	Governor	7/1/1997
Qualifications (if required): representing volunteer organizations		
Ms. Gertrude Downey, Butte	Governor	7/1/1997
Qualifications (if required): representing private citizens		
Electrical Board (Commerce)		
Ms. Louise Glimm, Conrad	Governor	7/1/1997
Qualifications (if required): public member		
Food and Nutrition Advisory Council (Health and Environmental Sciences)		
Ms. Nonie Woolf, Browning	Governor	8/30/1997
Qualifications (if required): Native American representative		
Ms. Bonnie McElroy, Helena	Governor	8/30/1997
Qualifications (if required): representative of the Department of Social Rehabilitation Services		
Ms. Connie Townsend, White Sulphur Springs	Governor	8/30/1997
Qualifications (if required): representative of the public knowledgeable in food and nutrition		

VACANCIES ON BOARDS AND COUNCILS -- June 1, 1997 through August 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Game Farm Advisory Council (Livestock and Fish, Wildlife and Parks)		
Mr. Bill Nyby, Antelope	Governor	7/19/1997
Qualifications (if required): representative of the game farm industry		
Ms. Nancy Espy, Broadus	Governor	7/19/1997
Qualifications (if required): representing the Board of Livestock		
Dr. Anne Johnson, Malta	Governor	7/19/1997
Qualifications (if required): licensed veterinarian		
Mr. Chris Marchion, Anaconda	Governor	7/19/1997
Qualifications (if required): representing sports persons of Montana		
Mr. David Simpson, Hardin	Governor	7/19/1997
Qualifications (if required): representing the Fish, Wildlife and Parks Commission		
Health Care Advisory Council (Health and Environmental Sciences)		
Ms. Kathleen Richardson, Havre	Governor	6/30/1997
Qualifications (if required): representative of Region 2		
Mr. Peter Blouke, Helena	Governor	6/30/1997
Qualifications (if required): director of newly created department of Public Health and Human Services		
Ms. Cynthia Lewis, Helena	Governor	6/30/1997
Qualifications (if required): representative of Region 4		
Dr. Lawrence R. Palazzo, Glasgow	Governor	6/30/1997
Qualifications (if required): representative of Region 1		
Mr. Max Agather, Kalispell	Governor	6/30/1997
Qualifications (if required): representative of Region 5		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Health Care Advisory Council (Health and Environmental Sciences) Cont. Mr. Kent Burgess, Billings Qualifications (if required): representative of Region 3	Governor	6/30/1997
Health Care Authority Board (Health and Environmental Sciences) Rep. Dorothy Bradley, Bozeman Qualifications (if required): none specified	Governor	6/30/1997
Mr. Lloyd Lockrem, Jr., Billings Qualifications (if required): none specified	Governor	6/30/1997
Historical Society Board of Trustees (Historical Society) Ms. Jeanne Eder, Dillon Qualifications (if required): historian	Governor	7/1/1997
Mr. Ward Shanahan, Helena Qualifications (if required): public member	Governor	7/1/1997
Ms. Ruby Settle, Wibaux Qualifications (if required): public member	Governor	7/1/1997
House Bill 195 Incentives Advisory Council (Fish, Wildlife and Parks) Sen. John Hertel, Moore Qualifications (if required): none specified	Director	6/1/1997
Mr. Alan Charles, Miles City Qualifications (if required): none specified	Director	6/1/1997
Indian Burial Preservation Board (Commerce) Mr. David Schwab, Helena Qualifications (if required): representing the Montana Historical Preservation Office	Governor	8/22/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Indian Burial Preservation Board (Commerce) Cont. Dr. Randall Skelton, Missoula Qualifications (if required): anthropologist	Governor	8/22/1997
Mr. Francis Auld, Elmo Qualifications (if required): representing the Salish Kootenai Tribe	Governor	8/22/1997
Rep. Jay Stovall, Billings Qualifications (if required): representing the public	Governor	8/22/1997
Mr. Carl Fourstar, Poplar Qualifications (if required): representing the Assiniboine Tribe	Governor	8/22/1997
Mr. Clarence "Curly Bear" Wagner, Browning Qualifications (if required): representing the Blackfeet Tribe	Governor	8/22/1997
Interagency Coordinating Council for State Prevention Program (Public Health and Human Services) Ms. Marilyn Chakos, Billings Qualifications (if required): involved in a prevention program	Governor	7/1/1997
Ms. Robin Morris, Havre Qualifications (if required): involved in a prevention program	Governor	7/1/1997
Judicial Standards Commission (Justice) Ms. Barbara Evans, Missoula Qualifications (if required): citizen not an attorney	Governor	7/1/1997
Judge John Warner, Havre Qualifications (if required): none specified	Chief Justice	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Juvenile Justice and Juvenile Mental Health Study Commission (Justice)	Governor	6/30/1997
Mr. Craig Anderson, Glendive Qualifications (if required): member of the Youth Justice Advisory Council	Governor	6/30/1997
Mr. Derek Cabrerea, Bozeman Qualifications (if required): former juvenile delinquent	Governor	6/30/1997
Mr. Dick Meeker, Helena Qualifications (if required): juvenile probation officer	Governor	6/30/1997
Mr. Fred Anderson, Miles City Qualifications (if required): public member	Governor	6/30/1997
Ms. Jani McCall, Billings Qualifications (if required): member of a private agency providing youth treatment service	Governor	6/30/1997
Mr. Mike Ferriter, Helena Qualifications (if required): representing the Department of Corrections	Governor	6/30/1997
Judge John Larson, Missoula Qualifications (if required): youth court judge	Governor	6/30/1997
Ms. Candy Wimmer, Helena Qualifications (if required): representing the Board of Crime Control	Governor	6/30/1997
Ms. Janice Henderson, Lolo Qualifications (if required): parent of youth being treated/supervised	Governor	6/30/1997
Ms. Robin Bullock, Butte Qualifications (if required): victim of a violent crime committed by a juvenile	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Juvenile Justice and Juvenile Mental Health Study Commission (Justice) Cont.	Governor	6/30/1997
Ms. Lois Poulton, Winnett Qualifications (if required): justice of the peace		
Mr. Larry Epstein, Cut Bank Qualifications (if required): county attorney	Governor	6/30/1997
Licensing Advisory Council (Fish, Wildlife and Parks)		
Mr. Charles R. Decker, Libby Qualifications (if required): none specified	Director	6/1/1997
Mr. Jack Billingsley, Glasgow Qualifications (if required): none specified	Director	6/1/1997
Mr. Russ Smith, Philipsburg Qualifications (if required): none specified	Director	6/1/1997
Mr. Bob Jensen, Circle Qualifications (if required): none specified	Director	6/1/1997
Long Term Care Reform Advisory Council (Public Health and Human Services)		
Mr. Ed Caplis, Helena Qualifications (if required): none specified	Director	7/1/1997
Rep. John Bohlinger, Billings Qualifications (if required): none specified	Director	7/1/1997
Ms. Valerie Castle, Helena Qualifications (if required): none specified	Director	7/1/1997
Mr. Clyde Daily, Helena Qualifications (if required): none specified	Director	7/1/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Long Term Care Reform Advisory Council (Public Health and Human Services) Cont.		
Mr. Charlie Briggs, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Barb Fabey, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Dr. Richard Offner, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Gladys Harden, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Paula Hassler, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Janice Connors, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Barbara Larson, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Bob Olson, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Bill Jones, Great Falls	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Bernice Bjertness, Billings	Director	7/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Long Term Care Reform Advisory Council (Public Health and Human Services) Cont.		
Ms. Michelle Reed, Billings	Director	7/1/1997
Qualifications (if required): none specified		
Dr. Jonathon Stone, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Mr. James Anderson, Anaconda	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Fred Patten, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Rose Hughes, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Doug Blakley, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Mike Mayer, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Marsha Vanderhoff, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Ron Caldwell, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Fern Prather, Big Timber	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Robert Westerman, Great Falls	Director	7/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Long Term Care Reform Advisory Council (Public Health and Human Services) Cont. Mr. Phillip Wittekiend, Missoula Qualifications (if required): none specified	Director	7/1/1997
Ms. Mary Alice Rehbein, Lambert Qualifications (if required): none specified	Director	7/1/1997
Dr. Dennis Zollar, Billings Qualifications (if required): none specified	Director	7/1/1997
Sen. Mignon Waterman, Helena Qualifications (if required): none specified	Director	7/1/1997
MIAMI Project Advisory Council (Public Health and Human Services) Ms. Lil Anderson, Billings Qualifications (if required): representing local service providers	Governor	6/30/1997
Ms. Nancy Colton, Bozeman Qualifications (if required): representing parents organization	Governor	6/30/1997
Dr. Tom Key, Great Falls Qualifications (if required): obstetrician	Governor	6/30/1997
Ms. Betty Hidalgo, Great Falls Qualifications (if required): representing a nonprofit child health organization	Governor	6/30/1997
Mr. Dan Jorgenson, Helena Qualifications (if required): representing Department of Public Health and Human Services	Governor	6/30/1997
Ms. Mary Dalton, Helena Qualifications (if required): representing Department of Public Health and Human Services	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
MIAMI Project Advisory Council (Public Health and Human Services) Cont.		
Ms. Jacquelyn Stonnell, Bozeman	Governor	6/30/1997
Qualifications (if required): representing a local health department		
Rep. Angela Russell, Lodge Grass	Governor	6/30/1997
Qualifications (if required): Native American involved in health services		
Microbusiness Advisory Council (Commerce)		
Mr. Stephen Mehring, Great Falls	Governor	6/30/1997
Qualifications (if required): experience in revolving loan fund		
Mr. Mark Dahl, Butte	Governor	6/30/1997
Qualifications (if required): banker		
Ms. Billie Lee, Ronan	Governor	6/30/1997
Qualifications (if required): representing small cities		
Mr. Richard C. King, Havre	Governor	6/30/1997
Qualifications (if required): experience in revolving loan fund		
Mr. Jim Hollenback, West Superior	Governor	6/30/1997
Qualifications (if required): microbusiness owner		
Ms. Candace Eide, Glendive	Governor	6/30/1997
Qualifications (if required): representing low income groups		
Mr. Duane Kurokawa, Wolf Point	Governor	6/30/1997
Qualifications (if required): banker		
Montana Library Services Advisory Council (State Library)		
Ms. Nora Verpoorten, Plains	Director	6/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Library Services Advisory Council (State Library)	Cont.	
Ms. Margaret Kernan, Helena	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Carolyn Salansky, Dupuyer	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Gloria Wahl, Lewistown	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Mary Lou Heppner, Westby	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Mary Bushing, Bozeman	Director	6/1/1997
Qualifications (if required): none specified		
Rep. Ray Peck, Havre	Director	6/1/1997
Qualifications (if required): none specified		
Mr. Will Cowdrey, Missoula	Director	6/6/1997
Qualifications (if required): none specified		
Ms. Kathleen Bartlett, Clinton	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Deborah Schlesinger, Helena	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Susan Callaghan, Butte	Director	6/1/1997
Qualifications (if required): none specified		
Mr. Wesley S. Plann, Terry	Director	6/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Library Services Advisory Council (State Library)	Cont. Director	6/1/1997
Ms. Andrine Haas, Glendive Qualifications (if required): none specified		
Montana Mint Committee (Agriculture)	Governor	7/1/1997
Mr. Philip Clarke, Columbia Falls Qualifications (if required): mint grower		
Mr. Bruce Tutvedt, Kalispell Qualifications (if required): mint grower	Governor	7/1/1997
Montana Special Education Advisory Panel (Office of Public Instruction)	Superintendent	6/30/1997
Ms. Maria Pease, Lodge Grass Qualifications (if required): parent of a child with disabilities		
Ms. Gail Marker, Billings Qualifications (if required): deaf/blind representative	Superintendent	6/30/1997
Ms. Mary Susan Fishbaugh, Billings Qualifications (if required): higher education	Superintendent	6/30/1997
Ms. Connie Hepburn, Phillipsburg Qualifications (if required): parent of a child with disabilities	Superintendent	6/30/1997
Ms. Kim Miller, Lewistown Qualifications (if required): regular classroom teacher	Superintendent	6/30/1997
Mr. Joe Mathews, Helena Qualifications (if required): state agency	Superintendent	6/30/1997
Ms. Crystal Dreese, Billings Qualifications (if required): individual with a disability	Superintendent	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Special Education Advisory Panel (Office of Public Instruction) Cont. Ms. Kristie Brannman, Helena Qualifications (if required): individual with a disability	Superintendent	6/30/1997
Mr. Dale Lambert, Hobson Qualifications (if required): teacher of children with disabilities	Superintendent	6/30/1997
Motorcycle Safety Advisory Committee (Office of Public Instruction) Ms. Anita Drews, East Helena Qualifications (if required): none specified	Attorney General	7/1/1997
Mr. Timothy W. Lindeborg, Bonner Qualifications (if required): represents motorcycle group	Governor	7/1/1997
Mr. Guy Ronald Smith, Sunburst Qualifications (if required): certified motorcycle safety instructor	Director	7/1/1997
Noxious Weed Advisory Council (Agriculture) Mr. Bob Ullom, Billings Qualifications (if required): herbicide dealer and applicator	Director	6/30/1997
Ms. Nancy Thuesen, Reserve Qualifications (if required): from a consumer group	Director	6/30/1997
Mr. Dane Castleberry, Ekalaka Qualifications (if required): representing livestock production	Director	6/30/1997
Mr. W. Ralph Peck, Helena Qualifications (if required): director of Department of Agriculture	Director	6/30/1997
Mr. Charles M. Jarecki, Polson Qualifications (if required): at large member	Director	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Advisory Council Mr. Keith Derks, Moccasin Qualifications (if required): representing agriculture crop production	Director	6/30/1997
Mr. Terry Turner, Havre Qualifications (if required): from the Montana Weed Control Association	Director	6/30/1997
Rep. Robert Thoft, Stevensville Qualifications (if required): representing biological research and control interests	Director	6/30/1997
Ms. Linda Ellison, Bozeman Qualifications (if required): from sportsman/wildlife group	Director	6/30/1997
Noxious Weed Trust Fund Advisory Council (Agriculture) Mr. Dan DeBuff, Shawmut Qualifications (if required): none specified	Director	6/30/1997
Petroleum Tank Release Compensation Board (Health and Environmental Sciences) Ms. Diane Savage, Sidney Qualifications (if required): public member	Governor	6/30/1997
Mr. Gary Tschache, Bozeman Qualifications (if required): represents service station dealers	Governor	6/30/1997
Postsecondary Education Policy and Budget Committee (Legislative Fiscal Analyst) Mr. Tobin Morris, Bozeman Qualifications (if required): student representative	Governor	6/30/1997
Ms. Pat Haffey, Helena Qualifications (if required): representative of the executive branch	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Regional Correctional Facility Advisory Council (Corrections)		
Mr. Robert W. Anderson, Helena Qualifications (if required): none specified	Governor	8/1/1997
Mr. John DeVore, Missoula Qualifications (if required): none specified	Governor	8/1/1997
Rep. Ernest Bergeagel, Malta Qualifications (if required): none specified	Governor	8/1/1997
Lieutenant Jim Cashell, Bozeman Qualifications (if required): none specified	Governor	8/1/1997
Mr. Myron Beeson, Deer Lodge Qualifications (if required): none specified	Governor	8/1/1997
Mr. Ralph DeCunzo, Helena Qualifications (if required): none specified	Governor	8/1/1997
Mr. John E. Kahl, Glendive Qualifications (if required): none specified	Governor	8/1/1997
Captain Dennis McCabe, Billings Qualifications (if required): none specified	Governor	8/1/1997
Mr. Mike Gersack, Great Falls Qualifications (if required): none specified	Governor	8/1/1997
Ms. Ginger Faber, Havre Qualifications (if required): none specified	Governor	8/1/1997
Mr. John Strandell, Great Falls Qualifications (if required): none specified	Governor	8/1/1997

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Montana Administrative Register

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Regional Correctional Facility Advisory Council (Corrections) Cont.		
Captain Mike O'Hara, Missoula	Governor	8/1/1997
Qualifications (if required): none specified		
SummitNet Executive Council (Education)		
Mr. Gregg Groepper, Helena	Governor	6/30/1997
Qualifications (if required): none specified		
Mr. Michael (Mick) J. Robinson, Helena	Governor	6/30/1997
Qualifications (if required): Information Technology Advisory Council representative		
Dr. Richard Crofts, Helena	Governor	6/30/1997
Qualifications (if required): Interim Commissioner of Higher Education		
Ms. Lois A. Menzies, Helena	Governor	6/30/1997
Qualifications (if required): director of the Department of Administration		
Mr. Bob Person, Helena	Governor	6/30/1997
Qualifications (if required): Information Technology Advisory Council representative		
Ms. Janet Kelly, Miles City	Governor	6/30/1997
Qualifications (if required): local government representative		
Mr. Dennis M. Taylor, Helena	Governor	6/30/1997
Qualifications (if required): Information Technology Advisory Council representative		
Swan River Correctional Training Center Advisory Council (Corrections)		
Ms. Diane Tripp, Missoula	Director	8/1/1997
Qualifications (if required): none specified		
Mr. Grant Holle, Bigfork	Director	8/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

Board/current position holder	Appointed by	Term end
Swan River Correctional Training Center Advisory Council	(Corrections) Cont.	
Ms. Nancy Brosten, Swan Lake	Director	8/1/1997
Qualifications (if required): none specified		
Ms. Terry McLeod, Swan Lake	Director	8/1/1997
Qualifications (if required): none specified		
Rep. Bob Keenan, Bigfork	Director	8/1/1997
Qualifications (if required): none specified		
Ms. June Smith, Swan Lake	Director	8/1/1997
Qualifications (if required): none specified		
Mr. George Field, Bigfork	Director	8/1/1997
Qualifications (if required): none specified		
Mr. Jefferson Jones, Swan Lake	Director	8/1/1997
Qualifications (if required): none specified		
Mr. Robert Parcell, Condon	Director	8/1/1997
Qualifications (if required): none specified		
Teachers' Retirement Board (Administration)		
Superintendent Nancy Keenan, Helena	Governor	7/1/1997
Qualifications (if required): Superintendent of Public Instruction		
Mr. John Kranick, Great Falls	Governor	7/1/1997
Qualifications (if required): retired teacher		
Ms. Sharon Oftedal, Miles City	Governor	7/1/1997
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Tourism Advisory Council (Commerce)		
Mr. Terry Abelin, Bozeman	Governor	7/1/1997
Qualifications (if required): skier		
Ms. Donna Madson, West Yellowstone		
Qualifications (if required): public member	Governor	7/1/1997
Mr. Craig Smith, Wolf Point		
Qualifications (if required): Native American	Governor	7/1/1997
Ms. Hazel Leuprecht, Butte		
Qualifications (if required): public member	Governor	7/1/1997
Wheat and Barley Committee (Agriculture)		
Mr. Larry Barber, Coffee Creek	Governor	8/20/1997
Qualifications (if required): republican representing District V		
Mr. Stephen P. McDonnell, Three Forks		
Qualifications (if required): democrat representing District VI	Governor	8/20/1997
Mr. Duane Arneklev, Plentywood		
Qualifications (if required): democrat representing District I	Governor	8/20/1997
Youth Justice Advisory Council (Justice)		
Mr. Craig Anderson, Glendive	Governor	6/16/1997
Qualifications (if required): public member		
Mr. Stephen Nelsen, Bozeman		
Qualifications (if required): public member	Governor	6/16/1997
Judge Duana Barz, Billings		
Qualifications (if required): public member	Governor	6/16/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) Cont.		
Mr. Rick Day, Helena	Governor	6/16/1997
Qualifications (if required): public member		
Mr. Al Davis, Helena	Governor	6/16/1997
Qualifications (if required): public member		
Ms. Kate Mrgudic, Missoula	Governor	6/16/1997
Qualifications (if required): public member		
Judge Catherine Aragon, Harlem	Governor	6/16/1997
Qualifications (if required): public member		
Ms. Gail Gray, Helena	Governor	6/16/1997
Qualifications (if required): public member		
Mr. Allen Horsfall, Hamilton	Governor	6/16/1997
Qualifications (if required): public member		
Mr. Kim Olson, Bozeman	Governor	6/16/1997
Qualifications (if required): public member		
Rep. Royal C. Johnson, Billings	Governor	6/16/1997
Qualifications (if required): public member		
Ms. Sally Stansberry, Missoula	Governor	6/16/1997
Qualifications (if required): public member		
Mr. Hank Hudson, Helena	Governor	6/16/1997
Qualifications (if required): public member		
Judge Ted O. Lympus, Kalispell	Governor	6/16/1997
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) Cont. Captain Kevin Clader, Missoula Qualifications (if required): public member	Governor	6/16/1997
Mr. Pat Lovett, Helena Qualifications (if required): public member	Governor	6/16/1997