

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 18

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are found at the end 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.

Page Number

TABLE OF CONTENTS

NOTICE SECTION

ADMINISTRATION, Department of, Title 2

2-2-365 Amended Notice of Proposed Adoption and Amendment - State Procurement of Supplies and Services - Disposition and Disposal of Surplus Property. 1709-1710

COMMERCE, Department of, Title 8

8-99-49 Notice of Public Hearing on Proposed Adoption - Award of Grants and Loans Under the Big Sky Economic Development Program. 1711-1718

TRANSPORTATION, Department of, Title 18

18-109 Notice of Public Hearing on Proposed Adoption and Amendment - Eligibility for Gasohol Motor Fuel Tax Reduction - Tax Reduction on Certain Oxygenated Gasoline Passed by the 59th Legislature in SB 293, Ch. 452. 1719-1721

CORRECTIONS, Department of, Title 20

20-7-36 Notice of Public Hearing on Proposed Amendment - Licensure of Youth Detention Facilities. 1722-1730

JUSTICE, Department of, Title 23

23-15-172 Notice of Public Hearing on Proposed Adoption - Administration of the Address Confidentiality Program. 1731-1734

23-16-171 Notice of Public Hearing on Proposed Amendment - Credit Play Prohibited - Video Gambling Machine Permits - Requirements for Letters of Withdrawal - Video Gambling Machine Testing Fees. 1735-1738

LABOR AND INDUSTRY, Department of, Title 24

24-189-29 (Board of Psychologists) Notice of Public Hearing on Proposed Amendment and Adoption - Continuing Education Implementation - Fee Abatement. 1739-1742

LIVESTOCK, Department of, Title 32

32-5-173 Notice of Proposed Amendment - Fees Charged by the Department on the Volume on All Classes of Milk. No Public Hearing Contemplated. 1743-1745

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-108 Notice of Proposed Repeal - Reclamation and Development Grants Program. No Public Hearing Contemplated. 1746-1747

REVENUE, Department of, Title 42

42-2-749 Notice of Public Hearing on Proposed Amendment and Repeal - Personal, Industrial, and Centrally Assessed Property Taxes. 1748-1770

RULE SECTION

STATE AUDITOR, Title 6

NEW Small Business Health Insurance - Purchasing Pool - Tax Credits and Premium Assistance - Premium Incentive Payments. 1771-1774

FISH, WILDLIFE, AND PARKS, Department of, Title 12

NEW (Fish, Wildlife, and Parks Commission) Aerial Herding Permits. 1775-1781

JUSTICE, Department of, Title 23

NEW Regulation of Retail Establishment Selling Ephedrine or Pseudoephedrine. 1782

LABOR AND INDUSTRY, Department of, Title 24

AMD (Board of Professional Engineers and  
Professional Land Surveyors) Form of Corner  
Records. 1783-1784

LIVESTOCK, Department of, Title 32

AMD Diagnostic Lab Fees. 1785

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

AMD Low Income Energy Assistance Program (LIEAP). 1786

NEW Comprehensive School and Community Treatment  
AMD Program (CSCT). 1787-1793

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 1794-1795

How to Use ARM and MAR. 1796

Accumulative Table. 1797-1805

Boards and Councils Appointees. 1806-1823

Vacancies on Boards and Councils. 1824-1838

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the adoption )	AMENDED NOTICE OF PROPOSED
of new rule I and amendment )	ADOPTION AND AMENDMENT
of ARM 2.5.201, 2.5.301, )	
2.5.302, 2.5.404, 2.5.406, )	
2.5.407, 2.5.408, 2.5.503, )	
2.5.505, 2.5.601, 2.5.602, )	
2.5.603, and 2.5.702 )	
concerning state procurement )	
of supplies and services )	
and disposition and disposal )	
of surplus property )	

TO: All Concerned Persons

1. On July 28, 2005, the department published MAR Notice No. 2-2-342 at page 1316 of the 2005 Montana Administrative Register, Issue Number 14 regarding the public hearing on the proposed adoption and amendment of the above-stated rules.

2. The notice of proposed agency action is amended as follows to expand upon one of the reasonable necessity statements included in the first notice. The primary reason for amending the rules was to update various administrative rules for the purposes of clarity, changes in state law and changes in current procurement practices. Based on a request from a state agency, an expanded reasonable necessity statement for rule 2.5.505 is required to adequately explain the procurement officer's discretion to waive or not waive minor mistakes in a bid or offer. The rules as proposed do not change from the original proposal.

3. The reasonable necessity statement is being amended as follows:

STATEMENT OF REASONABLE NECESSITY: This amendment is reasonably necessary to add the "failure to sign and return an acknowledgment of addendum" as an example of a correctable mistake that, if an agency chooses, might ~~should~~ not disqualify a vendor from competition for an invitation for bids or a request for proposals process. It is determined to be in the State's best interest to have as much competition as possible when seeking a contractor for a service or supply. Eliminating competition by disqualifying vendors for minor mistakes would have a negative effect on this goal.

By: /s/ Janet Kelly  
JANET KELLY, DIRECTOR  
DEPARTMENT OF ADMINISTRATION

By: /s/ Dal Smilie  
DAL SMILIE, RULE REVIEWER

Certified to the Secretary of State on September 8, 2005.

BEFORE THE BUSINESS RESOURCES DIVISION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING ON  
adoption of New Rules I ) PROPOSED ADOPTION  
through XVI pertaining to the )  
award of grants and loans )  
under the Big Sky Economic )  
Development Program )

TO: All Concerned Persons

1. On October 13, 2005, at 1:30 p.m., a public hearing will be held in Room 228, 301 South Park Avenue, Helena, Montana, to consider the adoption of new rules I through XVI pertaining to the award of grants and loans under the Big Sky Economic Development Program.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Business Resources Division no later than 5:00 p.m. on October 6, 2005, to advise us of the nature of the accommodation that you need. Please contact Quinn Ness, Business Resources Division, 301 South Park Avenue, P.O. Box 200505, Helena, Montana 59620-0505; telephone (406) 841-2758; facsimile (406) 841-2731; TDD (406) 841-2702; e-mail to quness@mt.gov.

3. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS As used in this chapter, the following definitions apply:

(1) "Account" means the big sky economic development special revenue account established in 90-1-205, MCA.

(2) "Award" means a grant or loan under this program to an eligible applicant.

(3) "Basic sector company" means:

(a) a business that generates more than 50% of their total dollar sales from outside Montana;

(b) more than 50% of their product or services enters into the production of products exported outside of Montana; or

(c) a business defined as a "value-adding business" by the Montana board of investments.

(4) "Big sky economic development fund" means the fund established in 17-5-703, MCA.

(5) "Business" means the business enterprise for which the project is being undertaken.

(6) "Certified regional development corporation" means the organization provided for in 90-1-116, MCA.

(7) "Department" means the department of commerce provided for in 2-15-1801, MCA.

(8) "Director" means the director of the department of commerce.

(9) "Economic development organization" means:

(a) a private, nonprofit corporation, as provided in Title 35, chapter 2, MCA, that is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code, 26 USC 501(c)(3) or 501(c)(6);

(b) an entity certified by the department under 90-1-116, MCA;

(c) an entity established by a local government; or

(d) an entity actively engaged in economic development and business assistance work in a region of the state.

(10) "Eligible economic development organization" means an economic development organization that is located in a county that is not part of a certified regional development corporation region, and which meets the eligibility requirements established by the department and published by it in the Big Sky Economic Development Fund Application Guidelines dated 2006.

(11) "Eligible job" means a new full-time job that provides wages that meet or exceed the current average weekly wage of the county in which the employee is to be principally employed.

(12) "Full-time job" means a job that provides at a minimum, an average of 35 working hours per week on an annual basis.

(13) "Industrial development" means the support of the act or the process of enhancing the business environment for productive, profit-making enterprises.

(14) "Local government" means a tribal government, county, consolidated government, city, town, or district or local public entity with the authority to spend or receive public funds.

(15) "Montana main street program" means the state program established in 90-1-151, MCA, and administered by the department of commerce that coordinates technical assistance and funding resources for revitalizing and enhancing the economic viability of historic and traditional downtown districts in communities across the state.

(16) "Program" means the big sky economic development program established in 90-1-201, MCA.

(17) "Project" means an economic development project for which assistance is requested under this program.

(18) "Tribal government" means any state or federally recognized Indian tribe within the state of Montana.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE II SCOPE AND PURPOSE OF ADMINISTRATIVE RULES

(1) These administrative rules apply to funds deposited in the account that are statutorily appropriated for

distribution to local governments, certified regional development corporations and eligible economic development organizations.

(2) These administrative rules provide the department with a structure to administer the account and to negotiate the financial terms and conditions under which funds may be allocated from the account.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE III PURPOSE OF BIG SKY ECONOMIC DEVELOPMENT PROGRAM (1) Economic development is a public purpose and the purpose of the program is to assist economic development activities in Montana that:

- (a) create good-paying jobs for Montana residents;
- (b) promote long-term, stable economic growth in Montana;
- (c) encourage local economic development organizations;
- (d) create partnerships between the state, local governments, and local economic development organizations that are interested in pursuing similar economic development goals;
- (e) retain or expand existing businesses; and
- (f) provide a better life for future generations through greater economic growth and prosperity in Montana.

(2) The program seeks to:

- (a) encourage and attract sustainable investments and good-paying jobs to Montana communities;
- (b) stimulate the state economy and local economies; and
- (c) provide resources to enable Montana communities to expand their tax base and improve their general economic health and welfare.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE IV INCORPORATION BY REFERENCE OF RULES GOVERNING SUBMISSION AND REVIEW OF APPLICATIONS (1) The department adopts and incorporates by reference the Big Sky Economic Development Fund Application Guidelines dated 2006 as rules governing the submission and review of applications under the program. A copy of the guidelines may be obtained from the Department of Commerce, P.O. Box 200505, Helena, MT 59620-0505.

(2) The guidelines incorporated by reference relate to the following:

- (a) program inquiries;
- (b) program funding;
- (c) application deadlines;
- (d) eligibility;
- (e) program requirements;
- (f) penalties;
- (g) application procedures;
- (h) review of applications; and

(i) procedures for accessing funds.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE V DISTRIBUTION OF FUNDS FROM THE BIG SKY ECONOMIC DEVELOPMENT ACCOUNT (1) Of the funds that are deposited in the account that are not used for administrative expenses:

(a) 75% must be allocated for distribution to local governments to be used for job creation projects; and

(b) 25% must be distributed to certified regional development corporations and eligible economic development organizations for economic development planning or capacity building activities.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE VI ENTITIES BARRED FROM RECEIVING FUNDS

(1) The department may not make a loan or award a grant from the account to any individual, organization, or governmental unit that is currently in default of the terms or conditions of any loan or grant contract previously executed with the department.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE VII FORM OF FINANCIAL ASSISTANCE

(1) Financial assistance provided to local governments from the account shall be in the form of negotiated grants and loans for economic development projects.

(2) Financial assistance provided to certified regional development corporations and other eligible economic development organizations from the account shall be in the form of negotiated grants for economic development planning or capacity building activities.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

NEW RULE VIII MAXIMUM AWARD AMOUNT (1) Maximum award amounts to local governments may not exceed \$5,000 for each eligible job to be created by an eligible business.

(2) In appropriate circumstances and with supporting documentation, the department may establish award amounts to local governments that are less than \$5,000 for each new eligible job to be created by an eligible business.

(3) The eligible jobs used as the basis for determining the award amount shall be net new positions to the business associated with the project in Montana and shall not include jobs transferred from any existing Montana operations of the business or any related entity.

(4) Maximum award amounts to certified regional development corporations and other eligible economic development organizations shall be established and published by the department in the Big Sky Economic Development Fund Application Guidelines dated 2006.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE IX AWARD LIMITATIONS (1) An award under the program may not be used for a project that will result in the transfer or relocation of jobs from one geographic area of Montana to another geographic area of Montana.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE X AWARD MATCH REQUIREMENT (1) Local governments shall provide and document equal matching funds for all awards allocated under the program.

(2) The private investment of funds by the business associated with the project may be considered as the local government's matching funds by the department.

(3) Certified regional development corporations and other eligible economic development organizations are not required to document or provide matching funds for awards allocated under the program.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE XI ELIGIBLE USES OF AWARDS (1) Uses of awards to local governments for eligible businesses shall include, but are not limited to, grants or loans for:

- (a) land acquisition;
- (b) site preparation;
- (c) infrastructure improvements;
- (d) purchase or improvement of buildings, machinery and equipment;
- (e) workforce training;
- (f) a reduction in the interest rate of a commercial loan for the expansion of a basic sector company;
- (g) a grant or low-interest loan for relocation expenses for a basic sector company; and
- (h) rental assistance or lease buy-downs for a relocation or expansion project for a basic sector company.

(2) Uses of awards to certified regional development corporations and other eligible economic development organizations shall include, but are not limited to, the following economic development planning or capacity building activities:

- (a) support for business improvement districts and central business district redevelopment;
- (b) industrial development;

- (c) feasibility studies;
- (d) creation and maintenance of baseline community profiles;
- (e) matching funds for federal funds, including but not limited to brownfields funds and natural resource damage funds; and
- (f) main street program activities.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE XII ELIGIBLE BUSINESS (1) Basic sector businesses and other businesses identified by the department in the Big Sky Economic Development Fund Application Guidelines dated 2006 are eligible for financial assistance from funds that are awarded to local governments under this program.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE XIII APPLICATION REVIEW PROCEDURE (1) A department committee will review formal applications and make a funding recommendation to the director, who shall make the final decision on the award of funding.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE XIV AWARD DECISION CRITERIA (1) In exercising the discretion required to negotiate and allocate awards from the account to local governments, the criteria considered by the department may include:

- (a) the economic impact of a project in the community, region and/or state;
  - (b) the creation of quality jobs; and
  - (c) the feasibility of the project.
- (2) Special consideration may be given by the department to businesses that:
- (a) locate or expand in rural areas and/or areas that have experienced sudden and severe economic disruptions;
  - (b) create a relatively large number of eligible jobs;
  - (c) have agreed to negotiate special hiring arrangements for disadvantaged and/or lower income persons in connection with a project; or
  - (d) bring an exceptional new technology to the state, and are recognized as a national or international leader in its industry.

(3) In exercising the discretion required to negotiate and allocate awards from the account to certified regional development corporations and other eligible economic development organizations, the criteria considered by the department may include:

- (a) the potential for the activity to provide for economic development success;
- (b) the amount of state, federal and private funds leveraged;
- (c) the community and regional economic need; and
- (d) the economic development planning or capacity building activity as a new "best practice" in economic development at the local, regional, state or national level.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE XV ABILITY TO REQUEST ADDITIONAL INFORMATION

(1) The department may require additional information to be provided from the local government, certified regional development corporations, or other eligible economic development organizations, or from a business associated with a project, beyond that which may be contained in the application forms or specified in these rules.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

NEW RULE XVI FAILURE TO PROVIDE INFORMATION

(1) Failure to provide information requested, as well as failure to provide requested information in sufficient detail, may serve as grounds for rejecting an application.

AUTH: 90-1-204, MCA  
IMP: 90-1-204, MCA

4. STATEMENT OF REASONABLE NECESSITY: Pursuant to 17-5-703 and 90-1-201, MCA, et seq. creating the Big Sky Economic Development Fund and assigning the administration of the fund to the Department of Commerce, the department is proposing these new rules I through XVI to implement the Big Sky Economic Development Program. The department determined that it is reasonably necessary to propose these new rules to, among other things, establish the program, define relevant terms, incorporate application guidelines by reference, establish the distribution channels of available funds, and set the limitations on the award of available funds. The new rules are also reasonably necessary because the legislature mandated that the department adopt rules to implement the Big Sky Economic Development Program in 90-1-204, MCA.

5. Concerned 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 Quinn Ness, Business Resources Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200505, Helena, Montana 59620-0505, by facsimile to (406) 841-2731, or by e-mail to quiness@mt.gov to be received no later than 5:00 p.m., October 21, 2005.

6. An electronic copy of this Notice of Proposed Adoption is available through the Department's site on the World Wide Web at <http://commerce.mt.gov>. The Department strives to make the electronic copy of this Notice of Proposed Amendment conform to the official version of the Notice as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Department of Commerce 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 notices and specifies that the person wishes to receive notices regarding all Business Resources Division administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Business Resources Division, 301 South Park Avenue, P.O. Box 200505, Helena, Montana 59620-0505 or by phone at (406) 841-2732, or may be made by completing a request form at any rules hearing held by the agency.

8. Marty Tuttle, chief legal counsel, has been designated to preside over and conduct this hearing.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

DEPARTMENT OF COMMERCE  
BUSINESS RESOURCES DIVISION

By: /s/ ANTHONY J. PREITE  
ANTHONY J. PREITE, DIRECTOR  
DEPARTMENT OF COMMERCE

By: /s/ G. MARTIN TUTTLE  
G. MARTIN TUTTLE, RULE REVIEWER

Certified to the Secretary of State September 12, 2005.

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF PUBLIC HEARING
of new rule I concerning the	)	ON PROPOSED ADOPTION AND
eligibility for gasohol motor	)	AMENDMENT
fuel tax reduction and	)	
amendment of ARM 18.9.401	)	
concerning the tax reduction on	)	
certain oxygenated gasoline	)	
passed by the 59th Legislature	)	
in SB 293, Ch. 452	)	

TO: All Concerned Persons

1. On October 19, 2005, at 1:00 p.m., a public hearing will be held in the auditorium of the Department of Transportation building, 2701 Prospect, Helena, Montana, to consider the adoption of new Rule I, and amendment of ARM 18.9.401.

2. The Department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m. on October 13, 2005, to advise us of the nature of the accommodation you need. Please contact Robert Turner, Fuel Tax Management and Analysis Bureau, Department of Transportation, P.O. Box 201001, Helena, MT 59620-1001, (406) 444-7672 or TTY users can call (406) 444-7696, fax (406) 444-6032, e-mail boturner@mt.gov.

3. The proposed new rule provides as follows:

New Rule I ELIGIBILITY FOR GASOHOL MOTOR FUEL TAX REDUCTION (1) In order for a licensed distributor to receive the reduced motor fuel rate on gasohol, both of the following conditions must be met:

(a) gasohol must contain a blend of at least 10% or greater denatured ethanol with the remaining percentage gasoline; and

(b) the ethanol must be injected by means of a mechanical injection process to gasoline fuel at the terminal rack. All gasohol fuel sold in, imported to, or exported from the state of Montana must be injected by mechanical injection systems.

(2) In order to be eligible for the gasohol tax reduction, a licensed distributor must maintain records to assure that the above criteria have been met. Examples of sufficient records include bills of lading, or invoices showing gasohol containing 10% or greater denatured ethanol with the remaining percentage gasoline.

AUTH: 15-70-104, MCA

IMP: 15-70-201, 15-70-204, and 15-70-503, MCA

REASON: During the 2005 Legislature, SB 293 (Chapter 452) was passed. Section 1 of that bill requires all gasoline sold to be blended with 10% ethanol once certain conditions are met. Until that requirement goes into effect, gasohol is taxed at the rate of 85% of the gasoline tax. The new rule is necessary in order to assure that the gasohol eligible to receive the reduced tax rate meets certain requirements. In order to be eligible for the tax reduction, gasohol would have to contain a blend of 10% or greater denatured ethanol with the remaining percentage gasoline and the denatured ethanol be injected by means of a mechanical injection process at the terminal rack. No "splash blending" will be allowed to be eligible for the reduced tax rate. Mechanical injection is required because that system will assure that the correct amount of ethanol is being blended with gasoline to arrive at the gasohol that is eligible for the reduced tax rate. The 10% blend has to be verifiable and accountable. In addition, the Department of Labor and Industry regulates the mechanical injection systems to make sure that they are injecting the correct amount. "Splash blending" is not verifiable and does not assure the department that the gasohol is eligible for the reduced tax rate.

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

18.9.401 TREATMENT OF GASOHOL (1) For the purposes of Title 15, chapter 70, MCA, reference to gasoline includes gasohol ~~(regardless of where produced and how produced)~~. Gasoline and gasohol are taxed at the rate specified in 15-70-204~~(1)~~, MCA.

~~(2) This rule, as amended is effective for taxable periods beginning on and after July 1, 1983.~~

AUTH: 15-70-104, MCA  
IMP: 15-70-201, 15-70-204, MCA

REASON: This amendment is reasonably necessary to implement SB 293 (Chapter 452), which was passed in the 59th Legislature that changed the tax rate on eligible gasohol and to eliminate some language from the rule that is no longer applicable.

5. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Robert Turner, Fuel Tax Management and Analysis Bureau, Department of Transportation, P.O. Box 201001, Helena, MT 59620-1001, email boturner@mt.gov, or fax to (406) 444-6032 and must be received no later than October 24, 2005.

6. Nick A. Rotering has been designated to preside over and conduct the hearing.

7. The Department of Transportation maintains a list of interested persons who wish to receive notices of the 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 notices and specifies the subject area or areas of interest of the person requesting notice, including, but not limited to, rules proposed by the Administration Division, Aeronautics Division, Highways and Engineering Division, Maintenance Division, Motor Carrier Services Division, and Rail, Transit and Planning Division. Such written request may be mailed or delivered to the Montana Department of Transportation, Legal Services, P.O. Box 201001, Helena, MT 59620-1001, faxed to the office at (406) 444-7206, e-mailed to lmanley@mt.gov, or may be made by completing a request form at any rules hearing held by the Department.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

MONTANA DEPARTMENT OF TRANSPORTATION

By: /s/ James Currie  
James Currie, Deputy Director

/s/ Nick A. Roterling  
Nick A. Roterling, Rule Reviewer

Certified to the Secretary of State September 9, 2005.

BEFORE THE DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the amendment )  
of ARM 20.9.601, 20.9.602, )  
20.9.603, 20.9.604, 20.9.605, )  
20.9.606, 20.9.607, 20.9.608, )  
20.9.609, 20.9.610, 20.9.611, )  
20.9.612, 20.9.613, 20.9.614, )  
20.9.615, 20.9.616, 20.9.617, )  
20.9.618, 20.9.619, 20.9.620, )  
20.9.621, 20.9.622, 20.9.623, )  
20.9.624, 20.9.625, 20.9.626, )  
20.9.627, 20.9.628, 20.9.629, )  
20.9.630, 20.9.631, 20.9.632, )  
20.9.633, and 20.9.634 )  
pertaining to licensure of )  
youth detention facilities )

NOTICE OF PUBLIC  
HEARING ON PROPOSED  
AMENDMENT

TO: All Concerned Persons

1. On October 13, 2005, at 10:00 a.m., a public hearing will be held in room 24 of the Department of Corrections, 1539 11th Ave., Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Corrections will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Corrections no later than 5:00 p.m. on September 29, 2005, to advise us of the nature of the accommodation that you need. Please contact Myrna Omholt-Mason, P.O. Box 201301, Helena, MT 59620-1301; phone: (406) 444-3930; fax: (406) 444-4920; e-mail: momholt-mason@mt.gov.

3. The changes in ARM 20.9.602, 20.9.608, 20.9.609, 20.9.612, 20.9.614, 20.9.616, 20.9.617 and 20.9.628 reorganize topics to make the rules easier to use and more user friendly. The changes in ARM 20.9.610 are necessary to allow law enforcement sufficient time to transport adjudicated youth and conforms with currently approved policies and practices. The changes in ARM 20.9.615, 20.9.629 and 20.9.630 are necessary to bring the rules into compliance with American Correctional Association standards and to make the rules internally consistent. The changes in ARM 20.9.619 provide facilities a legal standard of "seriously mentally ill" to replace an undefined standard of "suffering from a mental disorder," and further implement 41-5-1703, MCA. The changes in ARM 20.9.623 reflect the repeal of ARM 8.32.1704, 8.32.1705, 8.32.1706, and 8.32.1708. The changes in ARM 20.9.631 are upon request of the facilities to provide more protection for the youth and staff involved in use of force incidents and conform with

current approved policies and practices. Changes to the implementation citations in the above rules are necessary to reflect an error in the original rules.

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

20.9.601 PURPOSE (1) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.602 DEFINITIONS The following definitions apply to all youth detention facility licensing rules:

(1) through (10) remain the same.

~~(14)~~(11) "~~Passive physical restraint~~"Intervention and restraint" means the least amount of direct physical contact required by a staff member using approved methods of making such physical contact to restrain a youth from harming self or others.

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

(15) through (21) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.6.603 FACILITY LICENSE (1) through (6) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.604 LICENSING PROCEDURES (1) through (3) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.605 LICENSE REVOCATION AND DENIAL (1) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.606 HEARING (1) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.607 CONFIDENTIALITY OF RECORDS AND INFORMATION

(1) through (2) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.608 REPORTS (1) through (3) remain the same.

(a) Each facility shall require each staff member to read and sign a statement annually which outlines the state law on child abuse and neglect and the staff member's responsibility to report all incidents of child abuse or neglect according to state law.

(b) through (c)(ii) remain the same.

(d) ~~At the discretion of the department and fFor the protection of youth in detention, the department may request that the whenever a staff member is alleged to have committed sexual or physical abuse, be moved immediately upon receipt of the allegation to a position where that person does not have contact with youth.~~ the facility shall take appropriate employment action and ensure the staff member has no contact with the youth pending the final outcome of the allegations.

(4) remains the same.

(5) Disasters or emergencies which require closure of the facility must be reported to the licensing specialist within the next working day.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.609 ESCAPES (1) Escapes must be reported immediately to the law enforcement and to the youth's probation officer-, parent or legal guardian, and licensing specialist.

~~(2) Disasters or emergencies which require closure of the facility must be reported to the licensing specialist within the next working day.~~

~~(3) The facility shall implement a means of recording the daily population of youth in the facility. The means of such recording must be set out in written policy. The policy must ensure compliance with the requirement that the population of youth be recorded daily.~~

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.610 ADMINISTRATION (1) remains the same.

(2) The facility must not be used for the confinement of youth in need of care, persons who have attained the age of 18, or youth who have been criminally adjudicated. If a youth turns 18 years of age while in the facility, the youth may no longer be held in the youth detention facility. The facility will be allowed 24 hours to move the youth.

(3) remains the same.

(a) admissions, including the requirement that the facility only admit youth considered appropriate as ~~"appropriate"~~ is defined in such policy;

(b) through (7) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.611 FISCAL MANAGEMENT (1) through (3) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.612 MANAGEMENT, STAFF AND TRAINING (1) through (4)(c) remain the same.

(d) be physically, mentally and emotionally competent to care for youth; and

(e) understand the purpose of the youth detention facility and be willing to carry out its policies and programs; ~~and.~~

~~(f) be certified in cardiopulmonary resuscitation (CPR).~~

(5) and (6) remain the same.

(a) be certified in cardiopulmonary resuscitation (CPR);

(a) through (h) remain the same but are renumbered (b) through (i).

(i)(j) training in ~~passive physical restraint~~ intervention and restraint;

(j) through (k) remain the same but are renumbered (k) through (l).

(7) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.613 ENVIRONMENT (1) through (10) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.614 NUTRITION AND FOOD SAFETY (1) through (5) remain the same.

(a) Where required by the laws and/or regulations applicable to food service employees in the community where the facility is located, all personnel involved in the preparation of food shall ~~receive a preassignment medical examination and periodic reexaminations to ensure freedom from diarrhea, skin infections, and other illness transmissible by food or utensils~~ be free of diarrhea, skin infections, and other illness transmissible by food or utensils;

(b) through (11) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.615 PHYSICAL PLANT (1) through (1)(b) remain the same.

(c) Detention facilities must have indoor areas of at least ~~40~~ 35 square feet of floor space per youth for quiet,

reading, study, relaxing, and recreation. Halls, kitchens, and any rooms not used by youth may not be included in the minimum space requirement; and

(d) through (2) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.616 FIRE SAFETY (1) and (2) remain the same.

(3) Written policy, procedure, and practice must provide for a comprehensive and thorough ~~monthly~~ weekly inspection of the facility by a qualified ~~fire and safety officer~~ staff member for compliance with safety and fire prevention standards. ~~There must be a weekly fire and safety inspection of the facility by a qualified staff member.~~ This policy and procedure must be reviewed annually and updated as needed.

(4) through (9) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.617 SAFETY AND SECURITY (1) Each youth must be physically observed ~~every 15 minutes. A method for documenting these checks must be in place.~~ at intervals no more than 15 minutes apart.

(a) The facility shall implement a means of recording the daily population of youth in the facility. The means of such recording must be written in policy. The policy must ensure compliance with the requirement that the population of youth be recorded daily.

(2) through (10) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.618 SEARCHES (1) through (7) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.619 ADMISSION (1) remains the same.

(2) Any youth held in detention must be between the ages of 10 and 18 years, may not be ~~suffering from a mental disorder~~ seriously mentally ill, exhibiting current symptoms that require acute hospitalization, and may not or be criminally adjudicated.

(3) and (3)(a) remain the same.

(b) a parole youth who has been placed in detention may not be held longer than ~~72 hours~~ 10 days, excluding weekends and legal holidays, unless a parole violation hearing has been held.

(4) through (6) remain the same.

(a) court case number, corrections juvenile offender number, ~~juvenile probation information system (JPIS) number,~~

child and adult protective services (CAPS) number or other approved automated system number and facility admission number;

(b) through (12) remain the same.

AUTH: 41-5-1802, MCA  
IMP: 41-5-103, 41-5-332, 41-5-341, ~~41-5-1801~~ 41-5-1802,  
52-5-128 and 52-5-129, MCA

20.9.620 RIGHTS OF YOUTH (1) through (4) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.621 COMMUNICATION/MAIL (1) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.622 VISITATION AND TELEPHONE USE (1) through (2) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.623 HEALTH CARE (1) and (1)(a) remain the same.

~~(b) The health authority shall meet at least quarterly with the facility director.~~

(2) through (3)(d) remain the same.

(e) administration of medication must be by licensed personnel only; otherwise, the system of self-administration must be utilized, and approved by the health authority at the facility ~~Training pursuant to ARM 8.32.1704, 8.32.1705, 8.32.1706, and 8.32.1708 must be provided to staff for supervised self administration to be used; and~~

(f) through (11) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.624 SERVICES AND PROGRAMS (1) through (4) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.625 EDUCATION (1) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.626 OVER CAPACITY (1) through (2) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.627 DISCIPLINE (1) remains the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.628 PASSIVE PHYSICAL RESTRAINTS INTERVENTION AND RESTRAINT (1) The facility shall provide training in ~~passive physical restraint intervention and restraint~~ to all staff members who may be required to use ~~passive physical restraint intervention and restraint~~. The facility shall provide at least yearly refresher courses.

(2) ~~Passive physical restraint~~ Intervention and restraint of a youth may only be used to end a disturbance by a youth that immediately threatens physical injury to the youth, other persons, or property.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.629 ADMINISTRATIVE SEGREGATION AND DISCIPLINARY DETENTION (1) and (2) remain the same.

(3) Disciplinary detention may be used to control a youth found to have committed a serious rule violation and may only be utilized for a maximum of ~~four~~ 23 hours per day. Youth in disciplinary detention must be provided with an opportunity of at least one hour of large muscle exercise per day. No youth may be held for longer than four consecutive days. Facility policy must identify acts which are considered to be serious rule violations.

(4) through (6) remain the same.

AUTH: 41-5-1802, MCA  
IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.630 MECHANICAL RESTRAINT (1) through (6) remain the same.

(a) The information contained in ~~(6)~~(b)(i) through (iv) ~~below~~ must be sent to the licensing specialist within ~~48~~ 24 hours of the incident excluding weekends and legal holidays.

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

(b) The use of mechanical restraint must be for the minimum period of time necessary to enable the youth to gain control of his behavior ~~but must not exceed one hour and if in excess of one hour, the youth must be evaluated by a mental health professional;~~

(c) through (f) remain the same.

(g) A youth who requires a mechanical restraint in excess of one hour ~~must be evaluated by a mental health professional.~~ have a mental health report attached to the incident report.

(8) remains the same.

(9) Facility staff must be trained by a ~~Montana~~ peace officer standard training (POST) certified trainer in the use and effects of mechanical restraint.

(10) and (11) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.631 INFLAMMATORY AGENT (1) through (3) remain the same.

(4) Whenever inflammatory agents are used, an incident report must be entered in the youth's case record, and a copy must be sent to the licensing specialist within ~~48~~ 24 hours of the incident excluding weekends and legal holidays. The information contained in the incident report must include but need not be limited to the following:

(a) through (8) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.632 TRANSFERS (1) remains the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.633 TRANSPORTATION (1) remains the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

20.9.634 RELEASE (1) and (2) remain the same.

AUTH: 41-5-1802, MCA

IMP: ~~41-5-1801~~ 41-5-1802, MCA

5. Concerned persons may present their data, views, or arguments concerning the proposed action in writing to Myrna Omholt-Mason at the contact information listed in paragraph 2, and must be received no later than 5:00 p.m. on October 21, 2005.

6. Valerie Wilson, Hearings Examiner, will preside over and conduct the hearing.

7. The Department of Corrections 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 notices, and specifies that the person wishes to receive notices regarding community corrections, youth services division, board of pardons and parole, private

correctional facilities or general departmental rulemakings. Such written request may be mailed or delivered to Myrna Omholt-Mason, at the contact information listed in paragraph 2; or may be made by completing a request form at any rules hearing held by the Department of Corrections.

8. An electronic copy of this Notice of Public Hearing is available through the department's web site at [www.cor.mt.gov](http://www.cor.mt.gov).

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

/s/ Bill Slaughter  
BILL SLAUGHTER, Director  
Department of Corrections

/s/ Colleen A. White  
Colleen A. White, Rule Reviewer  
Department of Corrections

Certified to the Secretary of State September 12, 2005.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the adoption )  
of proposed New Rules I through V )  
pertaining to the administration )  
of the address confidentiality )  
program )

NOTICE OF PUBLIC  
HEARING ON  
PROPOSED ADOPTION

TO: All Concerned Persons

1. On October 20, 2005, at 9:30 a.m., the Montana Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 N. Roberts, Helena, Montana, to consider the adoption of proposed New Rules I through V pertaining to the administration of the address confidentiality program.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on October 10, 2005, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Justice, 215 N. Sanders, P.O. Box 201401, Helena, MT 59620-1401; (406) 444-2026; Montana Relay Service 711; Fax (406) 444-3549; e-mail cjensen@mt.gov.

3. The proposed new rules provide as follows:

NEW RULE I ADDRESS CONFIDENTIALITY PROGRAM--PURPOSE AND GOAL

(1) The purpose of the address confidentiality program is to allow a victim of domestic violence, sexual assault or stalking to register for a confidential address. The program is designed to provide assistance to qualifying victims wishing to protect their address by providing the victim with a substitute address.

(2) The goal of the program is to contribute to a victim's overall safety. However, applicants should be aware that while the office of victim services will strive to keep a victim's information confidential, the office cannot guarantee a victim's safety nor can it prevent a perpetrator from finding out a victim's address from another source.

AUTH: 40-15-120, MCA  
IMP: 40-15-115, MCA

NEW RULE II APPLICATION (1) To apply for the address confidentiality program, an applicant must:

- (a) be a resident of the state of Montana;
- (b) be a victim of partner family member assault, sexual assault, or stalking as defined by 40-15-116, MCA; and
- (c) complete the office of victim services address

confidentiality application form. The application must, at a minimum, include:

(i) a copy of the victim's driver's license or some other form of identification verifying the victim is a resident of Montana;

(ii) a statement providing information that establishes the victim has been a victim of partner family member assault, sexual assault, or stalking;

(iii) if available, a copy of an applicable record of conviction or order of protection;

(iv) the address the victim requests to be kept confidential;

(v) a telephone number where the victim can be reached; and

(vi) a statement indicating whether the applicant wishes to register to vote or, if registered, to change the applicant's address for voter registration.

(2) Applications must be notarized and may be mailed or faxed to the Office of Victim Services, P.O. Box 201410, 1712 9th Ave., Helena, MT 59620-1410, fax (406) 444-4303.

(3) Incomplete or inaccurate applications will not be accepted by the office of victim services.

AUTH: 40-15-120, MCA

IMP: 40-15-115, 40-15-116, 40-15-117, MCA

NEW RULE III ISSUANCE OF SUBSTITUTE ADDRESS (1) The office of victim services will approve all properly submitted applications within five business days after the application is received.

(2) Upon approval, the office of victim services will:

(a) issue a substitute address to the participant;

(b) receive mail and service of process addressed to the participant; and

(c) forward to the participant any service of process or first class mail, excluding packages larger than a manila envelope, received on the participant's behalf.

(3) The office of victim services will work with the secretary of state's office to register those participants who indicated on their application their wish to register to vote or change their address for voter registration purposes.

AUTH: 40-15-120, MCA

IMP: 40-15-115, 40-15-117, 40-15-118, MCA

NEW RULE IV CONFIDENTIALITY (1) The office of victim services will protect the confidentiality of application materials and a participant's substitute address.

(2) A victim's application materials and substitute address will only be disclosed if:

(a) requested by a law enforcement agency; or

(b) ordered by a court of competent jurisdiction.

AUTH: 40-15-120, MCA

IMP: 40-15-115, 40-15-118, MCA

NEW RULE V CANCELLATION OF SUBSTITUTE ADDRESS

(1) Except as provided in (2), a substitute address issued under [New Rule III] is valid for four years after issuance.

(2) A participant who wants the substitute address to continue after four years must, on the form provided by the office of victim services:

(a) provide notice of the participant's request that the substitute address be continued; and

(b) provide a notarized statement that the participant remains in imminent danger and that continuation of the substitute address is in the participant's best interest.

(3) The office of victim services may cancel a participant's substitute address at any time if:

(a) a participant changes his or her confidential address and fails to provide notice to the office of victim services within two business days; or

(b) if the office of victim services determines that a participant knowingly provided false or incorrect information in his or her application.

AUTH: 40-15-120, MCA

IMP: 40-15-115, 40-15-119, MCA

4. The new rules are necessary to implement the provisions of 40-15-115 through 40-15-121, MCA, which were enacted by the 2005 legislature and created an address confidentiality program. The rules are necessary to establish the eligibility parameters for qualifying victims who wish to participate in the program. The new rules establish the application process and the responsibilities of the department upon receiving a properly submitted application. The rules will assist the department in administering this new program and create a standard process for victims who participate.

5. Concerned 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 Cort Jensen, Department of Justice, 215 N. Sanders, P.O. Box 201401, Helena, MT 59620-1401; Fax (406) 444-3549; or email [cjensen@mt.gov](mailto:cjensen@mt.gov), and must be received no later than October 20, 2005.

6. Cort Jensen, Assistant Attorney General, Department of Justice, Legal Services Division, has been designated to preside over and conduct the hearing.

7. The Department of Justice 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 notices and specifies that the person wishes to receive notices of rules regarding the Crime Control Division, the Central Services Division, the Forensic Sciences Division, the Gambling Control Division, the Highway Patrol Division, the Law Enforcement Academy, the Division of Criminal Investigation, the Legal Services Division, the Consumer Protection Division, the Motor Vehicle Division, the Justice Information Systems Division, or any combination thereof. Such written request may be mailed or delivered to Cort Jensen, 215 N. Sanders, P.O. Box 201401, Helena, MT 59620-1401, faxed to the office at (406) 444-3549, ATTN: Cort Jensen, e-mailed to [cjensen@mt.gov](mailto:cjensen@mt.gov), or may be made by completing a request form at any rules hearing held by the Department of Justice.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

By: /s/ Mike McGrath  
MIKE McGRATH, Attorney General  
Department of Justice

/s/ Cort Jensen  
Cort Jensen, Rule Reviewer

Certified to the Secretary of State September 12, 2005.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 23.16.202, ) ON PROPOSED AMENDMENT  
23.16.1822, and 23.16.1918, )  
concerning credit play )  
prohibited, video gambling )  
machine permits, requirements )  
for letters of withdrawal, and )  
video gambling machine testing )  
fees )

TO: All Concerned Persons

1. On October 13, 2005, at 10:00 a.m., the Montana Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 N. Roberts, Helena, Montana, to consider the amendment of ARM 23.16.202, 23.16.1822, and 23.16.1918, concerning credit play prohibited, video gambling machine permits, requirements for letters of withdrawal, and video gambling machine testing fees.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on October 7, 2005, to advise us of the nature of the accommodation that you need. Please contact Rick Ask, Gambling Control Division, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; (406) 444-1971; Fax (406) 444-9157; Montana Relay Service 711; or email rask@mt.gov.

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

23.16.202 CREDIT PLAY PROHIBITED (1) through (2)(a) remain the same.

(3) Any debt resulting from a credit card transaction to obtain cash for the purpose of gambling may not become a debt owed to the licensee, be assigned to the licensee, or be assigned or sold to a collection agency acting on behalf of a licensee. Debt resulting from a credit card transaction to obtain cash for the purpose of gambling may only become debt owed to the financial institution issuing the credit card.

(4) No licensee may accept credit cards for cash advances for the purpose of gambling by representing the transaction as a sale of merchandise, gift cards, or in any other way that would violate the rules or agreements with the issuing merchant bank or credit card company. Any attempt by a licensee to collect credit card charges from a cardholder made in violation of credit card rules or regulations will constitute a violation of the public policy against credit gambling.

(3) remains the same but is renumbered (5).

AUTH: 23-5-115, MCA  
IMP: 23-5-115, MCA

23.16.1822 PERMIT NOT TRANSFERABLE (1) remains the same.

(2) When, during the first quarter of the permit year, a gambling operation changes ownership and the application for a new gambling operator license has been approved, the permit fee for the machines on the premises is \$25 per machine if the ~~\$200~~ \$220 licensing fee has already been paid for that machine for the permit year.

(3) and (4) remain the same.

(5) If a machine is destroyed as a result of an accident, criminal act, or natural disaster, and then replaced by a newly permitted machine, the unused portion of the fee paid on the destroyed machine will be applied as a credit to the fee due on the replacement machine. The department may require proof of destruction before credit is applied.

(6) A completed Letter of Withdrawal (LOW) must be submitted to the department when a permitted machine is removed from play and the premises prior to the renewal deadline of each year, June 30. The LOW must be submitted no later than 10 days from the date the machine is removed from play. A LOW form is available upon request from the department. The LOW is not complete unless it is dated and signed by the licensee, and contains all of the information and attachments required by the department. ~~The provisions of this rule do not apply to a machine temporarily removed from play for repair service.~~

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

(c) the liquor license associated with a licensed location/operator is placed on non-use status and machines are taken out of play for 30 days or more-; or

(d) the gambling operator's license has been suspended, revoked, or otherwise terminated.

(8) A LOW is also required if a permitted machine is removed from play 30 days or more for service or repair. If a machine is removed from play for service or repair in the final month of the permit renewal period, June, and the licensee decides not to repair or renew the machine at the same location, a LOW is also required.

~~(8)~~ (9) In each of the circumstances outlined under (7) and (8), the LOW is due within 10 days of the date the requirement for submission has been met ~~machine removal from play~~. In addition, a new permit will be issued if the ~~machines are~~ machine is placed back in play at the location prior to the end of the fiscal year ~~and no additional permit fee will be charged~~. The licensee must submit a completed replacement form for issuance of a new permit, and there will be no additional permit fee.

AUTH: 23-5-115, 23-5-605, 23-5-621, MCA  
IMP: 23-5-603, 23-5-605, 23-5-611, 23-5-612, 23-5-621,  
23-5-637, MCA

23.16.1918 VIDEO GAMBLING MACHINES TESTING FEES

- (1) remains the same.
- (2) This account will be charged at the rate of ~~\$75~~ \$105 per hour.
- (3) remains the same.

AUTH: 23-5-115, 23-5-605, MCA  
IMP: 23-5-631, MCA

4. RATIONALE AND JUSTIFICATION 23.16.202 This rule clarifies the application of state law to certain credit card transactions. The need for the rule arises out of an investigation that indicated a need to clarify and reconcile the provisions of 23-5-157, MCA, that allows credit cards to be used to obtain cash for gambling but prohibits gambling operators from extending credit. The new rules will clarify that use of a credit card to obtain cash for gambling means that the cash must be loaned by the credit card company or the merchant bank issuing the credit card. This rule will affect approximately 1,600 gambling operators and their customers. The Gambling Control Division does not believe that the practices being prohibited by the new rules are widespread among operators. The rule should not have any fiscal impact unless the practice is widespread, which then could decrease the collection of video gambling machine gross income tax.

23.16.1822 Changes to this rule are to correct the reference to the video gambling machine permit fee in statute; clarify when the unused portion of the permit fee from a machine that has been destroyed may be applied to a replacement; and provide consistency and clarity when Letters of Withdrawal for video gambling machines must be filed. With respect to the change in permit fee, the statutory fee was increased and fiscal impact determined during the 2003 legislative session. This reference in the rule is now amended to reflect this change. This rule will affect approximately 1,600 licensed gambling operators. Therefore, changes to this rule will have no fiscal impact.

23.16.1918 This rule will increase the rate charged to video gambling machine manufacturers to test new machines and software. The rate is being adjusted to more closely reflect actual costs of testing. The increase in the fee is projected to increase revenue by approximately \$30,000 in Fiscal Year 2006 and 2007; however, expenditures will not be increased. The change in rates will affect approximately 8 manufacturers who may submit new products for testing.

5. Concerned 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 Rick Ask, Gambling Control Division, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; Fax (406) 444-9157; or email rask@mt.gov, and must be received no later than October 20,

2005.

6. Cregg Coughlin, Assistant Attorney General, Gambling Control Division, has been designated to preside over and conduct the hearing.

7. The Department of Justice 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 notices and specifies that the person wishes to receive notices of rules regarding the Crime Control Division, the Central Services Division, the Forensic Sciences Division, the Gambling Control Division, the Highway Patrol Division, the Law Enforcement Academy, the Division of Criminal Investigation, the Legal Services Division, the Consumer Protection Division, the Motor Vehicle Division, the Justice Information Systems Division, or any combination thereof. Such written request may be mailed or delivered to Rick Ask, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; Fax (406) 444-9157; or email rask@mt.gov, or may be made by completing a request form at any rules hearing held by the Department of Justice.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

By: /s/ Mike McGrath  
MIKE McGRATH, Attorney General  
Department of Justice

/s/ Cort Jensen  
CORT JENSEN, Rule Reviewer

Certified to the Secretary of State September 12, 2005.

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

In the matter of the proposed ) NOTICE OF PUBLIC  
amendment of ARM 24.189.2107 ) HEARING ON PROPOSED  
continuing education implementation) AMENDMENT AND ADOPTION  
and the proposed adoption of )  
NEW RULE I fee abatement )

To: All Concerned Persons

1. On October 14, 2005, at 9:30 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Psychologists (Board) no later than 5:00 p.m. on October 7, 2005, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Psychologists, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibspsy@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.189.2107 CONTINUING EDUCATION IMPLEMENTATION (1)  
through (2)(c) remain the same.

(d) All licensed psychologists must either submit attestation to the board on the appropriate year's license renewal ~~a report summarizing their that they have obtained the required continuing education or submit a plan to complete the continuing education credits activities.~~ The board will review these reports renewals prior to April 30 of the subsequent year and, if appropriate, notify the licensee regarding his/her noncompliance. ~~Licensees found to be in noncompliance with the requirement will be asked to submit to the board for approval a plan to complete the continuing education requirements for licensure.~~ Prior to the next consecutive year's license renewal deadline, those licensees who ~~were found to be in noncompliance will be formally reviewed to determine their eligibility for license renewal.~~ Licensees, who at this time have not complied with continuing education requirements, ~~will not be granted license renewal until they have fulfilled the board approved plan to complete the requirements~~ be referred to the board screening panel for possible disciplinary action. Those not receiving notice from the board regarding their continuing

education should assume satisfactory compliance. Notices will be considered properly mailed when addressed to the last known address on file in the board office. No continuing education programs used to complete delinquent continuing education plan requirements for licensure can be used to meet the continuing education requirements for the next continuing education reporting period.

(e) remains the same.

(f) The board will randomly audit ~~5%~~ 50% of the licensees attesting to continuing education in addition to all licensees requiring a plan continuing education reports submitted each year. Certificates of completion or programs for continuing education credits reported must be submitted upon request of the board. Any continuing education noncompliance determined by the audit may be handled by the board as a disciplinary matter.

AUTH: 37-17-202, MCA

IMP: 37-1-131, 37-17-202, MCA

REASON: The Board has determined that it is reasonable and necessary to propose changes to modify the administration of continuing education (CE) for psychologists in order to reflect recent changes in technology affecting the reporting of CE. This modification provides for the attestation method of reporting CE and further facilitates online license renewals. The Department has determined that there exists insufficient website resources for the online input by licensees of course names, sponsors and other information required for the full reporting of CE. This amendment allows licensees to attest to the completion of their CE requirements while renewing licensure online.

It is reasonable and necessary to amend the rule to adapt the process for licensee reporting and Board verification of CE to changes in section 37-1-131, MCA, following the 2005 legislative session. House Bill 182 (Ch. 467, Laws of 2005) amended the statute to clarify that if a professional licensing board requires CE for continued licensure, the board may not audit or verify compliance with CE requirements as a precondition for license renewal. The amendment to the rule clarifies that the Board will randomly audit 50% of the licensees that attest at renewal to completion of CE. Additionally, the amendment clarifies that the Board will audit all licensees who submitted a plan to complete the prior year's CE requirements. The rule is being amended to coincide with the new legislative changes and further implement the statute and will affect all renewing Montana licensed psychologists.

4. The proposed New Rule provides as follows:

NEW RULE I FEE ABATEMENT (1) The board of psychologists adopts and incorporates by reference the fee abatement rule of the department of labor and industry found at ARM 24.101.301.

AUTH: 37-1-131, 37-17-202, MCA  
IMP: 17-2-302, 17-2-303, 37-1-134, MCA

REASON: The Board has determined there is reasonable necessity to adopt and incorporate by reference ARM 24.101.301 to allow the Board to authorize the Department to perform renewal licensure fee abatements as appropriate and when needed, without further vote or action by the Board. The Department recently adopted ARM 24.101.301 to implement a means for the prompt elimination of excess cash accumulations in the licensing programs operated by the Department.

Adoption and incorporation of ARM 24.101.301 will allow the Department to promptly eliminate excess cash balances of the Board that result from unexpectedly high licensing levels or other non-typical events. Abatement in such instances will allow the licensees who have paid fees into the Board's program to receive the temporary relief provided by abatement. Adoption of this abatement rule does not relieve the Board from its duty to use proper rulemaking procedures to adjust the Board's fee structure in the event of recurrent instances of cash balances in excess of the statutorily allowed amount.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibspsy@mt.gov](mailto:dlibspsy@mt.gov), and must be received no later than 5:00 p.m., October 21, 2005.

6. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at [www.psy.mt.gov](http://www.psy.mt.gov). The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Psychologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. 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 notices and specifies that the person wishes to receive notices regarding all Board of Psychologists administrative rulemaking

proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibspsy@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor requirements of 2-4-302, MCA, apply and have been fulfilled.

9. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PSYCHOLOGISTS  
JAY PALMATIER, PhD, CHAIRPERSON

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Rule Reviewer

Certified to the Secretary of State September 12, 2005

BEFORE THE BOARD OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
proposed amendment of ARM	)	AMENDMENT
32.23.301 pertaining to	)	
fees charged by the department	)	NO PUBLIC HEARING
on the volume on all classes	)	CONTEMPLATED
of milk	)	

TO: All Concerned Persons

1. On October 22, 2005, the department proposes to amend ARM 32.23.301 pertaining to fees charged by the department on the volume on all classes of milk.

2. The department of livestock 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 livestock no later than 5:00 p.m. on October 13, 2005 to advise us of the nature of the accommodation that you need. Please contact Marc Bridges, 301 N. Roberts Street - Room 308, PO Box 202001, Helena, MT 59620-2001; phone: (406)444-7323; TTD number: 1-800-253-4091; fax:(406)444-1929; e-mail: mbridges@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.23.301 LICENSEE ASSESSMENTS

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

(e) A fee of ~~\$0.135~~ \$0.15 per hundredweight per month, with a minimum of \$50.00 per month, whichever is greater, or a maximum of \$1,050.00 per month, on the volume of all classes of milk produced and sold by a person licensed by the department, to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department.

(i) remains the same.

AUTH: Sec. 81-23-104, 81-23-202, MCA

IMP: Sec. 81-23-103, 81-23-202, MCA

4. STATEMENT OF REASONABLE NECESSITY. The rule is being amended to increase fees that are currently charged by the department of livestock for administration of milk inspections and the milk diagnostic laboratory. The fee increase will allow the Department to cover its budget costs as costs for these functions have increased in the past year. The department must, by statute, charge fees commensurate with costs.

Approximately 104 persons would be affected, as there are currently 104 producers in the state. The total projected revenue will be approximately \$423,000 per year, based on the fee amount imposed by this proposed amendment.

5. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to Marc Bridges, 301 N. Roberts Street - Room 308, PO Box 202001, Helena, MT 59620-2001, by faxing to (406)444-1929 or e-mailing to [mbridges@mt.gov](mailto:mbridges@mt.gov) to be received no later than 5:00 p.m., October 20, 2005.

6. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. A request for hearing must be received no later than 5:00 p.m., October 20, 2005.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 10 based upon the current number of producers in the state.

8. An electronic copy of this Proposal Notice is available through the department's web site at [www.liv.mt.gov](http://www.liv.mt.gov).

9. The Montana department of livestock maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by this department. 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 notices and specifies the area of interest that the person wishes to receive notices regarding. Such written request may be mailed or delivered to Marc Bridges, 301 N. Roberts Street - Room 308, PO Box 202001, Helena, MT 59620-2001, faxed to (406)444-1929, e-mailed to [mbridges@mt.gov](mailto:mbridges@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

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

DEPARTMENT OF LIVESTOCK

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

By: /s/ Carol Grell Morris  
Carol Grell Morris, Rule Reviewer

Certified to the Secretary of State September 12, 2005.

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

In the matter of the proposed	)	NOTICE OF PROPOSED
repeal of ARM 36.19.106	)	REPEAL
pertaining to the reclamation	)	
and development grants program	)	NO PUBLIC HEARING
	)	CONTEMPLATED

To: All Concerned Persons

1. On October 22, 2005, the Department of Natural Resources and Conservation proposes to repeal ARM 36.19.106 pertaining to the reclamation and development grants program.

2. ARM 36.19.106, the rule proposed to be repealed, is found on page 36-3922 of the Administrative Rules of Montana.

36.19.106 SIZE OF AWARD

AUTH: 90-2-1105, MCA  
IMP: 90-2-1105, MCA

3. The purpose of the proposed repeal is to eliminate a rule conflicting with current statutes. The rule proposed for repeal is no longer necessary.

4. Concerned persons may submit their data, views or arguments concerning the proposed repeal, in writing, to Greg Mills, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT 59620-1601, on or before October 20, 2005.

5. If concerned persons wish to express their data, views and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request, along with any written comments, to Greg Mills, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT 59620-1601. The comments must be received on or before October 20, 2005.

6. If the agency receives requests for a public hearing on the proposed repeal from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed repeal; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25 based on the number of grant applications submitted and approved during grant cycle periods.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

/s/ Mary Sexton  
MARY SEXTON  
Director

/s/ Anne Yates  
ANNE YATES  
Rule Reviewer

Certified to the Secretary of State on September 12, 2005.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 42.21.113; ) ON PROPOSED AMENDMENT AND  
42.21.123; 42.21.131; 42.21.137;) REPEAL  
42.21.138; 42.21.139; 42.21.140;) )  
42.21.151; 42.21.153; 42.21.155;) )  
and 42.22.1311; and repeal of )  
ARM 42.21.115 relating to )  
personal, industrial, and )  
centrally assessed property )  
taxes )

TO: All Concerned Persons

1. On October 17, 2005, at 1:00 p.m., a public hearing will be held in the Director's Office (Fourth Floor) Conference Room of the Sam W. Mitchell Building, at Helena, Montana, to consider the amendment and repeal of the above-stated rules relating to personal, industrial, and centrally assessed property taxes.

Individuals planning to attend the hearing shall enter the building through the east doors of the Sam W. Mitchell Building, 125 North Roberts, Helena, Montana.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue no later than 5:00 p.m., October 11, 2005, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-5828; fax (406) 444-3696; or e-mail canderson@mt.gov.

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

42.21.113 LEASED AND RENTAL EQUIPMENT (1) Leased or rental equipment that is leased or rented on an hourly, daily, or weekly basis, but is not exempt under 15-6-201(1)(cc), MCA, will be valued in the following manner:

(a) For equipment that has an acquired cost of \$0 to \$500, the department shall use a four-year trended depreciation schedule. The trended schedule will be the same as ARM 42.21.155, category 1.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
<del>2004</del>	<del>70%</del>
<del>2003</del>	<del>40%</del>
<del>2002</del>	<del>17%</del>
<del>2001 and older</del>	<del>8%</del>

<u>2005</u>	<u>70%</u>
<u>2004</u>	<u>44%</u>
<u>2003</u>	<u>17%</u>
<u>2002 and older</u>	<u>8%</u>

(b) For equipment that has an acquired cost of \$501 to \$1,500, the department shall use a five-year trended depreciation schedule. The trended schedule will be the same as ARM 42.21.155, category 2.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
<u>2004</u>	<u>85%</u>
<u>2003</u>	<u>70%</u>
<u>2002</u>	<u>52%</u>
<u>2001</u>	<u>34%</u>
<u>2000 and older</u>	<u>20%</u>
<u>2005</u>	<u>85%</u>
<u>2004</u>	<u>70%</u>
<u>2003</u>	<u>53%</u>
<u>2002</u>	<u>34%</u>
<u>2001 and older</u>	<u>20%</u>

(c) For equipment that has an acquired cost of \$1,501 to \$5,000, the department shall use a 10-year trended depreciation schedule. The trended schedule will be the same as ARM 42.21.155, category 8.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
<u>2004</u>	<u>92%</u>
<u>2003</u>	<u>85%</u>
<u>2002</u>	<u>77%</u>
<u>2001</u>	<u>69%</u>
<u>2000</u>	<u>60%</u>
<u>1999</u>	<u>51%</u>
<u>1998</u>	<u>41%</u>
<u>1997</u>	<u>32%</u>
<u>1996</u>	<u>26%</u>
<u>1995 and older</u>	<u>22%</u>
<u>2005</u>	<u>92%</u>
<u>2004</u>	<u>87%</u>
<u>2003</u>	<u>79%</u>
<u>2002</u>	<u>71%</u>
<u>2001</u>	<u>62%</u>
<u>2000</u>	<u>53%</u>
<u>1999</u>	<u>42%</u>
<u>1998</u>	<u>33%</u>
<u>1997</u>	<u>27%</u>
<u>1996 and older</u>	<u>23%</u>

(d) For equipment that has an acquired cost of \$5,001 to \$15,000, the department shall use the trended depreciation schedule for heavy equipment. The schedule will be the same

as ARM 42.21.131.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2005	80%
2004	65%
2003	58%
2002	49%
2001	47%
2000	40%
1999	36%
1998	34%
1997	31%
1996	31%
1995	29%
1994	28%
1993	26%
1992	26%
1991	25%
1990	25%
1989	24%
1988	23%
1987	22%
1986 and older	20%
2006	80%
2005	65%
2004	58%
2003	50%
2002	46%
2001	41%
2000	35%
1999	32%
1998	30%
1997	29%
1996	28%
1995	26%
1994	26%
1993	25%
1992	25%
1991	23%
1990	23%
1989	22%
1988	22%
1987 and older	20%

(e) For rental video tapes the following schedule will be used:

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2004	25%
2003	15%
2002 and older	10%
2005	25%

<u>2004</u>	<u>15%</u>
<u>2003 and older</u>	<u>10%</u>

(2) through (4) remain the same.

(5) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201 and 15-23-108, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.21.113 to clarify through the trend tables how the department arrives at market value as required by 15-8-111, MCA. Annually, the department updates these schedules to inform taxpayers of the current percentages used by the department when valuing and taxing their property. To determine the market value of personal property, the department has historically used and adopted the concept of trending and depreciation. The method by which trended depreciation schedules are derived is described in the existing rule, and that method is not being changed. The First Judicial District Court indicated in 1986 that the department must publish these trend tables annually and these amendments are in compliance with that order.

42.21.123 FARM MACHINERY AND EQUIPMENT (1) through (4) remain the same.

(5) The trended depreciation schedule referred to in (2) through (4) is listed below and shall be used for tax year ~~2005~~ 2006. The schedule is derived by using the guidebook listed in (1) as the data base. The values derived through use of the trended depreciation schedule will approximate average wholesale value.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD AVERAGE WHOLESALE</u>
<del>2005</del>	<del>80%</del>
<del>2004</del>	<del>66%</del>
<del>2003</del>	<del>66%</del>
<del>2002</del>	<del>61%</del>
<del>2001</del>	<del>57%</del>
<del>2000</del>	<del>49%</del>
<del>1999</del>	<del>46%</del>
<del>1998</del>	<del>42%</del>
<del>1997</del>	<del>40%</del>
<del>1996</del>	<del>39%</del>
<del>1995</del>	<del>33%</del>
<del>1994</del>	<del>32%</del>
<del>1993</del>	<del>30%</del>
<del>1992</del>	<del>30%</del>
<del>1991</del>	<del>27%</del>
<del>1990</del>	<del>27%</del>
<del>1989 and older</del>	<del>21%</del>

2006	80%
2005	66%
2004	66%
2003	61%
2002	56%
2001	51%
2000	45%
1999	42%
1998	40%
1997	37%
1996	37%
1995	32%
1994	30%
1993	28%
1992	27%
1991	26%
1990 and older	25%

(6) remains the same.

(7) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.131 HEAVY EQUIPMENT (1) through (4) remain the same.

(5) The trended depreciation schedule referred to in (2), (3), and (4) is listed below and shall be used for tax year ~~2005~~ 2006. The values derived through the use of these percentages approximate the "quick sale" values as calculated in the guidebooks listed in (1).

HEAVY EQUIPMENT TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD WHOLESALE</u>
2005	80%
2004	65%
2003	58%
2002	49%
2001	47%
2000	40%
1999	36%
1998	34%
1997	31%
1996	31%
1995	29%
1994	28%
1993	26%
1992	26%

1991	25%
1990	25%
1989	24%
1988	23%
1987	22%
1986 and before	20%
2006	80%
2005	65%
2004	58%
2003	50%
2002	46%
2001	41%
2000	35%
1999	32%
1998	30%
1997	29%
1996	28%
1995	26%
1994	26%
1993	25%
1992	25%
1991	23%
1990	23%
1989	22%
1988	22%
1987 and older	20%

(6) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005, and applies to all heavy equipment.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-140, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.137 SEISMOGRAPH UNITS AND ALLIED EQUIPMENT

(1) through (3) remain the same.

(4) The trended depreciation schedules referred to in (1) through (3) are listed below and shall be used for tax year ~~2005~~ 2006.

SEISMOGRAPH UNIT

<u>YEAR/NEW ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>	<u>WHOLESALE FACTOR</u>	<u>WHOLESALE % GOOD</u>
2005	100%	1.000	100%	80%	80%
2004	85%	1.000	85%	80%	68%
2003	69%	1.023	71%	80%	56%
2002	52%	1.044	54%	80%	43%
2001	34%	1.049	36%	80%	29%
2000	20%	1.059	21%	80%	17%
1999	5%	1.077	5%	80%	4%

~~and older~~

2006	100%	1.000	100%	80%	80%
2005	85%	1.000	85%	80%	68%
2004	69%	1.079	74%	80%	60%
2003	52%	1.117	58%	80%	46%
2002	34%	1.139	39%	80%	31%
2001	20%	1.145	23%	80%	18%
2000	5%	1.156	6%	80%	5%

and older

SEISMOGRAPH ALLIED EQUIPMENT

<u>YEAR/NEW</u>	<u>% GOOD</u>	<u>TREND</u>	<u>TRENDED</u>
<u>ACQUIRED</u>		<u>FACTOR</u>	<u>% GOOD</u>
2005	100%	1.000	100%
2004	85%	1.000	85%
2003	69%	1.023	71%
2002	52%	1.044	54%
2001	34%	1.049	36%
2000	20%	1.059	21%
1999	5%	1.077	5%

~~and older~~

2006	100%	1.000	100%
2005	85%	1.000	85%
2004	69%	1.079	74%
2003	52%	1.117	58%
2002	34%	1.139	39%
2001	20%	1.145	23%
2000	5%	1.156	6%

and older

(5) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.138 OIL AND GAS FIELD MACHINERY AND EQUIPMENT

(1) and (2) remain the same.

(3) The trended depreciation schedule referred to in (1) and (2) is listed below and shall be used for tax year ~~2005~~ 2006.

OIL AND GAS FIELD PRODUCTION  
EQUIPMENT TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/</u>	<u>% GOOD</u>	<u>TREND</u>	<u>TRENDED</u>
<u>ACQUIRED</u>		<u>FACTOR</u>	<u>% GOOD</u>
2005	100%	1.000	100%

2004	95%	1.000	95%
2003	90%	1.023	92%
2002	85%	1.044	89%
2001	79%	1.049	83%
2000	73%	1.059	77%
1999	68%	1.077	73%
1998	62%	1.082	67%
1997	55%	1.093	60%
1996	49%	1.107	54%
1995	43%	1.129	49%
1994	37%	1.170	43%
1993	31%	1.194	37%
1992	26%	1.210	31%
1991	23%	1.219	28%
1990	20%	1.245	25%
<u>and older</u>			

2006	100%	1.000	100%
2005	95%	1.000	95%
2004	90%	1.079	97%
2003	85%	1.117	95%
2002	79%	1.139	90%
2001	73%	1.145	84%
2000	68%	1.156	79%
1999	62%	1.175	73%
1998	55%	1.181	65%
1997	49%	1.193	58%
1996	43%	1.208	52%
1995	37%	1.232	46%
1994	31%	1.277	40%
1993	26%	1.304	34%
1992	23%	1.320	30%
1991	20%	1.330	27%
<u>and older</u>			

(4) through (5) remain the same.

(6) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.139 WORK-OVER AND SERVICE RIGS (1) through (4) remain the same.

(5) The trended depreciation schedule referred to in (2) and (4) is listed below and shall be used for tax year ~~2005~~ 2006.

SERVICE AND WORKOVER RIG TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>WHOLESALE FACTOR</u>	<u>TRENDED WHOLESALE % GOOD</u>
2005	100%	1.000	80%	80%
2004	92%	1.000	80%	74%
2003	84%	1.023	80%	69%
2002	76%	1.044	80%	63%
2001	67%	1.049	80%	56%
2000	58%	1.059	80%	49%
1999	49%	1.077	80%	42%
1998	39%	1.082	80%	34%
1997	30%	1.093	80%	26%
1996	24%	1.107	80%	21%
1995	20%	1.129	80%	18%

and older

2006	100%	1.000	80%	80%
2005	92%	1.000	80%	74%
2004	84%	1.079	80%	73%
2003	76%	1.117	80%	68%
2002	67%	1.139	80%	61%
2001	58%	1.145	80%	53%
2000	49%	1.156	80%	45%
1999	39%	1.175	80%	37%
1998	30%	1.181	80%	28%
1997	24%	1.193	80%	23%
1996	20%	1.208	80%	19%

and older

(6) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.140 OIL DRILLING RIGS (1) remains the same.

(2) The department shall prepare a 10-year trended depreciation schedule for oil drilling rigs. The trended depreciation schedule shall be derived from depreciation factors published by Marshall and Swift Publication Company. The "% good" for all drill rigs less than one year old shall be 100%. The trended depreciation schedule for tax year ~~2005~~ 2006 is listed below.

DRILL RIG TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2005	100%	1.000	100%

2004	92%	1.000	92%
2003	84%	1.023	86%
2002	76%	1.044	79%
2001	67%	1.049	70%
2000	58%	1.059	61%
1999	49%	1.077	53%
1998	35%	1.082	38%
1997	30%	1.093	33%
1996	24%	1.107	27%
1995	20%	1.129	23%
<u>and older</u>			

2006	100%	1.000	100%
2005	92%	1.000	92%
2004	84%	1.079	91%
2003	76%	1.117	85%
2002	67%	1.139	76%
2001	58%	1.145	66%
2000	49%	1.156	57%
1999	35%	1.175	41%
1998	30%	1.181	35%
1997	24%	1.193	29%
1996	20%	1.208	24%
<u>and older</u>			

(3) remains the same.

(4) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.151 TELEVISION CABLE SYSTEMS (1) through (3) remain the same.

(4) The trended depreciation schedules referred to in (2) and (3) are listed below and shall be in effect for tax year ~~2005~~ 2006.

TABLE 1: FIVE-YEAR "DISHES"

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	85%	1.000	85%
2003	69%	1.024	71%
2002	52%	1.041	54%
2001	34%	1.047	36%
2000	20%	1.056	21%
<u>and older</u>			
2005	85%	1.000	85%
2004	69%	1.071	74%

2003	52%	1.108	58%
2002	34%	1.126	38%
2001	20%	1.133	23%
<u>and older</u>			

TABLE 2: TEN-YEAR "TOWERS"

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	92%	1.000	92%
2003	84%	1.024	86%
2002	76%	1.041	79%
2001	67%	1.047	70%
2000	58%	1.056	61%
1999	49%	1.075	53%
1998	39%	1.078	42%
1997	30%	1.088	33%
1996	24%	1.105	27%
1995	20%	1.122	22%
<u>and older</u>			

2005	92%	1.000	92%
2004	84%	1.071	90%
2003	76%	1.108	84%
2002	67%	1.126	75%
2001	58%	1.133	66%
2000	49%	1.143	56%
1999	39%	1.163	45%
1998	30%	1.167	35%
1997	24%	1.177	28%
1996	20%	1.196	24%
<u>and older</u>			

(5) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-140, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.153 SKI LIFT EQUIPMENT (1) and (2) remain the same.

(3) The depreciation schedules shall be determined by the life expectancy of the equipment and will normally compensate for the loss in value due to ordinary wear and tear, offset by reasonable maintenance, and ordinary functional obsolescence due to the technological changes during the life expectancy period.

DEPRECIATION TABLE FOR SKI LIFT EQUIPMENT

Installed Cost X Trended Percent Good = Average Market Value

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	92%	1.000	92%
2003	84%	1.024	86%
2002	76%	1.041	79%
2001	67%	1.047	70%
2000	58%	1.056	61%
1999	49%	1.075	53%
1998	39%	1.078	42%
1997	30%	1.088	33%
1996	24%	1.105	27%
1995	20%	1.122	22%
<u>and older</u>			
2005	92%	1.000	92%
2004	84%	1.071	90%
2003	76%	1.108	84%
2002	67%	1.126	75%
2001	58%	1.133	66%
2000	49%	1.143	56%
1999	39%	1.163	45%
1998	30%	1.167	35%
1997	24%	1.177	28%
1996	20%	1.196	24%
<u>and older</u>			

(a) through (b)(i) remain the same.

(4) This methodology is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.21.155 DEPRECIATION SCHEDULES (1) remains the same.

(2) The trended depreciation schedules for tax year ~~2004~~ 2005 are listed below. The categories are explained in ARM 42.21.156. The trend factors are derived according to ARM 42.21.156 and 42.21.157.

CATEGORY 1

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	70%	1.000	70%
2003	45%	0.897	40%
2002	20%	0.858	17%
2001	10%	0.816	8%

and older

2005	70%	1.000	70%
2004	45%	0.971	44%
2003	20%	0.872	17%
2002	10%	0.834	8%

and older

CATEGORY 2

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	85%	1.000	85%
2003	69%	1.008	70%
2002	52%	1.000	52%
2001	34%	1.002	34%
2000	20%	1.004	20%

and older

2005	85%	1.000	85%
2004	69%	1.014	70%
2003	52%	1.022	53%
2002	34%	1.014	34%
2001	20%	1.016	20%

and older

CATEGORY 3

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	85%	1.000	85%
2003	69%	0.982	68%
2002	52%	0.970	50%
2001	34%	0.937	32%
2000	20%	0.922	18%

and older

2005	85%	1.000	85%
2004	69%	0.980	68%
2003	52%	0.961	50%
2002	34%	0.949	32%
2001	20%	0.916	18%

and older

CATEGORY 4

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	85%	1.000	85%
2003	69%	0.986	68%
2002	52%	0.987	51%
2001	34%	0.987	34%
2000	20%	0.970	19%

and older

2005	85%	1.000	85%
2004	69%	0.970	67%
2003	52%	0.956	50%
2002	34%	0.958	33%
2001	20%	0.958	19%
<u>and older</u>			

CATEGORY 5

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	85%	1.000	85%
2003	69%	1.002	69%
2002	52%	1.006	52%
2001	34%	1.007	34%
2000	20%	1.014	20%
<u>and older</u>			

2005	85%	1.000	85%
2004	69%	1.025	71%
2003	52%	1.026	53%
2002	34%	1.031	35%
2001	20%	1.032	21%
<u>and older</u>			

CATEGORY 6

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	85%	1.000	85%
2003	69%	1.000	69%
2002	52%	0.994	52%
2001	34%	1.028	35%
2000	20%	1.073	21%
<u>and older</u>			

2005	85%	1.000	85%
2004	69%	1.043	72%
2003	52%	1.042	54%
2002	34%	1.037	35%
2001	20%	1.072	21%
<u>and older</u>			

CATEGORY 7

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	92%	1.000	92%
2003	84%	1.004	84%
2002	76%	1.003	76%
2001	67%	1.003	67%
2000	58%	1.013	59%
1999	49%	1.022	50%

1998	39%	1.030	40%
1997	30%	1.045	31%
1996	24%	1.065	26%
1995	20%	1.092	22%
<u>and older</u>			

2005	92%	1.000	92%
2004	84%	1.027	86%
2003	76%	1.032	78%
2002	67%	1.030	69%
2001	58%	1.031	60%
2000	49%	1.041	51%
1999	39%	1.050	41%
1998	30%	1.059	32%
1997	24%	1.074	26%
1996	20%	1.094	22%
<u>and older</u>			

CATEGORY 8

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2004	92%	1.000	92%
2003	84%	1.008	85%
2002	76%	1.018	77%
2001	67%	1.024	69%
2000	58%	1.036	60%
1999	49%	1.048	51%
1998	39%	1.053	41%
1997	30%	1.066	32%
1996	24%	1.087	26%
1995	20%	1.117	22%
<u>and older</u>			

2005	92%	1.000	92%
2004	84%	1.038	87%
2003	76%	1.046	79%
2002	67%	1.056	71%
2001	58%	1.063	62%
2000	49%	1.075	53%
1999	39%	1.087	42%
1998	30%	1.092	33%
1997	24%	1.106	27%
1996	20%	1.128	23%
<u>and older</u>			

(3) This rule is effective for tax years beginning after December 31, ~~2004~~ 2005.

AUTH: 15-1-201, MCA

IMP: 15-6-135, 15-6-136, 15-6-138, 15-6-139, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See the reasonable necessity for ARM 42.21.113.

42.22.1311 INDUSTRIAL MACHINERY AND EQUIPMENT TREND FACTORS (1) and (2) remain the same.

(3) Tables 1 through 32 represent the yearly trend factors for each of the categories.

<u>YEAR</u>	<u>TABLE 1</u> <u>Airplane</u> <u>Mfg.</u>	<u>TABLE 2</u> <u>Baking</u>	<u>TABLE 3</u> <u>Bottling</u>	<u>TABLE 4</u> <u>Brew/Dis.</u>	<u>TABLE 5</u> <u>Candy</u> <u>Confect.</u>
2004	1.000	1.000	1.000	1.000	1.000
2003	1.026	1.026	1.024	1.023	1.025
2002	1.044	1.044	1.043	1.041	1.042
2001	1.048	1.051	1.048	1.048	1.049
2000	1.055	1.062	1.057	1.059	1.061
1999	1.075	1.083	1.077	1.079	1.082
1998	1.076	1.087	1.080	1.085	1.086
1997	1.084	1.098	1.088	1.095	1.097
1996	1.097	1.117	1.104	1.113	1.117
1995	1.112	1.134	1.121	1.134	1.135
1994	1.157	1.180	1.166	1.177	1.182
1993	1.187	1.217	1.197	1.205	1.218
1992	1.205	1.240	1.216	1.224	1.240
1991	1.214	1.256	1.228	1.237	1.258
1990	1.233	1.284	1.252	1.265	1.288
1989	1.260	1.320	1.283	1.300	1.326
1988	1.323	1.392	1.358	1.377	1.403
1987	1.383	1.455	1.424	1.439	1.467
1986	1.399	1.479	1.442	1.457	1.492
1985	1.405	1.505	1.452	1.470	1.520
2005	1.000	1.000	1.000	1.000	1.000
2004	1.078	1.071	1.079	1.075	1.071
2003	1.119	1.112	1.119	1.112	1.109
2002	1.139	1.131	1.139	1.131	1.128
2001	1.144	1.138	1.144	1.139	1.135
2000	1.151	1.151	1.154	1.151	1.148
1999	1.172	1.174	1.176	1.172	1.171
1998	1.174	1.178	1.179	1.179	1.175
1997	1.183	1.190	1.188	1.190	1.188
1996	1.197	1.210	1.206	1.210	1.209
1995	1.214	1.228	1.224	1.233	1.228
1994	1.262	1.279	1.273	1.279	1.279
1993	1.295	1.318	1.307	1.309	1.318
1992	1.315	1.343	1.328	1.330	1.342
1991	1.324	1.361	1.341	1.344	1.361
1990	1.479	1.392	1.367	1.374	1.394
1989	1.374	1.430	1.401	1.413	1.435
1988	1.443	1.508	1.483	1.497	1.518
1987	1.509	1.576	1.554	1.564	1.587
1986	1.526	1.603	1.575	1.583	1.615
<u>YEAR</u>	<u>TABLE 6</u> <u>Cement</u> <u>Mfg.</u>	<u>TABLE 7</u> <u>Chemical</u> <u>Mfg.</u>	<u>TABLE 8</u> <u>Clay</u> <u>Mfg.</u>	<u>TABLE 9</u> <u>Contractor</u> <u>Eq.</u>	<u>TABLE 10</u> <u>Creamery/</u> <u>Dairy</u>
2004	1.000	1.000	1.000	1.000	1.000

2003	1.027	1.023	1.025	1.020	1.024
2002	1.048	1.044	1.045	1.036	1.041
2001	1.055	1.049	1.052	1.044	1.048
2000	1.065	1.059	1.064	1.050	1.059
1999	1.083	1.077	1.082	1.069	1.081
1998	1.088	1.082	1.085	1.077	1.085
1997	1.099	1.093	1.097	1.089	1.096
1996	1.112	1.107	1.114	1.111	1.115
1995	1.133	1.129	1.135	1.129	1.134
1994	1.173	1.170	1.174	1.160	1.182
1993	1.199	1.194	1.202	1.189	1.214
1992	1.218	1.210	1.224	1.222	1.234
1991	1.228	1.219	1.236	1.244	1.249
1990	1.252	1.245	1.262	1.274	1.279
1989	1.286	1.277	1.299	1.315	1.316
1988	1.351	1.350	1.366	1.378	1.395
1987	1.398	1.408	1.416	1.424	1.460
1986	1.412	1.423	1.434	1.443	1.484
1985	1.422	1.430	1.445	1.455	1.507

2005	1.000	1.000	1.000	1.000	1.000
2004	1.082	1.079	1.074	1.062	1.071
2003	1.125	1.117	1.113	1.093	1.109
2002	1.148	1.139	1.134	1.110	1.127
2001	1.155	1.145	1.143	1.119	1.134
2000	1.166	1.156	1.155	1.126	1.147
1999	1.186	1.175	1.174	1.145	1.170
1998	1.191	1.181	1.178	1.154	1.175
1997	1.203	1.193	1.191	1.167	1.187
1996	1.218	1.208	1.209	1.190	1.207
1995	1.240	1.232	1.232	1.210	1.228
1994	1.284	1.277	1.275	1.243	1.280
1993	1.313	1.304	1.305	1.274	1.314
1992	1.333	1.320	1.328	1.309	1.336
1991	1.344	1.330	1.342	1.334	1.352
1990	1.371	1.359	1.370	1.366	1.385
1989	1.408	1.394	1.410	1.410	1.425
1988	1.479	1.473	1.484	1.477	1.511
1987	1.531	1.537	1.537	1.526	1.581
1986	1.546	1.554	1.556	1.547	1.607

<u>YEAR</u>	<u>TABLE 11</u> <u>Elec. Pwr.</u> <u>Eq.</u>	<u>TABLE 12</u> <u>Elec. Eq.</u> <u>Mfg.</u>	<u>TABLE 13</u> <u>Cannery/</u> <u>Fish</u>	<u>TABLE 14</u> <u>Flour,</u> <u>Cer. Feed</u>	<u>TABLE 15</u> <u>Cannery/</u> <u>Fruit</u>
2004	1.000	1.000	1.000	1.000	1.000
2003	1.032	1.029	1.026	1.025	1.026
2002	1.049	1.046	1.045	1.042	1.042
2001	1.045	1.045	1.052	1.048	1.050
2000	1.052	1.053	1.063	1.059	1.060
1999	1.073	1.072	1.084	1.081	1.082
1998	1.068	1.068	1.087	1.085	1.086
1997	1.070	1.073	1.098	1.096	1.096
1996	1.076	1.083	1.118	1.112	1.118
1995	1.085	1.095	1.135	1.130	1.133

1994	1.142	1.147	1.181	1.175	1.176
1993	1.165	1.175	1.220	1.207	1.217
1992	1.173	1.188	1.243	1.226	1.245
1991	1.169	1.189	1.261	1.237	1.268
1990	1.176	1.203	1.291	1.263	1.297
1989	1.196	1.226	1.327	1.296	1.334
1988	1.269	1.296	1.402	1.367	1.409
1987	1.351	1.371	1.467	1.428	1.472
1986	1.361	1.385	1.491	1.446	1.498
1985	1.368	1.392	1.516	1.462	1.523

2005	1.000	1.000	1.000	1.000	1.000
2004	1.089	1.085	1.074	1.074	1.068
2003	1.139	1.131	1.115	1.114	1.108
2002	1.158	1.150	1.135	1.133	1.126
2001	1.153	1.149	1.142	1.139	1.134
2000	1.162	1.157	1.154	1.151	1.145
1999	1.185	1.179	1.177	1.174	1.169
1998	1.179	1.174	1.181	1.179	1.173
1997	1.181	1.180	1.193	1.191	1.184
1996	1.188	1.190	1.215	1.209	1.208
1995	1.197	1.204	1.233	1.228	1.223
1994	1.261	1.261	1.283	1.277	1.270
1993	1.287	1.292	1.325	1.312	1.314
1992	1.295	1.306	1.351	1.332	1.345
1991	1.291	1.307	1.370	1.345	1.369
1990	1.299	1.322	1.402	1.373	1.401
1989	1.321	1.348	1.442	1.408	1.441
1988	1.401	1.425	1.523	1.486	1.521
1987	1.492	1.508	1.593	1.551	1.590
1986	1.503	1.523	1.620	1.571	1.618

<u>YEAR</u>	<u>TABLE 16</u> <u>Packing/</u> <u>Fruit</u>	<u>TABLE 17</u> <u>Laundry/</u> <u>Clean</u>	<u>TABLE 18</u> <u>Logging</u> <u>Eq.</u>	<u>TABLE 19</u> <u>Packing/</u> <u>Meat</u>	<u>TABLE 20</u> <u>Metal</u> <u>Work</u>
2004	1.000	1.000	1.000	1.000	1.000
2003	1.024	1.025	1.025	1.023	1.020
2002	1.040	1.043	1.041	1.041	1.037
2001	1.049	1.049	1.047	1.049	1.039
2000	1.057	1.058	1.053	1.060	1.046
1999	1.080	1.078	1.072	1.080	1.061
1998	1.085	1.080	1.076	1.085	1.060
1997	1.094	1.088	1.085	1.097	1.070
1996	1.119	1.106	1.102	1.117	1.084
1995	1.133	1.123	1.118	1.137	1.103
1994	1.169	1.163	1.153	1.179	1.146
1993	1.211	1.195	1.186	1.214	1.175
1992	1.248	1.217	1.212	1.237	1.192
1991	1.274	1.230	1.232	1.256	1.202
1990	1.303	1.256	1.257	1.287	1.228
1989	1.342	1.290	1.290	1.327	1.262
1988	1.414	1.359	1.350	1.400	1.324
1987	1.470	1.415	1.399	1.456	1.381
1986	1.494	1.436	1.417	1.480	1.399

<del>1985</del>	<del>1.512</del>	<del>1.449</del>	<del>1.427</del>	<del>1.504</del>	<del>1.408</del>
<del>2005</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>
<del>2004</del>	<del>1.063</del>	<del>1.074</del>	<del>1.071</del>	<del>1.067</del>	<del>1.075</del>
<del>2003</del>	<del>1.100</del>	<del>1.113</del>	<del>1.109</del>	<del>1.103</del>	<del>1.109</del>
<del>2002</del>	<del>1.116</del>	<del>1.134</del>	<del>1.126</del>	<del>1.122</del>	<del>1.128</del>
<del>2001</del>	<del>1.126</del>	<del>1.140</del>	<del>1.133</del>	<del>1.131</del>	<del>1.130</del>
<del>2000</del>	<del>1.135</del>	<del>1.149</del>	<del>1.140</del>	<del>1.143</del>	<del>1.137</del>
<del>1999</del>	<del>1.159</del>	<del>1.171</del>	<del>1.160</del>	<del>1.165</del>	<del>1.153</del>
<del>1998</del>	<del>1.165</del>	<del>1.173</del>	<del>1.165</del>	<del>1.170</del>	<del>1.153</del>
<del>1997</del>	<del>1.174</del>	<del>1.182</del>	<del>1.174</del>	<del>1.183</del>	<del>1.164</del>
<del>1996</del>	<del>1.202</del>	<del>1.201</del>	<del>1.193</del>	<del>1.205</del>	<del>1.179</del>
<del>1995</del>	<del>1.217</del>	<del>1.220</del>	<del>1.210</del>	<del>1.226</del>	<del>1.199</del>
<del>1994</del>	<del>1.255</del>	<del>1.264</del>	<del>1.248</del>	<del>1.272</del>	<del>1.246</del>
<del>1993</del>	<del>1.300</del>	<del>1.298</del>	<del>1.283</del>	<del>1.309</del>	<del>1.277</del>
<del>1992</del>	<del>1.340</del>	<del>1.323</del>	<del>1.312</del>	<del>1.334</del>	<del>1.296</del>
<del>1991</del>	<del>1.368</del>	<del>1.336</del>	<del>1.333</del>	<del>1.354</del>	<del>1.307</del>
<del>1990</del>	<del>1.399</del>	<del>1.364</del>	<del>1.360</del>	<del>1.388</del>	<del>1.335</del>
<del>1989</del>	<del>1.441</del>	<del>1.402</del>	<del>1.396</del>	<del>1.430</del>	<del>1.372</del>
<del>1988</del>	<del>1.518</del>	<del>1.477</del>	<del>1.461</del>	<del>1.510</del>	<del>1.439</del>
<del>1987</del>	<del>1.578</del>	<del>1.537</del>	<del>1.513</del>	<del>1.570</del>	<del>1.502</del>
<del>1986</del>	<del>1.604</del>	<del>1.560</del>	<del>1.533</del>	<del>1.596</del>	<del>1.521</del>

<u>YEAR</u>	<u>TABLE 21</u> <u>Mine</u> <u>Mill</u>	<u>TABLE 22</u> <u>Paint</u> <u>Mfg.</u>	<u>TABLE 23</u> <u>Petroleum</u>	<u>TABLE 24</u> <u>Printing</u>	<u>TABLE 25</u> <u>Paper</u> <u>Mfg.</u>
<del>2004</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>
<del>2003</del>	<del>1.026</del>	<del>1.025</del>	<del>1.024</del>	<del>1.019</del>	<del>1.026</del>
<del>2002</del>	<del>1.045</del>	<del>1.047</del>	<del>1.044</del>	<del>1.036</del>	<del>1.046</del>
<del>2001</del>	<del>1.058</del>	<del>1.053</del>	<del>1.055</del>	<del>1.037</del>	<del>1.055</del>
<del>2000</del>	<del>1.065</del>	<del>1.062</del>	<del>1.068</del>	<del>1.046</del>	<del>1.061</del>
<del>1999</del>	<del>1.083</del>	<del>1.082</del>	<del>1.083</del>	<del>1.060</del>	<del>1.082</del>
<del>1998</del>	<del>1.088</del>	<del>1.085</del>	<del>1.089</del>	<del>1.061</del>	<del>1.085</del>
<del>1997</del>	<del>1.100</del>	<del>1.096</del>	<del>1.104</del>	<del>1.067</del>	<del>1.094</del>
<del>1996</del>	<del>1.118</del>	<del>1.112</del>	<del>1.122</del>	<del>1.084</del>	<del>1.116</del>
<del>1995</del>	<del>1.136</del>	<del>1.132</del>	<del>1.145</del>	<del>1.100</del>	<del>1.131</del>
<del>1994</del>	<del>1.171</del>	<del>1.176</del>	<del>1.186</del>	<del>1.141</del>	<del>1.170</del>
<del>1993</del>	<del>1.203</del>	<del>1.205</del>	<del>1.211</del>	<del>1.169</del>	<del>1.205</del>
<del>1992</del>	<del>1.229</del>	<del>1.225</del>	<del>1.222</del>	<del>1.187</del>	<del>1.233</del>
<del>1991</del>	<del>1.249</del>	<del>1.235</del>	<del>1.232</del>	<del>1.191</del>	<del>1.249</del>
<del>1990</del>	<del>1.278</del>	<del>1.260</del>	<del>1.264</del>	<del>1.208</del>	<del>1.274</del>
<del>1989</del>	<del>1.318</del>	<del>1.293</del>	<del>1.296</del>	<del>1.228</del>	<del>1.307</del>
<del>1988</del>	<del>1.389</del>	<del>1.366</del>	<del>1.363</del>	<del>1.295</del>	<del>1.379</del>
<del>1987</del>	<del>1.433</del>	<del>1.425</del>	<del>1.419</del>	<del>1.356</del>	<del>1.435</del>
<del>1986</del>	<del>1.446</del>	<del>1.444</del>	<del>1.423</del>	<del>1.378</del>	<del>1.454</del>
<del>1985</del>	<del>1.453</del>	<del>1.452</del>	<del>1.424</del>	<del>1.392</del>	<del>1.464</del>
<del>2005</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>	<del>1.000</del>
<del>2004</del>	<del>1.078</del>	<del>1.079</del>	<del>1.079</del>	<del>1.063</del>	<del>1.079</del>
<del>2003</del>	<del>1.119</del>	<del>1.120</del>	<del>1.117</del>	<del>1.094</del>	<del>1.120</del>
<del>2002</del>	<del>1.141</del>	<del>1.143</del>	<del>1.139</del>	<del>1.112</del>	<del>1.142</del>
<del>2001</del>	<del>1.154</del>	<del>1.150</del>	<del>1.151</del>	<del>1.113</del>	<del>1.151</del>
<del>2000</del>	<del>1.162</del>	<del>1.160</del>	<del>1.165</del>	<del>1.122</del>	<del>1.159</del>
<del>1999</del>	<del>1.182</del>	<del>1.182</del>	<del>1.182</del>	<del>1.138</del>	<del>1.182</del>

1998	1.187	1.186	1.188	1.139	1.185
1997	1.200	1.197	1.204	1.145	1.195
1996	1.220	1.215	1.223	1.164	1.219
1995	1.239	1.236	1.248	1.181	1.235
1994	1.278	1.284	1.294	1.225	1.277
1993	1.312	1.316	1.321	1.255	1.316
1992	1.341	1.338	1.333	1.274	1.346
1991	1.363	1.349	1.344	1.279	1.364
1990	1.395	1.377	1.378	1.297	1.391
1989	1.438	1.413	1.413	1.318	1.427
1988	1.516	1.492	1.486	1.390	1.505
1987	1.564	1.557	1.548	1.456	1.567
1986	1.577	1.577	1.553	1.479	1.588

<u>YEAR</u>	<u>TABLE 26</u> <u>Refrig-</u> <u>eration</u>	<u>TABLE 27</u> <u>Rubber</u>	<u>TABLE 28</u> <u>Steam</u> <u>Power</u>	<u>TABLE 29</u> <u>Textile</u>	<u>TABLE 30</u> <u>Ware-</u> <u>housing</u>
2004	1.000	1.000	1.000	1.000	1.000
2003	1.025	1.025	1.024	1.019	1.025
2002	1.045	1.046	1.045	1.034	1.037
2001	1.054	1.049	1.048	1.039	1.040
2000	1.064	1.058	1.057	1.047	1.046
1999	1.085	1.074	1.073	1.062	1.066
1998	1.089	1.078	1.075	1.064	1.067
1997	1.100	1.090	1.082	1.073	1.071
1996	1.118	1.105	1.093	1.091	1.088
1995	1.138	1.126	1.111	1.106	1.098
1994	1.180	1.165	1.156	1.140	1.129
1993	1.212	1.193	1.180	1.169	1.166
1992	1.235	1.216	1.194	1.192	1.193
1991	1.249	1.228	1.199	1.206	1.210
1990	1.277	1.256	1.219	1.233	1.232
1989	1.311	1.291	1.251	1.264	1.261
1988	1.384	1.358	1.325	1.328	1.317
1987	1.441	1.411	1.388	1.384	1.359
1986	1.461	1.434	1.404	1.407	1.378
1985	1.473	1.445	1.410	1.423	1.388
2005	1.000	1.000	1.000	1.000	1.000
2004	1.073	1.068	1.084	1.067	1.067
2003	1.112	1.106	1.124	1.098	1.105
2002	1.134	1.128	1.147	1.114	1.118
2001	1.144	1.131	1.151	1.119	1.122
2000	1.154	1.141	1.160	1.128	1.128
1999	1.177	1.158	1.178	1.144	1.149
1998	1.182	1.163	1.180	1.146	1.150
1997	1.194	1.175	1.188	1.155	1.155
1996	1.213	1.192	1.200	1.175	1.173
1995	1.234	1.214	1.220	1.191	1.184
1994	1.281	1.257	1.269	1.228	1.217
1993	1.315	1.287	1.295	1.259	1.258
1992	1.340	1.312	1.310	1.284	1.287
1991	1.356	1.325	1.316	1.299	1.305
1990	1.386	1.355	1.338	1.328	1.328

1989	1.423	1.393	1.373	1.362	1.360
1988	1.502	1.465	1.455	1.430	1.420
1987	1.563	1.522	1.524	1.491	1.466
1986	1.585	1.547	1.541	1.516	1.486

<u>YEAR</u>	<u>TABLE 31</u> <u>Wood-</u> <u>working</u>	<u>TABLE 32</u> <u>Glass</u> <u>Mfg.</u>
2004	1.000	1.000
2003	1.021	1.027
2002	1.036	1.047
2001	1.046	1.052
2000	1.047	1.063
1999	1.064	1.083
1998	1.066	1.085
1997	1.071	1.094
1996	1.097	1.109
1995	1.108	1.127
1994	1.140	1.173
1993	1.179	1.200
1992	1.219	1.218
1991	1.243	1.225
1990	1.264	1.246
1989	1.298	1.277
1988	1.370	1.348
1987	1.425	1.409
1986	1.445	1.425
1985	1.453	1.432

2005	1.000	1.000
2004	1.064	1.082
2003	1.097	1.125
2002	1.113	1.147
2001	1.123	1.153
2000	1.124	1.164
1999	1.143	1.186
1998	1.145	1.189
1997	1.150	1.199
1996	1.178	1.214
1995	1.190	1.235
1994	1.225	1.285
1993	1.266	1.314
1992	1.310	1.334
1991	1.335	1.341
1990	1.358	1.365
1989	1.394	1.399
1988	1.471	1.477
1987	1.530	1.543
1986	1.552	1.561

AUTH: 15-1-201, MCA  
IMP: 15-6-138 and 15-8-111, MCA

REASONABLE NECESSITY: See reasonable necessity for ARM

42.21.113.

4. The department proposes to repeal the following rule:

42.21.115 ADJUSTED TAX RATE which can be found on page 42-2142 of the Administrative Rules of Montana.

AUTH: 15-1-201, MCA

IMP: 15-6-138, MCA

REASONABLE NECESSITY: Senate Bill 48 enacted by the 2005 legislature removed the class eight property tax provision that would have phased out the taxation of class eight property contingent on a certain increase in state wages and salaries. Therefore, this rule is no longer necessary.

5. Concerned 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:

Cleo Anderson  
Department of Revenue  
Director's Office  
P.O. Box 7701  
Helena, Montana 59604-7701

and must be received no later than October 21, 2005.

6. Cleo Anderson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

7. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://www.discoveringmontana.com/revenue>, under "for your reference;" "DOR administrative rules;" and "upcoming events and proposed rule changes." The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. The Department of Revenue 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 notices and specifies that the person wishes to receive notices regarding particular subject matter or matters. Such written request may be mailed or delivered to the person in 5 above or faxed to the office at (406) 444-

3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

/s/ Cleo Anderson  
CLEO ANDERSON  
Rule Reviewer

/s/ Dan R. Bucks  
DAN R. BUCKS  
Director of Revenue

Certified to Secretary of State September 12, 2005.

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE  
OF THE STATE OF MONTANA

In the matter of the adoption ) NOTICE OF ADOPTION  
of New Rules I through XV )  
(ARM 6.6.5201 through 6.6.5215) )  
relating to small business )  
health insurance, purchasing )  
pool, tax credits and premium )  
assistance and premium )  
incentive payments )

TO: All Concerned Persons

1. On August 11, 2005, the State Auditor's Office published MAR Notice No. 6-161 relating to small business health insurance, purchasing pool, tax credits, premium assistance and premium incentive payments, at page 1464 of the 2005 Montana Administrative Register, issue no. 15.

2. The Department has adopted the following rules exactly as proposed: New Rule I (ARM 6.6.5202), New Rule II (ARM 6.6.5201), New Rule III (ARM 6.6.5203), New Rule IV (ARM 6.6.5204), New Rule V (ARM 6.6.5207), New Rule VI (ARM 6.6.5210), New Rule VII (ARM 6.6.5211), New Rule VIII (ARM 6.6.5212), New Rule IX (ARM 6.6.5208), New Rule XI (ARM 6.6.5216), New Rule XII (ARM 6.6.5219), New Rule XIV (ARM 6.6.5221) and New Rule XV (ARM 6.6.5224).

3. The Department has adopted the following rules as proposed, but with the following changes, stricken material interlined, new material underlined:

NEW RULE X (ARM 6.6.5215) TIMELINE FOR THE PLAN OF OPERATION (1) The board shall submit a plan of operation, which must include a method or formula for determining premium assistance and premium incentive payment amounts, to the commissioner for ~~his~~ review and approval by November 15, 2005. The commissioner must approve the plan of operation before it can be implemented by the board.

(2) remains the same.

(3) The board may amend or add to the plan of operation at any time. Any changes to the plan of operation must be approved by the board and then submitted to the commissioner for review and approval. The commissioner must approve the amendments before those changes can become effective.

AUTH: 33-22-2005, MCA  
IMP: 33-22-2002, 33-22-2003, 33-22-2004, 33-22-2005, 33-22-2006, 33-22-2007, and 33-22-2008, MCA

NEW RULE XIII (ARM 6.6.5220) QUALIFIED ASSOCIATIONS  
(1) and (2) remain the same.

(3) The state auditor's office will begin processing association applications on ~~October~~ November 1, 2005.

AUTH: 33-22-2005, MCA  
IMP: 33-22-2004 and 33-22-2005, MCA

4. A public hearing was held on August 31, 2005. Oral comments were received from Tanya Ask, and written comments were read as received from Linda Schaff. Additional written comments were received after the hearing.

Comment 1: Regarding Rule X, is it only the first year that the board needs to submit a plan of operation, or would a plan of operation need to be submitted each year by November 15th? If so, the rule should not state 2005, but rather "of each year." If the method for determining premium assistance and premium incentive payments changes, would a new plan of operation need to be submitted?

Response 1: It is not necessary to resubmit the plan of operation every year for approval. However, from time to time it will be necessary for the board to make changes and additions to the plan of operation. Whenever changes are drafted and approved by the board, the amended plan of operation must be submitted to the commissioner for approval before those changes can become effective. These amendments must be submitted as they occur, not only on November 15th. The department added language to Rule X to clarify this issue.

Comment 2: Rule XV addresses cancellation of an employer's health insurance plan, but there is no rule addressing the termination of one employee from the plan. If the employee count is reduced, who is required to report that reduction to the state auditor's office so that there wouldn't be an overpayment?

Response 2: In its procedure manual for this program, the state auditor's office will be describing a method for tracking, on a monthly basis, actual premium billed and paid for each employer group receiving premium incentive/assistance payments. That procedure manual will be made public as soon as drafting is complete. It is not possible to identify the exact method used to track premium billing until we have more information about the insurers that will be participating. In addition, the registration form that the employer must sign requires them to agree to notify the State Auditor if the number of employees is reduced during the year, before renewal is required.

Comment 3: What kind of information would be requested by the Auditor's office for the purpose of being able to qualify an association to participate in the premium incentive/assistance program? Are there any specific criteria an applicant should

consider in making such application or any standard(s) the applicant should address?

Response 3: The state auditor's office is developing an application form that will be used to determine whether or not particular associations will qualify for participation in this program. This issue will also be addressed in the procedure manual currently being drafted by the state auditor's office. Existing statutes will dictate what information will be collected in that form. Additional administrative rules for this program are contemplated, and issues relating to qualified association plans may be addressed in later rules, if necessary.

Comment 4: Will there be information made available to qualified association plan insurers as to which employer groups are receiving premium incentive/assistance payments so that the insurer would know, in the event of a cancellation of a group, that the state auditor needs to be notified?

An employer may also cancel their own group coverage, so it is possible a final notice of cancellation would not have been issued by the insurer (as it would be in the case of cancellation for nonpayment).

Response 4: Please refer to response number two. The state auditor's office will be working with participating insurers, including qualified association insurers, to develop a method of tracking premium billing and payment. That method will be described in the procedure manual, and insurers of qualified associations will be informed as to which employer groups are receiving premium incentive/assistance payments.

Insurers will need to notify the state auditor's office not only when a group is cancelled for nonpayment of premium, but also when an employer elects to cancel coverage.

Comment 5: New Rule XIII states that the state auditor's office will begin processing association applications for the purpose of becoming "qualified" on October 1, 2005. Since these forms are not yet available, will there be sufficient time for the associations to complete those forms by October 1, 2005?

Response 5: The department has considered this issue and decided that since the plans and insurers for the purchasing pool will not be identified under the RFP process until late November, it is not necessary or practical to process association applications on October 1, 2005. Statute requires that employer registrations must be handled first and must be processed beginning on October 1. Therefore, the department is changing the date specified in Rule XIII to November 1, 2005, which will allow the associations adequate time to apply for the "qualified" designation.

JOHN MORRISON, State Auditor  
and Commissioner of Insurance

By: /s/ Alicia Pichette  
Alicia Pichette  
Deputy Insurance Commissioner

By: /s/ Patrick M. Driscoll  
Patrick M. Driscoll  
Rule Reviewer

Certified to the Secretary of State on September 12,  
2005.

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

In the matter of the ) NOTICE OF ADOPTION  
adoption of new rules I )  
through X pertaining to )  
aerial herding permits )

TO: All Concerned Persons

1. On June 30, 2005, the Fish, Wildlife and Parks Commission (commission) published MAR Notice No. 12-312 regarding the public hearing on the proposed adoption of new rules I through X pertaining to aerial herding permits at page 991 of the 2005 Montana Administrative Register, Issue Number 12.

2. The commission has adopted new rules I (ARM 12.6.2301), II (ARM 12.6.2302), III (ARM 12.6.2303), IV (ARM 12.6.2304), VI (ARM 12.6.2306), VII (ARM 12.6.2307), VIII (ARM 12.6.2308) and X (ARM 12.6.2310) exactly as proposed.

3. The commission has adopted new rules V (ARM 12.6.2305) and IX (ARM 12.6.2309) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE V (ARM 12.6.2305) CONCURRENCE FROM AFFECTED PROPERTY HOLDERS (1) If permitted activities will move animals onto, across, or off any lands other than those owned by the permittee, including lands owned by state or federal land management agencies, the permittee shall obtain written concurrence from affected property holders on a form provided by the department.

(2) The written concurrence required in (1) must include the following:

(a) a statement that the affected property holder agrees to the specific actions authorized under the authority of the permit which might affect his or her property;

(b) the type of animals that may be moved;

(c) when the animals may be moved from, onto, or across the affected property holder's land;

~~(d) from which location on the affected property holder's land the animals may be moved;~~

~~(e) to which location on the affected property holder's land the animals may be moved;~~

~~(f) the route(s) on the affected property holder's land which may be used to move the animals~~

(d) location of travel routes on the affected property holder's land, depicted on a topographical map, including the locations from which and to which animals may be moved; and

~~(g)~~ (e) to what extent, if any, the affected property holder may accept civil liability for any damages which may result from the aerial herding of the animals.

AUTH: 87-3-126, MCA  
IMP: 87-3-126, MCA

NEW RULE IX (12.6.2309) AERIAL HERDING LIABILITY (1) As acknowledged by the permittee's signature on the permit application form, the permittee assumes all liability for the safe and legal operation of the aircraft under state and federal aircraft regulations, and all liability for any damage or injury to property, or persons, ~~or wild animals~~ which may occur as a result of an aerial herding operation exercised under a permit.

AUTH: 87-3-126, MCA  
IMP: 87-3-126, MCA

4. Thirty-five people submitted comments on the proposed rules authorizing the department to issue aerial herding permits. Those comments have been summarized and appear below with the commission's responses:

Comment 1: Aerial herding permits should not be issued to landowners who do not allow some form of public hunting on their land.

Response: In order to receive game damage assistance from the department, landowners are required to allow public hunting. This legislation does not address the department providing game damage assistance; instead, it allows the department, pursuant to commission rules, to issue a permit to a landowner so that the landowner can assist himself in using aircraft to move animals that are causing damage to property or crops on the property in question.

Comment 2: A formal process should be put in place to evaluate requests for the permits and to provide structure to the permit conditions.

Response: The proposed ARM rules outline the formal process that the department will use to determine the conditions under which a permit may be issued.

Comment 3: How will agricultural damage be defined and evaluated?

Response: Section 87-3-126, MCA, states "...An aircraft or helicopter may be used for the purpose of herding, driving, or hazing wild animals damaging private property or crops...pursuant to a permit issued by the department." New Rule IV (ARM 12.6.2304) outlines permit application procedures, including a requirement for a permit application to include "any other information requested by the department in sufficient detail to allow the department to evaluate the nature and impact of the herding..." The department will evaluate each application on a site-specific basis, determining whether or not a claim of wild animals damaging property or crops can be

substantiated and justifies issuance of an aerial herding permit.

Comment 4: Aerial herding should be done by the state, and the landowners requesting the hazing should reimburse the costs to the state.

Response: Section 87-3-126, MCA, allows the department to issue a permit to a landowner that authorizes that landowner to utilize aircraft as a means of protecting property or crops from damage of wild animals under conditions of the permit. Instituting a program implementing state-sponsored aerial herding is beyond the scope of the statute and this rulemaking.

Comment 5: Prior to issuing an aerial hazing permit, the landowners should have to show that they have used all other reasonable means to attempt to mitigate the game damage and that the department has not been able to satisfy the landowner with the mitigation methods they have attempted.

Response: The proposed ARM rules outline conditions under which a permit may be issued, consistent with legislative authority granted by SB 178. In most cases, alternative game damage options will have already been implemented due to the costs of aerial herding. In addition, requiring the landowner to exhaust all alternative measures before allowing the department to consider a permit is not required by the legislation.

Comment 6: The spring time period when hazing is not allowed should be May 16 until July 31 rather than May 1 to July 15. A later start of the prohibited period would allow affected individuals a better opportunity to move cows and does out of areas with nearby crops where the animals might want to calve or fawn. A later end to the prohibited period will allow development of the rumen (8-10 weeks) in the young animals so that they would be more likely to survive if they were separated from their mothers during the hazing.

Response: New Rule III(1)(a) (ARM 12.6.2303) includes language that provides for an exception to the proposed "no permit issued" time period of May 1 through July 15, which can be implemented on a site-specific basis if conditions warrant such an exception.

Comment 7: The landowner should not be required to obtain permission from federal or state land agencies as affected property holders to move animals onto or through that land. Notification of these agencies should be sufficient.

Response: Neither the department nor the commission is the decision maker for land management decisions on federal or non-department state lands. Aerial herding activities have the potential to impact other land management activities authorized by state or federal land management agencies. (For example, Lolo

USFS supervisor issues a permit authorizing a group of bicyclists to conduct a bike race on a section of USFS land where a landowner, acting under authority of a permit issued by the department, wants to haze elk with a helicopter). The department and commission will not authorize aerial herding on ANY property other than the landowner's deeded land unless permission is granted by the person or agency that owns the affected land.

Comment 8: New Rule II (ARM 12.6.2302) should state that the department may issue permits "as long as permit conditions are met" rather than "as long as the conditions in these rules are met."

Response: Legislation requires the commission, through a public rulemaking process, to adopt rules that outline conditions under which the department may issue permits. The actual conditions of a specific permit are developed through an administrative process involving department staff, the permit-holder, and persons directly affected by permitted activities. The ARM rules developed through public input provide a framework of conditions which must be met in order for a permit to be issued, while details of a specific permit determine whether or not that permit may remain in effect or must be revoked or terminated.

Comment 9: Liability requirements should not exceed current liability requirements in state statute when herding game animals by other means.

Response: A landowner may herd game animals by means other than aircraft without a permit or permission being issued by the department. Subsequently, that landowner is acting under his or her own authority, and assuming all liability for consequences related to the herding activities. Aerial herding requires the department to issue a permit and authorize certain actions. Therefore, it is important to clearly identify liability requirements as part of the permitting process so that the person requesting the permit is made aware of potential liabilities incurred as a result of actions taken under authority of a permit issued by the department.

Comment 10: The department should be authorized to charge a fee for the permit to cover evaluation, inspection, etc.

Response: Generally, the legislature sets fees that can be charged or gives the department specific authority to set fees. The legislation authorizing the department to adopt rules for issuing a permit did not authorize the department to charge fees for aerial herding permits.

Comment 11: The new rules should also provide for:

(1) the presence of a qualified department employee during the actual herding;

- (2) a liability bond be posted by the applicant as a prerequisite to permitting;
- (3) adjoining landowners be notified in writing not less than 48 hours before the herding;
- (4) a requirement that any killed wildlife be picked up no later than 12 hours after death and transported to a refrigerated facility ;
- (5) a field investigation by department Enforcement involving any wildlife death, property damage, or human injury or death; and
- (6) a public review of the program after 1 year.

Response: The suggested additions to the rules were considered but did not seem necessary for the following reasons:

Department presence. The commission thinks the new rules appear adequate to allow for department presence, if necessary, on a site-specific basis. Not all situations should require department presence.

Liability bond. The commission cannot see any benefit to an applicant posting a liability bond since most aerial herding can be expected to occur only on the permittee's deeded property. Liability incurred through damage to property other than that owned by the permittee or to persons can be expected to be addressed through civil or criminal court actions. In such cases, the courts will determine appropriate penalties specific to the situation. The authorizing legislation did not require a bond to be posted, and the commission does not believe it is necessary to do so through rulemaking.

Adjoining landowner notification within 48 hours of herding. In the commission's opinion, the new rules provide adequate flexibility to require adjacent landowner notification if conditions warrant such action.

Specific care of wildlife carcasses. The commission believes the new rules adequately address necessary care of animal carcasses, consistent with current statute, and consistent with department game damage practices.

Field investigation of injuries, deaths, or damage. The commission thinks the new rules and current law adequately address this issue.

Public review of the program. Ongoing public review of this and all other department programs continually occurs. The public has the right to submit public comment and inform the department or commission of problems they observe with any program at any time. A citizen may also discuss his/her views and suggestions with the commissioner over the region in which he/she resides. The commission cannot see any benefit to requiring a formal review in one year, but the commission will consider any public

comment it receives and may at any time decide to amend the rules if the commission believes that changes are warranted.

Comment 12: Several parties were opposed to the aerial herding rule altogether.

Response: SB 178 which authorizes landowners to utilize aircraft or helicopters for the purpose of herding, driving, or hazing wild animals damaging private property was passed by the 2005 Montana Legislature. The legislation is codified at 87-3-126, MCA, which states, "[t]he commission shall adopt rules for the issuance of the permit."

Comment 13: The department or commission makes rules that are too complex, or they make rules that are so restrictive the landowners cannot benefit from the legislation passed to help them. These rules are an example of this frustration.

Response: The commission has attempted to develop rules which are flexible enough to tailor conditions of a permit to a specific situation. In addition, the commission tried to balance the needed flexibility with an adequate framework to ensure protection of the health, welfare, and safety of the public and public wildlife which could be potentially affected by persons acting under the authority of an aerial herding permit.

In this case, balancing the needs of permittees with the necessary protections for other affected interests required the rules proposed by the commission.

Comment 14: A landowner with a permit to herd aurally should not have to notify the department each time they use their aircraft to herd or haze animals causing game damage.

Response: The proposed new rules do not require the landowner to notify the department each time the landowner uses aircraft to herd game animals causing game damage.

Comment 15: New Rule IX (12.6.2309) should be changed to state clearly that an aerial herder is only liable for negligent or purposeful injury to wild animals.

Response: The commission agrees and struck "wild animals" from New Rule IX. New Rule VIII (ARM 12.6.2308) sufficiently addresses permittees who purposely, knowingly, or negligently cause death or injury to wild animals.

Comment 16: Only the comments of landowners who are suffering game damage should be considered in this rulemaking process. The commission should not pay any attention to comments coming from individuals who are not landowners or leasees suffering game damage.

Response: The adoption of an ARM rule is a process governed by the Montana Administrative Procedure Act. Title 2, Chapter 4, MCA. This Act requires a rulemaking body to "fully consider written and oral submission respecting the proposed rule." 2-4-305, MCA. If the commission refused to consider all comments regarding the rule, it would be breaking the law.

Comment 17: New Rule V(2)(e) (ARM 12.6.2305) does not need to require such specific information. Depicting on the written concurrence forms the location of the travel route on a topographical map should be sufficient.

Response: The commission agrees and modified the rule to that effect.

/s/ Steve Doherty  
Steve Doherty  
Chairman, Fish, Wildlife and  
Parks Commission

/s/ Rebecca Dockter  
Rebecca Dockter  
Rule Reviewer

Certified to the Secretary of State September 12, 2005

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the adoption ) NOTICE OF ADOPTION  
of New Rules I through VII )  
(ARM 23.10.201 through 23.10.207) )  
pertaining to the regulation of )  
retail establishment selling )  
ephedrine or pseudoephedrine )

TO: All Concerned Persons

1. On July 28, 2005, the Department of Justice published MAR Notice No. 23-10-166 providing notice of public hearing on the proposed adoption of the above-stated rules at page 1343 of the 2005 Montana Administrative Register, Issue No. 14. On August 11, 2005, the department published MAR Notice No. 23-10-168 amending the department's statement of reasonable necessity at page 1488 of the 2005 Montana Administrative Register, Issue No. 15.

2. The department has adopted New Rules I through VII (ARM 23.10.201 through 23.10.207) exactly as proposed.

3. The following written comment was received and appears with the department's responses:

COMMENT: The department received written comment inquiring how the department would determine whether a licensed community pharmacy was within ten miles of any place at which a licensed medical practitioner maintains an office for professional practice.

RESPONSE: The department received a list of all the licensed community pharmacies in Montana from the Board of Pharmacy. Relying on that list, the department has determined that eight counties do not have a licensed community pharmacy: Carter, Golden Valley, Granite, McCone, Petroleum, Prairie, Wheatland, and Wibaux.

MONTANA DEPARTMENT OF JUSTICE

By: /s/ Mike McGrath  
MIKE McGRATH  
Attorney General

/s/ Cort Jensen  
CORT JENSEN  
Rule Reviewer

Certified to the Secretary of State September 12, 2005.

BEFORE THE BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the ) NOTICE OF AMENDMENT  
amendment of ARM 24.183.1001, )  
pertaining to form of corner )  
records )

TO: All Concerned Persons

1. On April 14, 2005, the Board of Professional Engineers and Professional Land Surveyors published MAR Notice No. 24-183-29 regarding the public hearing on the proposed amendment of the above-stated rule relating to form of corner records, at page 530 of the 2005 Montana Administrative Register, issue no. 7.

2. On May 5, 2005, at 10:00 a.m., a public hearing was conducted in Helena, Montana. No members of the public were present at the public hearing. One written comment was received prior to the closing of the comment period.

3. The Board thoroughly considered the comment received. A summary of the comment received and the Board's response are as follows:

Comment 1: Greg LaZerte, a professional land surveyor with the Missoula Department of Public Works, made a comment that in Missoula county a barcode strip is used in lieu of the recording block in the lower left corner of the form and inquired about the possibility of having the surveyor take the liberty of changing the digital form to leave a blank space in the lower left corner and remove the current recording information. Mr. LaZerte stated that it is possible to find some blank space on the form, but it would be convenient to have the recording information in the same place on each form.

Response 1: The Board considered the comment submitted by Greg LaZerte. The Board's response is that all of the information, including the recording block must not be removed from the form, however the Board accepted that a bar code sticker can be added to the form in a fashion that does not obscure any information on the form other than the recording block.

4. The Board has amended ARM 24.183.1001 exactly as proposed.

BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
DENIS APPLEBURY, PRESIDING OFFICER

/s/ KEITH KELLY  
Keith Kelly Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Rule Reviewer

Certified to the Secretary of State September 12, 2005.

BEFORE THE BOARD OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment        )  
of ARM 32.2.403 pertaining to        )     NOTICE OF AMENDMENT  
diagnostic lab fees                    )

To: All Concerned Persons

1. On August 11, 2005 the department of livestock published MAR Notice No. 32-5-172 regarding the proposed amendment of ARM 32.2.403 at page 1493 of the 2005 Montana Administrative Register, Issue Number 15.

2. The department of livestock has amended ARM 32.2.403 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/ Carol Grell Morris  
Carol Grell Morris, Rule Reviewer

Certified to the Secretary of State September 12, 2005.

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

In the matter of the amendment ) NOTICE OF AMENDMENT  
of ARM 37.70.311, 37.70.601, )  
37.70.607 and 37.70.608 )  
pertaining to Low Income )  
Energy Assistance Program )  
(LIEAP) )

TO: All Interested Persons

1. On July 28, 2005, the Department of Public Health and Human Services published MAR Notice No. 37-353 pertaining to the public hearing on the proposed amendment of the above-stated rules relating to Low Income Energy Assistance Program (LIEAP), at page 1366 of the 2005 Montana Administrative Register, issue number 14.

2. The Department has amended ARM 37.70.311, 37.70.601, 37.70.607 and 37.70.608 as proposed.

3. No comments or testimony were received.

4. These rules will be applied retroactively to April 30, 2005.

Dawn Sliva  
Rule Reviewer

Joan Miles  
Director, Public Health and  
Human Services

Certified to the Secretary of State September 12, 2005.

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

In the matter of the adoption ) NOTICE OF ADOPTION AND  
of Rules I through VII and the ) AMENDMENT  
amendment of ARM 37.86.2207, )  
37.86.2224, 37.88.101, )  
37.106.1902, 37.106.1906 and )  
37.106.1919 pertaining to )  
comprehensive school and )  
community treatment program )  
(CSCT) )

TO: All Interested Persons

1. On July 28, 2005, the Department of Public Health and Human Services published MAR Notice No. 37-354 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules relating to the comprehensive school and community treatment program (CSCT) at page 1374 of the 2005 Montana Administrative Register, issue number 14.

2. The Department has adopted new rules I (37.106.1955), V (37.106.1961), VI (37.106.1965), and VII (37.86.2225) as proposed. The Department is not adopting new rule III.

3. The Department has amended ARM 37.86.2207, 37.86.2224, 37.88.101, 37.106.1902, 37.106.1906 and 37.106.1919 as proposed.

4. The Department has adopted the following rules as proposed but with the following changes from the original proposal. Matter to be added is underlined. Matter to be deleted is interlined.

RULE II [37.106.1956] MENTAL HEALTH CENTER: COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT PROGRAM, SERVICES (1) through (2) remain as proposed.

(3) The licensed mental health center CSCT program supervisor and an appropriate school district representative must meet at least quarterly every 90 days during the time period CSCT services are provided to mutually assess program effectiveness utilizing, but not limited to, the following indicators:

(a) through (e) remain as proposed.

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

IMP: Sec. 50-5-103, 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

RULE IV [37.106.1960] MENTAL HEALTH CENTER: COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT PROGRAM, STAFFING AND TRAINING (1) remains as proposed.

(2) Each team must consist of a full-time equivalent

licensed mental health professional, as that term is defined in ARM 37.106.1902, and an aide. An in-training mental health practitioner pursuant to ARM 37.88.901 may be a team member. Full-time equivalent ~~means 2,080 hours per year worked exclusively in the CSCT program~~ is defined in ARM 37.27.102.

(3) through (7)(e) remain as proposed.

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

IMP: Sec. 50-5-103, 53-2-201, 53-6-101, 53-6-111 and 53-6-113, MCA

5. The Department has thoroughly considered all commentary received. The comments received and the Department's response to each follow:

RULE II (37.106.1956)

COMMENT #1: The Commentor supports the rules and has the following comment - Requiring mental health center supervisors to meet with school administrators to review client progress will strengthen the collaboration between the school and the mental health center. However, most programs review treatment plans every 90 days. Meeting with school administrators three times a year rather than quarterly would better fit with mental health center and school schedules. Recommended alternative language: "The mental health center CSCT program supervisor and an appropriate school district representative must meet at least every 90 days during the school year to assess program effectiveness utilizing, but not limited to, the following indicators:"

RESPONSE: The Department agrees that not all CSCT programs continue during the summer months and has changed the requirement to a meeting at least every 90 days during the time period CSCT services are provided.

RULE IV (37.106.1960)

COMMENT #2: The Commentor supports the rule and has the following comment - The rule change requires CSCT team members to meet the full-time equivalent of 2080 hours per year worked exclusively in the CSCT program (eight hours a day times 260 days). The rule also allows for part-time employees to provide services during school vacations. However, the school year is 187 days and many CSCT programs do not run full-time through the summer. Requiring full-time employees for the 187 day school year and allowing part-time employees during school vacations better matches the needs of the CSCT clients. Recommended alternative language: Full-time equivalent means 1496 hours a 187 day school year worked exclusively in the CSCT program.

RESPONSE: Rule IV (37.106.1960) does not require a CSCT program to operate year round. The intent of the rule is to require one full-time equivalent licensed professional on every two person

CSCT team. For example, a provider cannot hire one licensed professional and three aides and then bill for three teams. The Department agrees that not all CSCT programs run through the summer months, however, and has modified the rule to cross reference the definition of "full-time equivalent" used in the chemical dependency treatment rules.

COMMENT #3: The Commentor supports the rules and has the following comment regarding Rule IV(2) (ARM 37.106.1960), the requirement for 2080 full-time equivalent hours. This is a difficult part of the rule because summer programming in CSCT is flexible and determined by the school as a partner with the mental health center. The rule has a conflict within it that may be intended to allow adaptation of staffing requirements to meet summer needs. We suggest that the 2080 hour standard be adjusted to reflect full-time equivalents as being 40 hour per week employees.

RESPONSE: The Department has made the change. See response to Comment #2.

COMMENT #4: The Commentor supports the rules and has the following comment - Staffing requirements of 2080 hours are difficult to obtain due to summer programming. It varies from school to school whether it will have a program and whether the school wants to make the funding match. The Commentor suggests that the requirement be altered to reflect nearer to the school calendar of 180 to 187 days of employment and then go from there.

RESPONSE: See response to Comment #2.

RULE III (Not Adopted)

COMMENT #5: The Commentor supports the rules, but wants to know where the OPI aversive treatment rules can be found.

RESPONSE: The aversive treatment limitations are found at ARM 10.16.3346. Based on the comments received in opposition to proposed Rule III, the Department is withdrawing that rule. It is expected that CSCT providers contracting with schools will comply with all appropriate OPI rules relevant to the delivery of CSCT services in the school. The main objective is to ensure the safety of the child receiving CSCT services, other youth and the maintenance of the therapeutic environment within the school.

COMMENT #6: A Commentor opposed Rule III, stating:

[It] is a dangerously broad and permissive restraint seclusion rule that fails to guarantee an appropriate level of protection to the children who will be receiving services in Comprehensive School and Community Treatment (CSCT) programs.

The children served by these programs are some of the most vulnerable in the school system. The rule regarding use of the most extreme interventions available when these children are in crisis must be written with great care, and incorporate the current standard of care for restraining and seclusion use.

The Department's rule cross references to the Office of Public Instruction's rule on aversive treatment procedures. The Commentor states that "the OPI rule fails to adequately protect children." The Commentor also attached photocopies of a number of articles regarding seclusion and restraint.

RESPONSE: Based on the comments received in opposition to proposed Rule III, the Department is withdrawing that rule. It is expected that CSCT providers contracting with schools will comply with all appropriate OPI rules relevant to the delivery of CSCT services in the school. The main objective is to ensure the safety of the child receiving CSCT services, other youth and the maintenance of the therapeutic environment within the school.

COMMENT #7: The Commentor supports the rules and has the following comment. At the middle school and high school level time-out is not used. The Commentor just uses it in the elementary school level. The Commentor would like some clarification on time-out. Does it have to be laid out in advance in the treatment plan if time-out will be used and if it will be used on a consistent basis or occasional?

RESPONSE: Time-out is not an aversive treatment. See ARM 10.16.3346. Based on the comments received in opposition to proposed Rule III, the Department is withdrawing that rule. It is expected that CSCT providers contracting with schools will comply with all appropriate OPI rules relevant to the delivery of CSCT services in the school. The main objective is to ensure the safety of the child receiving CSCT services, other youth and the maintenance of the therapeutic environment within the school.

RULE V (37.106.1961)

COMMENT #8: The Commentor supports the rules and has the following comment on Rule V(1)(c) (ARM 37.106.1961), individual outcomes compared to baseline measures and established benchmarks. There are specific standardized measures available. How specific and detailed is this requirement? The Commentor is not sure if the Department is looking for a specific instrument to be used or if standard treatment plans, etc. suffice. Is the Department leaving it up to the CSCT provider to determine?

RESPONSE: A CSCT provider can utilize existing instruments to measure impact of services. However, the benchmarks and

measures should include individualized measurable treatment plan goals and objectives set forth in the treatment plan for the youth to measure impact of the CSCT service. The measure must be sufficiently clear and understandable so that all parties including treatment team members, parents, case manager, and, to the extent possible, the youth can determine progress, lack of progress, and when treatment is no longer necessary. Clear and understandable means a reasonable person is able to know what is to be delivered, why, for what purpose, and how the parties will know when it has been achieved.

COMMENT #9: The Commentor supports the rules and has the following comment - Bundling the units is a good idea and it will be an effective way to implement the program.

RESPONSE: The Department appreciates the comment, but wants to clarify that units are not bundled. The billing unit has been changed to one unit equal to 15 minutes of time with a two person CSCT team that must be composed of one licensed professional and one aide. The limit has been changed from 80 units per client per month to 720 units per CSCT team per month.

COMMENT #10: The Commentor supports the rules and has the following comment - the Commentor thanks the Department for changing the hours available for treatment. The change will allow them to provide more effective treatment as needed.

RESPONSE: The Department appreciates the comment and hopes that this change will allow greater flexibility in providing services.

RULE VII (37.106.2225)

COMMENT #11: The Commentor does not understand the language of "if a child or adolescent receives CSCT services during time periods when school is not in regular session, then part-time staff may be used but the billing units must be reduced proportionately."

RESPONSE: The Department included this language to provide a statement that a half-time summer program may only bill for actual units up to 360 (half of 720). The billable units are proportionate to the staffing FTE for the summer program. The implementation of this rule will have to be monitored to determine if it is feasible.

COMMENT #12: The Commentor supports the rules and has the following comment. The Department used the word aide instead of specialist throughout the rules. The CSCT programs usually use behavioral specialists, which require a four year degree or its equivalent. Does this mean that now therapeutic aides can be used instead of behavioral specialists? Therapeutic aides have a different level of education.

RESPONSE: The Department does not specify the qualifications of the nonlicensed staff. The Department requires one licensed mental health professional on each team. The licensed health professional is defined at ARM 37.106.1902. The Commentor is correct that the Department did not establish minimum requirements for the nonlicensed staff. CSCT programs are encouraged, but not required, to employ individuals with higher qualifications than the minimum established for nonlicensed staff. The providers are required to ensure the nonlicensed staff have the appropriate training to deliver CSCT services.

COMMENT #13: The Commentor wants to know who is responsible for obtaining prior authorization when needed. Is it the CSCT provider's responsibility or the outpatient therapist's responsibility?

RESPONSE: It is the outpatient therapist's responsibility to obtain prior authorization. See response to Comment #14.

ARM 37.86.2224

COMMENT #14: The Commentor supports the rules. New language in ARM 37.86.2224(3) states that prior authorization is required. This should be identified somewhere for outpatient practitioners as well. Who do they seek prior authorization from for outpatient services and how do they have the services prior authorized? What would be required with that request for authorization?

RESPONSE: The prior authorization requirement is in the mental health services rules at ARM 37.88.101(1)(c). Mental health providers who intend to provide mental health services concurrently with CSCT services must obtain prior authorization through First Health Services of Montana. The mental health provider must provide the information set forth in the First Health provider manual. The information to be provided includes: name, Medicaid provider number, the client's name and Medicaid number, diagnoses, procedures including the amount and frequency, information that indicates why the procedure/service is medically necessary, reason why the service is required in addition to the CSCT service the client is also receiving, how the provider will ensure services are coordinated with CSCT services, and the treatment plan for the youth.

6. The rule amendments are effective as follows. Rules II (ARM 37.106.1956) and IV through VII (ARM 37.106.1960, 37.106.1961, 37.106.1965 and 37.86.2225), and the amendments to ARM 37.86.2224, 37.88.101, 37.106.1902, 37.106.1906 and 37.106.1919 will be applied retroactively to September 1, 2005. The endorsement requirement, Rule I (37.106.1955) will be effective on December 1, 2005. ARM 37.86.2207 will be applied retroactively to September 1, 2005; however, section (3) of the rule will be applied retroactively to July 15, 2005.

Eleanor Parker for  
Rule Reviewer

Joan Miles  
Director, Public Health and  
Human Services

Certified to the Secretary of State September 12, 2005.

**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.

**Economic Affairs Interim Committee:**

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

and

- ▶ Office of Economic Development.

**Education and Local Government 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 and Justice Interim Committee:**

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

**Energy and Telecommunications Interim Committee:**

- ▶ Department of Public Service Regulation.

**Revenue and Transportation Interim Committee:**

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

**State Administration, 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<br>Subject                    | 1. Consult ARM topical index.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute<br>Number and<br>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 that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2005. This table includes those rules adopted during the period July 1, 2005 through September 30, 2005 and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2005, 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 2004 and 2005 Montana Administrative Registers.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

ADMINISTRATION, Department of, Title 2

- I-X Definitions - Licensing and Application Requirements - Ownership Change - Examination of Title Lenders - Duration of Loans - Extensions - Reports - Schedule of Charges - Employees' Character and Fitness - Procedural Rules for Hearing and Discovery Proposed for Adoption under the Montana Title Loan Act, p. 1125, 1334
- I-X State of Montana Voluntary Employees' Beneficiary Association (VEBA), p. 2779, 643, 911
- 2.5.201 and other rules - State Procurement of Supplies and Services - Disposition and Disposal of Surplus Property, p. 1316
- 2.21.410 and other rules - Military Leave, p. 767, 1506
- 2.21.501 and other rules - Jury Duty - Witness Leave, p. 1633
- 2.21.701 and other rules - Leave of Absence without Pay, p. 141, 372
- 2.21.1001 and other rules - Parental Leave, p. 286, 571
- 2.59.1701 and other rule - Definitions - License Renewal of Mortgage Brokers and Loan Originators, p. 2959, 320
  
- (Public Employees' Retirement Board)
- I-III Implementation of Detention Officer Transfer to Sheriffs' Retirement System, p. 1329
- I-III Implementation of Detention Officer Transfer to Sheriffs' Retirement System, p. 725, 1021

- I-VII            When Salary Deferrals Under a Cafeteria Plan Should  
                 be Treated as Compensation, p. 1626
- 2.43.441        and other rule - Transfer of Funds for Certain  
                 Service Purchases, p. 400, 913
- 2.43.1002       Investment Policy Statement for the Defined  
                 Contribution Retirement Plan, p. 1461
- 2.43.1801       and other rule - Plan Document and Investment Policy  
                 Statement for the 457 Deferred Compensation Plan,  
                 p. 1458

AGRICULTURE, Department of, Title 4

- I-III            Cherry Research and Marketing Development Program,  
                 p. 771, 1279
  - 4.13.1001A      and other rule - State Grain Lab Fee Schedule,  
                 p. 775, 1280
- (Montana Agriculture Development Council)
- 4.16.303        and other rules - Agricultural Marketing Development  
                 Program, p. 1532

STATE AUDITOR, Title 6

- I-XII           Insurance Standards for Safeguarding Personal  
                 Information, p. 2435, 426
- I-XV            Small Business Health Insurance Purchasing Pool -  
                 Premium Assistance and Premium Incentive Payments -  
                 Tax Credits, p. 1464
- 6.6.504        and other rules - Medicare Supplements, p. 1131,  
                 1537, 1672
- 6.6.6811        and other rules - Captive Insurance Companies,  
                 p. 861
- 6.6.8501        and other rules - Viatical Settlement Agreements,  
                 p. 1636

COMMERCE, Department of, Title 8

- I                Submission and Review of Applications to the  
                 Treasure State Endowment Program (TSEP), p. 1539
  - I                Administration of the 2005-2006 Federal Community  
                 Development Block Grant (CDBG) Program, p. 1, 572
  - 8.119.101       Tourism Advisory Council, p. 404, 813
- (Grant Review Committee)
- 14.4.101        and other rules - Award of Training Grants by the  
                 Grant Review Committee, p. 1471

EDUCATION, Title 10

- (Superintendent of Public Instruction)
- 10.16.3010      Special Education, p. 1641

(Board of Public Education)

- 10.55.909 and other rule - Student Discipline Records - Student Records, p. 194, 575, 1390
- 10.57.102 and other rules - Educator Licensure, p. 407, 916
- 10.58.103 Review of Professional Educator Preparation Program, p. 289, 576

FISH, WILDLIFE, AND PARKS, Department of, Title 12

(Fish, Wildlife, and Parks Commission)

- I No Wake Zone on Georgetown Lake, p. 1644
- I Notice of Adoption of a Temporary Emergency Rule - Closing the Clark Fork River from the Petty Creek Fishing Access Site to the Tarkio Fishing Access Site, p. 1586
- I-VII Exotic Wildlife, p. 358, 814
- I-X Aerial Herding Permits, p. 991
- I-XVI Blackfoot River Special Recreation Permit Program, p. 4, 430
- 12.9.211 Abandonment of Teton-Spring Creek Bird Preserve, p. 1646
- 12.11.202 and other rules - Beaverhead and Big Hole Rivers, p. 144, 737, 917, 1391, 1507
- 12.11.3985 No Wake Zone on Seeley Lake, p. 2874, 373

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.53.102 and other rules - Hazardous Waste - Authorization of the Hazardous Waste Program, p. 14, 442
- 17.56.101 and other rules - Underground Storage Tanks - Installation of Underground Storage Tanks, p. 2877, 443

(Board of Environmental Review)

- 17.8.102 and other rules - Air Quality - Incorporation by Reference of Current Federal Regulations and Other Materials into Air Quality Rules, p. 291, 959
- 17.8.335 Air Quality - Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants, p. 2456, 321
- 17.8.504 and other rules - Air Quality Permit Application, Operation and Open Burning Fees, p. 997
- 17.8.743 Air Quality - Montana Air Quality Permits - When Required - Oil and Gas Well Facilities, p. 1479
- 17.8.759 Air Quality - Review of Permit Applications, p. 1476
- 17.24.116 Application Requirements for Operating Permit, p. 1649
- 17.30.1303 and other rules - Water Quality - Concentrated Animal Feeding Operations (CAFOs) - Adoption of Department Circular DEQ 9 (Montana Technical Standards for CAFOs), p. 2962, 864
- 17.38.106 Public Water Supply - Fees for Review of Public Water and Sewage System Plans and Specifications, p. 2983, 577

TRANSPORTATION, Department of, Title 18

18.8.1101 Movement of Houses, Buildings, Extremely Heavy Machinery, and Other Large and Unusual Objects, p. 1002, 1589

CORRECTIONS, Department of, Title 20

I-VII Establishment of a Residential Methamphetamine Treatment Center, p. 1337  
20.27.101 and other rule - Siting and Construction Standards, p. 778, 1393

JUSTICE, Department of, Title 23

I Creating a Separate Endorsement and Qualification for Commercial Drivers Who Operate School Buses, p. 780, 1394  
I-V Credit Counseling Services, p. 1485  
I-V Operation of the Criminal Intelligence Information Section - Access of Participating Law Enforcement Agencies to Information Maintained by the Criminal Intelligence Information Section, p. 304, 740  
I-VI Operation of the Identity Theft Passport Program, p. 1541  
I-VI Administration of the Forensic Rape Examination Payment Program, p. 1545  
I-VII Regulation of Retail Establishment Selling Ephedrine or Pseudoephedrine, p. 1343, 1488  
23.16.209 and other rules - Bonus Games - Definitions - Display of Antique Slot Machines - Elimination of the Video Gambling Machine Permit Fee Surcharge - General Specifications and Software Specifications for Video Gambling Machines - Addition of Testing to Purposes for Which Illegal Video Gambling Devices May Be Imported or Exported by a Video Gambling Machine Manufacturer - Allowable Winning Patterns for Bingo - Permit Surcharge Which was Eliminated, p. 784, 1281, 1509  
23.16.1823 Permit Fee Restrictions, p. 602, 964

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order following the department rules.

8.15.101 and other rules - Transfer from the Department of Commerce - Construction Blasters - Hoisting and Crane Operators - Boiler Engineers, p. 581  
8.15.302 and other rules - Boilers - Terminology - Licensure - Examinations - Responsibility of Licensees - Training, p. 2492, 583  
8.77.101 and other rules - Weights and Measures, p. 2997, 445

- 24.17.127 Prevailing Wage Rates for Public Works Projects - Building Construction Services - Heavy and Highway Construction Services, p. 1347
- 24.29.1409 Travel Expense Reimbursement for Workers' Compensation Medical Services, p. 1350
- 24.29.1409 Travel Expense Reimbursement for Workers' Compensation Medical Services, p. 520, 1395
- 24.29.4301 and other rules - Workers' Compensation Reporting Database, p. 1570
- 24.30.102 Occupational Safety Matters in Public Sector Employment, p. 1355
- 24.35.111 and other rules - Independent Contractor Exemption Certificates, p. 874, 1511
- 24.35.121 and other rule - Fee for Independent Contractor Exemption Certificates - Fee for Construction Contractor Registration, p. 525

(Board of Alternative Health Care)

- 24.111.301 and other rules - Definitions - Naturopathic Physician Natural Substance Formulary List - Direct-entry Midwife Apprenticeship Requirements - Required Reports, p. 2786, 745

(Board of Architects)

- 24.114.403 and other rule - Business Entity Practice - Fee Abatement, p. 889

(Board of Dentistry)

- 24.138.301 and other rules - Definitions - Initial Licensure of Dentists by Examination - Initial Licensure of Dental Hygienists by Examination - Dentist Licensure by Credentials - Dental Hygienist Licensure by Credentials - Denturist Examination - Denturist Application Requirements - Definition of Continuing Education - Requirements and Restrictions - Requirements for Continuing Education in Anesthesia, p. 796, 1396

(State Electrical Board)

- 24.141.401 and other rules - Board Meetings - Apprentice Registration - Fee Schedule - Temporary Practice Permits - Examinations, p. 1219
- 24.141.403 Licensee Responsibilities, p. 317, 1397
- 24.141.405 and other rule - Fee Schedule - Master Electrician Qualifications, p. 2349, 325

(Board of Funeral Service)

- 24.147.1101 and other rule - Crematory Facility Regulation - Designation as Crematory Operator or Technician, p. 197, 650

(Board of Landscape Architects)

- 24.153.403 Fee Schedule, p. 365, 750

(Board of Nursing)

- 8.32.305 and other rules - Educational Requirements and Other Qualifications Applicable to Advanced Practice Registered Nursing - Clinical Nurse Specialist Practice - Application for Initial Approval - Special Reports - Initial Application Requirements for Prescriptive Authority - Special Limitations Related to the Prescribing of Controlled Substances, p. 311, 742
- 8.32.402 and other rules - Licensure by Examination - Reexamination-Registered Nurse - Reexamination-Practical Nurse - Conduct of Nurses, p. 516, 1686
- 8.32.403 and other rules - Reexamination - Registered Nurse - Reexamination - Practical Nurse - Licensure by Endorsement - Temporary Practice Permit - Abatement of Fees - Foreign Educated Applicants - Licensure for Foreign Nurses, p. 866, 1687
- 8.32.427 General Requirements for Medication Aide Training Programs and Instructors, p. 1652
- 8.32.1701 and other rules - Delegation, p. 30, 1022, 1291

(Board of Nursing Home Administrators)

- 8.34.101 and other rules - Transfer from the Department of Commerce, p. 375
- 8.34.415 and other rule - Renewals - Continuing Education, p. 2138, 377
- 24.162.420 Fee Schedule, p. 1490

(Board of Occupational Therapy Practice)

- 24.165.301 and other rules - Modalities - Medications - Definitions - Approval to Use Modalities - Permission to Use Electrical or Sound Physical Agents, p. 2505, 447

(Board of Optometry)

- 24.168.401 Fees, p. 200, 651

(Board of Outfitters)

- 8.39.501 and other rules - Outfitter Licensing and Operations, p. 1549

(Board of Physical Therapy Examiners)

- 8.42.101 and other rules - Transfer from the Department of Commerce, p. 380

(Board of Plumbers)

- 24.180.607 and other rule - Temporary Practice Permits - Continuing Education Requirements, p. 893

(Board of Private Security Patrol Officers and Investigators)

- 8.50.423 and other rules - Private Security Patrol Officers and Investigators - Fee Schedule - Firearms Training Course Curriculum and Standards, p. 605

(Board of Professional Engineers and Professional Land Surveyors)

8.94.3001 and other rules - Transfer from the Department of Commerce - Uniform Standards for Monumentation, Certificates of Survey and Final Subdivision Plats, p. 966

24.183.1001 Form of Corner Records, p. 530

(Board of Psychologists)

24.189.601 and other rule - Application Procedures - Licensees from Other States or Canadian Jurisdictions, p. 729, 1294

(Board of Radiologic Technologists)

8.56.602C and other rules - Permit Examinations - Radiologist Assistants - Scope of Practice - Supervision - Code of Ethics, p. 2682, 649

24.204.401 and other rules - Fee Schedule - Permit Fees - Abatement of Renewal Fees - Radiologic Technologists Applications - Replacement Licenses and Permits - Permits-Practice Limitations - Permit Examinations - Radiologist Assistants - Scope of Practice - Supervision - Adoption of a Code of Ethics, p. 1226

(Board of Real Estate Appraisers)

24.207.402 Adoption of USPAP by Reference, p. 42, 652

24.207.502 Application Requirements, p. 369

24.207.517 and other rule - Trainee and Mentor Requirements, p. 622, 1400

(Board of Respiratory Care Practitioners)

24.213.301 and other rules - Definitions - Application for Licensure - Temporary Permit - Examination - Institutional Guidelines Concerning Education and Certification and Authorization to Perform Pulmonary Function Testing and Spirometry, p. 2352, 453

(Board of Sanitarians)

24.216.402 and other rule - Fee Schedule - Minimum Standards for Licensure, p. 2994, 382

(Board of Social Work Examiners and Professional Counselors)

24.219.301 Defining Pastoral Counseling, p. 535

(Board of Veterinary Medicine)

8.64.101 and other rules - Transfer from the Department of Commerce, p. 323

LIEUTENANT GOVERNOR, Office of the, Title 30

30.2.201 and other rules - Centennial Grants - Centennial Sanctioning, p. 1358

LIVESTOCK, Department of, Title 32

32.2.403 Diagnostic Lab Fees, p. 1493  
32.18.202 and other rule - Sheep Permits, p. 1007, 1517

(Board of Horse Racing)

32.28.501 and other rules - Horse Racing, p. 45, 383

MILITARY AFFAIRS, Department of, Title 34

I-VI Reimbursement for Life Insurance Premiums Paid by  
Montana Reserve Component Service Members Serving  
Outside Montana in a Contingency Operation, p. 1362,  
1691

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36.23.102 and other rule - Tax Increment Revenue Bonds under  
the Water Pollution Control State Revolving Fund  
Act, p. 210, 457

36.24.102 and other rule - Tax Increment Revenue Bonds under  
the Drinking Water State Revolving Fund Act, p. 203,  
458

(State Board of Land Commissioners and the Department of Natural  
Resources and Conservation)

36.25.210 Increase Royalty Rates for Oil and Gas Leases on  
State School Trust Lands from Current Rates to  
16.67%, p. 1654

(Board of Oil and Gas Conservation)

36.22.1242 Privilege and License Tax Rates for Oil and Gas,  
p. 538, 1045

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

I-IV Montana Clean Indoor Air Act, p. 1665  
37.30.102 and other rules - Vocational Rehabilitation Program,  
p. 1577

37.40.302 and other rules - Nursing Facility Reimbursement,  
p. 630, 1046

37.40.311 Medicaid Payments to Nursing Facilities, p. 411,  
969, 1401

37.70.305 and other rules - Low Income Energy Assistance  
Program (LIEAP), p. 1657

37.70.311 and other rules - Low Income Energy Assistance  
Program (LIEAP), p. 1366

37.78.102 and other rule - Temporary Assistance for Needy  
Families (TANF) - Medical Assistance - Purpose and  
Incorporation of Policy Manuals, p. 898, 1591

37.80.101 and other rules - Child Care Subsidy - Legally  
Unregistered Provider - Child Care Provider Merit  
Pay - Star Quality Tiered Reimbursement Programs,  
p. 217, 1057

- 37.85.212 Resource Based Relative Value Scale (RBRVS), p. 625, 974
- 37.85.414 and other rules - Medicaid Provider Requirements, p. 2690, 459
- 37.86.805 and other rules - Medicaid Reimbursement Rates for Ambulance Services, Hearing Aids and Durable Medical Equipment, p. 53, 385
- 37.86.1004 and other rule - Medicaid Dental Reimbursement and Coverage, p. 733, 1073
- 37.86.2207 and other rules - Comprehensive School and Community Treatment Program (CSCT), p. 1374
- 37.86.3607 and other rules - Case Management Services for Persons with Developmental Disabilities, Reimbursement, p. 1010
- 37.86.4401 and other rules - Reimbursement of Rural Health Clinics and Federally Qualified Health Centers, p. 60, 975, 1402
- 37.104.101 and other rules - Emergency Medical Services, p. 1238
- 37.106.704 Minimum Standards for a Critical Access Hospital, p. 804, 1295
- 37.108.219 and other rule - Managed Care Quality Assurance, p. 807, 1296
- 37.114.701 and other rules - School Immunization Requirements, p. 541, 1074

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Utility Implementation of Rate Changes and Billing Practices, p. 421
- I Eligible Telecommunications Carriers and Lifeline/Link-Up, p. 423, 820
- I-VII Energy Utility Service Standards, p. 416, 1404
- I-XIX Eligible Telecommunications Carriers, p. 2697, 653
- 38.5.2202 and other rule - Pipeline Safety, p. 2795, 386
- 38.5.3301 and other rules - Telecommunications Service Standards, p. 2518, 568

REVENUE, Department of, Title 42

- 42.15.112 and other rules - Personal Income Taxes, p. 2213, 3147, 1592
- 42.18.118 and other rules - Industrial Property, p. 2798, 667
- 42.20.106 and other rules - Property Taxes, p. 1016, 1594

SECRETARY OF STATE, Title 44

(Commissioner of Political Practices)

- I Lobbying and Regulation of Lobbying - Payment Threshold, p. 158, 387
- 44.10.331 Limitations on Receipts from Political Committees to Legislative Candidates, p. 1583

## BOARD APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the *Montana Administrative Register* a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments effective in August 2005 appear. Vacancies scheduled to appear from October 1, 2005, through December 31, 2005, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of September 1, 2005.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Agriculture Development Council</b> (Agriculture)			
Mr. Verges Ageson Guildford	Governor	Bricker	8/15/2005 7/1/2008
Qualifications (if required): actively engaged in agriculture			
Ms. Patricia Quisno Harlem	Governor	Cottom	8/15/2005 7/1/2008
Qualifications (if required): actively engaged in agriculture			
Mr. David Tyler Belgrade	Governor	Hanson	8/15/2005 7/1/2008
Qualifications (if required): actively engaged in agriculture			
<b>Board of Banking</b> (Administration)			
Ms. Carolyn Colman West Yellowstone	Governor	Agather	8/3/2005 7/1/2008
Qualifications (if required): public representative			
Mr. John King Kalispell	Governor	Edwards	8/3/2005 7/1/2008
Qualifications (if required): state bank officer of a small size bank			
Mr. Jon Redlin Lambert	Governor	Gersack	8/3/2005 7/1/2006
Qualifications (if required): state bank officer of a large size bank			
<b>Board of Nursing</b> (Labor and Industry)			
Ms. Sharon L. Dschaak Wolf Point	Governor	Threet	8/19/2005 7/1/2007
Qualifications (if required): licensed practical nurse			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Nursing</b> (Labor and Industry) cont.			
Ms. Connie Reichelt	Governor	Powell	8/19/2005
Big Sandy			7/1/2009
Qualifications (if required): advanced practice registered nurse			
<b>Governor's Disabilities Advisory Council</b> (Governor's Office)			
Ms. Kathie Bach	Governor	not listed	8/8/2005
Glendive			3/30/2007
Qualifications (if required): representative of the disabled community and disabled services providers			
Mr. Belden Billy	Governor	not listed	8/8/2005
Box Elder			3/30/2007
Qualifications (if required): representative of the disabled community			
Ms. Connie Bremner	Governor	not listed	8/8/2005
Browning			3/30/2007
Qualifications (if required): representative of senior programs			
Ms. Julia Hammerquist	Governor	not listed	8/8/2005
Kalispell			3/30/2007
Qualifications (if required): representative of the disabled community			
Mr. Dustin Hankinson	Governor	not listed	8/8/2005
Missoula			3/30/2007
Qualifications (if required): representative of the disabled community			
Ms. Bryher Herak	Governor	not listed	8/8/2005
Basin			3/30/2007
Qualifications (if required): caregiver/family member			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Governor's Disabilities Advisory Council</b> (Governor's Office) cont.			
Mr. Mike Mayer Missoula	Governor	not listed	8/8/2005 3/30/2007
Qualifications (if required): representative of the disabled community and disabled services providers			
Ms. Susie McIntyre Great Falls	Governor	not listed	8/8/2005 3/30/2007
Qualifications (if required): representative of the disabled community and disabled services providers			
Mr. William Neisess Helena	Governor	not listed	8/8/2005 3/30/2007
Qualifications (if required): representative of the disabled community			
Mr. Brian Roat Red Lodge	Governor	not listed	8/8/2005 3/30/2007
Qualifications (if required): representative of disabled services providers			
Ms. Patti Scruggs Whitefish	Governor	not listed	8/8/2005 3/30/2007
Qualifications (if required): representative of special education			
<b>Historic and Cultural Advisory Council</b> (Governor's Office)			
Lt. Gov. John Bohlinger Billings	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required): public member			
Sen. Lynda Bourque Moss Billings	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required): public member			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Historic and Cultural Advisory Council</b> (Governor's Office) cont.			
Mr. Randy Hafer Billings	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required):	public member		
Commissioner Chris King Winnett	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required):	public member		
Mr. Bob McCarthy Butte	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required):	public member		
Ms. Wendy Raney Wolf Creek	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required):	public member		
Ms. Marilyn Ross Twin Bridges	Governor	not listed	8/19/2005 1/15/2007
Qualifications (if required):	public member		
<b>Land Information Advisory Council</b> (Administration)			
Mr. Mike Birtles Billings	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required):	US Interior Department representative		
Director Dan R. Bucks Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required):	department representative		
Mr. Lance Clampitt Manhattan	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required):	US Interior Department representative		

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Land Information Advisory Council (Administration) cont.</b>			
Mr. Dave Davis Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): GIS professional			
Director Jeff Hagener Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): department representative			
Ms. Lisa Kimmet Terry	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): local government representative			
Mr. Rick Lawrence Bozeman	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): university representative			
Mr. Ed Madej Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): private sector representative			
Ms. Catherine Maynard Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): US Interior Department representative			
Director Richard Oppen Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): department representative			
Mr. Don Patterson Missoula	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): US Agriculture Department representative			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Land Information Advisory Council</b> (Administration) cont.			
Mr. Art Pembroke Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): local government representative			
Mr. Lorin Peterson Pablo	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): tribal government representative			
Rep. Jon Sesso Butte	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): local government representative			
Director Mary Sexton Helena	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): department representative			
Mr. Steve Shannon Butte	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): private sector representative			
Mr. Michael Sweet Missoula	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): GIS professional			
Mr. Ken Wall Missoula	Governor	not listed	8/19/2005 6/30/2007
Qualifications (if required): GIS professional			
<b>Montana Wheat and Barley Committee</b> (Agriculture)			
Ms. DeAnna Burgmaier Power	Governor	Kidd	8/31/2005 8/20/2008
Qualifications (if required): producer residing in District 4			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Montana Wheat and Barley Committee</b> (Agriculture) cont.			
Mr. Robert Candee	Governor	Schock	8/31/2005
Richey			8/20/2008
Qualifications (if required): producer residing in District 7			
<b>Motorcycle Safety Advisory Commission</b> (Commissioner of Higher Education)			
Mr. Steve Hofland	Governor	Hand	8/4/2005
Helena			7/1/2009
Qualifications (if required): cycle group member			
<b>Private Alternative Adolescent Residential or Outdoor Programs Board</b> (Labor and Industry)			
Ms. Mary Alexine	Governor	not listed	8/15/2005
Eureka			4/19/2008
Qualifications (if required): representative of residential adolescent treatment programs (medium size)			
Commissioner Carol Brooker	Governor	not listed	8/15/2005
Plains			4/19/2008
Qualifications (if required): public member			
Rep. Paul Clark	Governor	not listed	8/15/2005
Trout Creek			4/19/2008
Qualifications (if required): representative of outdoor adolescent treatment programs (small size)			
Mrs. Michele Manning	Governor	not listed	8/15/2005
Thompson Falls			4/19/2008
Qualifications (if required): representative of residential adolescent treatment programs (large size)			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Private Alternative Adolescent Residential or Outdoor Programs Board</b> (Labor and Industry)			
cont.			
Dr. Maureen Neihart Laurel	Governor	not listed	8/15/2005 4/19/2008
Qualifications (if required): public member			
<b>Public Employees' Retirement Board</b> (Administration)			
Mr. Terrence Smith Bozeman	Governor	Pierce	8/17/2005 4/1/2009
Qualifications (if required): public employee/defined contribution plan member			
<b>State Emergency Response Commission</b> (Military Affairs)			
Mr. Jim Detienne Helena	Governor	Leieghton-Boster	8/2/2005 10/1/2007
Qualifications (if required): Department of Public Health and Human Services representative			
Mr. Mark Earnhardt Helena	Governor	Skaar	8/2/2005 10/1/2007
Qualifications (if required): Department of Fish, Wildlife, and Parks representative			
Major Don Emerson Helena	Governor	Tobel	8/2/2005 10/1/2007
Qualifications (if required): Montana National Guard representative			
Mr. Ted Mead Missoula	Governor	Murphy	8/2/2005 10/1/2007
Qualifications (if required): Department of Natural Resources and Conservation representative			
Mr. Doug Moore Billings	Governor	Roth	8/2/2005 10/1/2007
Qualifications (if required): public health representative			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Emergency Response Commission</b> (Military Affairs) cont.			
Ms. Sheena Wilson Helena	Governor	Beck	8/2/2005 10/1/2007
Qualifications (if required): Governor's office representative			
<b>State-Tribal Economic Development Commission</b> (Governor's Office)			
Mr. L. Jace Killsback Lame Deer	Governor	Woodenlegs	8/31/2005 6/30/2008
Qualifications (if required): representative of the Northern Cheyenne Tribe			
Rep. Jonathan Windy Boy Box Elder	Governor	not listed	8/31/2005 6/30/2008
Qualifications (if required): representative of the Chippewa Cree Tribe			
<b>Teachers' Retirement Board</b> (Administration)			
Mr. James Turcotte Helena	Governor	not listed	8/17/2005 7/1/2010
Qualifications (if required): public representative			
<b>Tourism Advisory Council</b> (Commerce)			
Ms. Dyani Bingham Billings	Governor	Champney	8/30/2005 7/1/2006
Qualifications (if required): public member from Custer Country			
Ms. Virginia Court Billings	Governor	Robson	8/30/2005 7/1/2007
Qualifications (if required): public member from Custer Country			
Mr. Ed DesRosier East Glacier Park	Governor	Reese	8/30/2005 7/1/2008
Qualifications (if required): public member from Glacier Country			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Tourism Advisory Council</b> (Commerce) cont.			
Ms. Rhonda Fitzgerald Whitefish	Governor	Averill	8/30/2005 7/1/2007
Qualifications (if required): public member from Glacier Country			
Ms. Ramona Holt Lolo	Governor	not listed	8/30/2005 7/1/2008
Qualifications (if required): public member from Glacier Country			
Mr. Stan Ozark Glasgow	Governor	Rau	8/30/2005 7/1/2007
Qualifications (if required): public member from Missouri River Country			
Commissioner Dolores Plumage Chinook	Governor	Valacich	8/30/2005 7/1/2008
Qualifications (if required): public member from Russell Country			
Mr. Michael Scholz Big Sky	Governor	not listed	8/30/2005 7/1/2008
Qualifications (if required): public member from Yellowstone Country			
Mr. Steve Shuel Bozeman	Governor	Asche	8/30/2005 7/1/2008
Qualifications (if required): public member from Yellowstone Country			
Mr. Jonathan Stoltz Pendroy	Governor	Willett	8/30/2005 7/1/2008
Qualifications (if required): public member from Russell Country			
Mr. Dan Vermillion Livingston	Governor	not listed	8/30/2005 7/1/2008
Qualifications (if required): public member from Yellowstone Country			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Water and Waste Water Operators' Advisory Council</b> (Environmental Quality)			
Mr. Grant Burroughs Bozeman	Governor	Thomas	8/2/2005 10/16/2008
Qualifications (if required): wastewater plant operator with highest class certificate			
<b>Workforce Investment Board</b> (Department of Labor and Industry)			
Ms. Shirley Ball Nashua	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Mr. John Beaudry Billings	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Martina Copps Broadus	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Mr. Dave Crum Great Falls	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Mr. Thomas Curry Billings	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): labor representative			
Mr. Michael DesRosier Browning	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): county commissioner			
Mr. Michael Grove White Sulphur Springs	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Workforce Investment Board</b> (Department of Labor and Industry) cont.			
Mr. Kirk Hammerquist Kalispell	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Jacquie Helt Missoula	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): labor representative			
Ms. Julie Jordan Jordan	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Maureen Kenneally Butte	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Mr. Robbe Lindsay Missoula	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Jody Messinger Helena	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): public sector representative			
Mr. Dan Miles Butte	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Joan Miles Helena	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): public sector representative			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Workforce Investment Board</b> (Department of Labor and Industry) cont.			
Mr. Rodney Miller Wolf Point	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): tribal representative			
Mr. Michael O'Neill Butte	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Arlene Parisot Helena	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): public sector representative			
Director Anthony J. Preite Helena	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): public sector representative			
Mr. John Prinkki Red Lodge	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): county commissioner			
Ms. Gail Richardson Bozeman	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Mr. Jeff Rupp Bozeman	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): public sector representative			
Mr. Fred Sargeson Helena	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Workforce Investment Board</b> (Department of Labor and Industry) cont.			
Mr. Alan Skari Chester	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Karen Sullivan Missoula	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Mr. Don Taylor Lewistown	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): private sector representative			
Ms. Teresa Wall-McDonald Pablo	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): tribal representative			
Ms. Linda Woods Darby	Governor	not listed	8/30/2005 0/0/0
Qualifications (if required): public sector representative			
<b>Youth Justice Council</b> (Justice)			
Commissioner Peggy Beltrone Great Falls	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): local elected official			
Ms. Karin Billings Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): ex officio member			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Youth Justice Council</b> (Justice) cont.			
Mr. Dale Four Bear Poplar	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): involved with programs that are alternatives to incarceration			
Mr. Steve Gibson Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): ex officio member			
Judge Pedro Hernandez Billings	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): representative of the local court system			
Ms. Cathy Kendall Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): ex officio member			
Mayor Pam Kennedy Kalispell	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): local elected official			
Ms. Jennifer Kistler Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): youth representative			
Mr. Michael-Ray Kleeman Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): youth representative			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Youth Justice Council</b> (Justice) cont.			
Mr. Ted Lechner Billings	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): volunteer who works with delinquents or potential delinquents			
Father Jerry Lowney Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): having competency in addressing problems facing youth			
Ms. Joy Mariska Billings	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): juvenile probation officer			
Ms. Beth McLaughlin Helena	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): ex officio member			
Mr. Rick Robinson Lame Deer	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): having competency in addressing problems facing youth			
Ms. Emily Matt Salois Missoula	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): having competency in addressing problems facing youth			
Mr. Wayne Stanford Stevensville	Governor	not listed	8/18/2005 8/15/2007
Qualifications (if required): having competency in addressing problems facing youth			

BOARD AND COUNCIL APPOINTEES FROM AUGUST 2005

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Youth Justice Council</b> (Justice) cont.			
Ms. Bonnie Wallem	Governor	not listed	8/18/2005
Kalispell			8/15/2007
Qualifications (if required):	representative of a nonprofit organization with special emphasis on youth development		

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Barbers and Cosmetologists</b> (Labor and Industry) Ms. Delores Lund, Plentywood Qualifications (if required): public member	Governor	10/1/2005
<b>Board of Occupational Therapy Practice</b> (Labor and Industry) Ms. Danette Rasmussen, Antelope Qualifications (if required): public member	Governor	12/31/2005
<b>Board of Outfitters</b> (Labor and Industry) Ms. Jennifer J. Cote, Missoula Qualifications (if required): sportsperson	Governor	10/1/2005
Mr. Wayne L. Underwood, Billings Qualifications (if required): sportsperson	Governor	10/1/2005
Mr. Mel Montgomery, Lima Qualifications (if required): big game outfitter	Governor	10/1/2005
Mr. Leslie K. Dolezal, Billings Qualifications (if required): public member	Governor	10/1/2005
<b>Board of Speech-Language Pathologists and Audiologists</b> (Labor and Industry) Ms. Marilyn Thaden, Butte Qualifications (if required): speech-language pathologist	Governor	12/31/2005
Ms. Jennifer L. Hartze, Belgrade Qualifications (if required): audiologist	Governor	12/31/2005
<b>Building Codes Council</b> (Labor and Industry) Mr. Robert J. Karhu, Helena Qualifications (if required): architect	Governor	10/1/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Building Codes Council</b> (Labor and Industry) cont.		
Mr. Mike Skinner, Helena	Governor	10/1/2005
Qualifications (if required): representative of the manufactured housing industry		
Mr. Joe Wolfe, Helena	Governor	10/1/2005
Qualifications (if required): member of the State Electrical Board		
Mr. Terry Phillips, Helena	Governor	10/1/2005
Qualifications (if required): state fire marshal		
Mr. Jeffrey Jenkins, Great Falls	Governor	10/1/2005
Qualifications (if required): municipal building inspector		
Mr. Joe Hansen, Bozeman	Governor	10/1/2005
Qualifications (if required): representative of the building contractor industry		
Mr. Howard Reid, Helena	Governor	10/1/2005
Qualifications (if required): representative of the Department of Public Health and Human Services		
Mr. Stephen Tartaglino, Kalispell	Governor	10/1/2005
Qualifications (if required): representative of the home building industry		
Mr. Mike McCourt, Missoula	Governor	10/1/2005
Qualifications (if required): representative of the public		
Mr. Dave Broquist, Great Falls	Governor	10/1/2005
Qualifications (if required): professional engineer		
Mr. Scott Lemert, Livingston	Governor	10/1/2005
Qualifications (if required): Board of Plumbers representative		

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Department of Corrections Advisory Council</b> (Corrections) Rep. Dorothy Bradley, Bozeman Qualifications (if required): public member	Governor	12/12/2005
Sen. Mike Cooney, Helena Qualifications (if required): public member	Governor	12/12/2005
Rev. Steven Rice, Miles City Qualifications (if required): public member	Governor	12/12/2005
Mr. Dennis McCave, Billings Qualifications (if required): public member	Governor	12/12/2005
Sen. Jim Shockley, Victor Qualifications (if required): public member	Governor	12/12/2005
Sen. Tom Zook, Miles City Qualifications (if required): public member	Governor	12/12/2005
Sen. Bill Tash, Dillon Qualifications (if required): public member	Governor	12/12/2005
Judge Deborah Kim Christopher, Polson Qualifications (if required): public member	Governor	12/12/2005
Sen. Steve Gallus, Butte Qualifications (if required): public member	Governor	12/12/2005
Rep. Carol C. Juneau, Browning Qualifications (if required): public member	Governor	12/12/2005
Judge Stewart Stadler, Whitefish Qualifications (if required): public member	Governor	12/12/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Department of Corrections Advisory Council</b> (Corrections) cont.		
Mr. Bill Furois, East Helena Qualifications (if required): public member	Governor	12/12/2005
Ms. Gloria Edwards, Bozeman Qualifications (if required): public member	Governor	12/12/2005
Dr. Pat McGree, Butte Qualifications (if required): public member	Governor	12/12/2005
Mr. Tony Pfaff, Deer Lodge Qualifications (if required): public member	Governor	12/12/2005
Mr. Tom Blaz, Anaconda Qualifications (if required): public member	Governor	12/12/2005
Ms. Lindsay Clodfelter, Missoula Qualifications (if required): public member	Governor	12/12/2005
Mr. Marty Lambert, Bozeman Qualifications (if required): public member	Governor	12/12/2005
Rep. Scott Sales, Bozeman Qualifications (if required): public member	Governor	12/12/2005
Mr. Allan Underdal, Shelby Qualifications (if required): public member	Governor	12/12/2005
Mr. Kent Funyak, Great Falls Qualifications (if required): public member	Governor	12/12/2005
Ms. Carol Stratemeyer, Hamilton Qualifications (if required): public member	Governor	12/12/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Flathead Basin Commission</b> (Governor)		
Mr. Everit A. Sliter, Kalispell	Governor	10/1/2005
Qualifications (if required): public member		
Mr. Remington Kohrt, Darby	Governor	10/1/2005
Qualifications (if required): public member		
Mr. Bruce Tutvedt, Kalispell	Governor	10/1/2005
Qualifications (if required): public member		
Mr. Arthur Vail, Marion	Governor	10/1/2005
Qualifications (if required): public member		
<b>Governor's Council on Worklife Wellness</b> (Public Health and Human Services)		
Mr. John Pipe, Wolf Point	Governor	12/2/2005
Qualifications (if required): tribal health government representative		
Ms. Diane West, Helena	Governor	12/2/2005
Qualifications (if required): state agency representative		
Ms. Maggie Bullock, Helena	Governor	12/2/2005
Qualifications (if required): state agency representative		
Ms. Jill Young, Missoula	Governor	12/2/2005
Qualifications (if required): health care representative		
Mr. Brad Roy, Kalispell	Governor	12/2/2005
Qualifications (if required): health care representative		
Mr. Kurt Keller, Bozeman	Governor	12/2/2005
Qualifications (if required): higher education representative		

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Governor's Council on Worklife Wellness</b> (Public Health and Human Services) cont.		
Mr. James Lindsey, Helena Qualifications (if required): insurer	Governor	12/2/2005
Ms. Gail Mooney, Helena Qualifications (if required): public school staff	Governor	12/2/2005
Mr. Cas Sprouffske, Helena Qualifications (if required): retail sales service representative	Governor	12/2/2005
Mr. Jim Kaiser, Bismarck, ND Qualifications (if required): retail sales service representative	Governor	12/2/2005
Ms. Vonda Lancaster, Billings Qualifications (if required): special interest group representative	Governor	12/2/2005
Mr. Cliff Christian, Helena Qualifications (if required): special interest group representative	Governor	12/2/2005
Mr. Garfield Littlelight, Billings Qualifications (if required): Indian Health Service representative	Governor	12/2/2005
Ms. Kate Wilson, Helena Qualifications (if required): health care representative	Governor	12/2/2005
Ms. LaDonna Grotbo, Helena Qualifications (if required): state agency representative	Governor	12/2/2005
Ms. Lynda Blades, Helena Qualifications (if required): state agency representative	Governor	12/2/2005
Dr. Mary Albright, Helena Qualifications (if required): representative of an insurer	Governor	12/1/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Governor's Council on Worklife Wellness</b> (Public Health and Human Services) cont.		
Mr. Pete Shatwell, Bozeman	Governor	12/1/2005
Qualifications (if required):	representative of employee wellness	
Ms. Carol Strasheim, Billings	Governor	12/1/2005
Qualifications (if required):	representative of Indian Health Service	
Ms. Catherine Ipsen, Missoula	Governor	12/1/2005
Qualifications (if required):	representative of persons with disabilities	
Mr. Jay Strever, Billings	Governor	12/1/2005
Qualifications (if required):	representative of retail sales and service	
<b>Independent Living Council</b> (Public Health and Human Services)		
Ms. June Hermanson, Billings	Director	12/2/2005
Qualifications (if required):	none specified	
<b>Judicial Nomination Commission</b> (Judiciary)		
Judge Ted O. Lympus, Kalispell	Governor	12/31/2005
Qualifications (if required):	district judge	
<b>Lewis and Clark Bicentennial Commission</b> (Historical Society)		
Mr. Darrell Kipp, Browning	Governor	10/1/2005
Qualifications (if required):	representative of Indian tribes	
Ms. Betty Stone, Glasgow	Governor	10/1/2005
Qualifications (if required):	public member	
Mr. Homer Staves, Billings	Governor	10/1/2005
Qualifications (if required):	public member	

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Alfalfa Seed Committee</b> (Agriculture)		
Mr. James Whitmer, Glendive	Governor	12/21/2005
Qualifications (if required): representative of the alfalfa seed growers industry and alfalfa leaf cutting bee industry		
Mr. John Mehling, Hardin	Governor	12/21/2005
Qualifications (if required): representative of the alfalfa seed growers industry		
Mr. Rod Leafdale, Billings	Governor	12/21/2005
Qualifications (if required): representative of the alfalfa seed processing industry		
<b>Montana Fetal Alcohol Syndrome Advisory Council</b> (Public Health and Human Services)		
Mr. Richard Chiotti, Helena	Governor	10/1/2005
Qualifications (if required): public member		
Mr. Thomas Price, Eureka	Governor	10/1/2005
Qualifications (if required): public member		
Ms. Patti Jacques, Helena	Governor	10/1/2005
Qualifications (if required): public member		
Ms. Carole Lankford, Pablo	Governor	10/1/2005
Qualifications (if required): public member		
Ms. Crystal LaPlant, Browning	Governor	10/1/2005
Qualifications (if required): public member		
Ms. Mary Behrendt, Columbia Falls	Governor	10/1/2005
Qualifications (if required): public member		
Ms. Leita Cook, Helena	Governor	10/1/2005
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Fetal Alcohol Syndrome Advisory Council</b> (Public Health and Human Services) cont. Mr. Billford Curley, Sr., Lame Deer Qualifications (if required): public member	Governor	10/1/2005
Dr. Suzanne Dixon, Great Falls Qualifications (if required): public member	Governor	10/1/2005
Ms. Allison Failing, Poplar Qualifications (if required): public member	Governor	10/1/2005
Ms. Diane Jeanotte, Billings Qualifications (if required): public member	Governor	10/1/2005
Dr. John Johnson, Helena Qualifications (if required): public member	Governor	10/1/2005
Dr. Ted Laine, Missoula Qualifications (if required): public member	Governor	10/1/2005
Ms. Irene Lake, St. Ignatius Qualifications (if required): public member	Governor	10/1/2005
Mr. Mike Lande, Billings Qualifications (if required): public member	Governor	10/1/2005
Ms. Terry McAnally, Poplar Qualifications (if required): public member	Governor	10/1/2005
Ms. Myrna Medicine Horse, Crow Agency Qualifications (if required): public member	Governor	10/1/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Fetal Alcohol Syndrome Advisory Council</b> (Public Health and Human Services) cont.		
Ms. Linda Tarinelli, Bozeman Qualifications (if required): public member	Governor	10/1/2005
Mr. Richard Williams, Bozeman Qualifications (if required): public member	Governor	10/1/2005
Ms. Margaret Ann Yellow Kidney, Browning Qualifications (if required): public member	Governor	10/1/2005
Mr. Mike Hermanson, Billings Qualifications (if required): public member	Governor	10/1/2005
Mr. Roland Mena, Helena Qualifications (if required): public member	Governor	10/1/2005
Dr. Michael Spence, Helena Qualifications (if required): public member	Governor	10/1/2005
Ms. Mary Chaboya, Libby Qualifications (if required): public member	Governor	10/1/2005
Ms. Vickie Leigland, Great Falls Qualifications (if required): public member	Governor	10/1/2005
Ms. Cheryl Jill Plumage, Harlem Qualifications (if required): public member	Governor	10/1/2005
<b>Montana Geographic Information Council</b> (Administration)		
Mr. Tony Herbert, Helena Qualifications (if required): designee of the Director of Administration	Governor	11/19/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Geographic Information Council</b> (Administration) cont. Sen. Joseph Tropila, Great Falls Qualifications (if required): member of the Montana Senate	Governor	11/19/2005
Mr. Don Wetzel, Bozeman Qualifications (if required): representative of Native American tribes of Montana	Governor	11/19/2005
Ms. Karen Strege, Helena Qualifications (if required): State Librarian	Governor	11/19/2005
Rep. Jon Sesso, Butte Qualifications (if required): representative of local government	Governor	11/19/2005
Mr. Lance Clampitt, Manhattan Qualifications (if required): federal USDI representative	Governor	11/19/2005
Mr. Art Pembroke, Helena Qualifications (if required): local government representative	Governor	11/19/2005
Rep. Dick Haines, Missoula Qualifications (if required): member of the Montana House of Representatives	Governor	11/19/2005
Mr. Chris Smith, Helena Qualifications (if required): designee of the Director of Fish, Wildlife, and Parks	Governor	11/19/2005
Mr. Steve Shannon, Butte Qualifications (if required): representative of public utilities	Governor	11/19/2005
Mr. Ken Jenkins, Missoula Qualifications (if required): representing MARLS	Governor	11/19/2005
Mr. Martin Prather, Missoula Qualifications (if required): federal USDA representative	Governor	11/19/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Geographic Information Council</b> (Administration) cont.		
Ms. Dolores Cooney, Helena Qualifications (if required): designee of the Director of Department of Revenue	Governor	11/19/2005
Mr. Harold Blattie, Helena Qualifications (if required): representative of local government	Governor	11/19/2005
Mr. Tom Deiling, Billings Qualifications (if required): federal USDI representative	Governor	11/19/2005
Mr. Dick Clark, Helena Qualifications (if required): designee of the Director of Department of Transportation	Governor	11/19/2005
Mr. Robin Trenbeath, Helena Qualifications (if required): designee of the Director of Department of Environmental Quality	Governor	11/19/2005
Dr. Katherine Maynard, Bozeman Qualifications (if required): federal USDA representative	Governor	11/19/2005
Mr. Alex Philip, Missoula Qualifications (if required): representative of a private business active in land information systems	Governor	11/19/2005
Mr. Hans Zuuring, Missoula Qualifications (if required): representative of the university system	Governor	11/19/2005
Mr. Jeff Hutten, Kalispell Qualifications (if required): representing the Interagency GIS Technical Working Group	Governor	11/19/2005
Mr. Tom Reynolds, Kalispell Qualifications (if required): representing the Montana Local Government GIS Coalition	Governor	11/19/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Statewide Independent Living Council</b> (Public Health and Human Services) Rep. Carol Lambert, Broadus Qualifications (if required): none specified	Director	10/27/2005
Sen. Gerald Pease, Lodge Grass Qualifications (if required): State Senator	Director	10/27/2005
<b>Montana Vocational Rehabilitation Council</b> (Public Health and Human Services) Ms. Denise Corrao, Miles City Qualifications (if required): vocational rehabilitation advocate position	Director	10/1/2005
Ms. Barbara Varnum, Kalispell Qualifications (if required): vocational rehabilitation counselor	Director	10/1/2005
<b>Small Business Compliance Assistance Advisory Council</b> (Environmental Quality) Ms. Lora Schultz, Billings Qualifications (if required): public member	Governor	10/1/2005
Mr. Ralph Hamler, Virginia City Qualifications (if required): public member	Governor	10/1/2005
<b>State Historic Preservation Review Board</b> (Historical Society) Ms. Marcella Knedler, Geraldine Qualifications (if required): public member	Governor	10/1/2005
<b>Upper Clark Fork River Basin Remediation and Restoration Advisory Council</b> (Justice) Mr. Larry Curran, Butte Qualifications (if required): resident of Butte-Silver Bow	Governor	12/31/2005
Director Mary Sexton, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	12/31/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Upper Clark Fork River Basin Remediation and Restoration Advisory Council</b> (Justice) cont. Director Richard Opper, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	12/31/2005
Ms. Linda Bouck, Anaconda Qualifications (if required): resident of Anaconda-Deer Lodge	Governor	12/31/2005
Mr. Dennis Daneke, Missoula Qualifications (if required): resident of Missoula County	Governor	12/31/2005
Mr. Paul Babb, Butte Qualifications (if required): resident of Butte-Silver Bow	Governor	12/31/2005
<b>Upper Clark Fork River Basin Remediation and Restoration Education Advisory Council</b> (Environmental Quality)		
Mr. John Hollenback, Gold Creek Qualifications (if required): representative from Powell County and a voting member	Governor	12/31/2005
Ms. Sally Johnson, Missoula Qualifications (if required): representative from Missoula County and a voting member	Governor	12/31/2005
Sen. Dale Mahlum, Missoula Qualifications (if required): representative from Missoula County and a voting member	Governor	12/31/2005
Mr. Jim Flynn, Anaconda Qualifications (if required): representative from Deer Lodge County and a voting member	Governor	12/31/2005
Director Jeff Hagener, Helena Qualifications (if required): representative of the Department of Fish, Wildlife, and Parks and a non-voting member	Governor	12/31/2005

VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2005 through DECEMBER 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Upper Clark Fork River Basin Remediation and Restoration Education Advisory Council</b>		
(Environmental Quality) cont.		
Mr. Gene Vuckovich, Anaconda	Governor	12/31/2005
Qualifications (if required):	representative from Deer Lodge County and a voting member	
Mr. Jerry Harrington, Butte	Governor	12/31/2005
Qualifications (if required):	representative from Silver Bow County and a voting member	
Mr. Jules Waber, Great Falls	Governor	12/31/2005
Qualifications (if required):	representative from Powell County and a voting member	
Mr. James Dinsmore, Hall	Governor	12/31/2005
Qualifications (if required):	representative from Granite County and a voting member	
<b>Water and Waste Water Operators' Advisory Council (Environmental Quality)</b>		
Dr. Carol Reifschneider, Havre	Governor	10/16/2005
Qualifications (if required):	member of university faculty	