

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 6

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 found at the back of each register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Administrative Rules Bureau at (406) 444-2055.

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

In the matter of the)	
adoption of a new rule)	
and amendment of ARM)	NOTICE OF PROPOSED
12.11.3601, creating a)	ADOPTION AND AMENDMENT
no wake zone at Hell)	
Creek Marina on Fort)	NO PUBLIC HEARING
Peck Reservoir and ARM)	CONTEMPLATED
12.11.501, updating the)	
index rule)	

TO: All Concerned Persons

1. On May 8, 2001, the Fish, Wildlife and Parks Commission (commission) proposes to adopt a new rule and amend ARM 12.11.3601, regarding creating a no wake zone at Hell Creek Marina on Fort Peck Reservoir and amend ARM 12.11.501, listing the proposed new rule in the list of bodies of water which provides an index to recreational water use rules.

2. The Fish, Wildlife and Parks Commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Fish, Wildlife and Parks no later than 5 p.m. April 2, 2001, to advise us of the nature of the accomodation that you need. Please contact Connie Gilbertson at the Department of Fish, Wildlife and Parks, Industrial Site W, Miles City, MT 59301, Phone (406) 232-0900, Fax (406) 232-4368.

3. The proposed rule provides as follows:

RULE I FORT PECK RESERVOIR (1) In Garfield County, Fort Peck Reservoir is limited to a controlled no wake speed as defined in ARM 12.11.101(1), within 300 feet of docks or as buoyed in the following areas:

(a) Hell Creek Marina.

(2) In McCone County, Fort Peck Reservoir is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), within 300 feet of docks or as buoyed in the following areas:

(a) Rock Creek Marina.

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

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

4. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

12.11.501 LIST OF WATER BODIES (1) The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(a) through (ai) remain the same.

(aj) Fort Peck Reservoir ARM 12.11.2401 &
12.11.3601

(ak) through (cl) remain the same.

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

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

12.11.3601 FORT PECK RESERVOIR (1) ~~Fort Peck Reservoir is located in McCone County. In McCone County,~~

(2) Fort Peck Reservoir is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), within 300 feet of docks or as buoyed in the following areas:

(a) Rock Creek Marina as marked by signed buoys.

(2) In Garfield County, Fort Peck Reservoir is limited to a controlled no wake speed, as defined by ARM 12.11.101(1), within 300 feet of docks or as buoyed in the following areas:

(a) Hell Creek Marina.

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

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

5. The commission believes that the new rule adoption is necessary to prevent accidents, protect private property, and prevent potentially serious environmental problems near the Hell Creek Marina on the Fort Peck Reservoir.

Currently, motorized watercraft frequently travel at high rates of speed through the area where the commission is proposing a 300 foot no wake zone. Wakes from these watercraft cause severe undulations of the boat slips and gas dock. The commission is concerned about the safety of individuals walking on the docks. Sudden, severe rocking of the docks could result in a serious accident.

The commission also believes that this rule is necessary to protect private property. Waves caused by speeding watercraft force docked watercraft to bang against the sides of the boat slips. This banging may result in damage to the docked vessels.

Additionally, a gas line runs to the one of the docks. It is possible that waves caused by motorized watercraft traveling at high rates of speed in the area could cause a rupture in the gas line at the gas dock. A gas leak could have very serious consequences to the reservoir, wildlife, recreators and the surrounding environment. The adoption of a rule requiring watercraft in this area to travel at no wake speed should alleviate the safety, property, and environmental concerns.

It is also necessary to amend ARM 12.11.3601 to make it consistent with other recreational water use rules where a body of water is located and regulated in more than one county. Since Fort Peck Reservoir is located in Garfield and McCone counties, and now may be regulated in Garfield County as well as McCone County, all the rules pertaining to the reservoir will be listed in a rule in both counties so that recreators and enforcement personnel will have easy access to all the regulations on Fort Peck Reservoir by looking at either the

Garfield County Fort Peck Reservoir rule or the McCone County Fort Peck Reservoir rule.

Finally, ARM 12.11.501 serves as an index to the recreational water use regulations. It is necessary to amend it whenever a new rule is adopted so that the new rule is entered into the index and can be easily located.

6. Concerned persons may submit their data, views or arguments in writing to Don Hyyppa, Department of Fish, Wildlife and Parks, Industrial Site W, Miles City, MT 59301, Phone (406) 232-0900, Fax (406) 232-4368, E-mail to dhyyppa@state.mt.us, no later than April 23, 2001.

7. If persons who are directly affected by the proposed actions wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Don Hyyppa, Department of Fish, Wildlife and Parks, Industrial Site W, Miles City, MT 59301, Phone (406) 232-0900, Fax (406) 232-4368, no later than April 23, 2001.

8. If the agency receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed actions; from the appropriate administrative rule review committee of the legislature; from a governmental agency or subdivision; or from any association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 100 persons based on the average number of visitors to Hell Creek State Park each year.

9. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East 6th Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

10. The bill sponsor notification requirements of 2-4-302, MCA, do not apply.

BY:

/s/ M. Jeff Hegener
M. JEFF HEGENER
Secretary, Fish, Wildlife
and Parks Commission

/s/ Rebecca Dockter Engstrom
REBECCA DOCKTER ENGSTROM
Rule Reviewer

Certified to the Secretary of State March 12, 2001

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

In the matter of the proposed)
amendment of ARM 37.86.2207,)
37.86.3001, 37.86.3502,)
37.86.3702, 37.88.1101,)
37.88.1106 and 37.89.103)
pertaining to mental health)
services)

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT

TO: All Interested Persons

1. On April 12, 2001, at 1:30 p.m., a public hearing will be held in Room 306 of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice or provide reasonable accommodations at the public hearing. If you need to request an accommodation, contact the department no later than 5:00 p.m. on April 2, 2001, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphslegal@state.mt.us.

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.86.2207 EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT SERVICES (EPSDT), REIMBURSEMENT (1) through (2) remain the same.

(3) Reimbursement for the therapeutic portion of therapeutic youth group home treatment services is the lesser of:

(a) the amount specified in the department's medicaid mental health fee schedule. The department hereby adopts and incorporates herein by reference the department's medicaid mental health fee schedule dated ~~July, 2000~~ March 2001. A copy of the fee schedule may be obtained from the Department of Public Health and Human Services, Addictive and Mental Disorders Division, ~~1400 Broadway,~~ 555 Fuller, P.O. Box 202951, Helena, MT 59620-2951; or

(b) through (10) remain the same.

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

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

37.86.3001 OUTPATIENT HOSPITAL SERVICES, DEFINITIONS

(1) through (4) remain the same.

(5) "Partial hospitalization services" means an active treatment program that offers therapeutically intensive, coordinated, structured clinical services provided only to individuals who are determined to have a serious emotional disturbance or severe disabling mental illness. Partial hospitalization services are time-limited and provided within either an acute level program or a sub-acute level program. Partial hospitalization services include day, evening, night and weekend treatment programs that employ an integrated, comprehensive and complementary schedule of recognized treatment or therapeutic activities.

(a) Acute level partial hospitalization is provided by programs which:

(i) remains the same.

(ii) serve ~~exclusively~~ primarily individuals being discharged from inpatient psychiatric treatment or residential treatment; and

(iii) through (c)(x) remain the same.

(d) Sub-acute level partial hospitalization is reimbursed ~~at 75% of the rate established for acute level partial hospitalization in ARM 37.86.3022~~ at the rate specified in the department's medicaid mental health fee schedule.

(6) and (7) 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

37.86.3502 CASE MANAGEMENT SERVICES FOR ADULTS WITH SEVERE DISABLING MENTAL ILLNESS, ELIGIBILITY (1) remains the same.

(2) "Severe disabling mental illness" means with respect to a person who is 18 or more years of age that the person has:

(a) remains the same.

(b) a DSM-IV diagnosis of:

(i) through (iv) remain the same.

(v) disorder due to a general medical condition (310.1);

or

(vi) pervasive developmental disorder not otherwise specified (299.80) when not accompanied by mental retardation;

or

(vii) obsessive compulsive disorder (300.3);

(c) through (d)(iv) remain the same.

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

IMP: Sec. 53-6-101, MCA

37.86.3702 CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, ELIGIBILITY (1) remains the same.

(2) "Serious emotional disturbance (SED)" means with respect to a youth between the ages of 6 and 17 years that the youth meets requirements of (2)(a) and either (2)(b) or (2)(c).

(a) through (a)(xx) remain the same.

(b) As a result of the youth's diagnosis determined in

(2)(a) and for a period of at least 6 months, or for a predictable period over 6 months the youth consistently and persistently demonstrates behavioral abnormality in two or more spheres, to a significant degree, well outside normative developmental expectations, that cannot be attributed to intellectual, sensory, or health factors:

(i) through (d)(vi) remain the same.

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

IMP: Sec. 53-6-101, MCA

37.88.1101 INPATIENT PSYCHIATRIC SERVICES, PURPOSE AND DEFINITIONS (1) remains the same.

(2) As used in this subchapter, the following definitions apply:

(a) through (g) remain the same.

(h) Intensive day treatment is a program which is operated by a licensed residential treatment facility and which:

(i) operates in a self-contained facility;

(ii) offers integrated mental health services appropriate to the individual's needs as identified in an individualized treatment plan;

(iii) provides psychotherapy services consisting of at least three group sessions per week and five individual and/or family sessions per month;

(iv) encourages and supports parent and family involvement;

(v) provides services in a supervised environment by a well-integrated, multi-disciplinary team of professionals which includes but is not limited to program therapists, behavioral specialists, teachers and ancillary staff;

(A) a program therapist must be a licensed mental health professional who is site based;

(B) a program therapist must have an active caseload that does not exceed 10 program clients;

(C) a behavioral specialist must be site based and have a bachelor's degree in a behavioral science field or commensurate experience working with children with serious emotional disturbance. There must be one behavioral specialist for each five youth in the intensive day treatment program; and

(D) all staff responsible for implementing the treatment plan must have a minimum of 24 hours orientation training and 12 additional hours of continuing education each year relating to serious emotional disturbance in children and its treatment. Training must include specific instruction on recognizing the effects of medication.

(vi) provides education services through one of the following:

(A) full collaboration with a school district;

(B) certified education staff within the program; or

(C) interagency agreements with education agencies.

(vii) provides crisis intervention and management, including response outside of the program setting;

(viii) provides psychiatric evaluation, consultation, and

medication management on a regular basis. Psychiatric consultation to the program treatment staff is provided at least twice each month and includes at least one face-to-face evaluation with each youth each month;

(ix) serves children or youth with a serious emotional disturbance being discharged from inpatient psychiatric treatment, residential treatment, or acute partial hospitalization, or who would be admitted to such treatment in the absence of intensive day treatment;

(x) is designed to stabilize patients sufficiently to allow discharge to a less intensive level of care, on average, after 60 or fewer treatment days;

(xi) provides full-day intensive day treatment programs services a minimum of 6 hours per day, 5 days per week;

(xii) provides half-day intensive day treatment programs services at least 4 hours but less than 6 hours per day, 4 days per week.

(3) Intensive day treatment is not medically necessary for a youth who is a patient in an acute psychiatric hospital or a residential treatment facility.

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

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

37.88.1106 INPATIENT PSYCHIATRIC SERVICES, REIMBURSEMENT

(1) through (9)(b) remain the same.

(10) Reimbursement will be made to a residential treatment facility provider for intensive day treatment in the amount specified in the department's medicaid mental health fee schedule. The per diem rates specified in the department's medicaid mental health fee schedule are bundled prospective per diem rates for full-day programs and half-day programs as defined in ARM 37.88.1101. The department hereby adopts and incorporates herein by reference the department's medicaid mental health fee schedule dated March 2001. A copy of the fee schedule may be obtained from the Department of Public Health and Human Services, Addictive and Mental Disorders Division, 555 Fuller, P.O. Box 202951, Helena, MT 59620-2951.

(10) remains the same in text but is renumbered (11).

~~(11)~~ (12) No more than 14 patient days per recipient in each rate year will be allowed for therapeutic home visits. For purposes of this 14-day limit, all therapeutic home visits must be included whether or not such visits were of sufficient length to require advance approval under ~~(10)(e)~~ (11)(e).

(11)(a) through (13) remain the same in text but are renumbered (12)(a) through (14).

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

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

37.89.103 MENTAL HEALTH SERVICES PLAN, DEFINITIONS As used in this subchapter, unless expressly provided otherwise, the following definitions apply:

(1) through (13) remain the same.

(14) "Serious emotional disturbance (SED)" means with respect to a youth between the ages of 6 and 17 years that the youth meets the following requirements of ~~(2)~~ (14)(a) and either ~~(2)~~ (14)(b) or ~~(2)~~ (14)(c):

(a) through (a)(xx) remain the same.

(b) As a result of the youth's diagnosis determined in (14)(a) and for a period of at least 6 months, or for a predictable period over 6 months, the youth consistently and persistently demonstrates behavioral abnormality in two or more spheres, to a significant degree, well outside normative developmental expectations, that cannot be attributed to intellectual, sensory, or health factors:

(i) through (d)(vi) remain the same.

(15) "Severe disabling mental illness" means with respect to a person who is 18 or more years of age that the person:

(a) remains the same.

(b) has a DSM-IV diagnosis with a severity specifier of moderate or severe of:

(i) through (iv) remain the same.

(v) disorder due to a general medical condition (310.1);

or

(vi) pervasive developmental disorder not otherwise specified (299.80) when not accompanied by mental retardation;

or

(vii) obsessive compulsive disorder (300.3); or

(c) through (18) remain the same.

AUTH: Sec. 41-3-1103, 52-1-103, 53-2-201, 53-6-113, 53-6-131 and 53-6-701, MCA

IMP: Sec. 41-3-1103, 52-1-103, 53-1-601, 53-1-602, 53-2-201, 53-6-101, 53-6-113, 53-6-116, 53-6-117, 53-6-131, 53-6-701, 53-6-705, 53-21-139 and 53-21-202, MCA

3. The proposed amendments to the rules for the Medicaid Mental Health Program and the Mental Health Services Plan create a new service called "intensive day treatment" that is provided by a licensed residential treatment facility. Other than required licensure, this service is the same as sub-acute partial hospitalization that was adopted in rule on January 12, 2001. The proposed amendments also allow individuals to access acute partial hospitalization as a diversion from inpatient hospital treatment. The reimbursement schedule for sub-acute partial hospitalization will be calculated independently of that for acute partial hospitalization. The definition of Severe Disabling Mental Illness is expanded to include the diagnosis of Obsessive Compulsive Disorder and the definition of Serious Emotional Disturbance is amended to allow for consideration of a diagnosis that is predicted to exist for a period of 6 months. The proposed amendment establishes an updated medicaid mental health fee schedule for March 2001.

ARM 37.88.1101 and 37.88.1106

The Department proposes the addition of intensive day treatment

for children and adolescents who are eligible for medicaid benefits. With the exception of the licensure required, this service is the same as sub-acute partial hospitalization that was adopted by the department on January 12, 2001. Sub-acute partial hospitalization programs operate under the license of a general hospital with a distinct psychiatric unit or an inpatient psychiatric hospital for individuals under 21. Intensive day treatment programs would operate under the license of a residential treatment facility. The change is necessary to enable the development of intensive therapeutic day programs for children and adolescents with serious emotional disturbance who have been discharged from inpatient hospital treatment, residential treatment, or acute partial hospitalization, or as a diversion for those who are at risk for admission to higher levels of care. The Department determined that the rule establishing sub-acute partial hospitalization was too restrictive. Providers who were qualified to provide sub-acute partial hospitalization have declined to provide it and without the proposed change, some children who had previously received partial hospitalization would have had more limited access to a less restrictive level of care than residential treatment. If the Department did not propose the addition of intensive day treatment, children with serious emotional disturbance would have limited access to intensive mental health treatment within their home communities.

ARM 37.86.3001

The Department proposes an amendment of the definition of acute partial hospitalization to allow treatment of those individuals who would otherwise require more intensive treatment. The present rule limits acute partial hospitalization to individuals being discharged from inpatient psychiatric treatment or residential treatment. The Department intends that this remain the primary purpose of acute partial hospitalization, but will allow for exceptions when medically indicated. This is appropriate for adults who do not have access to sub-acute partial programs. Without this amendment, access to acute partial hospitalization services would be denied to individuals who had not been in the most intense levels of care, and admission to inpatient hospitalization could have been seen as a requirement in order to access the service. Program costs would have escalated as a result.

A new reimbursement rate for sub-acute partial hospitalization is under development and will be determined independently of the rate for acute partial hospitalization. The Department will utilize an independent review panel to receive provider recommendations and to propose the level of reimbursement for sub-acute partial hospitalization. Although there is no change in the rate at this time, the Department has proposed in ARM 37.86.3001 to refer to the medicaid mental health fee schedule.

ARM 37.86.3502 and 37.89.103

The definition of severe disabling mental illness would be expanded under the proposed amendments to include the diagnosis of Obsessive Compulsive Disorder. This diagnosis is included in the list of "severe mental illness" listed in 33-22-706, MCA and it was an oversight by the department not to have included it in previous amendments to the definition of SDMI. The alternative was to make no change in the definition with the result that individuals with this diagnosis could have been denied clinical eligibility for the Mental Health Services Plan.

ARM 37.86.3702 and 37.89.103

The Department proposes an amendment to the definition of serious emotional disturbance to consider a projected period of behavioral abnormality as an alternative to a demonstrated impairment during the previous six months. The amendment is necessary to facilitate responsive treatment interventions for children and adolescents with serious emotional disturbance. The alternative would have been to not amend the definition of SED. Youth with emotional disturbance could have been denied access to medically necessary services until a period as long as six months had lapsed. Delay in needed treatment instead of timely intervention would likely have resulted in increased costs of treatment in the long run.

4. The Department proposes that the addition of intensive day treatment services to ARM 37.88.1106 be retroactive to April 1, 2001. This new service is necessary to assure appropriate treatment for youth and children in their home communities. There is no adverse effect on the services of benefits provided. The anticipated fiscal effect of the retroactive applicability date would be approximately \$46,305.00.

5. Interested persons may submit their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on April 21, 2001. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

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

/s/ Dawn Sliva
Rule Reviewer

/s/ Gail Gray
Director, Public Health and
Human Services

Certified to the Secretary of State March 12, 2001.

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

In the matter of the) NOTICE OF AMENDMENT OF
amendment of Montana's) PREVAILING WAGE RATES -
prevailing wage rates,) FRINGE BENEFITS FOR
pursuant to ARM 24.16.9007) IRONWORKERS AND IRONWORKER
) FOREPERSONS ONLY

TO: All Concerned Persons

1. On November 9, 2000, the Department published notice of the proposed amendment of the above-captioned rule at page 3095 of the 2000 Montana Administrative Register, Issue No. 21.

2. On December 4, 2000, a public hearing was held to consider the proposed amendment of certain fringe benefit rates. Two members of the public attended, and offered oral or written comments at that time. Written comments were received by the Department by the close of the comment period.

3. After consideration of the comments received on the proposed amendments, the Department of Labor and Industry amends the rule exactly as proposed.

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

Comment 1: Ron Piksa, representing the Pacific Northwest District Council, supports the change but questions why the \$1.50 vacation amount was listed.

Response 1: Vacation pay is listed for informational purposes only. At the bottom of the page, the following footnote is printed: "Vacation amount is listed for informational purposes only unless otherwise specified. It is included in the prevailing wage rate and is not to be included in computations for hourly fringe benefits, or subtracted from the hourly rate after taxes unless the employer is signatory to a collective bargaining agreement. Non-signatory employers must pay the prevailing rate. Vacation should not be included in any overtime calculation." Also, please see page ii of the regular publication for a complete explanation.

Comment 2: Mr. Piksa also wanted a clarification on District 2 rates for Ironworker Forepersons and the terminology "remains the same" that appeared in the Notice of Public Hearing.

Response 2: "Remains the same" only appeared in the Notice to show that District 2 rates would not change. The actual rates as printed in the original publication remain in effect.

Comment 3: Jeff Crisler, representing Local 841 Ironworkers, asked to include wages based on a different collective bargaining agreement which he submitted at the public hearing.

Response 3: The collective bargaining agreement provided by Mr. Crisler is not for the October 1, 1998 - September 30, 2000 time period which is the survey reference period that must be used to set rates. Mr. Crisler's agreement is more recent and will be kept on file for future use.

5. The amendments to the fringe benefit rates for the two occupations are effective March 23, 2001.

/s/ KEVIN BRAUN
Kevin Braun
Rule Reviewer

/s/ MIKE FOSTER
Mike Foster, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: March 12, 2001.

BEFORE THE BOARD OF PERSONNEL APPEALS
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF THE AMENDMENT OF
amendment of ARM 24.26.630,) ARM 24.26.630, 24.26.650,
regarding resolution of) 24.26.666, AND 24.26.707
procedural defects before)
hearing; 24.26.650, correcting)
a drafting oversight in the)
rules; 24.26.666, regarding)
the parties' burden to verify)
vote count results; and)
24.26.707, to conform the)
rules to the standard used in)
the Montana Administrative)
Procedure Act)

TO: All Concerned Persons

1. On January 25, 2001, the Board of Personnel Appeals published notice of the proposed amendment of the above-captioned rules at page 154 of the 2001 Montana Administrative Register, Issue No. 2.

2. On February 16, 2001, a public hearing was held in Helena concerning the proposed amendments at which oral comments were received. Two additional written comments were received prior to the closing date of February 23, 2001. One member of the public commented on the proposed amendments to ARM 24.26.630, 24.26.650, 24.26.666, and 24.26.707.

3. The Board of Personnel Appeals met on February 28, 2001, to consider the comments and testimony received on the proposed amendments. The following is a summary of the comments received, along with the Board's response to those comments:

Comment 1: A representative of the International Union Of Operating Engineers Local #400 spoke and presented oral testimony in favor of the proposed amendments.

Response 1: The Board thanks the International Union Of Operating Engineers Local #400 for its comments in support of the proposed amendments.

Comment 2: A representative of the Montana Education Association-Montana Federation of Teachers ("MEA-MFT") submitted written comments in opposition to the proposed amendment of ARM 24.26.630. The MEA-MFT expressed concern that the amendment requiring mandatory mediation by Department mediators would unduly burden the already busy mediators and unreasonably delay the dispute resolution process.

Response 2: The Board acknowledges that mediation may prolong the process of unit clarifications somewhat. However, the Board

believes that mediation may often resolve disputes where the parties are either not represented by counsel, there has not been good communication between the parties, or one or both of the parties is not well versed in questions of unit composition. In no event is it the intent of the Board to inordinately delay the process.

The Board notes that the mediator assigned to these cases will not be doing contract mediation nor is it anticipated that the mediator will require in-person mediation. The methods used in mediation will likely be by telephone to explore settlement potential. The mediator will do this work in conjunction with other dispute resolution assignments as per the intent of HB 592. It is anticipated that these cases will either be resolved, or forwarded as a contested case considerably before the end of the 45-day time period contained in the rule.

Comment 3: A representative of MEA-MFT submitted written comments in opposition to the proposed amendment of ARM 24.26.666. The MEA-MFT expressed concern that the amendment would abolish the written record used to determine the start of the time period for appeals. The MEA-MFT also expressed concern that the amendment would negate the written record used to conclusively establish the union certification, and possibly contribute to future disputes regarding the certified unit.

Response 3: The Board agrees that the parties need written certification of the results of elections. The Board will continue to issue certification letters as per ARM 24.26.667. The intent of the amendments to ARM 24.26.666 are not to negate that requirement. Rather, since the parties to the election are already advised of the election date, the intent of the rule is to place the burden on them to either attend the election to verify the results, or to contact the election judge to determine the results. The election date as specified in the Board election notice will continue to trigger the appeal time for any election challenge. Nothing is changed from the current Board practice other than the obligation is placed on the parties to determine the election tally prior to perfecting an appeal.

4. The Board amends the rules exactly as proposed.
5. The amendments are effective March 23, 2001.

/s/ KEVIN BRAUN
Kevin Braun
Rule Reviewer

/s/ JACK HOLSTROM
Jack Holstrom, Presiding Officer
BOARD OF PERSONNEL APPEALS

Certified to the Secretary of State: March 12, 2001.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of amendment) NOTICE OF AMENDMENT
of ARM 32.6.712 as it relates)
to food safety and inspection)
service (meat and poultry))
)

TO: All Concerned Persons

1. On January 25, 2001, the board of livestock published notice of the proposed amendment to ARM 32.6.712 as it relates to food safety inspection service (meat and poultry) at page 160 of the 2001 Montana Administrative Register, Issue Number 2.

2. The agency has amended ARM 32.6.712 exactly as proposed.

3. No comments or testimony were received.

DEPARTMENT OF LIVESTOCK

By: /s/ Marc Bridges
Marc Bridges, Exec. Officer,
Board of Livestock
Department of Livestock

By: /s/ Bernard A. Jacobs
Bernard A. Jacobs, Rule Reviewer
Livestock Chief Legal Counsel

Certified to the Secretary of State March 12, 2001.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of)	NOTICE OF ADOPTION,
New Rules I (42.13.403),)	AMENDMENT AND REPEAL
II (42.13.111), and III (42.13.601);)	
amendment of ARM 42.11.201,)	
42.11.205, 42.11.211, 42.11.213,)	
42.11.214, 42.11.215, 42.11.245,)	
42.11.251, 42.12.103, 42.12.106,)	
42.12.108, 42.12.111, 42.12.116,)	
42.12.122, 42.12.124, 42.12.129,)	
42.12.130, 42.12.131, 42.12.132,)	
42.12.141, 42.12.204, 42.12.205,)	
42.12.206, 42.12.207, 42.12.208,)	
42.12.209, 42.12.222, 42.12.301,)	
42.12.302, 42.12.312, 42.12.323,)	
42.12.324, 42.12.401, 42.12.406,)	
42.13.101, 42.13.102, 42.13.103,)	
42.13.105, 42.13.108, 42.13.109,)	
42.13.222, 42.13.301, 42.13.304,)	
42.13.401, 42.13.402; and repeal)	
of ARM 42.12.410 relating to Liquor)	
Licensing)	

TO: All Concerned Persons

1. On October 5, 2000, the department published notice of the proposed adoption, amendment and repeal of the above-stated rules relating to liquor licensing at page 2614 of the 2000 Montana Administrative Register, issue no. 19.

2. A public hearing was held on October 26, 2000, to consider the proposed adoption, amendment and repeal. The department has adopted New Rule II (42.13.111), amended ARM 42.11.201, 42.11.205, 42.11.213, 42.11.214, 42.11.215, 42.11.245, 42.11.251, 42.12.103, 42.12.108, 42.12.116, 42.12.122, 42.12.124, 42.12.129, 42.12.130, 42.12.131, 42.12.132, 42.12.204, 42.12.205, 42.12.206, 42.12.207, 42.12.208, 42.12.209, 42.12.222, 42.12.301, 42.12.302, 42.12.312, 42.12.323, 42.12.324, 42.12.401, 42.12.406, 42.13.102, 42.13.103, 42.13.105, 42.13.108, 42.13.109, 42.13.222, 42.13.301, 42.13.304, 42.13.402 and repealed ARM 42.12.410 as proposed.

3. Oral and written comments received during and subsequent to the hearing are summarized below according to the topics: "wineries," "breweries," "fee increases," and "other." Those comments and the response of the department are as follows:

Wineries:

COMMENT NO. 1: New Rule I (42.13.403) - Rich Miller, Gaming Industry Association of Montana, Inc., stated that the department exceeds statutory authority with the proposed amendments to this rule. Section 16-4-107, MCA, requires

registration of a domestic winery and makes no mention of a licensing requirement.

A fee of \$0 to \$500, for a simple registration, seems excessive. When it is recognized that this fee applies to only Montana-based wineries it is even more indefensible. In an era when Montana is struggling to attract new businesses and maintain those few we have, this fee proposal seems counter-productive. The fee should remain unchanged.

RESPONSE: When the code does not provide for specific fees, section 16-1-303(2)(j), MCA, gives the department the necessary authority to prescribe fees. Also, see the department's response to Comment 3 below.

COMMENT NO. 2: ARM 42.13.401 - Comments were provided by: David O'Connor, Buck's T-4 Lodge of Big Sky; Ronald Melville, Melville Vineyards & Winery; Kurt Winegardner, Winegardner's Wines, Inc.; Bill Fuller, Oregon Winegrowers' Association; Robert R. Corbell, Idaho Grape Growers and Wine Producers Commission; Paul Kronenberg, Family Winemakers of California; Stephen Meyer, Pend d'Oreille Winery; Malarkey Wall, The Old Mill Brand Wines & Spirits; Syd Abrams, Wine Institute; Steven Burns, Washington Wine Institute; Dick Erath, Erath Vineyards Winery; Lindell McWhorter, Waterbrook Winery; Larry Holman, Wilson Daniels; Brian Clark, Fun Beverage; Kristi Blazer, attorney for Montana Beer and Wine Wholesalers Association; Kelly Kulbeck, Cardinal Wholesale and Distributing; Beth Novak Milliken, Spottswoode Winery; David Morrison, Earl's Distributing, Inc.; Don Reisen, Ridge Vineyards; Yale Sager, Winesellers, Ltd.; Robert Heymann, Beacon Wine Company, Inc.; Milt Klungness (wine broker); Bill Wiebalk, Harvest Wines; Colin Davis, Chico Hot Springs Resort; William Honaker, Walkers Grill; Greg Vilican, Wine Gallery; Ed Brandt, Cardinal Distributing Company; Robert Zucconi, Zeke's Distributing; Steve Buettner, Intermountain Distributing Company; Ben Basham; Kelly Wiseman, Community Food Coop; Steve Gamble, Gallatin River Lodge; and Representative Bruce Simon, Billings.

All of these individuals except Mr. Gamble opposed the fee increase for wineries. Comments suggested that raising the registration fee from \$25 to \$400 annually would create an undue financial burden on the wineries that ship small quantities to Montana. Ultimately, if adopted, specialty wine sales to Montana would be reduced considerably and the Montana wine tax would also be reduced.

Some of those commenting stated the sales volume is too small to warrant this type of an increase - the cost would be passed on to the consumer and thus make the price per bottle prohibitive. It was suggested that a graduated scale based on the volume of sales be considered as an alternative to the flat \$400 fee.

Representative Simon urged the department to reconsider this fee increase.

Robert Zucconi stated that the fee increase is too high and that this change would interfere with new legislation being

proposed concerning the purchase of wine by mail. If the sale occurs through the mail, the state does not get the wine tax. Trying to make the small winery and boutique wineries pay the same as Coors or Budweiser isn't fair.

Kristi Blazer stated the increase would provide a negative effect. It would discourage the out-of-state wineries from registering with the State and send them underground. Rather than pay the increased fee they will engage in direct shipments and not pay the registration fee nor the taxes that are imposed. They also believe this will harm the consumer because it will decrease the variety of wines that are available through the legal process of registering. She testified that there should be a different treatment for breweries and wineries. The volume of sales for out-of-state breweries such as Anheuser-Busch, Coors and Miller is huge in comparison to a little winery in Napa Valley. Ms. Blazer suggested a graduated fee of some sort based on the volume sold. Ms. Blazer also suggested the department delay any action until after the session because of potential changes to statutes regarding the beer/wine/hard cider type of spirits.

RESPONSE: The department concurs with these comments and has amended the rule as shown below to reflect a graduated registration fee on a scale of \$25 to \$400. However, with changing the fee to a graduated amount, the department does not believe it is necessary to wait to adopt this rule until after the 2001 legislative session.

COMMENT NO. 3: ARM 42.13.401 - Rich Miller, Gaming Industry Association of Montana, Inc., stated that New Rule I (42.13.403) proposes to charge a domestic (Montana-based) winery a fee of \$500 for this same registration.

RESPONSE: The department has amended New Rule I (42.13.403) to \$400, which is commensurate with the maximum registration fee shown in amended ARM 42.13.401.

COMMENT NO. 4: ARM 42.11.211 - Rich Miller stated that the reference to "licensed winery" is confusing since wineries in Montana are registered, not licensed. Also, "bad repute" seems to be a subjective description and needs to be clarified. The rule should spell out what constitutes "bad repute."

RESPONSE: The department agrees that wineries are registered, not licensed, and the rule is amended as shown below to reflect this change. The language in this rule was restructured to indicate that a person may not be registered as a representative if they are involved in certain businesses or conducted their affairs in a certain manner.

Breweries:

COMMENT NO. 5: The following individuals commented on New Rule III (42.13.601): Representatives Bruce Simon and Hal

Harper; Robert Zucconi, Zeke's Distributing; Mark Staples, Montana Tavern Association; J. Cort Harrington, attorney for Montana State Brewers Association; Mark Hastings, Sleeping Giant Brewery; Tim O'Leary, Kettlehouse Brewing Co.; Dennis Hemmelburger, Hemmelburger Brewing; Brian Smith, Blackfoot River Brewing; Thomas Johnson, attorney for Bitterroot Brewing, LLP; Dan Abraham, owner, and Lynn Grant, attorney for Wolf Pack Brewing Company; John Ballantyne, Harvest Moon Brewing; Sam Hoffman, Red Lodge Ales/H & H Brewing Company; and Darryl Osburn, citizen and business owner. Because these comments are similar in nature, and state the same general intent, they have been categorized and synopsisized into three primary subjects as follows:

(a) Restricting the hours of operation for sample rooms - Representative Simon stated he believes the rule is too restrictive. The department could have a rule that says a brewery may not serve alcoholic beverages during off-hours.

Cort Harrington indicated he didn't believe the rule was necessary, since the time periods are clear in the law. Further, it appears the department is attempting to close the breweries outside the statutory hours. The breweries sell other products besides their beer and if adopted, this rule would prohibit such sales to continue. They are allowed to sell beer for off-premises consumption but the proposed rule states breweries are not retail licensees. He believes, for the purpose of off-premises consumption, they are retail licensees. He further suggested the department define the term "provide" which is used in the law. It was not the intent of HB 442 to collect unconsumed samples of beer at 8:00 p.m. If that had been the intent, the legislature would have used the language similar to 16-3-305, MCA, which provides in part "sell, offer to sell, give away, consume, or allow the consumption of alcohol." He further stated that "provide" is synonymous with "sell, offer to sell and give away"; it is not synonymous with "consume or allow the consumption of." He stated the legislative intent indicates a brewer could provide someone a beer before 8:00 p.m. but if they stayed in the brewery until 8:15 or 8:30 p.m. there would be no violation of the law. In this regard, Mr. Harrington believes the proposed rule goes beyond the legislative intent.

Mark Staples testified that he would not support breaking apart the word "provide" because that was not the spirit or the intent of the negotiations and compromise between the tavern owners and the small breweries which resulted in this law over the past several years. It was well understood, by the parties involved in the negotiations, the hours in which the breweries could sell samples. The agreed time was from 10:00 a.m. to 8:00 p.m. and in good faith that still is what is intended.

Representative Hal Harper testified that he believes the statute regarding "hours" means that no provision of any samples may be made with or without charge other than during the hours stated in law. The rule is unnecessarily restrictive.

RESPONSE: The department has amended the rule to address these comments and concerns consistent with statutory restrictions. With these changes, the department does not believe it is necessary to define the term "provide" and it appears to be a clearly understood term with the individuals who negotiated the provisions of the law.

(b) Stating who may be on the premise after hours - Mr. Staples stated that MTA doesn't want to restrict somebody with a sample room from having people on the premises but they certainly don't want them to have a bar either. During the legislative negotiations between the industries, the brewers stated that they didn't want to have a bar or restaurant. They wanted sample rooms, be able to provide samples because they were losing money on their samples and they needed to make money on their products by introducing people to their products. He stated that he could see the Department's concern in this regard because he has seen places that are open past 10:00 p.m. and the parking lot is full. These are not just employees and it isn't just people trying to arrange a shipment. Some of the brewers are turning their breweries into bars. That is not what was negotiated in good faith between the parties who worked to get these statutes approved.

Cort Harrington stated the rule unreasonably prohibits other individuals from being on the premises at times other than 10:00 a.m. to 8:00 p.m. This goes beyond the purpose of the statute the rule proposes to implement.

Representative Hal Harper testified that this provision of the rule is contrary to legislative intent. The language is not present in the law but that is because the concept was simple. The individuals involved in the negotiations had hoped that the law would be sufficient and a minimal amount of rules, if any, would be necessary.

RESPONSE: After considering the comments and further review of the proposed rule, the department agrees that these restrictions exceed the necessary intent of the law as the rule was originally written. Therefore, the department has amended the rule to reduce the restrictions as shown below.

(c) Operating in conjunction with a restaurant, casino, etc. - Representative Simon asked, "if the operation was limited to the types of businesses listed in the rule?" Representative Simon stated he felt the legislative intent was to allow these breweries to operate in conjunction with other businesses and to allow the brewery to serve food on the premises.

Cort Harrington stated, "casino" is not defined in the statutes anywhere. There are brewers in Montana that are operating in conjunction with, or in the same building as, restaurants. This creates concern that these rules would prohibit those kinds of businesses. There is nothing in the law to support a small brewery not operating in conjunction with a hotel, restaurant or other licensed premises. The Montana Brewery Association is not suggesting that they can operate in

conjunction with any of the listed businesses. They do not believe that this rule is the appropriate vehicle to establish this prohibition. He further stated that he does not believe the rule notice provides a sufficient statement of reasonable necessity as required by MAPA and, therefore, the rule cannot be validly adopted. The department would have to re-notice this rule and provide reasonable necessity.

Mark Staples testified that there weren't too many bar/restaurants in the first place - they were supposed to be sample rooms. Mr. Staples indicated that he would support taking the language out of the rules but if the brewers believe that without the language in these rules they get to operate a bar/restaurant situation, they are mistaken. That was not the intent of the agreement between the beer and wine wholesalers, tavern owners and small brewers.

Representative Hal Harper testified that operating in conjunction with other businesses was never talked about by the legislature. A necessary separation between other liquor licensees was discussed but a separation from other licensees was never discussed in the way that the rule proposes. He believes this is contrary to legislative intent.

Mark Hastings testified that this rule is restrictive for the tavern owners, too. Many of the brewers lease space in the same building as taverns and the way this rule is worded would prohibit that from happening.

Lynn Grant stated that the intent of the rule was confusing. Since the rule refers to "casino, or any on-premises license establishment," which a small brewer is expressly prohibited from engaging in by Montana statute, it would suggest the rule is intended to restrict the small brewer from operating in conjunction with others who operate such establishments. If the intent of the rule is not to limit the activities of a small brewer from operating in its own name, on its own premises, they have no objection to the rule. However, if the intent is to restrict the small brewer from operating a hotel, serving food, or retail merchandise in its own name, then they object to the rule.

RESPONSE: The department agrees that the proposed language in New Rule III (42.13.601) is overly restrictive and has amended the rule as shown below to remove those restrictions and bring the rule in line with the law.

Fee Increases:

COMMENT NO. 6: ARM 42.11.214 and 42.11.215 - Rich Miller, Gaming Industry Association of Montana, Inc., stated that these fee increases should be reviewed with an understanding that some people affected will simply not do business in Montana in the future. The projections of additional revenue should take account of how many businesses will make that decision.

John Ballantyne, Harvest Moon Brewing, Belt, Montana; Carla Hill, The Bistro, Bozeman, Montana; Blaine and Delores Tull, Pioneer Cafe, Roundup, Montana; Tim France, Worden's Market,

Inc., Missoula, Montana; Brad Griffin with the Montana Restaurant Association; and Patrick Cassidy, On Broadway Restaurant, Helena, Montana, all stated concerns regarding doubling license fees and fines. Some stated that they felt this was exorbitant and strongly objected to the increases and suggested the department reconsider its action regarding the increases.

Mr. Griffin commented that restaurant owners are already facing a proposal by the Department of Health and Human Services to quadruple the food license fees to \$250.

RESPONSE: After considering the testimony the department has determined that it is necessary to retain the rule language as proposed. The increase in the application fee is necessary to defray costs of processing the application.

COMMENT NO. 7: ARM 42.12.111 - Rich Miller stated that the justification statement regarding the processing fee should be incorporated into the rules. The rule should reflect the intent to assess the fees on a limited number of applications; specifically, not on renewal applications.

Mark Staples testified that MTA was not going to contest the fee increases. However, they would like to have the rules state that the fees to be charged are for processing applications for a new license application or transfers of licenses only.

RESPONSE: These fee amendments, as proposed, apply only to applications for new licenses, transfers of ownership and/or location.

Other:

COMMENT NO. 8: New Rule II (42.13.111) - Rich Miller stated that the department offers yet another definition of "premises." Currently, there are so many definitions of this word, offered in both statute and rule, that it becomes nearly impossible to know, let alone comply, with them all. Mr. Miller suggested the department and the department of justice get together and come up with one definition that they can both live with.

RESPONSE: The definition of "premises" shown in New Rule II (42.13.111) was moved from ARM 42.13.105 to this rule for housekeeping purposes. The department of justice definition of "premises" is very similar to this definition also. The department does not believe that further amendment to this rule is necessary.

COMMENT NO. 9: ARM 42.12.106(8) "Fraternal" - Rich Miller stated the department offers a definition that is largely a repeat of statute. He suggested the department review 33-7-108 and 49-2-101, MCA, to promulgate a definition with more substance.

Mark Staples stated he believed the rule could be construed as expanding the definition shown in 16-4-201(4), MCA, inappropriately. He believes that the group of people is too vague and should be either lodge or chapter and after national and before organization, fellowship of a recognized national organization because this was never meant to cover the Lions Club. The law was intended to cover veteran and fraternal organizations.

RESPONSE: The department agrees with the comments provided that the statute is clear and needs no further clarification. This definition will be removed from the rule as shown below.

COMMENT NO. 10: ARM 42.12.106(18) - "Sample room" - The following individuals commented: J. Cort Harrington, attorney for the Montana State Brewers Association; Thomas Johnson, attorney for Bitterroot Brewing, LLP; Lynn Grant, attorney for Wolf Pack Brewing Company; Representative Bruce Simon; Brian Smith, Blackfoot River Brewing; and Representative Hal Harper.

Generally, most of the testimony referred to the fact that part of the process to become a licensed brewery in Montana includes defining the premises, and if the premises include a deck or a patio, then these rules are overly restrictive. In that case, a sample room should be allowed to include a deck or patio. On the other hand, if the defined premises do not include a deck or patio, then the sample room couldn't be included.

Cort Harrington stated the definition is not consistent with the intent of HB 442. The only restriction contained in the statute or legislative history is that the sample room is on the premises. If the licensed premises includes a deck, patio, or any structure adjacent to the brewery, then there is no reason to exclude those portions of the licensed premises from the definition of "sample room." This amendment is unreasonably restrictive.

Representative Hal Harper, sponsor of HB 442, which established this law, testified that there was no contemplation in the law that there would be a roof over your head or any other description of the premises for a sample room to be included. It is important to not turn these establishments into bars because that was not the intent of the bill. However, they would like the patrons of these establishments to be accorded the maximum amount of comfort, and if an outside patio is the place that is designated, he did not see a problem.

Brian Smith testified that a brewery submits a floor plan to the department when it applies for a brewer's license. It has to be approved. It is actually inspected by the department of justice's investigator when the inspection of the premises occurs. If the floor plan has been approved by the two departments that should be enough. A rule is not necessary to deal with this issue.

Lynn Grant stated the legislature did not suggest patrons should be unable to enjoy consumption of the samples in outdoor surroundings. He indicated that this does not promote the

health, safety and welfare of the people of this state, or public convenience and necessity as a whole. Further, this accommodates the smoking patrons when cities and the state are outlawing smoking in public buildings and many private establishments are following this practice as well.

RESPONSE: The department has considered the comments and testimony and has determined that the definition of sample room shall be consistent with the application and approval process. The rule has been amended as shown below to reflect the change.

COMMENT NO. 11: ARM 42.12.124 - Rich Miller stated the department should not be relieved of the responsibility to provide a complete explanation for any rejection of an application. Mr. Miller believes the language requiring an explanation should be retained.

RESPONSE: The amendment as proposed is only a housekeeping clarification. The meaning of the rule is not changed by the amendments referenced by Mr. Miller.

COMMENT NO. 12: ARM 42.12.141 - Rich Miller indicated amending the rule to comply with the application form seemed backward; the form should comply with statute and rule. He also stated that the insertion of "current" does not accomplish the intent of the department. Current copy is not the same as "a copy of the current." All copies are current. However, the copied document may not be current.

Mark Staples stated that this rule needs clarification because they could both have been before six months. He asked why the past six months is an issue?

RESPONSE: The department has considered these comments and will amend the rule to delete the word "current" but will retain the other amendments regarding the six-month issuance.

COMMENT NO. 13: ARM 42.12.222 - Rich Miller stated the department needs a new person responsible for signing suspension or revocation notices, not strike the requirement it be signed by a named, though now non-existent, supervisor.

RESPONSE: The amendments to this rule are housekeeping. All department rules are being amended to delete the reference to position titles and divisions. This streamlines the department's rules and eliminates the need to continually amend rules when there is a change in job titles or reorganization of the agency. The duty and responsibility to sign suspensions and revocation notices is not being eliminated and the proposed changes do not suggest such an elimination.

COMMENT NO. 14: ARM 42.13.101 - Rich Miller commented on the proposal to double the standard fines for violations to "bring the penalties in line with those charged by other control states." He indicated this seems to be poor rationale for

enforcement efforts and the department should be looking at the effectiveness of the current fines.

Mr. Miller stated that subsection (3) of the rule allows the department to adjust the fines based on mitigating circumstances. He suggests the fines for first offenses should stay the same; subsequent violations should double. This allows for encouraging compliance by the licensees. First offenses should be less punitive and more remedial in nature.

Representative Simon also testified in opposition to these increases.

Mark Staples stated MTA felt these increases were too drastic and couldn't see the justification for the change.

Some individuals directed their concern specifically to doubling the fines for sales to minors and ask if enforcing the laws against serving minors would be doubled also. They were concerned about extra sting operations and, worse yet, police walking through their restaurants checking identification cards.

RESPONSE: The department has reviewed the effectiveness of the current fines and has found a 37% increase in violations in the last calendar year. The current fines do not encourage compliance by the licensees. The department agrees that first offenses should be more remedial and less punitive in nature and therefore has decided to return the original first offense fines to the present amount. However, in order to encourage compliance by the licensees, second and subsequent fines will be adopted as proposed.

COMMENT NO. 15: ARM 42.13.102 - Rich Miller addressed the retention of records change from three to five years. He also stated that this is important enough that people should not have to become familiar with other areas of the ARM for compliance.

RESPONSE: This change is housekeeping. Throughout Title 42 there were rules regarding record-keeping requirements. The language in the majority of these rules was the same. The standard period to retain records for accounting and tax purposes is five years. Therefore, this rule was amended to provide for uniform consistency in all department rules. The legislature requires agencies to reduce the number of rules whenever possible and the department contemplated repealing the rule entirely, as was done in other chapters, and referring to the new rule in chapter 2. However, to aid the customer, this rule was retained in an abbreviated form, which references the consolidated rule instead.

COMMENT NO. 16: ARM 42.13.109 - Rich Miller stated that it appears to be excessively restrictive to require a new licensee to pay the debt of the previous licensee. The department should require an agreement to settle these debts in a timely manner.

Further, presumably the wholesaler and the previous licensee have violated the law and been punished accordingly. To now require a new licensee to immediately pay the transgressing wholesaler in full seems to be rewarding the wholesaler for his

illegal activity.

New licensees should have a reasonable time to satisfy this debt; after all, it was incurred by illegal transactions over which the new licensee had no control.

RESPONSE: Section 16-4-404(7), MCA, obligates a new licensee to pay the debt of the previous licensee. The rule only clarifies the process.

4. Based on the comments received, the department has further amended New Rule I (42.13.401), III (42.13.601), ARM 42.11.211, 42.12.106, 42.12.111, 42.12.141, 42.13.101, and 42.13.401 with the following changes:

NEW RULE I (42.13.401) DOMESTIC WINERY (1) A domestic winery as described in 16-3-411, MCA, located in Montana shall ~~apply~~ SUBMIT AN APPLICATION FOR REGISTRATION TO THE DEPARTMENT on forms provided by the department ~~for a license to produce and sell wine at wholesale to wine distributors~~ ACCOMPANIED BY A \$400 REGISTRATION FEE. ~~The annual fee for a domestic winery shall be \$500.~~

AUTH: 16-1-303, MCA

IMP: 16-3-411 and 16-4-107, MCA

NEW RULE III (42.13.601) SMALL BREWERY RESTRICTIONS

(1) ~~As provided in 16-3-213, MCA, a small brewery may provide samples of beer brewed on the premises in a sample room located on the premises, with or without charge, between the hours of 10 a.m. and 8 p.m. Outside of these hours, the only persons allowed on the premises shall be the licensee, licensee's employees and delivery personnel. SAMPLES MAY ONLY BE PROVIDED IN THE SAMPLE ROOM AS SHOWN ON THE FLOOR PLAN WHICH HAS BEEN SUBMITTED AND APPROVED BY THE DEPARTMENT.~~

(2) A small brewery is not a retail BEER licensee, ~~and may not operate in conjunction with a hotel, restaurant, casino, or any on-premise licensed establishment~~ AS DEFINED IN 16-4-105, MCA.

AUTH: 16-1-303, MCA

IMP: 16-3-213 and 16-3-214, MCA

42.11.211 REGISTRATION OF REPRESENTATIVES (1) remains as proposed.

(2) No person may be registered as a representative if they are:

(a) ARE an alcoholic beverage retail licensee, licensed beer wholesaler, table wine distributor, brewer, or licensed winery;

(b) ARE an officer, director, agent, or employee of an alcoholic beverage retail licensee, licensed beer wholesaler, table wine distributor, brewer, or licensed winery;

(c) ARE under the age of 18 years;

(d) ~~of bad repute~~ HAVE BEEN CONVICTED OF VIOLATING LAWS AND REGULATIONS; or

(e) ARE a non-resident of Montana.

- (3) and (4) remain the same.
 - (5) through (7) remain the same as proposed.
- AUTH: 16-1-303, MCA
IMP: ~~16-3-103~~ 16-3-107, MCA

42.12.106 DEFINITIONS The following definitions apply to this sub-chapter:

- (1) through (7) remain the same as proposed.
- ~~(8) "Fraternal" means a group of people, society or fellowship of a recognized national organization if such organization has been in existence for a period of five years or more prior to January 1, 1949.~~

(9) through (17) remain the same as proposed but are renumbered (8) through (16).

~~(18)(17) "Sample room" means a defined SPECIFIC area within the licensed premise where beer/wine samples may be consumed with or without charge DESIGNATED ON A FLOOR PLAN THAT ACCOMPANIED THE APPLICATION, WAS APPROVED BY, AND IS ON FILE WITH, THE DEPARTMENT. A sample room is not a deck, patio, or any structure adjacent to the brewery.~~

(19) through (22) remain the same as proposed but are renumbered (18) through (21).

AUTH: 16-1-303, MCA

IMP: 16-3-311, 16-4-105, 16-4-205, 16-4-207, 16-4-404, 16-4-420, and 16-4-423, MCA

42.12.111 PROCESSING FEES (1) The following are the fees to be charged for processing applications ~~for licenses:~~

- (a) through (r) remain the same as proposed.
- (2) through (4) remain the same as proposed.

AUTH: 16-1-303, MCA

IMP: 16-1-302 and 16-1-303, MCA

42.12.141 CORPORATE LICENSES (1) No alcoholic beverages license shall be issued to a Montana corporation unless the following requirements are met:

(a) The corporation was organized and has existed as a Montana corporation or has been authorized to do business in Montana prior to making application for an alcoholic beverages license; and

(b) The corporate application must be accompanied by a ~~current~~ copy of the corporation's certificate of incorporation or certificate of good standing issued within the last six months by the Montana secretary of state.

AUTH: 16-1-303, MCA

IMP: 16-4-401, MCA

42.13.101 COMPLIANCE WITH LAWS AND RULES (1) and (2) remain the same as proposed.

(3) The department will impose progressive penalties for multiple violations of any laws, ordinances and rules within any three-year period unless mitigating circumstances indicate the penalty should be reduced or aggravating circumstances indicate the penalty should be increased. Violations and progressive

penalties include, but are not limited to those listed on the following chart. Any combination of four of the below violations occurring within a three-year period could result in license revocation action.

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>	<u>4th Offense</u>
Sale to a Minor	\$ 500 <u>250</u>	\$1000	\$1500/20-day Suspension	Revocation
Sale to Intoxicated Persons	\$ 500 <u>250</u>	\$1000	\$1500/20-day Suspension	Revocation
Open after Hours	\$ 300 <u>150</u>	\$600	\$1000/12-day Suspension	Revocation
Sale after Hours	\$ 300 <u>150</u>	\$600	\$1000/12-day Suspension	Revocation
Repouring	\$ 500 <u>250</u>	\$1000	\$1500/20-day Suspension	Revocation
Denial of Right to Inspect	\$ 300 <u>150</u>	\$600	\$1000/12-day Suspension	Revocation
No approval to Alter	\$ 300 <u>150</u>	\$600	\$1000/12-day Suspension	Revocation
No management Agreement	\$ 300 <u>150</u>	\$600	\$1000/12-day Suspension	Revocation
Improper use of Catering Endorsement	\$ 300 <u>150</u>	\$600	\$1000/12-day Suspension	Revocation
Accept more than 7 Days Credit	\$ 500 <u>250</u>	\$1000	\$1500/20-day Suspension	Revocation
Extend more than 7 Days Credit	\$ 500 <u>250</u>	\$1000	\$1500/20-day Suspension	Revocation
Undisclosed Ownership Interest	Fine, Suspension or Revocation			
90-Day Nonuse Without Approval	lapse			

(4) through (10) remain the same as proposed.

AUTH: 16-1-303, MCA

IMP: 16-3-301, 16-4-406, 16-6-305, and 16-6-314, MCA

42.13.401 IMPORTATION OF WINE (1) Each winery or importer desiring to ship table wines to licensed distributors within the state must submit an application for registration to the department as specified under 16-4-107, MCA. Each application must be accompanied by a \$400 registration fee AS SHOWN IN (2) BELOW and a copy of each product label the winery or importer intends to ship into the state. Approval will be granted by the department annually on or before October 1. The department must be notified in writing of any changes, additions, or deletions in product line prior to distribution in Montana.

(2) THE REGISTRATION FEE SHALL BE AS FOLLOWS:

- (A) 1-500 CASES = \$25
- (B) 501-1000 CASES = \$50
- (C) 1001-1500 CASES = \$100
- (D) 1501-2000 CASES = \$200
- (E) 2001+ CASES = \$400

(2) remains the same but is renumbered (3).

(3) remains the same but is renumbered (4).

AUTH: 16-1-303, MCA

IMP: 16-4-107, MCA

5. Therefore, the department adopts New Rule I (42.13.401), III (42.13.601), and amends ARM 42.11.211, 42.12.106, 42.12.111, 42.12.141, 42.13.101, and 42.13.401 with the amendments shown above.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Kurt G. Alme
KURT G. ALME
Director of Revenue

Certified to Secretary of State March 12, 2001

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 42.18.124 relating to)
clarification of valuation)
periods for class 4 property)

TO: All Concerned Persons

1. On February 8, 2001, the Department published notice of the proposed amendment of ARM 42.18.124 relating to clarification of valuation periods for class 4 property at page 301 of the 2001 Montana Administrative Register, issue no. 3.

2. No comments were received regarding these rules.

3. The Department has amended ARM 42.18.124 as proposed.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Kurt G. Alme
KURT G. ALME
Director of Revenue

Certified to Secretary of State March 12, 2001

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE
Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Business and Labor Interim Committee:

- ▶ Department of Agriculture;
- ▶ Department of Commerce;
- ▶ Department of Labor and Industry;
- ▶ Department of Livestock;
- ▶ Department of Public Service Regulation; and
- ▶ Office of the State Auditor and Insurance Commissioner.

Education Interim Committee:

- ▶ State Board of Education;
- ▶ Board of Public Education;
- ▶ Board of Regents of Higher Education; and
- ▶ Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- ▶ Department of Public Health and Human Services.

Law, Justice, and Indian Affairs Interim Committee:

- ▶ Department of Corrections; and
- ▶ Department of Justice.

Revenue and Taxation Interim Committee:

- ▶ Department of Revenue; and
- ▶ Department of Transportation.

State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee:

- ▶ Department of Administration;
- ▶ Department of Military Affairs; and
- ▶ Office of the Secretary of State.

Environmental Quality Council:

- ▶ Department of Environmental Quality;
- ▶ Department of Fish, Wildlife, and Parks; and
- ▶ Department of Natural Resources and Conservation.

These interim committees and the EQC have 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. They also 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, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is PO Box 201706, Helena, MT 59620-1706.

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2000. This table includes those rules adopted during the period January 1, 2001 through March 31, 2001 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 December 31, 2000, 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 2000 and 2001 Montana Administrative Registers.

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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 February 2001, appear. Vacancies scheduled to appear from April 1, 2001, through June 30, 2001, 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 March 12, 2001.

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 FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Agriculture Development Council (Agriculture) Director W. Ralph Peck Helena Qualifications (if required): Director of Department of Agriculture	Governor	not listed	2/5/2001 0/0/0
Director Mark A. Simonich Helena Qualifications (if required): Director of Department of Commerce	Governor	Blouke	2/5/2001 0/0/0
Board of Horse Racing (Commerce) Ms. Susan Austin Kalispell Qualifications (if required): representative of District 5	Governor	reappointed	2/8/2001 1/20/2004
Mr. Charles Carruthers Butte Qualifications (if required): representative of the horse racing industry	Governor	Erickson	2/8/2001 1/20/2004
Mr. Jay C. Clark Sweetgrass Qualifications (if required): representative of the horse racing industry	Governor	Brown	2/8/2001 1/20/2004
Ms. Brenda Koch Lewistown Qualifications (if required): representative of District 2	Governor	Wojciechowski	2/8/2001 1/20/2004
Board of Housing (Commerce) Mr. William H. Oser Billings Qualifications (if required): public member	Governor	reappointed	2/8/2001 1/1/2005

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Housing (Commerce) cont.			
Mr. Stephen Redinger Billings	Governor	Carpenter	2/8/2001 1/1/2005
Qualifications (if required):	public member		
Mr. Robert J. Savage Sidney	Governor	reappointed	2/8/2001 1/1/2005
Qualifications (if required):	public member		
Mr. Thomas Welch Dillon	Governor	reappointed	2/8/2001 1/1/2005
Qualifications (if required):	public member		
Board of Investments (Commerce)			
Mr. Dick Anderson Helena	Governor	reappointed	2/20/2001 1/1/2005
Qualifications (if required):	public representative		
Mr. Dennis Beams Kalispell	Governor	Ott	2/20/2001 1/1/2005
Qualifications (if required):	representative of the financial industry		
Mr. Jay Klawson Hamilton	Governor	McGee	2/20/2001 1/1/2005
Qualifications (if required):	representative of the Public Employees' Retirement Board		
Mr. Joel T. Long Billings	Governor	Price	2/20/2001 1/1/2005
Qualifications (if required):	public member		
Mr. Tim Ryan Great Falls	Governor	reappointed	2/20/2001 1/1/2005
Qualifications (if required):	representative of the Public Teachers' Retirement Board		

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Medical Examiners (Commerce) Ms. Susan McRae Dillon Qualifications (if required): public member	Governor	Barrett	2/14/2001 9/1/2001
Board of Milk Control (Livestock) Mr. Jesse Russell Gleason Fairfield Qualifications (if required): public member and a Republican	Governor	reappointed	2/15/2001 1/1/2005
Ms. Dixie S. Hertel Moore Qualifications (if required): public member and a Republican	Governor	reappointed	2/15/2001 1/1/2005
Mr. Milton "Swede" Olson Whitewater Qualifications (if required): public member and a Republican	Governor	reappointed	2/15/2001 1/1/2005
Board of Pardons and Parole (Corrections) Mr. Mark Fournier Hamilton Qualifications (if required): public member	Governor	Weer	2/8/2001 1/1/2005
Mr. Michael E. McKee Hamilton Qualifications (if required): auxiliary member	Governor	Fournier	2/8/2001 1/1/2003
Ms. Roxanne Wilson Busby Qualifications (if required): auxiliary member and Native American	Governor	reappointed	2/8/2001 1/1/2005

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Plumbers (Commerce) Mr. Terry Tatchell Helena Qualifications (if required): journeyman plumber	Governor	Steinmetz	2/5/2001 5/4/2002
Board of Public Assistance (Public Health and Human Services) Ms. Mary Belcher Clancy Qualifications (if required): attorney	Governor	Heineman	2/6/2001 1/1/2005
Ms. Julie Ann Millam Helena Qualifications (if required): public member	Governor	Paladichuk	2/6/2001 1/1/2005
Board of Social Work Examiners and Professional Counselors (Commerce) Mr. Ervin Booth Roundup Qualifications (if required): professional counselor	Governor	reappointed	2/15/2001 1/1/2005
Ms. Rashel Jeffrey Missoula Qualifications (if required): professional counselor	Governor	Armstrong	2/15/2001 1/1/2005
Ms. Mary Meis Conrad Qualifications (if required): social worker	Governor	reappointed	2/15/2001 1/1/2005
Mr. Patrick Wolberd Billings Qualifications (if required): social worker	Governor	reappointed	2/15/2001 1/1/2005

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capital Finance Advisory Council (Administration)			
Mr. Jim Currie	Governor	Dye	2/6/2001
Helena			2/11/2002
Qualifications (if required): representing the Director of Department of Transportation			
Fish, Wildlife, and Parks Commission (Fish, Wildlife, and Parks)			
Mr. John Lane	Governor	Meyer	2/27/2001
Cascade			1/1/2005
Qualifications (if required): representative of District 3			
Mr. Rich Lane	Governor	Decker	2/27/2001
Missoula			1/1/2005
Qualifications (if required): representative of District 1			
Mr. Daniel L. Walker	Governor	Simpson	2/27/2001
Billings			1/1/2005
Qualifications (if required): representative of District 5			
Peace Officers Standards and Training Council (Justice)			
Sen. Debbie Shea	Governor	reappointed	2/6/2001
Butte			2/14/2002
Qualifications (if required): representative of the Crime Control Board			
Risk Management Executive Council (Administration)			
Mr. Glenn Bailey	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required): representing the Commissioner of Higher Education			
Ms. Kathy Battrick	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required): representing Department of Public Health and Human Services			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Executive Council (Administration) cont.			
Ms. Amanda Broadwater Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the State Library			
Mr. Dave Brown Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the Legislative Branch			
Mr. Herb Byers Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the State Compensation Insurance Fund			
Ms. Laura Calkin Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Department of Public Service Regulation			
Ms. Marilyn Cameron Butte	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the Montana Tech of the UM			
Ms. Virginia Cameron Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Department of Military Affairs			
Mr. Bob Campbell Dillon	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Western Montana College of UM			
Mr. Patrick A. Chenovick Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the Montana Supreme Court			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Executive Council (Administration) cont.			
Mr. Danny Corti	Governor	not listed	2/21/2001
Missoula			2/21/2003
Qualifications (if required):	representing University of Montana		
Ms. Alicia Cox	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing the Office of Political Practices		
Mr. Brett Dahl	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing the Governor's Office		
Mr. Doug Denler	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing Department of Fish, Wildlife, and Parks		
Mr. Tom Dolan	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing Department of Administration		
Mr. Dave Drynan	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing the State Auditor's Office		
Mr. Bruce Dunkle	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing the State Board of Public Education		
Mr. Ray Eby	Governor	not listed	2/21/2001
Helena			2/21/2003
Qualifications (if required):	representing Department of Transportation		

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Executive Council (Administration) cont.			
Ms. Julie Endner Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing Department of Commerce		
Ms. Patti Forsness Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing Department of Justice		
Ms. Linda Galloway Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing Department of Environmental Quality		
Ms. Barbara Hagel Billings	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing MSU - Billings		
Mr. George Harris Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing Department of Livestock		
Mr. Bob Hoover Havre	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing MSU - Northern		
Mr. Chuck Jensen Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing Helena College of Technology of UM		
Mr. William "Skip" Lopuch Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required):	representing Department of Corrections		

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Executive Council (Administration) cont.			
Ms. Linda McKinney Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Department of Agriculture			
Mr. Bill Miller Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Department of Natural Resources and Conservation			
Ms. Della Pedersen Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the Secretary of State			
Mr. Nick Ranalli Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Department of Revenue			
Mr. Todd Saarinen Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the Historical Society			
Mr. Jeff Shada Bozeman	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing MSU - Bozeman			
Mr. Terry Teichrow Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing the Office of Public Instruction			
Ms. Susan Thomas Great Falls	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing MSU College of Technology			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Executive Council (Administration) cont.			
Ms. Diane West Helena	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing Department of Labor and Industry			
Mr. Ken Willett Missoula	Governor	not listed	2/21/2001 2/21/2003
Qualifications (if required): representing University of Montana			
State Lottery Commission (Commerce)			
Sheriff Clifford Brophy Columbus	Governor	reappointed	2/6/2001 1/1/2005
Qualifications (if required): law enforcement officer			
Rep. Robert J. "Bob" Pavlovich Butte	Governor	Erickson	2/6/2001 1/1/2005
Qualifications (if required): public member			
Supreme Court Justice #1 (Justice)			
Justice Jim Rice, Jr. Helena	Governor	Gray	2/22/2001 1/1/2003
Qualifications (if required): none specified			
Water Pollution Control Advisory Council (Environmental Quality)			
Mr. John Wilson Helena	Governor	Keim	2/15/2001 0/0/0
Qualifications (if required): representative of a fishing organization			

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Athletics (Commerce) Mr. Gary Langley, Helena Qualifications (if required): public member	Governor	4/25/2001
Board of Clinical Laboratory Science Practitioners (Commerce) Ms. Sonja Bennett, Billings Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2001
Dr. David Walker, Kalispell Qualifications (if required): physician qualified to direct a high complexity laboratory	Governor	4/16/2001
Board of County Printing (Commerce) Mr. Verle L. Rademacher, White Sulphur Springs Qualifications (if required): representative of the printing industry	Governor	4/1/2001
Ms. Nancy Clark, Ryegate Qualifications (if required): public member	Governor	4/1/2001
Mr. Curtis Starr, Malta Qualifications (if required): representative of the printing industry	Governor	4/1/2001
Ms. Marianne Roose, Eureka Qualifications (if required): county commissioner	Governor	4/1/2001
Ms. Julie Jordan, Miles City Qualifications (if required): county commissioner	Governor	4/1/2001
Board of Directors of the State Compensation Mutual Fund (State Compensation Insurance Fund) Mr. Brian Donahue, Billings Qualifications (if required): licensed insurance producer	Governor	4/28/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Hail Insurance (Agriculture) Mr. Keith Arntzen, Hilger Qualifications (if required): public member	Governor	4/18/2001
Board of Nursing Home Administrators (Commerce) Ms. Donna Kay Jennings, Missoula Qualifications (if required): representative who cares for aged patients	Governor	5/28/2001
Board of Optometry (Commerce) Dr. Cynthia Johnson, Bozeman Qualifications (if required): optometrist	Governor	4/3/2001
Board of Plumbers (Commerce) Mr. Vernon E. (Gene) Mahn, Lincoln Qualifications (if required): public member	Governor	5/4/2001
Board of Real Estate Appraisers (Commerce) Mr. Tim Moore, Helena Qualifications (if required): real estate appraiser	Governor	5/1/2001
Ms. Jennifer Seitz, Billings Qualifications (if required): public member	Governor	5/1/2001
Board of Realty Regulation (Commerce) Ms. Vicky Hammond, Missoula Qualifications (if required): real estate broker and a Democrat	Governor	5/9/2001
Board of Veterans' Affairs (Military Affairs) Mr. Thaddeus Mayer, Missoula Qualifications (if required): veteran	Governor	5/18/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Chief Water Judge (Justice) Mr. C. Bruce Loble, Bozeman Qualifications (if required): none specified	Supreme Court	6/30/2001
Commission on Practice of the Supreme Court (Justice) Mr. John Warren, Dillon Qualifications (if required): elected	elected	4/1/2001
Mr. Gary Ryder, Hysham Qualifications (if required): elected	elected	4/1/2001
Mr. Donald R. Marble, Chester Qualifications (if required): elected	elected	4/1/2001
Mr. John V. Potter, White Sulphur Springs Qualifications (if required): elected	elected	4/1/2001
Governor's Local Coal Impact Review Council (Commerce) Mr. Alan Evans, Roundup Qualifications (if required): member of the Coal Board	Governor	6/30/2001
Sen. Mack Cole, Hysham Qualifications (if required): state senator from a coal impact area	Governor	6/30/2001
Rep. Lila V. Taylor, Busby Qualifications (if required): state representative from a coal impact area	Governor	6/30/2001
Mr. Robert W. Cope, Colstrip Qualifications (if required): representative of the coal industry	Governor	6/30/2001
Mr. Tony Ritter, Decker Qualifications (if required): representative of the coal industry	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Local Coal Impact Review Council (Commerce) cont. Mr. John Pretty On Top, Hardin Qualifications (if required): county commissioner from a coal impact area	Governor	6/30/2001
Ms. Joan Stahl, Forsyth Qualifications (if required): county commissioner from a coal impact area	Governor	6/30/2001
Mr. Larry Vandersloot, Hardin Qualifications (if required): representative of a city within a coal impact area	Governor	6/30/2001
Mayor John Williams, Colstrip Qualifications (if required): representative of a city within a coal impact area	Governor	6/30/2001
Mr. Rusty Rokita, Hardin Qualifications (if required): public member	Governor	6/30/2001
Governor's Upper Yellowstone River Task Force (Fish, Wildlife, and Parks) Mr. Tom Lane, Livingston Qualifications (if required): representing ranchers who live by the river	Governor	6/28/2001
Mr. John Bailey, Livingston Qualifications (if required): representing local business	Governor	6/28/2001
Mr. Joel Marshik, Helena Qualifications (if required): representing the Department of Transportation	Governor	6/28/2001
Mr. Bob Wiltshire, Livingston Qualifications (if required): representing the angling community	Governor	6/28/2001
Mr. Mike Atwood, Livingston Qualifications (if required): representing local business	Governor	6/28/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Upper Yellowstone River Task Force (Fish, Wildlife, and Parks) cont. Ms. Michelle Goodwine, Livingston Qualifications (if required): representing local business	Governor	6/28/2001
Mr. Jerry O'Haire, Livingston Qualifications (if required): representing ranchers who live by the river	Governor	6/28/2001
Mr. Roy Aserlind, Livingston Qualifications (if required): representing property owners	Governor	6/28/2001
Mr. Rod Siring, Livingston Qualifications (if required): representing property owners	Governor	6/28/2001
Mr. Brant Oswald, Livingston Qualifications (if required): representing conservation groups	Governor	6/28/2001
Ms. Ellen Woodbury, Livingston Qualifications (if required): representing Park County	Governor	6/28/2001
Mr. Doug McDonald, Helena Qualifications (if required): representing the Corp of Engineers	Governor	6/28/2001
Mr. Laurence Siroky, Helena Qualifications (if required): representing the Department of Natural Resources and Conservation	Governor	6/28/2001
Mr. Stuart Lehman, Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	6/28/2001
Mr. Joel Tohtz, Helena Qualifications (if required): representing the Department of Fish, Wildlife, and Parks	Governor	6/28/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Upper Yellowstone River Task Force (Fish, Wildlife, and Parks) cont. Mr. Jim Woodhull, Livingston Qualifications (if required): representing the City of Livingston	Governor	6/28/2001
Mr. David Haug, Livingston Qualifications (if required): representing the Park Conservation District	Governor	6/28/2001
Health Care Advisory Council (Public Health and Human Services) Ms. Tanya M. Ask, Missoula Qualifications (if required): representing Region 5	Governor	6/30/2001
Ms. Laurie Ekanger, Helena Qualifications (if required): representing the executive branch	Governor	6/30/2001
Dr. Lawrence R. Palazzo, Glasgow Qualifications (if required): representing Region 1	Governor	6/30/2001
Ms. Kristianne Wilson, Billings Qualifications (if required): representing Region 3	Governor	6/30/2001
Ms. Lynn O'Malley, Great Falls Qualifications (if required): representing Region 2	Governor	6/30/2001
Ms. Nancy Taylor, Townsend Qualifications (if required): representing Region 4	Governor	6/30/2001
Independent Living Advisory Council (Public Health and Human Services) Mr. Tom Tripp, Butte Qualifications (if required): none specified	Director	6/1/2001
Interim Court Funding and Structure Committee (Administration) Judge Kenneth R. Neill, Belt Qualifications (if required): representing the Montana Judges Association	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Interim Court Funding and Structure Committee (Administration) cont. Mr. Mike Hutchin, Polson Qualifications (if required): representing counties	Governor	6/30/2001
Mr. Jim Nugent, Missoula Qualifications (if required): representing cities and towns	Governor	6/30/2001
Judge Kevin A. Hart, Anaconda Qualifications (if required): representing the Montana Magistrates	Governor	6/30/2001
Ms. Lori Maloney, Butte Qualifications (if required): representing Clerks of Court	Governor	6/30/2001
Interim Local Government Funding and Structure Committee (Administration) Ms. Sue M. Olson, Roundup Qualifications (if required): representing counties	Governor	6/30/2001
Ms. Mary Bryson, Helena Qualifications (if required): representing the state executive branch of government	Governor	6/30/2001
Mr. John Lawton, Great Falls Qualifications (if required): representing cities and towns	Governor	6/30/2001
Mr. Harold Blattie, Columbus Qualifications (if required): representing counties	Governor	6/30/2001
Ms. Susan M. Nicosia, Columbia Falls Qualifications (if required): representing cities and towns	Governor	6/30/2001
Ms. Patricia Cook, Polson Qualifications (if required): representing county treasurers	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Judicial Standards Commission (Justice) Mr. Victor F. Valgenti, Missoula Qualifications (if required): none specified	Supreme Court	6/30/2001
Judge John Warner, Havre Qualifications (if required): none specified	Supreme Court	6/30/2001
MSU - Billings Executive Board (Education) Ms. Carol Willis, Billings Qualifications (if required): public member	Governor	4/15/2001
MSU - Northern Executive Board (Education) Mr. Doug Ross, Havre Qualifications (if required): public member	Governor	4/15/2001
Montana Consensus Council's Board of Directors (Governor) Sen. Greg Jergeson, Chinook Qualifications (if required): public member	Governor	6/30/2001
Governor Marc Racicot, Helena Qualifications (if required): ex-officio member	Governor	6/30/2001
Mr. Michael E. Zimmerman, Butte Qualifications (if required): public member	Governor	6/30/2001
Mr. Donald Snow, Missoula Qualifications (if required): public member	Governor	6/30/2001
Ms. Monica Switzer, Richey Qualifications (if required): public member	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Consensus Council's Board of Directors (Governor) cont. Sen. Bob Keenan, Bigfork Qualifications (if required): public member	Governor	6/30/2001
Ms. Elaine Forrest, Wolf Point Qualifications (if required): public member and a Native American	Governor	6/30/2001
Ms. Anne Hedges, Helena Qualifications (if required): public member	Governor	6/30/2001
Ms. Jane Jelinski, Helena Qualifications (if required): public member	Governor	6/30/2001
Mr. Alan Rollo, Great Falls Qualifications (if required): public member	Governor	6/30/2001
Mr. Mat Millenbach, Billings Qualifications (if required): public member	Governor	6/30/2001
Mr. Cary Hegreberg, Townsend Qualifications (if required): public member	Governor	6/30/2001
Montana Heritage Preservation and Development Commission (Historical Society) Mr. John Lawton, Great Falls Qualifications (if required): experienced in community planning	Governor	5/23/2001
Ms. Rosana Skelton, Helena Qualifications (if required): businessperson	Governor	5/23/2001
Montana Library Services Advisory Council (State Library) Mr. Bill Cochran, Billings Qualifications (if required): representing the Montana Library Association	Governor	6/10/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Library Services Advisory Council (State Library) cont. Rep. Linda McCulloch, Missoula Qualifications (if required): representing the Montana legislature	Governor	6/10/2001
Mr. Wes Plann, Terry Qualifications (if required): representing eastern Montana users	Governor	6/10/2001
Ms. Gloria Wahl, Lewistown Qualifications (if required): representing central Montana users	Governor	6/10/2001
Ms. Lois Fitzpatrick, Helena Qualifications (if required): representing academic libraries	Governor	6/10/2001
Ms. Peggy Bloom, Missoula Qualifications (if required): representing western Montana users	Governor	6/10/2001
Ms. Lynn Donovan, Sidney Qualifications (if required): representing school libraries	Governor	6/10/2001
Ms. Cheryl Hesel, Forsyth Qualifications (if required): representing public libraries	Governor	6/10/2001
Ms. Myrle Tompkins, Helena Qualifications (if required): representing those who are unable to use traditional library	Governor	6/10/2001
Montana State University Executive Board (Education) Ms. Beatrice Taylor, Bozeman Qualifications (if required): public member	Governor	4/15/2001
Montana State Veterans Cemetery Advisory Council (Military Affairs) Mr. John "Jack" McGlynn, Butte Qualifications (if required): United Veterans Committee	Director	5/1/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State Veterans Cemetery Advisory Council (Military Affairs) cont. Mr. Mickey Nelson, Helena Qualifications (if required): Lewis and Clark County Coroner	Director	5/1/2001
Ms. Alma Dickey, Helena Qualifications (if required): Disabled American Veterans Auxiliary	Director	5/1/2001
Ms. Alma Dickey, Helena Qualifications (if required): Prisoners of War	Director	5/1/2001
Ms. Irma Paul, Helena Qualifications (if required): Veterans of Foreign Wars Auxiliary	Director	5/1/2001
Ms. Rose Marie Storey, Helena Qualifications (if required): American Legion Auxiliary	Director	5/1/2001
Mr. Herb Ballou, Helena Qualifications (if required): Military Order of the Purple Heart	Director	5/1/2001
Mr. George Paul, Helena Qualifications (if required): Military Order of the Cooties	Director	5/1/2001
Mr. Jim Heffernan, Helena Qualifications (if required): Marine Corp League	Director	5/1/2001
Mr. Ruddy Reilly, Helena Qualifications (if required): 40 & 8	Director	5/1/2001
Mr. Ray Read, Helena Qualifications (if required): Vietnam Veterans of America	Director	5/1/2001
Mr. M. Herbert Goodwin, Helena Qualifications (if required): First Special Service Force	Director	5/1/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State Veterans Cemetery Advisory Council (Military Affairs) cont. Mr. Robert C. McKenna, Helena Qualifications (if required): consulting engineer	Director	5/1/2001
Mr. Al Kirkeby, Helena Qualifications (if required): Veterans of Foreign Wars	Director	5/1/2001
Mr. Hugh "Tony" Cummings, Helena Qualifications (if required): American Legion	Director	5/1/2001
Major Steve Martinka, Helena Qualifications (if required): Department of Military Affairs	Director	5/1/2001
Mr. George Poston, Helena Qualifications (if required): Disabled American Veterans	Director	5/1/2001
Montana Tech of the University of Montana (Education) Mr. Tad Dale, Butte Qualifications (if required): public member	Governor	4/15/2001
Motorcycle Safety Advisory Committee (Office of Public Instruction) Mr. Ken Radovich, Great Falls Qualifications (if required): certified motorcycle instructor	Governor	6/30/2001
Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Gary Basso, Billings Qualifications (if required): representative of the insurance industry	Governor	6/30/2001
Mr. Dallas Herron, Kalispell Qualifications (if required): representative of the independent petroleum marketers	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Petroleum Tank Release Compensation Board (Environmental Quality) cont. Mr. Burl French, Kalispell Qualifications (if required): representative of the petroleum services industry	Governor	6/30/2001
Public Employees' Retirement Board (Administration) Ms. Carol Lambert, Hammond Qualifications (if required): public member	Governor	4/1/2001
State Compensation Mutual Insurance Fund (Administration) Mr. Herbert Leuprecht, Butte Qualifications (if required): policy holder	Governor	4/28/2001
Mr. James A. Brouelette, Stevensville Qualifications (if required): policy holder	Governor	4/28/2001
State Library Commission (Education) Ms. Mary Doggett, White Sulphur Springs Qualifications (if required): public member	Governor	5/22/2001
State Mutual Insurance Fund (State Compensation Insurance Fund) Mr. Jack Morgenstern, Lewistown Qualifications (if required): policy holder and representing private enterprise	Governor	4/28/2001
State-Tribal Economic Development Commission (Governor) Dr. Peter Blouke, Helena Qualifications (if required): representing the Department of Commerce	Governor	6/30/2001
Mr. Wyman McDonald, Helena Qualifications (if required): representing the Office of Indian Affairs	Governor	6/30/2001
Ms. Melissa G. Buckles, Wolf Point Qualifications (if required): representing the Fort Peck Assiniboine and Sioux Tribes	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State-Tribal Economic Development Commission (Governor) cont. Mr. Ben Speakthunder, Harlem Qualifications (if required): representing the Fort Belknap Gros Ventre and Assiniboine Tribes	Governor	6/30/2001
Mr. Jonathan Windy Boy, Box Elder Qualifications (if required): representing the Chippewa Cree Tribe	Governor	6/30/2001
Ms. Emorie Davis Bird, East Glacier Park Qualifications (if required): representing the Blackfeet Tribe	Governor	6/30/2001
Ms. Jami Hamel, Pablo Qualifications (if required): representing the Confederated Salish and Kootenai Tribe	Governor	6/30/2001
Mr. Joe Little Coyote, Sr., Lame Deer Qualifications (if required): representing the Northern Cheyenne Tribe	Governor	6/30/2001
Ms. Yvonne Iron, Crow Agency Qualifications (if required): representative of the Crow Tribe	Governor	6/30/2001
Mr. Lloyd Irvine, Pablo Qualifications (if required): representative of the Confederated Salish and Kootenai Tribe	Governor	6/30/2001
University of Montana Executive Board (Education) Ms. Arlene Breum, Missoula Qualifications (if required): public member	Governor	4/15/2001
Western Interstate Commission on Higher Education (Education) Mr. Richard A. Crofts, Helena Qualifications (if required): educator engaged in the field of higher education	Governor	6/19/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Western Montana College of the University of Montana (Education) Ms. Betty Iverson, Dillon Qualifications (if required): public member	Governor	4/15/2001
Youth Justice Advisory Council (Justice) Mr. Craig Anderson, Glendive Qualifications (if required): representative of probation services	Governor	6/14/2001
Ms. Gail Gray, Helena Qualifications (if required): representative of educational services	Governor	6/14/2001
Mr. Mike McGrath, Helena Qualifications (if required): county attorney	Governor	6/14/2001
Mr. Rick Day, Helena Qualifications (if required): Director of the Department of Corrections	Governor	6/14/2001
Ms. Sally K. Stansberry, Missoula Qualifications (if required): representative of nonprofit dealing with delinquency prevention	Governor	6/14/2001
Judge Gary Acevedo, Pablo Qualifications (if required): representative of Native Americans and the judiciary	Governor	6/14/2001
Ms. Jani McCall, Billings Qualifications (if required): representative of mental health services	Governor	6/14/2001
Ms. Peggy Beltrone, Great Falls Qualifications (if required): representative of local government	Governor	6/14/2001
Ms. Donna Maddux, Kalispell Qualifications (if required): representative of the education community	Governor	6/14/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) cont. Mr. Chuck Hunter, Helena Qualifications (if required): representative of a public agency dealing with delinquency prevention	Governor	6/14/2001
Rep. Jeff Mangan, Great Falls Qualifications (if required): legislator	Governor	6/14/2001
Ms. Valerie Rasch, Billings Qualifications (if required): representative of a public agency dealing with detention services	Governor	6/14/2001
Mr. Steven Nelson, Bozeman Qualifications (if required): representative of nonprofit dealing with delinquency prevention	Governor	6/14/2001
Mr. Ron Whitmoyer, East Helena Qualifications (if required): school principal	Governor	6/14/2001
Ms. Misti Robertson, Billings Qualifications (if required): law enforcement officer	Governor	6/14/2001
Mr. Michael Larson, Billings Qualifications (if required): youth recreation representative	Governor	6/14/2001
Ms. Nicole Tollefson, Bonner Qualifications (if required): youth representative	Governor	6/14/2001
Mr. Duane Piapot, Box Elder Qualifications (if required): youth representative	Governor	6/14/2001
Ms. Katie Yother, Miles City Qualifications (if required): youth representative	Governor	6/14/2001

VACANCIES ON BOARDS AND COUNCILS -- April 1, 2001 through June 30, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) cont. Mr. Brock Albin, Bozeman	Governor	6/14/2001
Qualifications (if required):	representative of a non-fulltime government position	