

RESERVE
KFM
9035
1973
.A245a

RESERVE

**DO NOT
CIRCULATE**

MONTANA ADMINISTRATIVE REGISTER

**STATE LAW LIBRARY
DEC 27 1994
OF MONTANA**

ISSUE NO. 24
DECEMBER 22, 1994
PAGES 3116-3229



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 24

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The rule section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are inserted at the back of each register.

TABLE OF CONTENTS

Page Number

NOTICE SECTION

ADMINISTRATION, Department of, Title 2

2-2-237 (Public Employees' Retirement Board) Notice of Proposed Amendment - Deadline for Submitting Facts and Matters when a Party Requests Reconsideration of an Adverse Administrative Decision. No Public Hearing Contemplated. 3116-3117

COMMERCE, Department of, Title 8

8-44-36 (Board of Plumbers) Notice of Proposed Amendment and Adoption - Definitions - Applications - Examinations - Renewals - Journeymen Working in the Employ of Master - Registration of Business Name - Fees - Qualifications for Journeyman, Master and Out-of-State Applicants. No Public Hearing Contemplated. 3118-3124

EDUCATION, Title 10

10-3-175 (Board of Public Education) Notice of Public Hearing on Proposed Amendment, Repeal and Adoption - Teacher Certification. 3125-3150

10-3-176 (Board of Public Education) Notice of Public Hearing on Proposed Amendment - Student Assessment. 3151

10-3-177 (Board of Public Education) Notice of Public Hearing on Proposed Amendment - Distance Learning. 3152-3153

Page Number

EDUCATION, Continued

10-3-178 (Board of Public Education) Notice of
Public Hearing on Proposed Amendment - Alternative
Standards. 3154-3155

10-3-179 (Board of Public Education) Notice of
Public Hearing on Proposed Amendment -
Accreditation. 3156-3157

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

16-2-486 Notice of Public Hearing on Proposed
Amendment and Repeal - Day Care Centers - Health
Standards for Operating Day Care Centers. 3158-3173

CORRECTIONS AND HUMAN SERVICES, Department of, Title 20

20-7-11 Notice of Proposed Adoption - Guidelines
and Qualifications for Sex Offender Evaluation and
Treatment Providers. No Public Hearing
Contemplated. 3174-3176

STATE LANDS, Department of, Title 26

26-2-78 Notice of Public Hearing on Proposed
Amendment and Repeal - Recreational Use License Fee
- Rental Rates for State Lands. 3177-3180

RULE SECTION

ADMINISTRATION, Department of, Title 2

REP (Public Employees' Retirement Board)
Mailing Membership Information for Non-
profit Organizations. 3181

NEW (Public Employees' Retirement Board)
Approval of Requests for Retirement -
Authorizing Payment of Retirement Benefits. 3182

AGRICULTURE, Department of, Title 4

AMD Classification and Standards for Pesticide
Applicators. 3183

Page Number

COMMERCE, Department of, Title 8

AMD	(Board of Horse Racing) Board of Stewards - Definitions - Annual License Fees - General Provisions - Permissible Medication - Programs - Exacta Betting.	3184-3185
AMD	(Board of Realty Regulation) Fee Schedule.	3186

FAMILY SERVICES, Department of, Title 11

AMD	Requests for Hearings upon Notification of Adverse Action.	3187
NEW	Day Care Facilities.	3188

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

AMD	(Board of Health and Environmental Sciences) Air Quality - Air Quality Operation - Permit Fees.	3189-3191
AMD	(Kidney Treatment Centers) Kidney Treatment Centers.	3192
AMD	(Personal Care Facilities) Fees for Inspecting Personal Care Facilities.	3193
AMD	(Adult Day Care Centers) Adult Day Care Center Services.	3194

REVENUE, Department of, Title 42

AMD	Personal Property.	3195-3196
AMD	Industrial Trend Tables.	3197

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

NEW	Recovery by the State Auditor's Office of Debts Owed to the Department.	3198
NEW	Exceptions to the Developmental Disabilities Placement Rules.	3199
AMD	Safeguarding and Sharing of AFDC Information.	3200
AMD	Targeted Case Management for Developmental Disabilities.	3201

Page Number

SPECIAL NOTICE AND TABLE SECTION

Functions of the Administrative Code Committee.	3202
How to Use ARM and MAR.	3203
Accumulative Table.	3204-3213
Board and Council Appointees.	3214-3216
Vacancies on Boards and Councils.	3217-3229

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the proposed)	
amendment of ARM 2.43.203)	NOTICE OF PROPOSED AMENDMENT
pertaining to the deadline)	
for submitting facts and)	
matters when a party requests)	NO PUBLIC HEARING
reconsideration of an adverse)	CONTEMPLATED
administrative decision.)	

TO: All Interested Persons.

1. On January 26, 1995, the Public Employees' Retirement Board proposes to amend ARM 2.43.203 pertaining to the deadline for submitting facts and matters when a party requests reconsideration of an adverse administrative decision.

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

2.43.203 REVIEW OF ADMINISTRATIVE DECISION (1) Remains the same.

(a) The party may submit a request in writing for reconsideration by the board. Such reconsideration will be based on facts and matters submitted by the party to the board, the testimony of the party, and the presentation of the party or their legal counsel before the board. Facts and matters may be submitted by the requesting party any time after the adverse decision is made until ~~ten~~ 21 days prior to the second board meeting following the original administrative decision. The board will notify the party of the determination on reconsideration, which will become final and is not subject to administrative or judicial review unless the party exercises the right to request an administrative hearing within 30 days of the date of the notice of determination on reconsideration.

(1)(b), (2) and (3) Remain the same.

AUTH: 19-2-403 MCA

IMP: Sec. 19-2-403 MCA

3. The amendment to 2.43.203 is necessary because the present deadline of ten days prior to the board meeting does not allow sufficient time for division staff to properly prepare items submitted for board consideration. The division is required to prepare and mail copies of all items for board consideration to each board member seven days prior to the board meeting. The present deadline allows only three days for division staff to research, analyze, and prepare discussion, recommendations or replies to items submitted for board consideration including facts and matters submitted by a party requesting reconsideration of an adverse administrative decision.

4. Interested persons may present their data, views, or arguments concerning the proposed amendments in writing no later

than January 23, 1995 to:

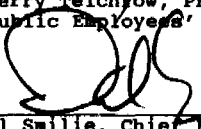
Linda King, Administrator
Public Employees' Retirement Division
P.O. Box 200131
Helena, Montana 59620-0131

5. If a person who is directly affected by the proposed amendment wishes to express data, views and arguments orally or in writing at a public hearing, the person must make written request for a hearing and submit this request along with any written comments to the above address. A written request for hearing must be received no later than January 19, 1995.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 4,214 persons based on August 1994 payroll reports of active and retired members.



Terry Teichrow, President
Public Employees' Retirement Board



Dal Smilie, Chief Legal Counsel and
Rule Reviewer

Certified to the Secretary of State on December 5, 1994.

BEFORE THE BOARD OF PLUMBERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of rules pertaining) AND ADOPTION OF RULES PER-
to definitions, applications,) TAINING TO THE PLUMBING
examinations, renewals,) INDUSTRY
journeyman working in the)
employ of master, registration)
of business name, and fees, and)
the proposed adoption of new)
rules pertaining to qualifi-)
cations for journeyman, master)
and out-of-state applicants)

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On January 21, 1995, the Board of Plumbers proposes to amend and adopt rules pertaining to the plumbing industry.

2. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

"8.44.402 DEFINITIONS (1) Employ shall mean to provide with a job that pays wages or a salary, and includes the responsibility of hiring and firing. The employer shall pay payroll taxes on behalf of the employee.

(1) and (2) will remain the same, but will be renumbered (2) and (3)."

Auth: Sec. ~~37-69-202~~, MCA; IMP, Sec. 37-69-202, ~~37-69-323~~, MCA

REASON: The proposed amendment is necessary to define the word "employ" as it is used throughout the rules, to alleviate previous problems with different interpretations of the word and attempts to make other arrangements to get around this meaning.

"8.44.403 APPLICATIONS (1) will remain the same.

(2) No application for examination will be considered unless it is accompanied by the proper duly documented supporting evidence and is received 60 ~~15~~ days prior to the ~~examination date~~ next scheduled board meeting. Approved applicants may take the next available quarterly exam following the board meeting at which their application is approved.

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

~~(5) The board will accept the following qualifications for journeyman plumbers:~~

~~(a) A notarized statement from an active master plumber certifying time and dates of employment by him along with copies of the applicant's employment record.~~

~~(i) Copies of applicant's timesheets and/or shop records may be required.~~

~~(b) Copy of an apprenticeship completion certificate or certified statement issued by the United States department of labor, bureau of apprenticeship and training, or a recognized state apprenticeship agency/council.~~

~~(c) Attainment of a first degree or advance degree in an approved engineering curriculum or a baccalaureate degree in an approved engineering technology curriculum will be accepted as equivalent to 2 years of active practice.~~

~~(d) Furthermore, appropriate credit may be given for the following:~~

~~(i) graduation from an engineering technology curriculum not approved by the board;~~

~~(ii) completion of portions of such curriculum and~~

~~(iii) completion of a course of study in a technical institute or other recognized educational program.~~

~~(e) Practice in the fields of steam fitting, hydronics, and industrial piping will not be considered as experience in the field of plumbing.~~

~~(f) Active practice in the field of plumbing, which includes actual working with the tools of the trade, while under the direct supervision of a licensed journeyman or master plumber, in connection with any public or private structure, building or project, when such requires the application of plumbing principles or data.~~

~~(g) Out of state applicants for a master or journeyman plumber's license may provide proof of prior licensing in their home state by submitting a true copy or copies of the license(s) held along with a copy of the state or local area requirements for licensure in lieu of the above documentation. A letter of verification from the state or local licensing agency will also be required.~~

~~(6) The board will accept the following qualifications for master plumbers:~~

~~(a) A notarized statement from an active master plumber certifying time and dates of employment by him along with copies of the applicant's employment record, which must include evidence of 3 years in the supervisory capacity;~~

~~(i) copies of applicant's time sheets and/or shop records may be required.~~

~~(b) The requirements of (c), (f), and (g) of subsection (6) above also apply to applicants for master plumber's licensure.~~

~~(7) will remain the same, but will be renumbered (5).~~

~~(6) An application will be on file one year from the date of receipt. If no action is taken by the applicant within one year, the application fee will be forfeited and re-application will be required."~~

~~Auth: Sec. 37-69-202, MCA; IMP, Sec. 37-69-302, 37-69-304, 305, MCA~~

REASON: The proposed amendments will create separate rules for qualifications and clarify the application process through housekeeping changes.

"8.44.404 EXAMINATIONS (1) Individuals who have been approved for the examination ~~or are re-examining~~ shall be required to submit an examination fee 15 days prior to the examination date. ~~Re-examination fees must be submitted 15 days prior to the examination. Applicants whose fees are not received by the deadline shall be required to sit for the next available examination.~~

(2) Examinations to determine the fitness of an applicant, either master plumber or journeyman plumber, will be held at the pleasure of the board, at not less than ~~3~~ three months intervals. ~~The number of examinees will be limited to a total number of 30 per examination.~~ The examination, will be held in the city of Helena, Montana, unless the board specifically designates a different place for any such examination.

(3) will remain the same.

(4) ~~All applicants, master applicants and journeyman,~~ will be required to successfully complete a written and ~~practical~~ examination with a score of 70% or better before the appropriate licenses will be issued. All journeyman applicants will be required to successfully complete a written and practical examination with a score of 70% or better before the appropriate license will be issued.

(5) Examination papers may be reviewed in the board office for a period of ~~30~~ 60 days immediately following the examination date only. Note taking will ~~not~~ be allowed during the time of review. Questions on the review must be submitted in writing for response by the board.

(6) Any applicant for the master's license who shall sit for and fail the master's examination ~~2~~ two consecutive times will not be allowed to retake the examination for a period of ~~1~~ one year commencing with the date of the last examination that he failed. After one year, the applicant shall submit a notarized statement from an individual acceptable to the board, which attests to 20 hours of additional training acceptable to the board before the applicant will be approved to again take the examination.

(7) All applicants for licensure as a journeyman plumber who ~~shall~~ fail the examination for the second time are reduced to apprenticeship status and shall not be allowed to apply for and take the examination until the expiration of one year from the date of the second examination failure. After one year, the applicant shall submit a notarized statement from an individual acceptable to the board, which attests to 20 hours of additional training acceptable to the board, before the applicant will be approved to again take the examination.

(8) will remain the same."

Auth: Sec. 37-69-202, MCA; IMP, Sec. 37-69-304, 37-69-305, 37-69-306, 37-69-307, MCA

REASON: The proposed amendments will clarify examination procedures through housekeeping changes.

"8.44.405 RENEWALS (1) will remain the same.

(2) All master and journeyman licenses shall expire the 31st of August of each year. ~~Any licensee who fails to renew~~

on or prior to the expiration date will be allowed 30 days from the expiration date as a late renewal grace period. If the license is not renewed on or before the expiration of the 30 days, the license will expire and in order to reinstate the license, a new application and successful completion of an examination will be required. Under no circumstances will the licensee be allowed to work as such during that 30-day period. It is unlawful for a person who refuses or fails to pay the renewal fee to practice plumbing work in this state. A lapsed license may be reinstated within one year of the default without examination on payment of the arrears, and compliance with board requirements. A lapsed license not renewed within one year following its expiration date terminates automatically."

Auth: Sec. 37-1-101, 37-69-202, MCA; IMP, Sec. 37-69-307, MCA

REASON: The proposed amendment will extend the 30-day grace to allow one full year to renew with a late fee. The previous 30 days was not sufficient, and created too harsh a penalty with loss of license.

"8.44.407 JOURNEYMAN MUST WORK IN THE EMPLOY OF MASTER

(1) Unless otherwise permitted by the board, a licensed journeyman plumber may perform work only in the employ of and under the supervision of a full-time a licensed master plumber.

(2) through (4) will remain the same."

Auth: Sec. 37-69-202, MCA; IMP, Sec. 37-69-304, MCA

REASON: The proposed amendment will establish that full-time supervision by a master plumber is required, to alleviate the problem of use of a master's license number without any supervision of the work being conducted.

"8.44.408 MASTER PLUMBERS - REGISTRATION OF BUSINESS

NAME (1) At the time of application for licensure as a master plumber or at the time of renewal of the master's license, the applicant or licensee shall designate on the application if he intends to engage in the business of a master plumber as master plumber of record under his own name, or under an assumed name doing business as a sole proprietor.

(2) If such master intends to affiliate with a partner, firm or corporation as master plumber of record, he shall so designate the name of the firm, partnership or corporation.

(3) will remain the same.

(4) A master license shall be affiliated with only one plumbing business as master plumber of record, to be listed on the annual renewal form, and may not affiliate with a second plumbing business as master plumber of record, without terminating the first.

(5) A master plumber shall be responsible for supervising all plumbing work performed by the business with which the master is affiliated and for ensuring all plumbing work is performed by licensed plumber employees where a license is required.

(6) The licensed master plumber in any joint venture or other business entity type arrangements shall be responsible for all plumbing work performed and for supervision of all plumbing employees."

Auth: Sec. 37-69-202, MCA; IMP, Sec. 37-69-305, 37-69-306, 37-69-323, MCA

REASON: The proposed amendments will alleviate previous problems with "loaning of licenses" without the accompanying responsibility for plumbing work performed under the license.

"8.44.412 FEE SCHEDULE

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

(7) Late fee

<u>(a) journeyman</u>	150.00
<u>(b) master</u>	250.00"

Auth: Sec. 37-1-134, 37-69-202, MCA; IMP, Sec. 37-1-134, 37-69-202, 37-69-307, MCA

REASON: The proposed amendment will establish a late fee as a penalty for failure to renew by the renewal date.

3. The proposed new rules will read as follows:

"I. QUALIFICATIONS - JOURNEYMAN (1) The board will accept the following documentation of experience for journeyman plumbers:

(a) A notarized statement or letter from a licensed master plumber(s) or a licensed plumbing contractor(s) certifying the time and dates of employment and the type of plumbing work that was performed during the applicant's employment. Verification statements or letters must verify five (5) years of actual experience in the field of plumbing, at a minimum of 1500 hours per year;

(b) Copy of an apprenticeship completion certificate or certified statement issued by the United States department of labor, bureau of apprenticeship and training, or a recognized state apprenticeship agency/council;

(c) A transcript providing attainment of a first degree or advanced degree in an approved engineering curriculum or a baccalaureate degree in an approved engineering technology curriculum will be accepted as equivalent to two years of the five year experience requirement;

(d) The board may, in its sole discretion, give appropriate credit for the following:

(i) graduation from an engineering technology curriculum not approved by the board;

(ii) completion of portions of such curriculum;

(iii) completion of a course of study in a technical institute or other recognized educational program, none of the above to exceed two years of the five year experience requirement;

(e) Upon documentation of practice in the fields of steam fitting, hydronics, and industrial piping, the experience will be accepted as equivalent to a maximum of two years of the five year experience requirement.

(2) Other documentation such as W-2 forms or other time/pay records may only be used to supplement experience documentation when none of the other forms listed above are available due to unusual or unforeseen circumstances, which circumstances must be explained fully and the records approved for use by the board."

Auth: Sec. 37-69-202, MCA; IMP, Sec. 37-69-304, MCA

REASON: The proposed new rule will clarify what is acceptable documentation of experience for journeyman plumber license applicants, as there has previously been some confusion over what documentation will be accepted by the board.

"II QUALIFICATIONS - MASTER (1) The board will accept the following documentation of experience for master plumbers:

(a) A notarized statement or letter from a licensed master plumber(s) or a licensed plumbing contractor(s) certifying time and dates of employment of applicant as a journeyman plumber and the type of plumbing work performed, which must include evidence that three of the required four years were served in the supervisory capacity.

(b) Practice in the fields of steam fitting, hydronics, and industrial piping will not be considered as acceptable experience in the field of plumbing for the masters license experience requirement.

(2) Other documentation such as W-2 forms or other time/pay records may only be used to supplement experience documentation when none of the other forms listed above are available due to unusual or unforeseen circumstances, which circumstances must be explained fully and the records approved for use by the board."

Auth: Sec. 37-69-202, MCA; IMP, Sec. 37-69-305, MCA

REASON: The proposed new rule will clarify what is acceptable documentation of experience for master plumber license applicants, as there has previously been some confusion over what documentation will be accepted by the board.

"III OUT-OF-STATE APPLICANTS (1) Out-of-state applicants for a master or journeyman plumber's license may provide proof of prior licensing in another state by submitting a copy or copies of the license(s) held along with a certified letter of verification from the state or local licensing agency stating date of licensure and requirements for licensure. This information will credit the applicant with only the specific time toward experience which was required by the licensing state. Any additional experience time required by the state of Montana shall be verified as per board rules on qualifications for licensure.

(2) Applicants from states with no journeyman or master licensing shall provide a notarized statement or letter from a qualified individual(s) acceptable to the board, with direct knowledge of the applicant's qualitative and quantitative plumbing experience equivalent to five years for the journeyman license and nine years for the master license."

Auth: Sec. 37-69-202, 37-69-309, MCA; IMP, Sec. 37-69-309, MCA

REASON: The proposed new rule will clarify out-of-state applicant requirements and the documentation the board will need to see to process these applications.

4. Interested persons may submit their data, views or arguments concerning the proposed amendments and adoptions in writing to the Board of Plumbers, Lower Level, Arcade Building, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., January 19, 1995.

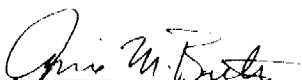
5. If a person who is directly affected by the proposed amendments and adoptions wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Plumbers, Lower Level, Arcade Building, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., January 19, 1995.

6. If the Board receives requests for a public hearing on the proposed amendments and adoptions from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed amendments and adoptions, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 102, based on the 1024 licensees in Montana.

BOARD OF PLUMBERS
RICHARD H. GROVER, CHAIRMAN

BY: 

ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, December 12, 1994.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment, repeal and)
adoption of rules pertaining)
to teacher certification)

To: All Interested Persons

1. On January 26, 1995 at 10:30 a.m., or as soon thereafter as it may be heard, a public hearing will be held at the Board of Public Education offices 2500 Broadway, Helena, in the matter of the proposed amendment to 10.57.101 Review of Policy, 10.57.102 Definitions, 10.57.103 Grades, 10.57.107 Emergency Authorization of Employment, 10.57.202 Approved Programs, 10.57.204 Experience Verification, 10.57.211 Test for Certification, 10.57.212 Minimum Scores on the National Teacher Examination Core Battery, 10.57.215 Renewal Requirements, 10.57.216 Renewal Activity Approval, 10.57.217 Appeal Process for Denial of Renewal Activity, 10.57.220 Recency of Credit, 10.57.301 Endorsement Information, 10.57.401 Class 1 Professional Teaching Certificate, 10.57.402 Class 2 Standard Teaching Certificate, 10.57.403 Class 3 Administrative Certificate, 10.57.404 Class 4 Vocational Certificate, 10.57.405 Class 5 Provisional Certificate, 10.57.501 Social Workers, Nurses and Speech and Hearing Therapists, 10.57.601 Request to Suspend or Revoke Teacher or Specialist Certificate: Preliminary Action, 10.57.602 Notice and Opportunity for Hearing Upon Determination that Substantial Reason Exists to Hold a Hearing to Suspend or Revoke Teacher or Specialist Certificate, 10.57.603 Hearing in Contested Cases, 10.57.604 After Hearing by Member of Board/Hearing Examiner/Board of Public Education, 10.57.701 Appeal from Denial of a Teacher or Specialist Certificate, 10.57.702 Considerations Governing Acceptance of Appeal in Cases Arising Under 20-4-104(1)(c), MCA, 10.57.703 Hearing on Appeal, 10.57.209 Extension of Certificates for Military Service, and the repeal of 10.57.205 Conversion Program Secondary to Elementary, and New Rule 1 Class 6 Specialist Certificate.

2. The rules as proposed to be amended, repealed and adopted provide as follows:

10.57.101 REVIEW OF POLICY (1) will remain the same.

(2) Recognizing that the periodic review of the certification policies is vital, the board regularly will consider recommendations for revision of the policies at any time it deems necessary. Notwithstanding any changes made in any three five year period, every three five years the board shall have made a comprehensive review of certification policies to insure that such policies are meeting the needs of the state.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-102 MCA

10.57.102 DEFINITIONS (1) through (2) will remain the same.

(3) "Approved colleges" are those regionally accredited colleges listed in the Education Directory, Part 3, Higher Education, published by the U.S. Office of Education and/or the Report of Credit Given by Educational Institutions published by the American Association of Collegiate Registrars and Admissions Officers a recognized directory of accredited higher education institutions.

(4) through (7) will remain the same.

(8) "College credit" means credit received for completion of a college course from an approved college. For the purpose of certificate renewal, college credits are counted in the following manner: one (1) quarter credit is equal to ten (10) clock hours, or one (1) semester credit is equal to fifteen (15) clock hours.

(9) through (10) will remain the same.

(11) "Secondary level endorsement" ~~issuance~~ of the class 2 certificate ~~at secondary level~~ requires a teaching major of at least 30 semester (45 quarter) ~~(30 semester)~~ credits and a teaching minor of at least 20 semester (30 quarter) ~~(20 semester)~~ credits; or at least 40 semester (60 quarter) ~~(40 semester)~~ credits in a single field of specialization, provided these fields are subjects commonly offered for credit in the high school curriculum and provided that the pattern of preparation constitutes the approved secondary teacher education program of an accredited college or university. At least 16 semester (24 quarter) ~~(16 semester)~~ credits of professional preparation for teaching, to include student teaching, are also required. Within the total preparation, emphasis must be placed on student growth and development, behavior, reading and writing skills. The student teaching experience, if taken at grades levels 7-12, must also have an observation period at grade 5 or 6. If the student teaching experience is at grade 5 or 6, an observation period must be taken at grades 7-12.

(a) Secondary level endorsement of the class 1, 2 or 5 certificate means the holder is authorized to teach in grades 7-12 ~~until 1983. After that time, secondary programs will cover 5-12 or 7-12, depending upon teacher preparation.~~ Secondary level endorsement is accompanied by endorsement as to the appropriate area(s) in which the holder is authorized to teach.

(11)(b) through (12)(c) will remain the same.

(13) "Mentorship supervision" means a program of support and assistance approved by the superintendent of public instruction provided by the mentor to an intern/beginning teacher for one full school year.

(14) through (16) will remain the same.

(17) "Year of study" means an academic year, or the equivalent, comparable to at least 30 semester (45 quarter) ~~(30 semester)~~ hours of graduate or undergraduate credit.

(18) through (20) will remain the same.

(21) "Year of teaching experience" means employment during a school fiscal year by an educational institution as a member of the an instructional staff. Experience will be considered on an individual basis by the appropriate official.

(22) "Year of administrative experience" means employment during a ~~school~~ fiscal year by ~~an educational institution~~ as a member of the a supervisory or administrative staff.

(23) through (23)(c) will remain the same.

(24) "Approved specialist program" means a program for the preparation of specialists accredited by a national or regional accrediting association or recognized by the board of public education. ~~In addition, a~~ State approval of programs leading to this certificate may also be required. (Persons authorized to apply for the specialist certificate: school psychologists and school counselors.)

(25) will remain the same.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-106 MCA

10.57.103 GRADES (1) Persons seeking initial certification, renewal and reinstatement credits must maintain must have a "C" average (2.0 on a 4.0 scale). Courses for recency, renewal or reinstatement must have a grade of "C" or above or a "pass" on a pass-fail system. Exception to this policy will be considered on an individual basis by the superintendent of public instruction.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-102 MCA

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT

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

(b) The position must have been advertised through the teacher placement offices of the Montana ~~employment security commission~~ Job Service and the Montana university system or its equivalent far enough in advance to reasonably enable qualified applicants to submit applications and credentials and to be interviewed.

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

(a) Under section (2) (c) (iii), above, a district administrator may apply for the renewal of an approved emergency authorization of employment on a continuing basis by annually requesting renewal by letter to the superintendent of public instruction. A copy of that request must be submitted to the appropriate county superintendent of schools.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-111 MCA

10.57.202 APPROVED PROGRAMS (1) ~~The recommendation of the Verification of approved teacher education programs by an appropriate official (usually the dean of education) is may be required for initial certification of "approved programs."~~

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-102 MCA

10.57.204 EXPERIENCE VERIFICATION (1) will remain the same.

(a) At least 100 days of substitute teaching or other instructional experience is required to constitute the equivalent of successful teaching experience in the five-year period preceding the expiration of a current Montana certificate.

(2) Persons employed in educational positions involved in instruction with agencies under the jurisdiction of the state or those who have served full-time in professional education associations may submit the experience gained in the positions to meet the verification of experience requirement for renewal of teaching or administrative certificates ~~they hold~~. Other stipulated requirements must be met.

(3) will remain the same.

(4) When teaching experience is required for a new certificate applicant or endorsement, the majority of the experience required must be obtained in a school organization consistent with Montana's K-12 pattern.

(5) When experience is required for a new certificate applicant or endorsement, experience gained prior to basic eligibility for initial certification ~~certificate eligibility~~ is not considered.

(6) Experience gained as a certified specialist may be considered for renewal of a teaching or administrator ~~five~~ certificate. Experience gained as a certified teacher or administrator may not be considered for renewal of a specialist certificate.

(7) ~~Beginning with those certificates that expire in 1990,~~

~~Instructional~~ assistant experience may be considered for renewal if the following conditions are met:

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

(c) It must be verified by the appropriate administrative supervisor as an instructional experience. Instructional assistant experience is defined as experience utilizing the course of instruction prescribed by the trustees under an employment agreement of at least 100 days full-time equivalent (600 hours) in any one instructional year.

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

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-103 MCA

10.57.205 CONVERSION PROGRAM SECONDARY TO ELEMENTARY is hereby repealed. ~~(1) Depending on the appropriateness of the previous training to elementary teaching, approximately 12 to 16 quarter credits of professional elementary preparation, (including child growth and~~

development, methods in reading and/or language arts, social studies, arithmetic and student teaching or appropriate intern experiences), will convert a completed secondary teacher preparation to eligibility for the class 5 certificate endorsed at elementary level.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-106 MCA

10.57.209 EXTENSION OF CERTIFICATES FOR MILITARY SERVICE

(1) will remain the same.

(2) The unexpired term of a valid teaching certificate will be extended one year for each year of active military service not to exceed five years. ~~Terms of certificates are based on the year of validity, July 1 to June 30, and certificates are dated from July 1 of a given year. In calculating the unexpired term of a certificate for military extension purposes, any unexpired certification year or any partial year in which a teacher has taught less than one-half (five months) of the school year during which that individual was called into active military service will be considered as an unexpired certification year. an expired certificate year will be any year in which a teacher has taught more than one-half of the school year.~~

(3) The extension period of the unexpired term of any certificate becomes automatically effective on the previous July 1 of the year of termination of active military service. On expiration of this extension period, renewal requirements must be met for further certification.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-102 MCA

10.57.211 TEST FOR CERTIFICATION (1) ~~Effective July 1, 1986,~~ All new applicants for initial class 1, 2 or 3 certification must provide evidence of having completed the national teacher examination core battery with a minimum score established by the board of public education. Exception:

(a) through (3) will remain the same.

AUTH: Sec. 20-2-121(1) and 20-4-102(1) and (5) MCA;
IMP, Sec. 20-4-102 (1) and (5) MCA

10.57.212 MINIMUM SCORES ON THE NATIONAL TEACHER EXAMINATION CORE BATTERY

(1) The board of public education designates the following levels as minimum qualifying scores:

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

AUTH: Sec. 20-2-121 IMP: Sec. 20-4-102

10.57.215 RENEWAL REQUIREMENTS (1) Sixty (60) units (60) of renewal activities will be ~~are~~ required for renewal of Class 1, 2, 3 and 4B and for Class 1 and 4A effective with those expiring in 1995. Beginning with those For Class 2 and 4B certificates holders expiring in 1997, at least forty (40)

renewal units must be obtained through college credits (three (3) semester or four (4) quarter credits. (does not pertain to Class 4A with master's degree)).

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

(c) an exposure to a new idea or skill or an extension of an existing idea or skill, or

(d) the instruction of relevant higher education courses(s), based upon academic credit of course(s), by a Montana certificate holder who has achieved the terminal degree in an endorsed field of specialization.

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

(a) ~~A~~ Renewal units will be available only in whole units and in amounts of five (5) units or more per approved activity.

(4)(b) through (4)(e) will remain the same.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-108 MCA

10.57.216 RENEWAL ACTIVITY APPROVAL (1) To receive approval for a renewal activity, a request from an educational organization or agency, or from an individual applying for self-directed study, must be submitted to the office of public instruction at least 30 days prior to the start of the activity. ~~Except that the director of certification may accept notification of the intent to apply, or applications, until at least 20 days prior to the start of the activity from March 1992 through March 1993.~~ Courses from accredited college programs do not require approval as a renewal activity.

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

(3)(a) If a curriculum organization has a review process established, requests for curriculum renewal activity approval in that curriculum area will be sent to that state organization for review. A recommendation for approval or denial should be returned to the certification division of the office of public instruction within 10 days of the receipt of the request. All requests not returned within that time frame will be assigned to appropriate office of public instruction staff members for approval.

(3)(b) through (6) will remain the same.

(7) Upon request of the applicant, an appeals committee will review activities ~~not approved~~ denied for renewal when such denial is based on the program content of the renewal activity.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-108 MCA

10.57.217 APPEAL PROCESS FOR DENIAL OF RENEWAL ACTIVITY

(1) Following a request for a review of the denial of a renewal activity, when such denial is based on the program content of the renewal activity, the chair of the certification standards and practices advisory council will appoint an appeals committee consisting of:

(a) ~~Two~~ members of the certification standards and practices advisory council, and

(b) ~~A~~ specialist from an appropriate content area at the office of public instruction.

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

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-108 MCA

10.57.220 RECENCY OF CREDIT (1) will remain the same.

(a) Class 1 professional certificate: 4 semester (6 qtr quarter) credits or one year of teaching experience with a masters degree (Effective in 1995: 8 semester (12 qtr quarter credits));

(b) Class 2 standard certificate: 8 semester (12 qtr quarter) credits;

(c) Class 3 administrative certificate: 6--qtr---credits 8 semester (12 quarter) credits, Effective in 1992--

(2) An applicant for initial certification whose degree is over 15 years old or an applicant whose period of lapse is over 15 years must obtain the credits listed in (1) and the following credits based on teaching experience:

No teaching or equivalent experience since the original training.	+6 <u>4</u> additional <u>sem (6 qtr) credits</u>
1-4 years teaching or equivalent experience	+4 <u>3</u> additional <u>sem(4 qtr) credits</u>
5-10 years teaching or equivalent experience.	+2 additional <u>sem(2 qtr) credits</u>
Over 10 years teaching or equivalent experience.	+0 additional <u>sem qtr credits</u>

(3) will remain the same.

(4) Credits for recency or reinstatement of a teaching or administrative certificate must supplement, strengthen and update the teacher's or administrator's basic preparation. Such credits should be those that:

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

~~(d) Be a result of an approved equivalency program as per ARM 10.57.206, or;~~

~~(e)(d)~~ Provide instruction in a language other than English.

(5) Applicants with terminal degrees in an endorsable field of specialization may use experience instructing in relevant higher education courses for recency in applying for certification.

AUTH: Sec. 20-4-102, 20-4-103 MCA;

IMP: Sec. 20-4-102, 20-4-103, and 20-4-106 MCA

10.57.301 ENDORSEMENT INFORMATION (1) through (9) will remain the same.

(10) An endorsement may be dropped from a teaching certificate at the end of the valid term of the certification if minimum certification requirements (major and minor or extended major) are met without that endorsement.

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-103, 20-4-106 MCA

10.57.401 CLASS 1 PROFESSIONAL TEACHING CERTIFICATE

(1) will remain the same.

(2) Basic education: Master's degree or one year of study consisting of at least 30 semester (45 quarter) (30 semester) credits beyond the bachelor's degree in professional education or endorsable teaching area(s).

(3) will remain the same.

(4) Renewal: Verification of one year of successful teaching experience or the equivalent during the valid term of the certificate. Beginning with those certificates expiring in 1995 sixty renewal units will also be required for renewal. (See ARM 10.57.215)

(5) Reinstatement: Lapsed certificates cannot be renewed but the holder may apply for reinstatement provided requirements are met which are in force at the time the certificate is reinstatement is requested. A minimum of 4 semester (6 quarter) (4 semester) credits or the equivalent must be earned within the 5-year period preceding the effective date of the certificate, or one year of teaching experience with a master's degree. Effective in 1995, 8 semester (12 quarter) (8 semester credits or the equivalent earned within the 5-year period preceding the effective date of the certificate will be required.

(6) Recency of credits:

(a) Applicants for initial certification whose degree is over 5 but under 15 years old and who have not accumulated at least 6 4 semester (6 quarter) credits (effective in 1995, 8 semester (12 quarter) credits) in the past 5 years must meet the requirements listed in ARM 10.57.220 (1).

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

~~(8) The class 1 certificate is issued to applicants qualified for the class 2 certificate and whose preparation includes at least one year of study or 45 quarter (30 semester) credits beyond the bachelor's degree. The study beyond the degree must be planned in consultation with and/or approved by an appropriate official (see definitions). The training must supplement the academic preparation of the applicant in teaching~~

~~subject fields, or result in three endorsement areas, or related professional training.~~

AUTH: Sec. 20-4-102 MCA; IMP, Sec. 20-4-106, 20-4-108 MCA

10.57.402 CLASS 2 STANDARD TEACHING CERTIFICATE

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

(3) Renewal: Verification of one year of successful teaching experience or the equivalent plus sixty (60) renewal units earned during the valid term of the certificate. Beginning with those certificates expiring in 1997, at least forty (40) of those units (three (3) semester or four (4) quarter credits) must be obtained through college credits.

(4) Reinstatement: Lapsed certificates cannot be renewed but the holder may apply for reinstatement provided requirements are met which are in force at the time the certificate is reinstatement is requested. A minimum of 8 semester (12 quarter) (8 semester) credits or the equivalent must be earned within the 5-year period preceding the effective date of the certificate.

(5) Recency of credit:

(a) Applicants for initial certification whose degree is over 5 but under 15 years old and who have not accumulated at least 8 semester (12 quarter) credits in the past 5 years must meet the requirements listed in ARM 10.57.220 (1).

(b) will remain the same.

(6) Elementary endorsement: Completion of an approved elementary teacher education program of an accredited teacher training institution to include student teaching or appropriate waiver.

(7) Secondary endorsement:

(a) Approved major: 30 semester (45 quarter) (30 semester) credits, and

(b) Approved minor: 20 semester (30 quarter) (20 semester) credits, or

(c) Approved major: 40 semester (60 quarter) (40 semester) credits in a single field of specialization.

(d) K-12 endorsements requires training in both elementary and secondary curriculum.

(e) Professional preparation: at least 16 semester (24 quarter) (16 semester credits teaching, to include student teaching or appropriate waiver.

(8) Subject field endorsement must be in areas approved for certification endorsement by the board of public education as subjects commonly offered for credit in the high school curriculum. The pattern of preparation must constitute the approved secondary teacher education program of an accredited college or university.

(9) will remain the same.

(10) College credits for renewal or reinstatement of a teaching certificate must supplement, strengthen and update the teacher's basic preparation. Such credits should be those that:

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

~~(d) Be a result of an approved equivalency program as per ARM 10.57.206, or;~~

~~(d)-(e) Provide instruction in a language other than English.~~

(11) will remain the same.

AUTH: Sec. 20-2-121, 20-4-103 IMP: Sec. 20-4-102, 103, 106, 108

10.57.403 CLASS 3 ADMINISTRATIVE CERTIFICATE (1) will remain the same.

(2) Basic education: ~~Effective September 1, 1985, A master's degree in an approved school administration program or the equivalent will be required for administrative endorsement. Individuals enrolled in an approved master's program or administrative program at any accredited college before September 1, 1985, that would result in certification in Montana will be eligible for administrative certification under the former regulations until September 1, 1988. Administrators currently holding a valid administrative certificate may continue to renew it under the academic minimums by which it was issued. Other renewal requirements must be met. Lapsed certificates cannot be renewed. For reinstatement requirements, see ARM 10.57.208.~~

(3) Renewal: ~~Verification of one year of successful experience or the equivalent in the an area of endorsement. Beginning with those certificates expiring in 1992, and sixty (60) renewal units will also be required for renewal. (See ARM 10.57.215) earned during the valid term of the certificate.~~

(4) Reinstatement: ~~Lapsed certificates cannot be renewed but the holder may apply for reinstatement provided requirements are met which are in force at the time the certificate is reinstatement is requested. A minimum of 6 quarter (4 semester) credits or one year experience or the equivalent must be earned within the 5-year period preceding the effective date of the certificate. Effective in 1992, 8 semester (12 quarter) (8 semester) credits or the equivalent earned within the 5-year period preceding the effective date of the certificate will be is required.~~

(5) Recency of credits:

(a) ~~Applicants for an initial certification whose degree is over 5 but under 15 years old and who have not accumulated at least 6 quarter credits (effective in 1992, 8 semester (12 quarter) credits) in the past 5 years must meet the requirements listed in ARM 10.57.220 (1).~~

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

(a) Eligibility for the class 1 or class 2 teaching certificate. ~~(In the case of K-12 endorsement areas, successful completion of an approved appropriate secondary teacher education program of an accredited college or university would constitute~~

~~this eligibility but would not allow issuance of a teaching~~

certificate.)

(b) will remain the same.
(c) ~~Twelve (12)~~ Eight graduate semester (12 graduate quarter) credits beyond the master's degree. The following sources content must be found in the graduate course work:

- (i) school management/ and/or facilities planning,
- (ii) school negotiation,
- (iii) advanced school finance (~~economics of education~~), and
- (iv) public relations.

(d) ~~Twelve (12)~~ Eight graduate semester (12 graduate quarter) credits in elementary education to include elementary administration and elementary curriculum if endorsed as a teacher at the secondary level; ~~twelve (12)~~ eight graduate semester (12 graduate quarter) credits in secondary education to include secondary administration and secondary curriculum if endorsed as a teacher at the elementary level, and

(e) Experience: ~~3 years of teaching experience from the date fully qualified as a principal, or~~ One (1) year of administrative experience as an appropriately certified administrator (principal, assistant principal or supervisor), or one (1) year of a supervised administrative internship as superintendent.

(7) Elementary principal endorsement:

(a) Eligibility for the class 1 or class 2 teaching certificate with elementary endorsement,

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

(d) At least ~~21~~ 14 graduate semester (21 graduate quarter) ~~(14 semester)~~ credits in education or the equivalent to include the following sources content:

- (i) general school administration,
- (ii) elementary school administration,
- (iii) administration of guidance services,
- (iv) supervision of instruction/~~evaluation--elementary~~,
- (v) elementary school curriculum--~~elementary~~,
- (vi) basic school finance (~~budgeting~~), and
- (vii) school law.

(8) Secondary principal endorsement:

(a) Eligibility for the class 1 or class 2 teaching certificate. (~~In the case of a K-12 endorsement area, successful completion of an approved appropriate secondary teacher education program of an accredited college or university would constitute this eligibility but would not allow issuance of a teaching certificate.~~)

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

(d) At least ~~21~~ 14 graduate semester (21 graduate quarter) ~~(14 semester)~~ credits in education or the equivalent to include the following sources content:

- (i) general school administration,
- (ii) secondary school administration,
- (iii) administration of guidance services,
- (iv) supervision of instruction/~~evaluation--elementary~~,
- (v) secondary school curriculum--~~elementary~~,
- (vi) basic school finance (~~budgeting~~), and
- (vii) school law.

(9) Supervisor endorsement: This administrative endorsement is issued in specific fields such as math, music, special education, and guidance and counseling, or in general areas such as elementary education, secondary education and curriculum development. This endorsement may be issued to applicants who submit acceptable evidence of successful completion, at an accredited institution of higher learning, of a master's degree ~~or the appropriate professional programs for the general area endorsement in the area requested for endorsement.~~ The applicant

must meet eligibility requirements for a class 1 or class 2 teaching certificate endorsed in the field of specialization. Also required is verification of three years of successful experience as an appropriately certified and assigned teacher.

(10) ~~The professional training required for this endorsement must include a graduate course in school law and 15 graduate quarter (10 semester) credits in supervision, curriculum and methods in the fields to be endorsed. (Repealed July 1, 1991) Effective July 1, 1991, the following professional training will be~~ is required:

(a) at least ~~21~~ 14 graduate ~~semester (21 graduate quarter) (14 semester)~~ credits in education or the equivalent to include:

- (i) general school administration,
- (ii) administration in the special area to be endorsed,
- (iii) supervision of instruction/evaluation,
- (iv) basic school finance, and
- (v) school law.

(b) a supervised practicum/internship (minimum of 4 semester (6 quarter) credits or appropriate waiver). The recommendation of the appropriate official(s) is required.

AUTH: Sec. 20-4-102 IMP, Sec. 20-4-106, 20-4-108 MCA

10.57.404 CLASS 4 VOCATIONAL CERTIFICATION (1) ~~Unless the teacher is certified with class 1, 2, or 5 specifically endorsed for vocational subjects, a class 4 is required for all vocational teachers who teach in post-high schools, vocational technical schools, community colleges, or junior colleges where state certification of the teacher is a requirement for federal or state reimbursement of programs. Appropriately endorsed vocational certification may be available to teachers of vocational subjects not certified with a Class 1, 2 or 5 specifically endorsed for vocational subjects.~~

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

(iii) This certificate is issued for five years and is renewable on completion of one year of successful teaching experience in the an area of endorsement during the five-year period plus: ~~the presentation of acceptable evidence of completion of sixty renewal units. Beginning with those certificates expiring in 1997, at least forty (40) of those units must be obtained through college credits unless the certificate holder has a master's degree in a field related to certification.~~

~~(iv) Upon obtainment of the master's degree, this~~

~~certificate is renewable on completion of one year of successful teaching experience in the area of endorsement.~~

~~(A) For holders of a bachelor's degree, sixty (60) renewal units are required. (Effective with certificates expiring in 1997, at least forty (40) of those units (three (3) semester or four (4) quarterly credits) must be obtained through college credits or technical studies.)~~

~~(B) For holders of a master's degree, sixty (60) renewal units will be required for those certificates expiring in 1995.~~

~~(b) through (b)(i) will remain the same.~~

~~(ii) A teacher of secondary and postsecondary trade and industrial education, and technical education, and health occupations shall have had at least 10,000 hours (5 years) of work experience or apprenticeship training equal to 10,000 hours in the occupation or combination of occupations related to the specific field in which they are to teach. A teacher of other occupations requires a minimum of 2,000 hours of experience.~~

~~(iii) The following criteria will be considered in evaluating occupational work experience for trade and industrial education, and technical education, and health occupations:~~

~~(A) through (b)(v) will remain the same.~~

~~(A) 10 semester (15 quarter) (10 semester) credits or of college work in general background courses distributed in at least three of the following fields, selected by the student to strengthen specialized vocational areas: English, social studies, humanities, science, mathematics.~~

~~(B) will remain the same.~~

~~(C) 7 semester (10 quarter) credits or a minimum of 150 clock hours of student teaching. Two years successful teaching experience on a class 4C (temporary) certificate may be substituted for the student teaching requirement.~~

~~(vi) This certificate is issued for five years and is renewable on completion of one year of successful teaching experience in the area of endorsement during the five-year period plus completion of sixty renewal units. Beginning with those Class 4B certificates expiring in 1997, at least forty (40) of those units must be obtained through college credits.~~

~~(c) through (c)(ii) will remain the same.~~

~~(iii) Issuance of the class 4C (Temporary) certificate is dependent upon the applicant's signing a plan of professional intent leading to a class 4A or 4B certificate.~~

~~(iv) will remain the same.~~

AUTH: Sec. 20-4-102 IMP: Sec. 20-4-106, 20-4-108, MCA

10.57.405 CLASS 5 PROVISIONAL CERTIFICATE (1) through (1)(b) will remain the same.

~~(2) Basic education: Bachelor's degree.~~

~~(3) through (4) will remain the same but be renumbered (2) through (3).~~

~~(5)-(4). The recipient of a class 5 provisional certificate must be working on a planned program leading to the class 1, 2, or 3 or 6 certificate. On completion of the necessary credits, or the equivalent, the holder may apply for regular~~

certification.

~~(6)(5) Provisional certificate, elementary endorsement level: Elementary endorsement is granted to applicants who submit acceptable evidence of a partially completed elementary education program or a completed non-approved program or wish to convert from secondary to elementary, provided the following minimum requirements have been met; and the individual is not already a regular certified employee of a district where he has been under contract as a certified teacher during the last academic year. This provision does not apply to a teacher who is selected for promotion within the district at the elementary level or to an administrative position.~~

(a) bachelor's degree; and,

(b) a minimum of ~~90 quarter~~ 60 semester ~~60 semester~~ 90 quarter credits of academic preparation in acceptable balance, in language arts and literature, history, government and related social science, mathematics, and any two of the following: art, music, foreign languages, speech, dramatics drama, library science, or health, and

(c) Professional preparation of at least 8 semester (12 quarter) credits to include: human growth and development, the teaching of reading and/or language arts, social studies and arithmetic, and student teaching or appropriate intern experiences.

~~(7)(6) Provisional certificate, secondary endorsement level: Secondary endorsement is granted to applicants who submit acceptable evidence of a partially completed secondary education program, or a completed non-approved secondary education program, or wish to convert from elementary to secondary or from level 7-12 to level 5-12, provided the following minimum requirements have been met; and the individual is not already a regular certified employee of a district where he has been under contract as a certified teacher during the last academic year. This provision does not apply to a teacher who is selected for promotion within the district at the secondary level or to an administrative position.~~

(a) bachelor's degree; and

(b) major preparation (at least ~~45 quarter or 30 semester~~ 30 semester or 45 quarter credits) in an area commonly offered in the high school programs in Montana and approved by the board of public education for endorsement except that in a broadfield endorsement there must be:

(i) at least 30 semester (45 quarter credits) in one teaching area and at least 10 semester (15 quarter) credits in another teaching area within the field; and

(ii) in the plan of professional intent the requirement to extend the broadfield area to 40 semester (60 quarter) credits with at least 10 semester (15 quarter) credits in three (3) teaching areas within that field.

(c) ~~8 quarter (6 semester)~~ 6 semester (8 quarter) credits in a planned program of professional teacher education, and admission to the secondary teacher education program of an accredited college or university.

~~{0}~~ (7) Administrative endorsement certificate:

(a) Superintendent endorsement: ~~{OPTION A}~~ Class 5 certification with a plan of professional intent leading to a class 3 (administrative) certificate with a superintendent endorsement may be issued to applicants who meet the following minimum requirements:

(i) ~~Eligibility for a class 1, 3, or 5 teaching certificate at the appropriate level.~~

(ii) ~~3 years of teaching experience from the date fully qualified as a principal, or 1 year of administrative experience as an appropriately certified administrator (principal, assistant principal or supervisor) or 1 year of a supervised administrative internship,~~

(iii) ~~Master's degree in school administration or the equivalent to include:~~

(A) ~~Completed school administration program for principal (must include core outlined for principal),~~

(B) ~~At least 12 graduate quarter (8 semester) credits, or the equivalent, in elementary education to include elementary administration and elementary curriculum if the applicant does not qualify for elementary endorsement on the class 1 or 2 teaching certificate; or, at least 12 graduate quarter (8 semester) credits, or the equivalent, in secondary education to include secondary administration and secondary curriculum if the applicant does not qualify for secondary endorsement on the class 1 or 2 teaching certificate; (additions meet class 3 superintendent rule).~~

(iv) ~~The plan of professional intent leading to regular certification must have in the program 12 graduate quarter credits in administration beyond the master's degree.~~

(v) ~~The following courses must be found in the graduate course work.~~

(A) ~~school management/facilities,~~

(B) ~~school negotiation,~~

(C) ~~school finance (economics of education), and~~

(D) ~~public relations.~~

(b) superintendent endorsement: ~~{OPTION B}~~ Class 5 certification with a plan of professional intent leading to a class 3 (administrative) certificate with a superintendent endorsement may be issued to applicants who meet the following minimum requirements:

(i) ~~Eligibility for a class 1, 2, or 5 teaching certificate at the appropriate level,~~

(ii) ~~Verification of a minimum of three years of successful experience as an appropriately certified and assigned teacher (see ARM 10.57.403 (6) (e) and (7) (e)).~~

(iii) ~~Master's degree in school administration, or equivalent, from an institution accredited for administrative preparation,~~

(iv) ~~hold valid administrative certification as superintendent from a state other than Montana, and~~

(v) ~~within the seven years immediately preceding application for certification in Montana, satisfactorily served as a superintendent for not fewer than twenty-seven months, in~~

one or more states, on at least a one-half time basis.

(vi) The plan of professional intent leading to regular certification must have in program at least 12 graduate quarter (8 semester) credits in administration beyond the master's degree.

(vii) The following courses must be found in the official transcripts of past graduate course work or be included in the class 5 professional plan of intent:

- (A) general school administration,
- (B) elementary and secondary administration,
- (C) administration of guidance services,
- (D) supervision of instruction/evaluation of personnel,
- (E) school curriculum K-12,
- (F) school finance (budgeting and economics of education),
- (G) school law,
- (H) school management/facilities management,
- (I) school negotiations,
- (J) public relations, and
- (K) Twelve (12) graduate quarter (8 semester) credits in elementary education to include elementary administration and elementary curriculum if endorsed as a teacher at the secondary level; twelve (12) graduate quarter (8 semester) credits in secondary education to include secondary administration and secondary curriculum if endorsed as a teacher at the elementary level.

(i) Eligibility for a class 1, 2, or 5 teaching certificate.

(ii) Verification of a minimum of three years of successful experience as an appropriately certified and assigned teacher.

(iii) One year of administrative experience as an appropriately certified and assigned administrator (superintendent or assistant, principal or assistant, or supervisor) or one year of college supervised administrative internship.

(iv) Master's degree in school administration, or the equivalent, from an institution accredited for administrative preparation to include:

(A) at least 8 graduate semester (12 graduate quarter) credits in elementary education to include elementary

administration and elementary curriculum if the applicant does not qualify for elementary endorsement on the class 1 or 2 teaching certificate; or,

(B) at least 8 graduate semester (12 graduate quarter) credits in secondary education to include secondary administration and secondary curriculum if the applicant does not qualify for secondary endorsement on the class 1 or 2 teaching certificate.

(v) The plan of professional intent leading to regular certification (or existing transcripts) must include 8 graduate semester (12 graduate quarter) credits in administration beyond the master's degree.

(vi) The following courses and/or content must be verified within the graduate program completed or made a part of a plan

of professional intent:

- (A) general school administration.
- (B) elementary and secondary administration.
- (C) administration of guidance services.
- (D) supervision of instruction.
- (E) elementary and secondary school curriculum.
- (F) basic and advanced courses in school finance.
- (G) school law course.
- (H) school management and facilities planning.
- (I) school negotiation (human resource management), and
- (J) public relations.

~~(e)(b)~~ Principal endorsement: Class 5 certification with a plan of professional intent leading to a class 3 (administrative) certificate with principal endorsement may be issued to applicants who meet the following minimum requirements, and have a minimum of three years of successful experience as an appropriately certified and assigned teacher ~~(see ARM 10.57.403 (6) (e) and (7) (e)).~~

(i) Eligibility for a class 1, 2 and or 5 teaching certificate at the appropriate level,

(ii) Master's degree in a field offered for certification in Montana, and

~~(iii) 21 graduate quarter (14 semester) credits to include the following courses:~~

within the graduate courses completed, at least 14 graduate semester (21 graduate quarter) credits in professional education to include the following courses and/or content, or include the specified courses and/or content not verified as completed into the plan of professional intent;

(A) through (C) will remain the same.

(D) ~~supervision of instruction evaluation at the appropriate level,~~

(E) will remain the same.

(F) basic school finance course (budgeting) and

(G) course in school law.

(iv) ~~These~~ Applicants must complete an approved school administration program during the term of the class 5 certificate.

~~(v) Class 5 certification with a plan of professional intent leading to class 3 (administrative) certification for principal may also be issued to applicants who within the last five years have been fully eligible for administrative certification in~~

~~Montana endorsed in one of the general areas (elementary principal, secondary principal, superintendent or supervisor) but who may not meet the new course requirements. In addition, the class 5 certificate may be approved for individuals in programs that have been authorized by the superintendent of public instruction. All administrative certificates are based on a minimum of a master's degree in administration or the equivalent with state specified course work, and a minimum of three years of successful experience as appropriately certified and assigned teacher (see ARM 10.57.403 (6) (e) and (7) (c)).~~

~~(vi) Class 5 certification with a plan of professional intent leading toward the class 3 (administrative) certificate for principal may be issued to applicants who hold valid certification in another state in general administrative areas but who may not meet Montana's specific course requirements. The current certification must have been based on not less than a master's degree, the completed approved program in school administration of a college accredited for administrative preparation and a minimum of three years of successful experience as an appropriately certified and assigned teacher (see ARM 10.57.403 (6) (e) and (7) (e).)~~

(c) Supervisor endorsement: Class 5 certification with a plan of professional intent leading to a class 3 (administrative) certificate with a supervisor endorsement may be issued to applicants who meet the following minimum requirements:

(i) master's degree in the area requested for endorsement.
(ii) three years of experience as an appropriately certified and assigned teacher.

(iii) eligibility for the Class 1, 2 or 5 teaching certificate endorsed in the area requested for supervisory endorsement.

(iv) Completed graduate course work, or the plan of professional intent leading to regular certification, must include 14 graduate semester (21 graduate quarter) credits of professional preparation to include the following courses and/or content:

(A) general school administration,
(B) administration of the special area to be endorsed,
(C) supervision of instruction,
(D) basic school finance,
(E) school law, and
(F) a supervised practicum/internship (minimum of 4 semester (6 quarter) credits or appropriate waiver).

(8) The class 5 certificate may be approved for individuals in programs that have been authorized by the superintendent of public instruction.

(9) A person with a class 5 certificate may, on completion of the necessary credits of the equivalent, may plan of professional intent, apply for class 1, 2, or 3 or 6 certification.

~~(10) Two year renewable class 5 certificates issued prior to September 1, 1978, will be renewed on fulfillment of requirements in force at the time of original issue.~~

~~(11)(10) A lapsed class 5 certificate cannot be reinstated.~~

AUTH: Sec. 20-4-102 IMP: Sec. 20-4-106, 20-4-108 MCA

NEW RULE I CLASS 6 SPECIALIST CERTIFICATE

(1) School psychologists and master's degree school counselors. A professional serving as a school psychologist in the public schools must be certified with a specialist certificate. A professional serving in the role of a master's

degree school counselor in the public schools must be certified with an appropriately endorsed teaching certificate or specialist certificate.

(2) School psychologist:

(a) Term: 5 years, renewable.

(b) Basic education: Master's degree in school psychology or equivalent related area to include the following minimums:

(i) Must have 10 semester (15 quarter) credits in general education/psychology (graduate or undergraduate) training to include:

(A) guidance,

(B) human growth and development,

(C) general psychology,

(D) educational psychology, and

(E) learning theory.

(ii) Educational program. The following specific course content is required at either the undergraduate or graduate level:

(A) exceptional children (must include special education),

(B) curriculum development,

(C) diagnosis and remediation of reading, and

(D) educational evaluation;

(iii) Psychological methods and techniques. The following specific course work is required at the graduate level:

(A) individual intelligence testing,

(B) group intelligence and achievement testing,

(C) personality assessment,

(D) interviewing and counseling,

(E) behavior modification,

(F) school psychology practicum/internship (a minimum of 4 semester (6 quarter) hours of graduate credit or appropriate waiver), and

(G) administration, role and function of school psychology.

(3) School counselor:

(a) Term: 5 years, renewable.

(b) Basic education: Master's degree in school guidance and counseling (K-12) or master's degree with equivalent graduate level school counseling content. The program must include a supervised internship of at least 600 hours in a school or school related setting, or appropriate waiver.

(4) Renewal. Verification of one year of successful specialist experience or the equivalent, plus presentation of acceptable evidence of 4 additional graduate semester (6 graduate quarter) credits of academic or equivalent inservice course work.

(5) Reinstatement and recent training:

(a) Reinstatement of lapsed certificates or initial certification for applicants with training more than 5 but less than 15 years old, a class 6 certificate cannot be issued until the required number of graduate credits are presented.

(b) Credits presented must have been earned within the five-year period preceding the date of application on the basis of 8 graduate semester (12 graduate quarter) credits for the first 5 years plus 4 graduate semester (6 graduate quarter)

credits for each additional 5-year period since certification or original training.

(c) The applicant may, however, practice under a class 5 provisional (specialist) certificate for one (1) year while completing the credit deficiency.

(i) For provisional certification a plan of intent outlining the specific courses required must be submitted to teacher certification in the office of public instruction.

(ii) The plan of intent, a part of the application form which may be obtained from the office of public instruction, must be signed by the applicant and the college certification official where the course work will be completed (if applicable). Applicants for the school psychologist endorsement must also obtain the signature of a representative of the employing school district.

(iii) An applicant for a class 5 provisional certificate must not have more than four (4) of the required courses to complete in the one-year period of the certificate. (In the case of the school psychologist endorsement, the applicant must have completed the individual intelligence testing requirement.)

(iv) The individual who has allowed a certificate to lapse for more than 15 years or has not completed any recent academic training on the basis of 4 graduate semester (6 graduate quarter) credits for every five years, must contact the office of public instruction for evaluation of his/her certification position and procedures to obtain a certificate. Individuals lacking the recent training requirements, may qualify for the provisional certificate providing other academic requirements are met.

(d) Renewal and reinstatement credits must supplement, strengthen and update the specialist preparation and must be graduate credit.

AUTH: Sec. 20-4-102 IMP: Sec. 20-4-106, 20-4-108 MCA

10.57.501 SCHOOL PSYCHOLOGISTS, SOCIAL WORKERS, NURSES AND SPEECH AND HEARING THERAPISTS

(1) Professionals such as school psychologists, ~~master's degree school counselors~~, social workers, nurses and speech and hearing therapists who are teaching in a classroom must have a teaching certificate appropriate for the level(s) and area(s) taught.

(2) will remain the same.

(3) ~~School psychologists and master's degree school counselors. A professional serving as a school psychologist in the public schools must be certified with a specialist certificate. A professional serving in the role of a master's degree school counselor in the public schools must be appropriately certified under the class 1 teaching certificate or the class 6 specialists.~~

(4) ~~Class 6 (specialist) certificate. School psychologists.~~

(a) Term: ~~5 years, renewable.~~
(b) Basic education. ~~Master's degree in school psychology or equivalent related areas to include the following minimums:~~
(i) ~~must have 20 quarter credits in general education/psychology (graduate or undergraduate) training to include:~~
(A) ~~guidance~~
(B) ~~human growth and development~~
(C) ~~general psychology~~
(D) ~~educational psychology~~
(E) ~~learning theory~~
(ii) ~~educational program. The following specific courses are required as the undergraduate or graduate:~~
(A) ~~exceptional children (must include special education)~~
(B) ~~curriculum development~~
(C) ~~diagnosis and remediation of reading~~
(D) ~~educational evaluation~~
(iii) ~~psychological methods and techniques. The following are specific minimum requirements:~~
(A) ~~individual intelligence testing graduate~~
(B) ~~group intelligence and achievement testing graduate~~
(C) ~~personality assessment graduate~~
(D) ~~interviewing and counseling graduate~~
(E) ~~behavior modification graduate~~
(F) ~~school psychology practicum/internship (a minimum of 6 quarter hours of graduate credit or appropriate waiver)~~
(G) ~~administration, role and function of school psychology.~~
(c) ~~Renewal. Verification of one year of successful specialist experience or the equivalent, plus presentation of acceptable evidence of 6 additional graduate quarter credits of academic or equivalent inservice coursework.~~
(d) ~~Reinstatement and recent training. For reinstatement of lapsed certificates or initial certification for applicants with training more than 5 but less than 15 years old a class 6 certificate cannot be issued until the required number of graduate credits are presented. Credits presented must have been earned within the five-year period preceding the date of application on the basis of 12 quarter credits for the first 5 years plus 6 quarter credits for each additional 5-year period since certification or original training. (Specific courses may be required for initial certification.) The applicant may, however, practice under a class 5 provisional (specialist) certificate for one (1) year while completing the credit deficiency. For provisional certification a plan of intent outlining the specific courses required must be submitted to teacher certification in the office of public instruction. The plan of intent, a part of the application form which may be obtained from the office of public instruction, must be signed by the applicant, the college certification official where the coursework will be completed (if applicable) and a representative of the employing school district. After March 1, 1982, an applicant applying for a class 5~~

provisional certificate must have completed the individual intelligence testing requirement and not have more than four (4) of the required courses to complete in the one-year period of the certificate. A class 5 is issued for one (1) year and is not renewable. The individual who has allowed a certificate to lapse for more than 15 years or has not completed any recent academic training on the basis of 6 quarter credits for every five years, must contact the office of public instruction for evaluation of his/her certification position and procedures to obtain a certificate. Individuals in this category, lacking the recent training requirements, are not eligible to receive any class of certification until a minimum of 12 quarter credits of formal training or the equivalent is met.

(5) Class 6 (specialist) certificate. School counselor.

(a) Term: 5 years, renewable.

(b) Basic education: Master's degree in school guidance and counseling (K-12) or master's degree with equivalent include a supervised internship of at least 600 hours in a school or school related setting, or appropriate waiver.

(c) Renewal: Verification of 1-year of successful specialist experience or the equivalent, plus presentation of acceptable evidence of 4 additional graduate semester (6 graduate quarter) credits of academic or equivalent inservice coursework. Renewal credits must supplement, strengthen and update the specialist preparation.

(d) Reinstatement and recent training:

(i) For reinstatement of lapsed certificates of initial certification for applicants with training more than 5 but less than 15 years old, a class 6 certificate cannot be issued until the required number of credits are presented. Reinstatement credits must supplement, strengthen and update the specialist preparation.

(ii) Credits presented must have been earned within the 5-year period preceding the date of application on the basis of 8 semester (12 quarter) credits for the first 5 years plus 4 semester (6 quarter) credits for each additional 5-year period since certification or original training.

(iii) The applicant may, however, practice under a class 5 provisional (specialist) certificate for 1-year while completing the credit deficiency.

(A) For provisional certification a plan of intent outlining the specific courses required must be submitted to teacher certification in the office of public instruction.

(B) The plan of intent section, a part of the application form, may be obtained from the office of public instruction and must be signed by the applicant and the college certification official where the coursework will be completed (if applicable).

(C) An applicant applying for a class 5 provisional certificate may not have more than 4 of the required courses to complete in the 1-year period of the certificate.

(D) A class 5 is issued for 1-year and is not renewable.

(iv) The individual who has allowed a certificate to lapse for more than 15 years or has not completed any recent academic

~~training on the basis of 4 semester (6 quarter) credits for every 5 years, must contact the office of public instruction for evaluation of his/her certification position and procedures to obtain a certificate.~~

~~(v) Individuals lacking the recent training requirements, may qualify for the provisional certificate providing other academic requirements are met.~~

AUTH: Sec. 20-4-102 MCA; IMP: Sec. 20-4-102 MCA

10.57.601 REQUEST TO SUSPEND OR REVOKE A TEACHER, OR SPECIALIST OR ADMINISTRATOR CERTIFICATE: PRELIMINARY ACTION

(1) Requests to suspend or revoke a teacher, ~~or specialist or administrator~~ certificate shall be brought before the board of public education by only:

(a) An official action of the board of trustees of a local district for any teacher, ~~or specialist or administrator~~ currently employed by that district or under contract or otherwise employed by that district at any time during the twelve months prior to the receipt of the board of public education of the suspension or revocation request; or

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

(a) The specific charge(s), against the teacher, ~~or specialist or administrator~~,

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

(3) Upon receipt of such request, the board of public education shall implement an investigation to determine whether or not a substantial reason exists to hold a hearing for suspension or revocation of the teacher, ~~or specialist or administrator~~ certificate exists. This investigation shall include notifying the affected teacher, ~~or specialist or administrator~~ of the charges against him/her by certified mail and allowing him/her ten days to respond to those charges. After receiving a response, the board may request further information from either party to ensure the preliminary investigation properly reflects the facts and position of each party.

(4) Immoral conduct related to the teaching profession, under section 20-4-110(1)(f), MCA, means:

(a) Sexual contact, as defined in section 45-2-101 (60), MCA, or sexual intercourse as defined in section 45-2-101 (61), MCA, between a teacher, ~~or specialist or administrator~~ and a person the teacher, ~~or specialist or administrator~~ knows or reasonably should know is a student at a public or private elementary or secondary school;

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

(iv) Section 45-5-505, MCA (deviate sexual conduct), if the conduct either was non-consensual or involved a person the teacher, ~~or specialist or administrator~~ knows or reasonably should know is a student at a public or private elementary or secondary school;

(v) through (xii) will remain the same.

(c) Repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated

convictions, taken together, demonstrate that the teacher, ~~or specialist or administrator~~ is unwilling to conform his/her conduct to the requirements of law.

(d) Occurrences related to ARM 24.9.1003(9), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:

(i) submission to the conduct is explicitly or implicitly made a term or condition of education.

(ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual, and/or

(iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment.

AUTH: Sec. 20-4-102 MCA; IMP: Sec. 20-4-110 MCA

10.57.602 NOTICE AND OPPORTUNITY FOR HEARING UPON DETERMINATION THAT SUBSTANTIAL REASON EXISTS TO HOLD A HEARING TO SUSPEND OR REVOKE TEACHER, OR SPECIALIST OR ADMINISTRATOR CERTIFICATE

(1) On the basis of the preliminary investigation, the board of public education shall determine whether or not a substantial reason exists to hold a hearing to suspend or revoke the teacher, ~~or specialist or administrator~~ certificate.

(a) If the board determines that no substantial reason exists to hold a hearing to suspend or revoke the teacher, ~~or specialist or administrator~~ certificate, the matter is ended.

(b) If the board determines that there is substantial reason to hold a hearing to suspend or revoke the teacher, ~~or specialist or administrator~~ certificate, the board shall provide notice by certified mail not less than 30 days prior to the date of the hearing of the pending action to the teacher, ~~or specialist or administrator~~. Such notice shall include:

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

(c) The notice shall advise the teacher, ~~or specialist or administrator~~ that he/she has the right to contest the proposed action of the board, and that he/she may do so by appearing at the hearing either personally or through counsel, or by requesting the board to consider the matter on the basis of the available evidence without an appearance by the teacher, ~~or specialist or administrator~~.

(d) The board shall enclose with the notice an election form on which the teacher, ~~or specialist or administrator~~ shall be asked to indicate whether he/she intends to appear at the hearing and contest the board's proposed action, contest the board's proposed action without appearing at the hearing, or accept the proposed suspension or revocation without contesting it. The notice shall require the teacher, ~~or specialist or administrator~~ to return the election form within twenty (20) days of the date on which the notice was mailed, and shall inform the teacher, ~~or specialist or administrator~~ that failure to return the form in a timely manner will result in the

suspension or revocation of the certificate by default.

(e) If the teacher, ~~or specialist or administrator~~ does not return the completed election form within twenty (20) days or elects to accept the proposed suspension or revocation without contesting it, the board shall suspend or revoke the teacher, ~~or specialist or administrator~~ certificate at its next meeting.

(f) If the teacher, ~~or specialist or administrator~~ elects to contest the proposed suspension or revocation and complies with subsection (1)(d) of this rule, the board shall conduct a hearing.

AUTH: Sec. 20-4-102 MCA IMP: Sec. 20-4-110 MCA

10.57.603 HEARING IN CONTESTED CASES (1) through (1)(c) will remain the same.

(2) At the time and place set in the notice to the teacher, ~~or specialist or administrator~~, the chairperson of the board of public education or designated board member(s) or an appointed hearing examiner shall conduct the hearing in accordance with Rules 9 through 21 of the attorney general's model rules for hearing contested cases, as found in the Administrative Rules of Montana.

AUTH: Sec. 20-4-102 MCA IMP: Sec. 20-4-110 MCA

10.57.604 AFTER HEARING BY MEMBER OF BOARD/HEARING EXAMINER/BOARD OF PUBLIC EDUCATION

(1) After hearing by the board of public education, the board adopts findings of fact, conclusion of law and an order either suspending or revoking the teacher, ~~or specialist or administrator~~ certificate or not suspending or revoking the teacher, ~~or specialist or administrator~~ certificate. The board shall enter its decision on its minutes and shall serve a copy by certified mail on the party adversely affected and on any other involved party. When a certificate is suspended or revoked, the superintendent of public instruction shall notify certifying agencies in each of the other states.

AUTH: Sec. 20-4-102 MCA IMP: Sec. 20-4-110 MCA

10.57.701 APPEAL FROM DENIAL OF A TEACHER, ~~OR SPECIALIST OR ADMINISTRATOR~~ CERTIFICATE

(1) Appeal from the decision of the superintendent of public instruction to deny issuance or renewal of a teacher, ~~or specialist or administrator~~ certificate shall be brought before the board of public education by written request which:

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

AUTH: Sec. 20-4-102 MCA IMP: Sec. 20-4-110 MCA

10.57.702 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104(1)(c), MCA

(1) The board of public education will not consider an appeal from a denial by the superintendent of public instruction based on section 20-4-104(1)(c), MCA, if the

appellant has made an appeal to the board from the denial of a teacher, ~~or~~ specialist or administrator certificate within three (3) years prior to the application which is at issue, which appeal was denied by the board following a hearing, unless the appellant can show substantial changes in circumstances relating to his/her eligibility for a certificate.

AUTH: Sec. 20-4-102 MCA IMP: Sec. 20-4-110 MCA

10.57.703 HEARING ON APPEAL (1) will remain the same.

(2) On appeal the burden is on the appellant to establish by preponderance of the evidence that he/she satisfies the statutory criteria for issuance of a teacher, ~~or~~ specialist or administrator certificate.

(3) In cases in which the superintendent of public instruction has denied issuance or renewal of a teacher, ~~or~~ specialist or administrator certificate under section 20-4-104(1)(c), MCA, the board of public education may require the appellant to undergo at his/her expense a mental or physical examination by a physician or health professional designated by the board. The report of examination shall be admissible evidence in the appeal proceedings before the board, subject to the appellant's right to cross-examine the maker of the report.

AUTH: Sec. 20-4-102 MCA IMP: Sec. 20-4-110 MCA

3. The board proposed these changes to the rules after a review required by 10.57.101.

4. Interested parties may submit their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Wilbur Anderson, Chairman, Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than January 25, 1995.

5. Wilbur Anderson of the Board of Public Education, 2500 Broadway, Helena, MT 59620 has been designated to preside over and conduct the hearing.


WAYNE BUCHANAN, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 12/12/94.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
proposed amendment of	)	PROPOSED AMENDMENT TO ARM
a rule pertaining to	)	10.56.101 STUDENT ASSESSMENT
student assessment)	

To: All Interested Persons

1. On January 26, 1995 at 9:45 a.m., or as soon thereafter as it may be heard, a public hearing will be held at the Board of Public Education offices 2500 Broadway, Helena, in the matter of the proposed amendment to 10.56.101 Student Assessment.

2. The rule as proposed provides as follows:

10.56.101 STUDENT ASSESSMENT (1) through (4) will remain the same.

(5) The superintendent of public instruction will release school testing data to individuals or agencies who request such information except data that is prohibited for release by state or federal law.

(5) will remain the same but be renumbered to (6).

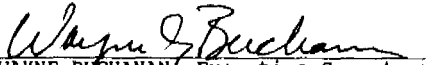
(6) will remain the same but be renumbered to (7).

AUTH: Sec. 20-2-121 IMP: Sec. 20-2-121

3. There has been considerable confusion as to the board's rule relative to the release of student testing information in the possession of the office of public instruction. The board has proposed this amendment to the rule in order to clarify the conditions under which individuals and agencies may obtain test assessment information.

4. Interested parties may submit their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Wilbur Anderson, Chairman, Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than January 25, 1995.

5. Wilbur Anderson of the Board of Public Education, 2500 Broadway, Helena, MT 59620 has been designated to preside over and conduct the hearing.


WAYNE BUCHANAN, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 12/12/94.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
proposed amendment of	)	PROPOSED AMENDMENT TO ARM
a rule pertaining to	)	10.55.907 DISTANCE LEARNING
distance learning)	

To: All Interested Persons

1. On January 26, 1995 at 9:30 a.m., or as soon thereafter as it may be heard, a public hearing will be held at the Board of Public Education offices, 2500 Broadway, Helena in the matter of the proposed amendment of ARM 10.55.907 Distance Learning.

2. The rule as proposed provides as follows:

10.55.907 DISTANCE LEARNING (1) Distance learning may be used as part of the instructional program. ~~To use distance learning programs local school districts shall apply for an alternative to the standard by:~~

~~(a) documenting in writing the need for the course;~~
~~school districts utilizing distance learning are required to report to the Office of Public Instruction via the Annual Fall Report;~~

~~(b) describing how the course instruction will be delivered and will meet learner goals;~~

(2) Schools shall meet the following criteria:

(a) Distance learning course(s) meet(s) the learner goals articulated in the Accreditation Rules;

~~(b) showing that the distance learning classroom environment meets health and safety standards and provides effective access of students to instruction;~~

~~(c) validating that the teachers of distance learning courses are certified and appropriately endorsed in Montana, or are eligible for certification and appropriate endorsement in from the sending state or certifiable in their resident state and have experience in delivering instruction via distance learning. If the teacher of a distance learning course cannot meet any of the above certification criteria, then the facilitator in the receiving classroom must be certified in Montana at the appropriate level, but not necessarily endorsed in the area of assignment;~~

~~(d) verifying that local facilitators, who assist students in receiving the instruction on site, have adequate preservice training and local supervision;~~

~~(e) showing how the effectiveness of the course, teacher and facilitator will be assessed and recorded;~~

~~(f) describing in writing why the course is not taught using on-site classroom instruction. (Eff. 7/1/89)~~


(g) schools evaluate the course(s), teacher(s) and facilitator(s) according to local school district policy.

AUTH: Sec. 20-2-114 MCA; IMP: Sec. 20-2-121

3. A number of school districts have complained about the fact that the present rule requires a district to submit all distance learning proposals to the office of public instruction and the board for approval. Because the request for such programs is becoming commonplace and because the superintendent has determined that such requests are routinely granted, the board proposes changing the rule to allow automatic acceptance of distance learning requests under the conditions which are enumerated in the proposed rule amendment.

4. Interested parties may submit their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Wilbur Anderson, Chairman, Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than January 25, 1995.

5. Wilbur Anderson of the Board of Public Education, 2500 Broadway, Helena, MT 59620 has been designated to preside over and conduct the hearing.


WAYNE BOCHANAN, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 12/12/94.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING ON
adoption of Accreditation) PROPOSED AMENDMENT TO ARM
Standards; Procedures) 10.55.604 ALTERNATIVE STANDARDS

To: All Interested Persons

1. On January 26, 1995 at 9:00 a.m., or as soon thereafter as it may heard, a public hearing will be held at the Board of Public Education offices, 2500 Broadway, Helena in the matter of the amendments of ARM 10.55.604 Alternative Standards.

2. The rule as proposed provides as follows:

10.55.604 ALTERNATIVE STANDARD (1) through (4) will remain the same.

(5) A school or school district may submit a plan to employ a performance based accreditation model to the Office of Public Instruction. A school or school district granted approval for a results oriented accreditation model shall be subject to an on-site accreditation review at the end of an initial three year period by a team of individuals selected by the Office of Public Instruction. After a successful initial review, the school shall be subject to accreditation review by a visitation team at five year intervals. Schools employing an approved performance based accreditation model may not be required to comply with other standards herein except those that are required by law.

AUTH: SEC. 20-2-114, MCA IMP: SEC. 20-2-121, MCA

3. Although it is theoretically possible for a school district to apply for a performance based accreditation model under existing rules in the alternative standard, no school district has applied for such a program in the five years these standards have been in effect. This amendment to the rule makes it clear that such a proposal may be submitted by a school district and sets forth the basic requirements which will apply to to such a program.

4. Interested parties may submit their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Wilbur Anderson, Chairman, Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than January 25, 1995.

5. Wilbur Anderson of the Board of Public Education, 2500 Broadway, Helena, MT 59620 has been designated to preside over

and conduct the hearing.


WAYNE BUCHANAN, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 12/12/94.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING ON
amendment of Accreditation) PROPOSED AMENDMENT TO ARM
) 10.55.711 GENERAL: CLASS
) SIZE AND TEACHER LOAD,
) 10.55.712 CLASS SIZE:
) ELEMENTARY

To: All Interested Persons

1. On January 26, 1995 at 9:30 a.m., or as soon thereafter as it may be heard, a public hearing will be held at the Board of Public Education offices 2500 Broadway, Helena, in the matter of the proposed amendment to 10.55.711 General: Class size and Teacher Load and 10.55.712 Class size: elementary.

2. The rules as proposed provide as follows:

10.55.711 GENERAL: CLASS SIZE AND TEACHER LOAD (1) will remain the same.

~~(2) Schools wishing to exceed class size and/or teacher loads shall seek the approval of the board of public education. In determining those variations the following will be considered:~~

~~(a) to allow students to progress at their own rate, schools may consider using nongraded classrooms;~~

~~(b) teacher aides are mandatory when class size or teacher load exceed the standards, unless the teaching methods and the quality of instruction can be shown to nullify the effect of larger class size on student performance;~~

~~(c) the use of certified personnel who are endorsed in specialized K-12 areas. (Eff. 7/1/89).~~

AUTH: Sec. 20-2-114

IMP: Sec. 20-2-121

10.55.712 CLASS SIZE: ELEMENTARY (1) In single grade rooms, the maximum class size shall be:

~~(a) no more than 24 students in kindergarten; no more than 20 students in kindergarten and grade 1 through 2.~~

~~(b) no more than 26 students in grade 1;~~

~~(c) no more than 26 students in grade 2;~~

~~(d)(b) no more than 28 students in grades 3 and 4;~~

~~(e)(c) no more than 30 students in grades 5 through 8; (eff. 7/1/89).~~

~~(2) In single grade rooms, the maximum class size shall be: (a) no more than 20 students in kindergarten and grade 1 through 2. (Eff. 7/1/92)~~

~~(3)(2) In multigrade classrooms, the maximum class size shall be:~~

~~(a) no more than 20 students in grades k, 1, 2, and 3;~~

~~(b) no more than 24 students in grades 4, 5, and 6;~~

~~(c) no more than 26 students in grades 7 and 8.~~

~~44~~(3) Multigrade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade. (Eff. 7/1/89)

~~45~~(4) In one-teacher schools, the maximum class size shall be 18 students. (Eff. 7/1/89)

(5) Teacher aides are mandatory when class size or teacher load exceed the standards. A teacher aide must be assigned a minimum of 1 1/2 hours per student overload up to six hours. An overload of five (5) students is considered excessive and shall be noted on the annual fall report.


AUTH: Sec. 20-2-114

IMP: Sec. 20-2-121

3. The board has proposed this amendment to the rules in order to delete language that has expired and replaced with other language and to provide guide lines for the use of teacher aides in the overloaded classrooms instead of relying on the alternative standard.

4. Interested parties may submit their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Wilbur Anderson, Chairman, Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than January 25, 1995.

5. Wilbur Anderson of the Board of Public Education, 2500 Broadway, Helena, MT 59620 has been designated to preside over and conduct the hearing.


WAYNE BUCHANAN, Executive Secretary
Board of Public Education

Certified to the Secretary of State on 12/12/94.

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PUBLIC
amendment of rules 16.24.406 through	)	HEARING FOR PROPOSED
16.24.417 and repeal of 16.24.418	)	AMENDMENT OF RULES
regarding health standards for	)	AND REPEAL OF RULE
operating day care centers)	
		(Day Care Centers)

To: All Interested Persons

1. On January 11, 1995, at 9:00 a.m., the department will hold a public hearing in Room C209, Side 2, of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment and repeal of the above-captioned rules.

2. The rules proposed to be amended contain standards to protect children in day care centers from health hazards.

3. The rules, as proposed to be amended, appear as follows (new material is underlined; material to be deleted is interlined):

16.24.406 DEFINITIONS (1) "Department" means the ~~Montana state~~ department of health and environmental sciences.

(2) "DT vaccine" means a vaccine containing a combination of diphtheria and tetanus toxoids for pediatric use.

(3) "DTP vaccine" means a vaccine containing diphtheria and tetanus toxoids and pertussis (whooping cough) vaccine combined, including a vaccine referred to as DTaP.

(4) "Hib vaccine" means a vaccine immunizing against infection by Haemophilus influenza type B disease.

~~(4)(5)~~ (5) "Local health authority" means a local health officer, local department of health, or local board of health.

(6) "MMR vaccine" means a live virus vaccine containing a combination of measles, mumps, and rubella vaccine.

~~(3)(7)~~ (7) "Public sewage system" means a system of collection, transportation, treatment or disposal of sewage that is designed to serve or serves 10 or more families or 25 or more persons for a period of at least 60 days out of the calendar year.

~~(4)(8)~~ (8) "Public water supply system" means a system for the delivery to the public of piped provision of water for human consumption from any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that is designed to serve or, if such a system serves at least 10 or more families or regularly serves at least 25 or more persons daily or has at least 10 service connections at least 60 days out of the calendar year.

(9) "Physician" means a person licensed to practice medicine in any jurisdiction in the United States or Canada.

(10) "Vaccine" means one of the following:

(a) if administered in the United States, an immunizing agent approved by the bureau of biologics, food and drug administration, United States public health service; or

(b) if administered outside the United States, an immunizing agent administered by a person licensed to practice medicine in the country where it is administered or by an agent of the principal public health agency of that country and properly documented as required by ARM 16.28.704.

(11) The department hereby adopts and incorporates by reference ARM 16.28.704, which contains standards for documentation of the immunization status of persons commencing school attendance. A copy of ARM 16.28.704 may be obtained from the department's Food and Consumer Safety Bureau, PO Box 200901, Helena, Montana, 59620-0901.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.407 SOLID WASTE (1) In order to ensure that solid waste is safely stored and disposed of, a day care center must:

(1)-(2) Remain the same but are renumbered (a)-(b).

{1}{c} utilize exterior collection stands for the containers referred to in {1} (a) above which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them;

(4) Remains the same but is renumbered (d).

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.408 LAUNDRY (1) In order to ensure that soiled laundry does not endanger the health of children, a day care center must:

{1}{a} refrain from storing soiled laundry in a dining, food preparation, or food storage room, and ensure that such soiled laundry is not accessible to children;

{2}{b} provide sufficient space for sorting and storing clean and soiled laundry so that clean and soiled laundry do not contact the same surface or each other;

{3}{c} machine wash all laundry at a minimum temperature of ~~54°C~~, 130°F and a minimum time of 8 minutes, and dry all laundry in a hot air tumble dryer;

{4}{d} in regard to bedding:

(a) Remains the same but is renumbered (i).

{b}{ii} assure that bedding assigned to one child is not used by another until it is laundered;

{e} handle reusable diapers as prescribed in ARM 16.24.410.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.409 GENERAL HOUSEKEEPING (1) As general house-keeping measures, a day care center must ensure that:

{1}{a} its building and grounds are free, to the extent possible, of harborage for insects, rodents, and other vermin;

{2}{b} its floors, walls, ceilings, furnishings, and

other equipment are easily cleanable and are kept clean-1

(3)(c) soap and disposable towels or other hand-drying devices are always available at all handwashing sinks. Common-use cloth towels are prohibited-1

(4)(d) toilet tissue is provided next to all toilets-1

(5)(e) the temperature is maintained at a minimum of 65°F in the areas used for day care-1

(f) at the end of each day of use, toys are cleaned and sanitized in a solution containing 50 ppm available chlorine (1/8 cup household bleach to 1 gallon of water) or a comparable sanitizing solution;

(g) handsinks and bathing facilities are provided with water at a temperature of at least 100°F and not more than 120°F;

(h) cleaners used in cleaning bathtubs, showers, sinks, urinals, toilet bowls, toilet seats and floors, contain fungicide or germicide;

(i) cleaning devices for toilets, sinks, and tubs are kept separate from each other, and cleaning devices used on toilet bowls, toilet seats, or urinals, are not used for any other purpose;

(j) dry dust mops and dry dust cloths are not used; and

(k) cleaning compounds and pesticides are stored, used and disposed of in accordance with the manufacturer's instructions.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.410 SPECIAL REQUIREMENTS WHEN CARING FOR CHILD UNDER TWO FOR CHILDREN REQUIRING CRIBS OR DIAPERS (1) If a day care center cares for children under two years of age requiring cribs or diapers, it must:

(1)(a) ensure that cribs, playpens, and toys are made of washable, nontoxic materials and are kept clean and sanitized with a solution containing at least 50 ppm chlorine (1/8 cup household bleach to 1 gallon water) or equivalent sanitizing solution, and air dried;-

(2)(b) either provide separate cribs for each such child, or launder bedding in accordance with ARM 16.24.408(4) above-1

(3)(c) have facilities to bathe such children when necessary-1

(4)(d) handle diapers in the following manner:

(a)(i) provide an adequate and cleanable area for diaper changing separate from food preparation and play areas.

(ii) after each diapering, thoroughly clean and sanitize the diapering area, using a solution of at least 50 ppm chlorine (1/8 cup household bleach to 1 gallon water) or an equivalent sanitizing solution, and air dry the area;

(b)(iii) store soiled diapers in easily cleanable or lined receptacles with tight-fitting lids in an area inaccessible to children; and empty, clean, and wash the receptacles at least daily-1

(c)(iv) refrain from dipping soiled diapers in a toilet, although fecal contents of diapers may be shaken into a

toilet;

(4)(v) ensure that each all staff members who diaper a child children washes his/her their hands with soap and warm running water immediately thereafter each diapering with soap and running water; and

(vi) equip diapering and toilet areas with a hand washing sink that is separate from the sink used for food preparation.

(5)(e) request parents to provide a supply of clean clothes adequate to allow at least one change per day and adequate diapers for a day's use;

(6) Remains the same but is renumbered (f).

AUTH: 52-2-735, MCA; IMP: 52-2-735, MCA

16.24.411 SWIMMING AREAS POOLS (1) The department hereby adopts and incorporates by reference Title 16, chapter 10, subchapter 12 15 of the Administrative Rules of Montana, setting construction and operation standards for swimming pools. A copy of ARM Title 16, chapter 10, subchapter 12 15 may be obtained from either the Water Quality Division or the Food and Consumer Safety Bureau, Department of Health and Environmental Sciences, Cogswell Building, 1400 Broadway PO Box 200901, Helena, Montana, 59620-0901, phone: 444-2408.

(2) In regard to swimming areas, a day care center must:

(a) allow children to use only a swimming pool which is constructed and operated in accordance with ARM Title 16, chapter 10, subchapter 12 15 of the Administrative Rules of Montana.

(b) in the event that a portable wading pool is used, add 1 to 3 ppm chlorine (1 tablespoon household bleach to 100 gallons of water) to the pool on the day of use, drain and clean it at least daily, drain and refill it with fresh water daily, and refill it with fresh water when needed.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.412 FOOD PREPARATION AND HANDLING (1) Remains the same.

(2) A day care center must comply with all requirements set for food service establishments in ARM Title 16, chapter 10, subchapter 2 of the Administrative Rules of Montana, with the following exceptions from the rules noted below.

(3) ARM 16.10.215(17), (18), and (23) do not apply to a day care center. A domestic style dishwasher may be used if it is equipped with a heating element and the following conditions are met:

(a) The dishwasher:

(i) is capable of washing and sanitizing all dishware, utensils and food service equipment normally used for the preparation and service of a meal in one cycle;

(ii) if it uses hot water for sanitization, must have water at a temperature of at least 155°F when it enters the machine;

(iii) if it uses a heat cycle with a heating element

for sanitization, must be allowed to run through the entire cycle before it is opened;

(b) At least a two-compartment sink is provided as a backup facility in the event the dishwasher becomes inoperable; and

(c) If the two-compartment sink is used, all dishware, utensils, and food service equipment are thoroughly cleaned in the first sink compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label, and sanitized in the second compartment using one of the following methods:

(i) complete immersion in hot water of not less than 170°F for at least one-half minute and air-drying before they are stored; or

(ii) immersion in any chemical sanitizing agent that will provide the equivalent bacteriocidal effect of a solution containing at least 50 ppm of available chlorine at a temperature of at least 75°F for one minute, and air-drying before being stored.

(4)-(7) Remain the same.

(8) Food must be obtained from sources that comply with the Montana Food, Drug and Cosmetic Act, Title 50, Chapter 31, MCA, and no home canned foods may be used.

(9) Potentially hazardous foods must be maintained at an internal temperature under 45°F or over 140°F. A food (stem) thermometer must be available to measure these temperatures.

(10) Food that has been in family-style service containers, on the table, or in the service area must be disposed of after the meal.

(11) Ground beef must be cooked to a minimum internal temperature of 155°F and have clear juices and a uniform brown color with no pink.

(12) The department hereby adopts and incorporates by reference ARM Title 16, chapter 10, subchapter 2, which sets forth requirements for food service establishments. Copies of these rules may be obtained from the department's Food and Consumer Safety Bureau, Cogswell Building, PO Box 200901, Helena, MT 59620-0901.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.413 IMMUNIZATION (1) No child may be enrolled or reside in a day care center unless one of the following has been satisfied:

(a) The child is completely immunized as required by (2) below, or immunized appropriate for his age, if less than 15 months old, as required by (3) below, and immunization is documented as required by (4) below.

(b) The child has received at least one dose of vaccine for measles (with the exception note in (2)(a) below), rubella (unless a girl 12 years of age or older), polio-myelitis, diphtheria, pertussis (unless 7 years of age or older), and tetanus, or the appropriate doses for his age if less than 15 months old; that level of immunization is documented as re-

~~quired by (4) below, and the limits on conditional enrollment set out in (5) below have not been violated.~~

~~(c) The parent or guardian provides the day care center with a signed statement claiming a religious exemption from the immunization requirements or a medical exemption signed by a licensed physician.~~

(1) Before a child may attend a Montana day care center, that center must be provided with the documentation required by (4) below that the child has been immunized as required for the child's age group against measles, rubella, mumps, poliomyelitis, diphtheria, pertussis (whooping cough), tetanus, and Haemophilus influenza type B, unless the child qualifies for conditional attendance in accordance with (8) below:

<u>Age at Entry</u>	<u>Number Doses-Vaccine Type</u>
<u>under 2 months old</u>	<u>no vaccinations required</u>
<u>by 3 months of age</u>	<u>1 dose of polio vaccine</u> <u>1 dose of DTP vaccine</u> <u>1 dose of Hib vaccine</u>
<u>by 5 months of age</u>	<u>2 doses of polio vaccine</u> <u>2 doses of DTP vaccine</u> <u>2 doses of Hib vaccine</u>
<u>by 7 months of age</u>	<u>2 doses of polio vaccine</u> <u>3 doses of DTP vaccine</u> <u>*2 or 3 doses of Hib vaccine</u>
<u>by 16 months of age</u>	<u>2 doses of polio vaccine</u> <u>3 doses of DTP vaccine</u> <u>1 dose of MMR vaccine adminis-</u> <u>tered no earlier than 12 months</u> <u>of age</u> <u>*1 dose of Hib vaccine given</u> <u>after 12 or 15 months of age</u>
<u>by 19 months of age</u>	<u>3 doses of polio vaccine</u> <u>4 doses of DTP vaccine</u> <u>1 dose of MMR vaccine adminis-</u> <u>tered no earlier than 12 months</u> <u>of age</u> <u>*1 dose of Hib vaccine given</u> <u>after 12 or 15 months of age</u>

(*) varies depending on vaccine type used.

~~(2) A child receiving the following number of doses of vaccine for the diseases noted is completely immunized for the purposes of this rule:~~

~~(a) one dose of live, attenuated measles (rubeola) vaccine given after the first birthday, with the exception~~

~~that a person certified by a physician as having had measles disease is not required to receive measles vaccine;~~

~~(b) one dose of live rubella vaccine given after the first birthday, with the exception that a female who has reached age 12 is exempted from the rubella vaccine requirements;~~

~~(c) 3 doses or more of vaccine for diphtheria, pertussis, and tetanus, plus an additional dose given after the fourth birthday; and~~

~~(d) 3 or more doses of live, oral, trivalent poliomyelitis vaccine, at least one dose of which must be given after the fourth birthday.~~

(2) If a child is at least 12 months old but less than 60 months of age and has not received any Hib vaccine, the child must receive a dose prior to entry.

(3) A child under 15 months of age is immunized appropriately for his age if he has received a minimum of 2 doses of live, oral, trivalent poliomyelitis vaccine and 2 doses of vaccine for diphtheria, pertussis, and tetanus by the time he reaches 15 months of age, ensuring that 2 months elapse between doses, and that administration of the first dose is no earlier than 2 months of age. DT vaccine administered to a child less than 7 years of age is acceptable for purposes of this rule only if accompanied by a medical exemption meeting the requirements of ARM 16.28.707 that exempts the child from pertussis vaccination.

(4) Documentation of immunization status for purposes of this rule consists of either a completed Montana Certificate of Immunization form (HES-101), a physician's signed statement, a local health authority's certified record, or a written parental record signed by a physician or physician's designee showing at least including the date of birth, the name of each vaccine provided, and the month, day and year of each vaccination the last dose was administered (or, in the case of measles, the month, day and year the vaccination was administered or the disease diagnosed).

(5) A child enrolled conditionally pursuant to subsection (1)(b) above must not be allowed to continue to attend the day care center unless he is completely immunized, or immunized appropriately for his age, and immunization is documented as required by this rule within 90 days after the date enrollment commences or the effective date of this rule, whichever is later. In order to continue to attend a day care center, a child must continue to be immunized on the schedule described in (1) above and must be immediately excluded from attendance at the day care center if the child is not vaccinated on that schedule with all of the required vaccines, or does not have on file at the day care center a record of a medical exemption or a conditional enrollment form which indicates that no vaccine dose is past due.

(6) Hib vaccine is not required or recommended for children 5 years of age and older.

(7) Doses of MMR vaccine, to be acceptable under this rule, must be given no earlier than 12 months of age, and a

child who received a dose prior to 12 months of age must be re-vaccinated before attending a day care center.

(8) A child may initially conditionally attend a day care center if:

(a) the child has received at least one dose of each of the vaccines required for the child's age;

(b) a form prescribed by the department documenting the child's conditional immunization status is on file at the day care center and is attached to the department's Montana Certificate of Immunization (HES-101); and

(c) the child is not past due for the next required dose (as noted on the conditional enrollment form) of the vaccine in question.

(6)(9) If a child in attendance at the day care center, a resident of the day care center, or a staff member or volunteer contracts any of the diseases for which this rule requires immunization, all individuals infected and all children persons attending the day care center who are not completely immunized against the disease in question or who are exempted from immunization must be excluded from the center until: the local health authority indicates to the day care center that the outbreak is over.

(a) no further cases have occurred during a period of 3 weeks after the last case is diagnosed; or

(b) the child is completely immunized against that disease.

(7)(10) The day care center must:

(a) maintain a written record of immunization status of each enrolled child and each child of a staff member which resides at the day care center; and

(b) must make those records available during normal working hours to representatives of the department or the local health authority.

(11) A child seeking to attend a Montana day care center is not required to have any immunizations which are medically contraindicated. A written and signed statement from a physician that an immunization is medically contraindicated will exempt a person from the applicable immunization requirements of this rule.

(12) A child under 5 years of age seeking to attend a Montana day care center is not required to be immunized against Haemophilus influenza type B if the parent or guardian of that child objects thereto in a signed, written statement indicating that the proposed immunization interferes with the free exercise of the religious beliefs of the person signing the statement.

(13) The department hereby adopts and incorporates by reference ARM 16.28.707, which sets the requirements for a medical exemption from vaccination. A copy of ARM 16.28.707 may be obtained from the department's Food and Consumer Safety Bureau, PO Box 200901, Helena, Montana, 59620-0901.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.414 HEALTH SUPERVISION AND MAINTENANCE (1) The

department hereby adopts and incorporates by reference ARM 16.28.1005, which sets standards for tuberculin testing of those working in day care centers, and treatment and monitoring of positive cases among them. A copy of ARM 16.28.1005 may be obtained from the Health Services Division, Department of Health and Environmental Sciences, Cogswell Building, 1400 Broadway PO Box 200901, Helena, Montana, 59620-0901.

(2) Remains the same.

(3) The director, owner, manager, or person in charge of the day care center must designate a staff member to check daily the health status of each child immediately upon that child's entry into the center, and to exclude any child showing symptoms of illness, under the following guidelines:-

(a) Children must be without fever of 101°F or greater for 24 hours before they return to the day care center, except that children with immunization-related fevers need not be excluded if they are able to participate in the routine of the day care center.

(b) Children must be without vomiting and diarrhea for 24 hours before they return to the day care center. Vomiting includes 2 or more episodes in the previous 24 hours. Diarrhea is defined as an increased number of stools, increased water in the stool, and/or decreased form to the stool that cannot be contained by a diaper or clothing;

(c) Children with any of the bacterial infections listed below must be treated with antibiotics for 24 hours before they return to the day care center:

(i) strep throat;

(ii) scarlet fever;

(iii) impetigo;

(iv) bacterial conjunctivitis (pinkeye); and

(v) skin infections such as draining burns or wounds or infected hangnails.

(d) Generalized rashes, including those covering multiple parts of the body, must be evaluated by a health care provider to determine their cause before the child can return to the day care center;

(e) Children with chickenpox may not be admitted to the day care center until their sores dry up, which usually takes 5 to 7 days. Day care providers must not purposefully expose susceptible children to chickenpox, even with the permission of the susceptible child's parents;

(f) Children who are jaundiced must be excluded until a health care provider evaluates the cause and authorizes the child to return to the day care center;

(g) Children with symptoms of severe illness, such as uncontrolled coughing, breathing difficulty or wheezing, stiff neck, irritability, poor food or fluid intake, or a seizure, must be evaluated by a health care provider before they may return to the day care center;

(h) A child need not be excluded for a discharge from the nose which is not accompanied by fever.

(4) If a child develops symptoms of illness while at the day care center and after the parent or guardian has

left, the day care center must do the following:

(a) ~~Isolate~~ isolate the child immediately from other children in a room or area segregated for that purpose-;

(b) ~~Contact~~ contact and inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child-;

(c) ~~Report~~ report each case of suspected communicable disease the same day by telephone to the local health authority, or as soon as possible thereafter if no contact can be made the same day.

(5) The day care center may readmit a child excluded for illness whenever, in its discretion, the child either shows no symptoms of illness-; the child has been free of fever, vomiting, or diarrhea for 24 hours; the child has been on antibiotics for at least 24 hours for bacterial infections; or the parent or guardian provides the center with a signed certification of health from a licensed physician, except that the following restrictions must be followed:

(a) If a child is excluded for shigellosis or salmonella, the child may not be readmitted until the child has no diarrhea or fever, his the child's parent or guardian produces documentation that 2 stools, taken at least 24 hours apart, are negative for shigellosis or salmonella, and the local health authority has given written approval to readmission- for the child to be readmitted to the day care center;

(b) If a child is excluded for hepatitis A virus infection, the may not be readmitted sooner than 3 days after the appearance of jaundice, nor until he has received written approval from the local health authority to be readmitted child needs to be excluded either until 1 week after onset of illness or jaundice, if the symptoms are mild, or until immune globulin has been administered to appropriate children and staff in the day care center as directed by the local health authority.

~~(c) If a child is excluded for salmonella, he may not be readmitted until he has no diarrhea or fever, his parent or guardian produces documentation that 2 stools, taken at least 24 hours apart, are negative for salmonella, and the local health authority has given written approval to readmission-~~

(6) Remains the same.

(7) ~~Each~~ Every employee, volunteer, or resident at a day care center must:

(a) ~~Have~~ have an examination for tuberculosis prior to ~~or within 30 days after~~ commencing work at the day care center, in conformity with ARM 16.28.1005-;

(b) ~~Be~~ be excluded from the day care center if the person has a communicable disease, including or a sore throat or cold-;

(c) ~~Wash his or her hands after every diapering and before feeding of any child, wash their hands and exposed portions of their arms with a cleaning compound in a sink by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing~~

with clean water, paying particular attention to the areas underneath the fingernails and between the fingers, at the following times:

(i) after touching bare human body parts other than clean hands and clean exposed portions of arms;

(ii) after using the toilet and after every diapering;

(iii) after coughing, sneezing, and using a handkerchief or disposable tissue;

(iv) immediately before engaging in food preparation and before feeding any child;

(v) during food preparation as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; and

(vi) after engaging in other activities that contaminate the hands; and

(d) provide documentation of complete measles and rubella immunization.

(8) Remains the same.

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

16.24.415 NUTRITION (1) The department hereby adopts and incorporates by reference ~~46 Federal Register 57980 (November 27, 1981)~~ 7 CFR 226.19 and 226.20, containing meal requirements for day care facilities participating in the child and adult care food program of the US Department of Agriculture, Food and Nutrition Service. A copy of ~~46 Federal Register 57980 (November 27, 1981)~~ 7 CFR 226.19 and 226.20 may be obtained from the department's Nutrition Coordinator consultant, Child and Adult Care Food Program, Health Services Division Department of Health and Environmental Sciences, Cogswell Building, ~~1400 Broadway PO Box 200901~~, Helena, MT, ~~59620-0901~~.

(2) Each day care center must do the following, with the exception noted in (4) below:

(a) ~~Serve~~ serve meals and snacks which meet the requirements for meals contained in ~~46 Federal Register 57980 (November 27, 1981)~~ 7 CFR 226.19 and 226.20, including the following:-

(i) Breakfast for children who are between 1 and 12 years old must include one serving of fruit, vegetable, or 100% fruit or vegetable juice; one serving of enriched bread or bread alternate; and one serving of fluid milk;

(ii) Lunch and supper for children who are between 1 and 12 years old must include one serving of meat or meat alternate; two vegetables or two fruits or one vegetable and one fruit; one serving of bread or bread alternate; and one serving of fluid milk;

(iii) Snacks for children who are between 1 and 12 years old must include two of the following four food components: meat or meat alternate, fruit or vegetable or 100% fruit or vegetable juice, bread or bread alternate, or fluid milk;

(iv) Serving sizes must be appropriate to the child's age as outlined in 7 CFR 226.19 and 226.20;

(v) The specific nutritional requirements for children

under 1 year old as outlined in 7 CFR 226.19 and 226.20 must be followed.

(b) ~~Serve~~ serve meals and snacks on, at a minimum, the following schedule to children in attendance:

- (i) snacks at mid-morning and mid-afternoon;
- (ii) lunch;
- (iii) breakfast or supper if a child is being cared for in the center at the normal time for those meals and has not otherwise received them.

(c) ~~Ensure~~ ensure that each bottle-fed infant from newborn to 1 year of age is held during bottle feedings until ~~he or she~~ the child is able to hold the bottle, and that bottles are not propped-;

(d) ~~For~~ for each child with nutritional therapeutic needs, request and carefully follow special dietary instructions, in writing, from either the child's parent or guardian, or a physician or registered dietitian, if the parent/guardian fails to or cannot provide such instructions. Food brought from home for special dietary purposes must be carefully labelled with the child's name-;

(e) ~~Plan~~ plan menus at least 2 weeks in advance, date and post the menus where parents/guardians can see them, and serve meals and snacks in accordance with the posted menus, with the exception that a menu change may be made so long as it is posted before parents arrive to check in children on the date of service-;

(f) ~~Provide~~ provide supervision to children while they eat and assist the children to eat, if necessary-;

(g) ~~Offer~~ offer drinking water at regular intervals to infants and toddlers and ensure that drinking water is freely available to all children-;

(h) ~~Keep~~ keep on file at the day care center written menu records and special dietary instructions for infants and children for 1 year following the date of the meal service.

(3) If a day care center does not participate in the department's child care food program, ~~that the~~ center must do the following in addition to meeting the requirements contained in (2) above:

(a) ~~Obtain~~ obtain guidance materials from the department about child care food program meal requirements and adhere to the recommendations therein; and

(b) ~~Within within~~ 1 year after it begins operation, ~~or within 1 year after May 28, 1982, the effective date of this rule, whichever is later,~~ and once annually thereafter, ensure that a registered dietitian evaluates the nutritional adequacy of its meals and their compliance with this rule, and that the dietitian makes a written report, to be retained on file at the day care center, containing the following information, with a copy to the department:

- (i) Remains the same.
- (ii) an assessment of management of meals, and any infant or therapeutic diets-;
- (iii)-(iv) Remain the same.
- (4) If a parent sends food with a child for consump-

tion at the day care center, the center need not provide meals or snacks for the child to the extent that food is provided by the parent for that meal or snack, but is required to do the following:

(a) ~~Provide~~ provide the child with a meal or snack meeting the requirements of (2) above whenever the parent has not provided food for that meal or snack;

(b) ~~Post~~ post a copy of the meal requirements referred to in (2)(a) above in an area where it will be readily seen by parents;

(c) ~~At~~ at least annually, provide each parent who has ever sent food to the center for consumption by a child a copy of the meal requirements referred to in (2)(a) above.

AUTH: 53-4-506, ~~52-2-735~~, MCA; IMP: 53-4-506, ~~52-2-735~~, MCA

16.24.416 WATER SUPPLY SYSTEM (1) The department hereby adopts and incorporates by reference ARM 16.20.207, stating maximum microbiological contaminant levels for public water supplies, and the following department publications setting construction, operation, and maintenance standards for springs (surface water) and wells, and cisterns, respectively:

(a) Circular ~~#11, "Springs"~~ WQB-1 "Montana Department of Health and Environmental Sciences Standards for Water Works," 1992 edition; and

(b) Circular ~~#12, "Sanitary Features of Water Wells"~~ WQB-3 "Montana Department of Health and Environmental Sciences Standards for Small Water Systems," 1992 edition;.

(c) ~~Circular #17, "Cisterns for Water Supplies."~~ Copies of ARM 16.20.207 and Circulars ~~#11 #12, and #17~~ WQB-1 and WQB-3 may be obtained from the Water Quality Bureau Division, Montana Department of Health and Environmental Sciences, Cogswell Building, PO Box 200901, Helena, Montana 59620-0901.

(2) In order to ensure an adequate and potable supply of water, a day care center must either:

(a) Remains the same.

(b) if the day care center is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including children, staff, and residents; and an adequate public water supply system is not accessible; utilize a non-public water supply system whose construction and use meet those standards set in ~~one of~~ the following circulars published by the department:

(i) Circular ~~#11 for springs~~ WQB-1 "Montana Department of Health and Environmental Sciences Standards for Water Works," 1992 edition; and

(ii) Circular ~~#12 for water wells~~ WQB-3 "Montana Department of Health and Environmental Sciences Standards for Small Water Systems," 1992 edition.

(iii) ~~Circular #17 for cisterns.~~

(3) If a non-public water supply system is used in accordance with (2)(b) above, a day care center must:

(a) ~~Submit~~ submit a water sample at least quarterly to a laboratory licensed by the department to perform microbio-

logical analysis of water supplies in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 16.20.207, incorporated by reference in (1) above;

(b) ~~Prior prior to beginning operation, or before November 28, 1982, whichever is later,~~ submit a water sample to a laboratory licensed by the department to perform chemical analysis of water supplies in order to determine that the maximum contaminant levels for nitrates ~~of (10 milligrams per liter) and nitrite (1 milligram per liter) are is not exceeded.~~

(4) A day care center must replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels contained in ARM 16.20.207, as incorporated by reference in (1) of this rule, or nitrates or nitrite in excess of the maximum contaminant level stated in (3)(b) of this rule; or

(b) Remains the same.

AUTH: 53-4-506, ~~52-2-735~~, MCA; IMP: 53-4-506, ~~52-2-735~~, MCA

16.24.417 SEWAGE SYSTEM (1) The department hereby adopts and incorporates by reference ~~Bulletin 332, "Septic Tanks", published by the Montana State University Cooperative Extension Service, which contains standards for construction and operation of adequate individual sewage systems ARM Title 16, chapter 17, subchapter 1, which provides standards for on-site subsurface wastewater treatment systems.~~ A copy of ~~Bulletin 332~~ may be obtained from the Water Quality Bureau Division, Montana Department of Health and Environmental Sciences, Cogswell Building, P.O. Box 200901, Helena, Montana 59620-0901.

(2) In order to ensure sewage is completely and safely disposed of, a day care center must:

(a) connect to a public sewage system meeting the requirements of ARM Title 16, chapter 20, subchapter 4, ~~of the Administrative Rules of Montana;~~ or

(b) if the day care center is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including children, staff, and residents; and an adequate public sewage system is not available; utilize a non-public system whose construction and use meet the construction and operation standards contained in ~~Bulletin 332, "Septic Tanks", published by the Montana State University Cooperative Extension Service ARM Title 16, chapter 17, subchapter 1,~~ and incorporated by reference in (1) of this rule, with the proviso that the necessary size of the system be determined ~~utilizing the following:~~

(i) ~~Sewage flow must be determined using a rate of 20 gallons per day per child and per staff member attending the day care center, plus 75 gallons per day per resident.~~

(ii) ~~A septic tank must have a minimum of 1000 gallons liquid capacity and be sufficient in size to provide for a minimum of 24 hours of retention time.~~

~~(iii) The rate of sewage application for standard trenches must be calculated using the formula Q equals 5 divided by the square root of t , where Q equals the rate of sewage application in gallons per square foot per day and t equals the percolation rate in minutes per inch.~~

~~(3) A 4 foot vertical separation must exist between the bottom of the drainfield trench and both the highest ground-water level and the bedrock level.~~

~~(4) The maximum slope of an area used for subsurface sewage disposal must not exceed 15%.~~

~~(5) A sewage system design other than the type described in this rule may be utilized only if it is designed by an engineer registered in Montana and offers equivalent sanitary protection.~~

~~(6)(3) A day care center must replace or repair a failed system as defined by ARM 16.17.103(6). its sewage system whenever:~~

~~(i) it fails to accept sewage effluent at the rate of application;~~

~~(ii) seepage of effluent from, or ponding of effluent on or around the system occurs;~~

~~(iii) contamination of a potable water supply or state waters is traced to effluent from the sewage system; or~~

~~(iv) a mechanical failure occurs, including electrical outage, or collapse or breakage of septic tank, lead lines, or drainfield lines.~~

AUTH: 53-4-506, 52-2-735, MCA; IMP: 53-4-506, 52-2-735, MCA

4. The above rule amendments are necessary primarily to fulfill the statutory mandate of 52-2-735, MCA, to adopt rules protecting children in daycare centers "from the health hazards of inadequate food preparation, poor nutrition, and communicable diseases". They incorporate the most up-to-date standards available to the department, e.g. from the Food and Drug Administration in regard to food handling and vaccine standards, from other health departments and pediatricians in regard to the disease control provisions of 16.24.414, and from the Department of Agriculture in regard to nutritional standards for meals. The amendments concerning sanitation (re: toys, diapers, swimming pools, cleaning solutions, etc.) are necessary in order to adequately prevent communication of infectious organisms. In addition, the department's Water Quality Division recently updated its rules relating to water and sewer systems, and these amendments are needed to prevent conflicts with those rules as well as to incorporate the most uniformly accepted national standards concerning those systems. Amendments to the immunization rule (16.24.413) and its accompanying definitions in 16.24.406 are necessary to incorporate a standard for vaccination against Haemophilus influenza type B, as required by Chapter 165 of the 1991 Legislature, and to avoid a conflict with the updated immunization standards contained in ARM 16.28.701B for preschools. In addition, the current rules cite § 53-4-506, MCA, as the authorizing and implementing statute; however, that statute

was renumbered by the code commissioner in 1989, requiring amendment of the rule histories accordingly. The balance of the amendments are strictly for editorial purposes.

5. The rule to be repealed, ARM 16.24.418, is found at page 16-1157 and is proposed for repeal because it does not appear that the section cited as authority for the rule [53-4-506, MCA, now redesignated as 52-2-735, MCA] gives the department rulemaking authority for the requirements of the rule.

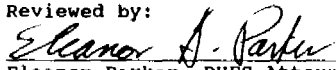
6. Interested persons may submit their data, views, or arguments concerning the proposed rules, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Cynthia Brooks, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than 5:00 p.m. on January 19, 1995.

7. Cynthia Brooks has been designated to preside over and conduct the hearing.


ROBERT J. ROBINSON, Director

Certified to the Secretary of State December 12, 1994.

Reviewed by:


Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF CORRECTIONS
AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PROPOSED ADOPTION OF
proposed adoption of)	RULES I THROUGH IV FOR SEX
Rules I through IV which)	OFFENDER EVALUATION AND TREATMENT
set forth the guidelines)	PROVIDER GUIDELINES AND QUALIFICA-
and qualifications for)	TIONS
sex offender evaluation)	
and treatment providers)	NO PUBLIC HEARING CONTEMPLATED

TO: ALL INTERESTED PARTIES

1. On January 23, 1995, the Department of Corrections and Human Services proposes to adopt Rules I through IV to set forth the guidelines and qualifications for sex offender evaluation and treatment providers.

2. The new Rules as proposed provide as follows:

I. SEX OFFENDER EVALUATION AND TREATMENT PROVIDER GUIDELINES AND QUALIFICATIONS PURPOSE (1) The purpose of sex offender evaluation and treatment provider guidelines and qualifications is to ensure that evaluation and treatment plans which are utilized in pre-sentence investigations are conducted by qualified individuals who are specially trained in sex offender treatment needs.

AUTH: 53-1-203, MCA IMP: 46-18-111, MCA

II. DEFINITIONS As used in this sub-chapter, the following definitions apply:

(1) "District court" is the district unit of the Montana judicial system, presided over by district court judges.

(2) "Probation officer" is an employee of the probation and parole bureau of the department of corrections and human services who supervises clients placed under department jurisdiction by the district court or the board of pardons. Probation officers are responsible for preparing and presenting pre-sentence reports for the district court.

(3) "Sex offender" is an individual convicted of a felony offense under 45-5-502(3), 45-5-503, 45-5-505, 45-5-507, MCA (unless the act occurred between two consenting persons 16 years of age or older), or 45-5-625, MCA.

AUTH: 53-1-203, MCA IMP: 46-18-111, MCA

III. GUIDELINES (1) A person is deemed qualified to complete an evaluation and recommendation of treatment for sex offenders under department of corrections and human services guidelines when the treatment provider either meets the qualifications set forth herein, or works under the direct supervision of a qualified treatment provider.

AUTH: 53-1-203, MCA IMP: 46-18-111, MCA

IV. QUALIFICATIONS (1) The individual must have received specialized documentable training in evaluation and treatment approaches from a nationally recognized program or provider specializing in working with sex offenders;

(2) Received formal education in the area of normal and abnormal sexual functioning;

(3) Received at least six hours of documentable annual continuing education in sex offender therapy or human sexuality;

(4) Spent the first year of their specialized clinical practice having at least monthly consultation and peer reviews of cases with a specialized sex offender clinician who practices in accordance with established national standards; and

(5) Possess one of the following combinations of degree and experience:

(a) Relevant bachelor's degree and 4000 hours of specific sex offender treatment experience;

(b) Relevant master's degree, licensing and 2000 hours of specific sex offender treatment experience;

(c) Relevant doctoral degree, licensing and 2000 hours of specific sex offender treatment experience; or

(d) Medical degree and 2000 hours of specific sex offender treatment experience; and

(e) Is a full or clinical member of at least one relevant national organization which has ethics of practice to which they adhere.

AUTH: 53-1-203, MCA

IMP: 46-18-111, MCA

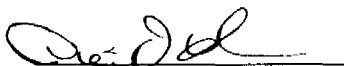
3. The purpose of the new rules are to ensure that evaluation and treatment plans which are utilized in pre-sentence investigations are conducted by qualified individuals who are specially trained in sex offender treatment needs.

4. Interested parties may submit their data, views, or arguments concerning the proposed rules in writing to the Legal Unit, Department of Corrections and Human Services, 1539 11th Avenue, PO Box 201301, Helena, Montana 59620-1301, no later than January 20, 1995.

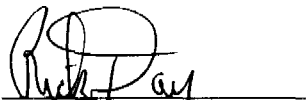
5. If a person who is directly affected by the proposed rules wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Legal Unit, Department of Corrections and Human Services, 1539 11th Avenue, PO Box 201301, Helena, Montana 59620-1301, no later than January 20, 1995.

6. No public hearing is contemplated, but if the agency receives requests for a public hearing on the proposed rules from either ten percent, or twenty-five persons, whichever is less of those persons who are directly affected by the proposed rules, or from the administrative code committee; from a governmental agency or subdivision or from an association having no less than twenty-five members who will be directly affected,

a public hearing will be held at a later date. Notice of such hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be four persons based on a total of 38 persons directly affected by the sex offender evaluation and treatment provider guidelines and qualifications.



DAVID L. OHLER
Rule Reviewer



RICK DAY, Director
Department of Corrections
and Human Services

Certified to the Secretary of State December 12, 1994.

BEFORE THE DEPARTMENT OF STATE LANDS
AND BOARD OF LAND COMMISSIONERS
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARINGS
ARM 26.3.137, 26.3.138, and	)	ON PROPOSED AMENDMENT AND
26.3.183 and the repeal of	)	REPEAL
26.3.166, pertaining to changes in)	
the recreational use license fee)	
and certain rental rates for state)	
lands.)	

TO: All Interested Persons.

1. On January 16, 17, 18, and 19, 1995, the Department of State Lands and Board of Land Commissioners will hold hearings to consider amendments to ARM 26.3.137, 26.3.138, and 26.3.183 and the repeal of ARM 26.3.166, pertaining to cabinsite and grazing lease rates for state lands and the state land recreational use license fee. The hearings will be held at the following locations on the following dates and at the following times:

- Helena - At the auditorium in the Scott Hart Building, 301 Roberts Street, on January 16, at 7:00 p.m.

- Dillon - At the courtroom located on the third floor of the Beaverhead County Courthouse at 2 South Pacific, on January 17, at 7:00 p.m.

- Seeley Lake - At the Seeley Lake Community Hall, on January 17, at 7:00 p.m.

- Glasgow - In the Lodge Room of the Elks Lodge, 309 2nd Avenue, on January 18, at 7:00 p.m.

- Miles City - In the Middle Auditorium, Room 316, Miles Community College, 2715 Dickinson, on January 19, at 7:00 p.m.

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

26.3.137. MINIMUM RENTAL RATES

(1) and (2) remain the same.

(3) The rental rate for all grazing leases and licenses shall be on the basis of the animal-unit-month carrying capacity of the land to be leased or licensed. For grazing leases issued before July 1, 1993, the minimum rental rate per AUM until the first date of renewal after July 1, 1993, is the average price per pound of beef cattle on the farm in Montana for the previous year multiplied by six. For grazing leases issued or renewed

after June 30, 1993, and for all grazing licenses, the minimum rental rate per AUM is, beginning on March 1, 1996, the average price per pound of beef cattle on the farm in Montana for the previous year multiplied by 7.54. The department shall appraise and reappraise the classified grazing lands and grazing lands within classified forest lands under its jurisdiction in accordance with section 77-6-201, MCA, to determine the carrying capacity and shall maintain records of such appraisals in its files. Such determination shall be made from time to time as the department considers necessary, but at least once during the term of every lease or license.

(4) and (5) remain the same.

(6) Upon renewal or assignment of a cabinsite lease or license that is in effect on October 1, 1993, the rental rate shall be 3.5% of the appraised market value of the property, excluding improvements, which value may be increased or decreased every fifth year by 5% of the change in the appraised market value (a) Effective March 1, 1996, and except as provided in (b) and (c), the minimum rental rate for a cabinsite lease or license is the greater of 3.5% of the appraised market value of the land, excluding improvements, as determined by the department of revenue pursuant to 77-1-208, MCA, or \$250.

(b) For cabinsite leases or licenses issued prior to July 1, 1993, the minimum rental rate in (a) is effective on the later of the following dates:

(i) the first date after July 1, 1993, that the lease is subjected to renewal or rental adjustment pursuant to the terms of the lease; or

(ii) March 1, 1996.

(c) Until the minimum rate in (a) becomes applicable, the minimum rate is the greater of 3.5% of the appraised market value of the land, excluding improvements, as determined by the department of revenue pursuant to 77-1-208, MCA, or \$150.

(d) Access roads shall be included in the lease and in the appraised value of the leased land.

Section (a) remains the same but is renumbered as (7).

(AUTH: 77-1-106, 77-1-209, MCA; IMF: 77-1-106, 77-1-208, 77-6-502, and 77-6-507, MCA.)

26.3.138 COMPETITIVE BIDDING (1) All competitive bids for grazing leases or licenses shall be submitted in the form of \$X.XX per A.U.M. In no case may the bid be less than the statutory minimum established by the legislature for that year determined in accordance with ARM 26.3.137. If in any succeeding year of the lease or license the amount bid is less than the statutory minimum for that year, then the rental shall be the amount set by the legislature minimum. Bids for any lease or license may only be submitted for the present reclassified use unless the bidder submits a proposed reclassified use in accordance with ARM 26.3.136.

(2) remains the same.

(3) All competitive bids for unleased cabin sites shall be submitted in the form of \$X per/year. In no case may the bid be

less than ~~5% of the appraised market value of the property the minimum rental determined in accordance with ARM 26.3.137.~~ If in any succeeding year of the lease the amount of the lease is less than the statutory minimum for that year, then the rental shall be the amount ~~set by the legislature~~ minimum.

(4) and (5) remain the same.

(AUTH: 77-6-202, 77-6-205, MCA; IMP: 77-1-106, 77-1-209, MCA.)

26.3.183 GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT

(1) remains the same.

(2) A general recreational use license is issued for a 12-month period beginning on March 1 of each year and expiring on the last day of February of the next year. The cost of a general recreational use license is \$5 before March 1, 1996, and \$10 after February 29, 1996. The license is personal and non-transferable. It may be purchased at any authorized license agent of the department of fish, wildlife and parks. Any person may purchase a recreational use license for a spouse, parent, child, brother or sister, but the license is not valid until signed by the person in whose name it is issued.

(3) through (7) remain the same.

(AUTH: 77-1-106, 77-1-802, MCA; IMP: 77-1-106, 77-1-804, MCA.)

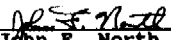
3. ARM 26.3.166, the rule proposed to be repealed, is on pages 26-143 and 26-144 of the Administrative Rules of Montana.

4. In Chapter 586, Laws of 1993, the Legislature repealed statutory minimum lease rates for grazing and cabinsite leases and licenses and the recreational use license fee. Chapter 586 also required the Board of Land Commissioners to adopt rules setting these lease rates and this fee at an amount determined by the Board to be full market value for the use of the land. These rule amendments and the repealer are proposed to comply with this legislative directive.

5. Interested persons may present their data, views, or arguments either orally or in writing at the hearings. Written data, views, or comments may also be submitted to Bud Clinch, Commissioner, Department of State Lands, P.O. Box 201601, Helena, Montana 59620-1601, no later than January 24, 1995. To guarantee consideration, written data, views, or arguments must be postmarked by January 24, 1995. As a result of the comments received, the Board may, for each lease rate or fee, adopt the rule as proposed, raise the lease rate or fee, or lower the lease rate or fee. Persons are therefore encouraged to advise the Board and Department whether each proposed lease and fee rate is too high, too low, or at the proper level. Commentors are requested to provide any supporting data or arguments for those views.

6. Bud Clinch, Commissioner, and M. Jeff Hagener, Administrator, Lands Division, have been designated to serve as hearing officers for these hearings.

Reviewed by:



John F. North
Chief Legal Counsel



Arthur R. Clinch
Commissioner

Certified to the Secretary of State December 12, 1994.

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

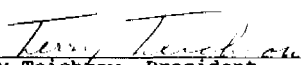
In the matter of the) NOTICE OF REPEAL OF RULES
repeal of ARM 2.43.305,)
2.43.306, and 2.43.307)
pertaining to mailing)
membership information for)
non-profit organizations)

TO: All Interested Persons.

1. On October 13, 1994, the public employees' retirement board published notice proposing to repeal ARM 2.43.305, 2.43.306, and 2.43.307 pertaining to mailing membership information for non-profit organizations at p. 2688 of the 1994 Montana Administrative Register, Issue No. 19.

2. No written or oral comments were received from any interested party.

3. On November 30, 1994, the public employees' retirement board repealed ARM 2.43.305, 2.43.306, and 2.43.307 as proposed.

By: 
Terry Teichow, President
Public Employees' Retirement Board

By: 
Dal Smilie, Chief Legal Counsel and
Rule Reviewer

Certified to the secretary of state on December 5, 1994.

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the adoption)
of a rule pertaining to) NOTICE OF ADOPTION
approval of requests for)
retirement and authorizing)
payment of retirement)
benefits.)

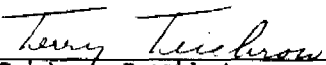
TO: All Interested Persons.

1. On October 13, 1994, the public employees' retirement board published notice proposing the adoption of a rule pertaining to the approval of member requests for retirement, payment of estimated benefits, and board approval of finalized retirement benefits to retired members at p. 2686 of the Montana Administrative Register, Issue No. 19.

2. No written or oral comments were received from any interested party.

3. On November 30, 1994, the public employees' retirement board adopted the new rule as proposed.

4. The new rule will be numbered ARM 2.43.617.



Terry Telchrow, President
Public Employees' Retirement Board



Dal Gaille, Chief Legal Counsel and
Rule Reviewer

Certified to the Secretary of State on December 5, 1994.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 4.10.202, ARM 4.10.203)
and ARM 4.10.205 regarding)
classification and standards for)
pesticide applicators)

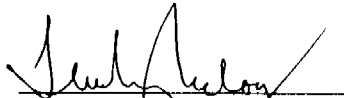
TO: All Interested Persons

1. On November 10, 1994, the Department of Agriculture proposed to amend the above stated rules at page 2883 of the 1994 Montana Administrative Register, issue no. 21.

2. The department has amended the rules as proposed.
3. No comments or testimony were received.

DEPARTMENT OF AGRICULTURE


LEO A. GIACOMETTO
DIRECTOR


TIMOTHY J. MELOY, ATTORNEY
RULE REVIEWER

Certified to the Secretary of State December 12, 1994.

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

In the matter of the amendment) NOTICE OF AMENDMENT OF
of rules pertaining to board of) RULES PERTAINING TO THE
stewards, definitions, annual) HORSE RACING INDUSTRY
license fees, general provisions,)
permissible medication, programs)
and exacta betting)

TO: All Interested Persons:

1. On October 27, 1994, the Board of Horse Racing published a notice of proposed amendment of rules pertaining to the horse racing industry at page 2774, 1994 Montana Administrative Register, issue number 20.

2. The Board has amended ARM 8.22.302, 8.22.503, 8.22.601 and 8.22.1619 exactly as proposed. The Board has amended ARM 8.22.501, 8.22.1402 and 8.22.1605 as proposed, but with the following changes:

"8.22.501 DEFINITIONS (1) through (23) will remain the same as proposed.

(24) Maiden for purposes of eligibility at race meetings is a horse which, at the time of starting, has never won a race on the flat in any country, except, commencing in 1995, a horse winning a maiden race in which the winner's share of the purse is \$600 or less, shall be considered a maiden in the state of Montana. However, horses running in maiden races where the winner's share of the purse is less than \$600, after winning, must move up to the next higher condition AT RACES ALSO OFFERING WINNING PURSES OF \$600 OR LESS.

(a) through (46) will remain the same as proposed.

(47) Winner means, for purposes of eligibility in Montana, commencing in 1995, a horse which, at the time of starting, has won a race on the flat in any country, in which the winner's share of the purse is \$600 or more. However, horses running in races where the winner's share of the purse is less than \$600, after winning, must move up to the next higher condition AT RACES ALSO OFFERING WINNING PURSES OF \$600 OR LESS.

(a) through (51) will remain the same as proposed."

Auth: Sec. 23-4-104, 23-4-202, MCA; IMP, Sec. 23-4-101, 23-4-104, 23-4-202, MCA

"8.22.1402 PERMISSIBLE MEDICATION (1) through (6) will remain the same as proposed.

(7) A horse which, during a race or following a race, or which, during exercise or following exercise, is found to be hemorrhaging from one or both nostrils or is found to have bled into its trachea as determined by endoscopic examination is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the horse's trainer must obtain a certificate of examination from the state veterinarian or a practicing veterinarian, which

must be approved by the state veterinarian and have the horse placed on the official bleeder list. The state veterinarian must establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination showed observable amounts of free blood in the horse's respiratory tract. When confirmed by the state veterinarian, the horse shall be placed on the bleeder list which is maintained by the state veterinarian and the stewards. Once on the list, a horse may be removed from the bleeder list by the trainer. A horse removed from the bleeder list cannot be put back on said list for a period of 30 days, and only then after being determined to bleed after a race or work AS WITNESSED BY THE STATE VETERINARIAN OR A PRACTICING VETERINARIAN, or through endoscopic examination. Bleeder lists will apply to horses listed at all tracks on a statewide basis.

(a) through (8) will remain the same as proposed.

(a) Trainers are required to have lasix forms completed by the practicing veterinarian, AT THE TIME OF ADMINISTRATION OF LASIX, FOUR HOURS PRIOR TO POST TIME. THE FORM SHALL to include date, time and amount of lasix administered. After signature by the practicing veterinarian, the lasix form must be returned to the test barn personnel within 10 minutes of the time of administration of lasix.

(b) through (20) will remain the same as proposed."

Auth: Sec. 23-4-104, 23-4-202, MCA; IMP, Sec. 23-4-104, MCA

"8.22.1605 PROGRAMS (1) through (5) will remain the same as proposed.

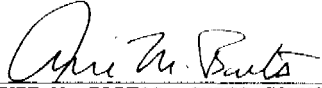
(6) All daily racing programs must state: "If a winner's share of a purse is \$600 or less, it does not count as a win AT TRACKS OFFERING PURSES GREATER THAN \$600 in the state of Montana."

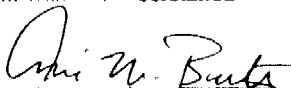
Auth: Sec. 23-4-202, MCA; IMP, Sec. 23-4-202, 23-4-301, 23-4-302, 23-4-303, MCA

3. No comments or testimony were received.

BOARD OF HORSE RACING
MALCOLM ADAMS, CHAIRMAN

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, December 12, 1994.

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

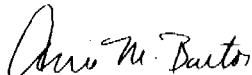
In the matter of the amendment) NOTICE OF AMENDMENT OF
of a rule pertaining to fees) 8.58.411 FEE SCHEDULE

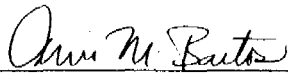
TO: All Interested Persons:

1. On October 13, 1994, the Board of Realty Regulation published a notice of proposed amendment of the above-stated rule at page 2698, 1994 Montana Administrative Register, issue number 19.
2. The Board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BOARD OF REALTY REGULATION
STEVE CUMMINGS, CHAIRMAN

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, December 12, 1994.

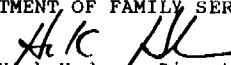
BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT OF RULE
of Rule 11.2.203 pertaining to)	11.2.203 PERTAINING TO
requests for hearings upon)	REQUESTS FOR HEARINGS UPON
notification of adverse)	NOTIFICATION OF ADVERSE
action.)	ACTION

TO: All Interested Persons

1. On November 10, 1994, the Department of Family Services published notice of the proposed amendment of Rule 11.2.203 pertaining to requests for hearings upon notification of adverse action at 2888 of the 1994 Montana Administrative Register, issue number 21.
2. The department has amended the rule as proposed.
3. No comments were received.

DEPARTMENT OF FAMILY SERVICES


Hank Hudson, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State, December 12, 1994.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption) NOTICE OF ADOPTION OF RULE I
of Rule I pertaining to day) PERTAINING TO DAY CARE
care facilities.) FACILITIES

TO: All Interested Persons

1. On November 10, 1994, the Department of Family Services published notice of the proposed adoption of Rule I [11.14.107] pertaining to prohibiting smoking in day care facilities at page 2890 of the 1994 Montana Administrative Register, issue number 21.
2. The department has amended the rule as proposed.
3. No comments were received.

DEPARTMENT OF FAMILY SERVICES


Hank Hudson, Director


John Melcher, Rule Reviewer

Certified to the Secretary of State, December 12, 1994.

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
rules 16.8.1903 and 16.8.1905)	OF RULES
dealing with air quality operation)	
and permit fees)	

(Air Quality)

To: All Interested Persons

1. On August 11, 1994, the board published notice of public hearing on the above-captioned amendments at page 2052 of the 1994 Montana Administrative Register, issue number 15.

2. The board has adopted the amendments as proposed with no changes.

3. The board received two comments on the proposed amendments; a summary of those comments and the board's response follows:

COMMENT: Gary W. Wendt, of Peabody Western Coal Company, commented, on behalf of Big Sky Coal Company, that, while the fee system is an appropriate method to generate funding, the size of annual increases of the past two years has exceeded the economy's inflation rate. Although the rate of increase declined from 114 percent in 1993 to 24 percent this year, the annual increase is still excessive. The Montana Air Quality Bureau must find a way to operate more efficiently and effectively to eliminate excessive fee increases in the future. Montana's economy and industry may be affected dramatically should fees continue to increase excessively.

REPLY BY DEPARTMENT: The department replied that the Montana Air Quality Division (AQD) developed a fee analysis in 1993. This analysis is a "zero-based" evaluation of the resources needed for the Montana Air Quality Program, rather than a justification of a pre-determined emissions fee level. The analysis included a detailed workload study of each air program element and established the additional employees needed to implement the air quality program for the state and the expenses and corresponding fee amounts associated with those employees. The AQD presented this fee analysis to the Clean Air Advisory Committee, a committee of representatives of regulated industry, environmental groups, small business and the public, and received no comments on the number of additional employees, the expenses or the fee amounts. The AQD has been developing the air quality program in accordance with the resource analysis, although the number of additional employees requested to date has been scaled back because the air toxics program has not been implemented as rapidly as originally thought.

The purpose of the annual fee increases for the past two years has been to fund the additional employees the AQD added to implement an effective program. The AQD is building a pro-

gram at a rate that allows for adequate resources to operate efficiently and effectively.

The AQD presents its budget and staffing requests to the legislature for approval and, annually, requests fee increases to cover the budget approved by the legislature. The legislative budget process provides a thorough review of the need for increases in staffing and resulting fee increases.

RESPONSE: The board accepted the department's response but informed the department that the board would like to be informed of the AQD's budget plans, staffing increases and expected fee increases in advance of submission of the budget to the legislature.

COMMENT: David W. Simpson, of Westmoreland Resources, Inc., which owns and operates the Absaloka surface coal mine in Big Horn County, commented that a four-fold plus fee increase in three years is extreme. Administration of the mine's permit consists of periodic joint inspection with the Department of State Lands, review of PM10 sampling data submitted quarterly, and annual auditing of samplers. He stated that he doubted that the cost of administration approaches the projected fee.

At the time that fees were initially adopted, Westmoreland argued that fees for surface mines should be based on PM10 emissions rather than total suspended particulate (TSP) emissions. The bulk of emissions from surface coal mining consists of fugitive dust from handling of soils, overburden and coal, and from wind erosion of disturbed soils. At that time, the Air Quality Bureau argued that the rules define TSP as a pollutant, and, therefore, a fee based upon TSP emissions is proper. However, standards and monitoring target PM10. It has been recognized for years that fugitive dust consists primarily of larger particles with no health implications, and that the inhalable portion (PM10) represents only a portion of TSP. Since the PM10 standard was adopted, and sampling of TSP was discontinued in favor of PM10, TSP has been ignored. Therefore, it makes sense to base fee assessment on PM10, at least for surface mines and other sources of fugitive dust consisting of soil particles.


REPLY BY DEPARTMENT: In addition to the reply stated above, the department replied that, when the fees were implemented, the AQD, with concurrence from industry, based the fees on a facility's actual emissions of air pollutants regulated under the Clean Air Act. The fee system was created because the regulated emissions from facilities in the state are relatively constant and reflect the base workload for the AQD in carrying out the air quality program. A facility's fee is based upon the impact of the facility on the environment.

While the ambient standards are based on PM10, state and federal emission standards are based on total particulate. Section 75-2-220, MCA, specifies that fees must be based on actual emissions of air pollutants regulated by the AQD. Actual emissions are calculated according to emission standards or

permit limits that are also based on total particulate. Unless emission standards are changed, the AQD must base particulate fees on total particulate.

RESPONSE: The board's response was the same as stated above.

RAYMOND W. GUSTAFSON, CHAIRMAN
BOARD OF HEALTH AND ENVIRONMENTAL
SCIENCES


ROBERT J. ROBINSON, Director
Department of Health and
Environmental Sciences

Certified to the Secretary of State December 12, 1994.

Reviewed by:


Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

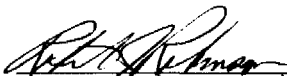
In the matter of the amendment of)
rule 16.32.396 regarding kidney)
treatment centers)

NOTICE OF
AMENDMENT

(Kidney Treatment
Centers)

To: All Interested Persons

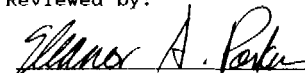
1. On October 27, 1994, the department published notice of the proposed amendment of the above-captioned rule at page 2782 of the Montana Administrative Register, Issue No. 20.
2. The department has amended the rule as proposed.
3. No comments were received.



ROBERT J. ROBINSON, Director

Certified to the Secretary of State December 12, 1994.

Reviewed by:



Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment of)
rule 16.32.922 regarding fees for)
inspecting personal care facilities)

NOTICE OF
AMENDMENT

(Personal Care Facilities)

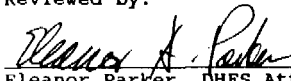
To: All Interested Persons

1. On October 27, 1994, the department published notice of the proposed amendment of the above-captioned rule at page 2784 of the Montana Administrative Register, Issue No. 20.
2. The department has amended the rule as proposed.
3. No comments were received.


ROBERT J. ROBINSON, Director

Certified to the Secretary of State December 12, 1994.

Reviewed by:


Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF
rule 16.32.1001 regarding adult)	AMENDMENT
day care center services)	

(Adult Day Care Centers)

To: All Interested Persons

1. On October 27, 1994, the department published notice of the proposed amendment of the above-captioned rule at page 2780 of the Montana Administrative Register, Issue No. 20.
2. The department has amended the rule as proposed.
3. No comments were received.



ROBERT J. ROBINSON, Director

Certified to the Secretary of State December 12, 1994.

Reviewed by:



Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT)	NOTICE OF THE AMENDMENT of
of ARM 42.21.106, 42.21.107,)	ARM 42.21.106, 42.21.107,
42.21.113, 42.21.122, 42.21.123,)	42.21.113, 42.21.122, 42.
42.21.124, 42.21.131, 42.21.132,)	21.123, 42.21.124, 42.21.131
42.21.137, 42.21.138, 42.21.139,)	42.21.132, 42.21.137, 42.21.
42.21.140, 42.21.151, 42.21.155,)	138, 42.21.139, 42.21.140,
42.21.158, 42.21.159 and 42.21.)	42.21.151, 42.21.155, 42.21.
305 relating to Personal)	158, 42.21.159, and 42.21.305
Property)	relating to Personal Property

TO: All Interested Persons:

1. On November 10, 1994, the Department published notice of the proposed amendment of ARM 42.21.106, 42.21.107, 42.21.113, 42.21.122, 42.21.123, 42.21.124, 42.21.131, 42.21.132, 42.21.137, 42.21.138, 42.21.139, 42.21.140, 42.21.151, 42.21.155, 42.21.158, 42.21.159 and 42.21.305 relating to personal property at page 2897 of the 1994 Montana Administrative Register, issue no. 21.

2. A Public Hearing was held on November 30, 1994, to consider the proposed amendments. No one appeared to testify against the rules. However the Department of Livestock appeared to support the separation of bison in ARM 42.21.122. No written comments were received.

3. Since the 1995 "Spring Edition" will no longer publish a "loan value" for the equipment listed in the guidebook and will not be printed for publication until March 1995, the Department amends ARM 42.21.123 as follows:

42.21.123 FARM MACHINERY AND EQUIPMENT (1) The average wholesale value for farm machinery and equipment shall be the "average loan" value as shown in the "Official Guide Tractors and Farm Equipment", ~~Spring Fall~~ Edition, for the year previous to the year of the assessment. This guide may be reviewed in the department or purchased from the publisher: ~~National Farm and Power Services, Inc.~~ North American Equipment Dealers Association, 10877 Watson Road, P. O. Box 8517, St. Louis, Missouri ~~63126~~ 62127-1081.

(2) remains the same.


(3), (4) and (5) remain as proposed.

(6) and (7) remain the same.

AUTH: Sec. 15-1-201 MCA; IMP: Sec. 15-6-138 MCA.

4. Therefore, the Department adopts ARM 42.21.123 with the amendments listed above and ARM 42.21.106, 42.21.107, 42.21.113, 42.21.122, 42.21.124, 42.21.131, 42.21.132, 42.21.137, 42.21.138, 42.21.139, 42.21.140, 42.21.151, 42.21.155, 42.21.158, 42.21.159 and 42.21.305 as proposed.


CLEO ANDERSON
Rule Reviewer


MICK ROBINSON
Director of Revenue

Certified to Secretary of State December 12, 1994.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT)	NOTICE OF THE AMENDMENT of
of ARM 42.22.1311 and 42.22.)	ARM 42.22.1311 and 42.22.1312
1312 relating to Industrial)	relating to Industrial Trend
Trend Tables)	Tables

TO: All Interested Persons:

1. On November 10, 1994, the Department published notice of the proposed amendment of ARM 42.22.1311 and 42.22.1312 relating to industrial trend tables at page 2916 of the 1994 Montana Administrative Register, issue no. 21.

2. A Public Hearing was held on November 30, 1994, to consider the proposed amendments. No one appeared to testify except department personnel who presented a correction to be made and no written comments were received.

3. The Department has amended the rule as follows:

42.22.1312 INDUSTRIAL MACHINERY AND EQUIPMENT DEPRECIATION SCHEDULE (1) remains the same.

Table on 42-2263 remains the same.

(2) remains as proposed except for the following change in the example.

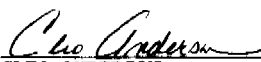
Example:

Industry - Sawmill
Economic life - ~~10~~ 12 years
1994~~5~~ Table - ~~Group 4~~ Table ~~62~~ 18

Remainder of example remains as proposed.

AUTH: Sec. 15-1-201 MCA; IMP: Secs. 15-6-138 and 15-8-111 MCA.

4. Therefore, the Department adopts ARM 42.22.1312 with the amendments listed above and ARM 42.22.1311 with the amendments as proposed.


CLEO ANDERSON
Rule Reviewer


MICK ROBINSON
Director of Revenue

Certified to Secretary of State December 12, 1994.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF THE ADOPTION OF
adoption of Rules I through	)	RULES I THROUGH IV
IV pertaining to the	)	PERTAINING TO THE RECOVERY
recovery by the state	)	BY THE STATE AUDITOR'S
auditor's office of debts	)	OFFICE OF DEBTS OWED TO THE
owed to the department	)	DEPARTMENT

TO: All Interested Persons

1. On October 27, 1994 the Department of Social and Rehabilitation Services published notice of the proposed adoption of Rules I through IV pertaining to the recovery by the state auditor's office of debts owed to the department at page 2796 of the 1994 Montana Administrative Register, issue number 20.

2. The Department has adopted [RULE I] 46.2.401, PURPOSE; [RULE II] 46.2.402, DEFINITIONS; [RULE III] 46.2.405, REFERRAL FOR RECOVERY AND OFFSET; and [RULE IV] 46.2.406, UNCOLLECTABLE DEBT as proposed.

3. No written comments or testimony were received.



Rule Reviewer



Director, Social and
Rehabilitation Services

Certified to the Secretary of State December 12, 1994.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF THE ADOPTION OF
adoption of Rule I	)	RULE I PERTAINING TO
pertaining to exceptions to	)	EXCEPTIONS TO THE
the developmental	)	DEVELOPMENTAL DISABILITIES
disabilities placement rules	)	PLACEMENT RULES
)	

TO: All Interested Persons

1. On October 27, 1994 the Department of Social and Rehabilitation Services published notice of the proposed adoption of Rule I pertaining to exceptions to the developmental disabilities placement rules at page 2811 of the 1994 Montana Administrative Register, issue number 20.

2. The Department has adopted [RULE I] 46.8.1510, PLACEMENT DETERMINATIONS: CATEGORICAL EXCEPTIONS TO PLACEMENT RULES as proposed.

3. No written comments or testimony were received.

Dana Shra
Rule Reviewer

Russell E. Coker, acting
Director, Social and
Rehabilitation Services

Certified to the Secretary of State December 12, 1994.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT OF
amendment of rule 46.10.101	)	RULE 46.10.101 PERTAINING
pertaining to safeguarding	)	TO SAFEGUARDING AND SHARING
and sharing of AFDC	)	OF AFDC INFORMATION
information)	
)	

TO: All Interested Persons

1. On October 27, 1994 the Department of Social and Rehabilitation Services published notice of the proposed amendment of rule 46.10.101 pertaining to safeguarding and sharing of AFDC information at page 2800 of the 1994 Montana Administrative Register, issue number 20.

2. The Department has amended rule 46.10.101 as proposed.

3. No written comments or testimony were received.

Dawn Shiva
Rule Reviewer

Russell E. Calkins
Director, Social and
Rehabilitation Services

Certified to the Secretary of State December 12, 1994.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT OF
amendment of rules	)	RULES 46.12.1901,
46.12.1901, 46.12.1902 and	)	46.12.1902 AND 46.12.1935
46.12.1935 through	)	THROUGH 46.12.1940
46.12.1940 pertaining to	)	PERTAINING TO TARGETED CASE
targeted case management for	)	MANAGEMENT FOR
developmental disabilities	)	DEVELOPMENTAL DISABILITIES


TO: All Interested Persons

1. On October 27, 1994 the Department of Social and Rehabilitation Services published notice of the proposed amendment of rules 46.12.1901, 46.12.1902 and 46.12.1935 through 46.12.1940 pertaining to targeted case management for developmental disabilities at page 2803 of the 1994 Montana Administrative Register, issue number 20.

2. The Department has amended rules 46.12.1901, 46.12.1902 and 46.12.1935 through 46.12.1940 as proposed.

3. No written comments or testimony were received.


Rule Reviewer


Director, Social and
Rehabilitation Services

Certified to the Secretary of State December 12, 1994.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 1994. This table includes those rules adopted during the period October 1, 1994 through December 31, 1994 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 1994, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1994 Montana Administrative Register.

GENERAL PROVISIONS, Title 1

- 1.2.419 Filing, Compiling, Printer Pickup and Publication
Dates for the Montana Administrative Register,
p. 2709, 3009

ADMINISTRATION, Department of, Title 2

- 2.5.201 and other rules - State Purchasing, p. 2469, 2814
2.21.6701 and other rules - Statewide Employee Incentive Award
Program, p. 1784, 2511
(Public Employees' Retirement Board)
I Approval of Requests for Retirement and Authorizing
Payment of Retirement Benefits, p. 2686
I-III Mailing Membership Information about Non-profit
Organizations, p. 508, 2515
I-XI and other rules - Medical Review of Members -
Discontinuance of Disability Retirement Benefits -
Procedures for Requesting an Administrative Hearing -
Model Rules - Definitions - Disability Application
Process - Election of Disability Coverage, p. 1191,
1816, 2106
2.43.204 Administrative Procedures for Contested Cases,
p. 2039, 2711
2.43.305 and other rules - Mailing Membership Information for
Non-profit Organizations, p. 2688
2.43.509 and other rules - Periodic Medical Review of
Disability Retirees - Cancellation of Disability
Benefits, p. 2878

- (Teachers' Retirement Board)
- 2.44.518 and other rules - Independent Contractor - Limit on Earned Compensation - Lump Sum Payments at the End of the School Term, p. 3057
- (State Compensation Insurance Fund)
- I and other rules - Optional Deductible Plans - Retrospective Rating Plans - Premium Rates, p. 2690, 2881, 3084
- 2.55.324 Premium Ratesetting, p. 1497, 2108
- 2.55.326 Minimum Yearly Premium, p. 981, 1817

AGRICULTURE, Department of, Title 4

- I Emergency Rule to Allow the Use of the Pesticide Pirimor Under Section 18 of FIFRA, p. 2109
- I-VIII Rinsing and Disposal of Pesticide Containers, p. 1317, 1988
- 4.2.102 and other rule - Exceptions and Additions for Agricultural Sciences Division - Exceptions and Additions for Plant Industry Division, p. 1501, 1987
- 4.4.312 Process of Payment for Losses, p. 2373, 2712
- 4.10.202 and other rules - Classification and Standards for Pesticide Applicators, p. 2883
- 4.15.101 and other rule - Fees - Mediation Scheduling and Agreement Procedures, p. 1499, 1989

STATE AUDITOR, Title 6

- I-III Electronic Filing of the Appointment and Termination of Insurance Producers, p. 1323, 1820
- I-VIII Standardized Health Claim Forms, p. 3060
- I-XIII Small Employer Carrier Reinsurance Program, p. 1200, 2111
- I-XXIV Small Employer Health Benefit Plans, p. 511, 1528, 1990
- 6.6.5001 and other rules - Small Employer Health Benefit Plans and Reinsurance, p. 2562, 2926
- (Classification and Rating Committee)
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance, 1980 Ed., as Supplemented through August 30, 1994, p. 2570
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance, 1980 Edition, p. 608, 1669

COMMERCE, Department of, Title 8

- (Board of Alternative Health Care)
- 8.4.507 and other rules - Required Reports - Vaginal Birth After Cesarean (VBAC) Deliveries - Management of Infectious Waste, p. 2998

(Board of Architects)

8.6.405 Reciprocity, p. 715, 1577

8.6.407 and other rules - Examination - Individual Seal - Standards for Professional Conduct, p. 2771

(Board of Athletics)

8.8.2804 and other rules - Licensing Requirements - Contracts and Penalties - Fees - Promoter-Matchmaker, p. 985, 1670

(Board of Chiropractors)

8.12.601 and other rules - Applications - Reciprocity - Reinstatement - Interns and Preceptors, p. 1503, 2713

8.12.601 and other rules - Applications, Educational Requirements - Renewals - Continuing Education Requirements - Unprofessional Conduct, p. 222, 1578

(Board of Clinical Laboratory Science Practitioners)

I Continuing Education, p. 611, 1671

(Board of Cosmetologists)

8.14.401 and other rules - Practice of Cosmetology, Manicuring and Electrolysis, p. 331, 1679, 1822

(Board of Dentistry)

8.16.405 and other rules - Fees for Dentists, Dental Hygienists, Anesthesia and Denturists - Dental Hygienist Credentials, p. 2573, 3090

8.16.1002 and other rules - Continuing Education - Requirements and Restrictions, p. 988, 1506, 2627

(Board of Hearing Aid Dispensers)

8.20.402 and other rules - Fees - Examinations - Licensees from Other States, p. 717, 2714

(Board of Horse Racing)

8.22.302 and other rules - Board of Stewards - Definitions - Annual License Fees - General Provisions - Permissible Medication - Programs - Exacta Betting, p. 2774

8.22.1402 and other rule - Permissible Medication - Trifecta Wagering, p. 1507, 2128

(Board of Landscape Architects)

8.24.409 and other rule - Fee Schedule - Renewals, p. 991, 1579

(Board of Medical Examiners)

8.28.502 and other rules - Requirements for Licensure - Unprofessional Conduct - Definitions with Regard to the Practice of Acupuncture, p. 613, 1580

8.28.1501 and other rules - Physician Assistants - Definitions - Qualifications - Applications - Fees - Utilization Plans - Protocol - Temporary Approval - Informed Consent - Termination and Transfer - Unprofessional Conduct, p. 720, 1582

(Board of Nursing)

8.32.425 Fees, p. 2375, 2815

8.32.1501 and other rules - Prescriptive Authority, p. 615, 1326, 2518, 2716

8.32.1606 and other rules - Non-disciplinary Track - Admission Criteria - Educational Requirements, p. 3065

- (Board of Nursing Home Administrators)
- 8.34.414A Application for Examinations, p. 993, 2822
- (Board of Outfitters)
- 8.39.518 and other rules - Fees - Misconduct, p. 2377, 2823
- (Board of Physical Therapy Examiners)
- 8.42.402 and other rules - Examinations - Fees - Licensure by Endorsement - Foreign-Trained Applicants, p. 996, 1583
- (Board of Professional Engineers and Land Surveyors)
- 8.48.407 and other rule - Affiliation with National Associations - Complaint Process, p. 1625, 2935
- (Board of Psychologists)
- 8.52.606 and other rule - Required Supervised Experience - Fee Schedule, p. 3001
- (Board of Radiologic Technologists)
- 8.56.602A Permits, p. 2886
- (Board of Real Estate Appraisers)
- 8.57.401 and other rules - Definitions - Application Requirements - Course Requirements - Continuing Education - Fees, p. 727, 1584
- 8.57.402 and other rule - Appraisal Reports - Application Requirements, p. 2696
- (Board of Realty Regulation)
- 8.58.406C and other rule - Application for Equivalency--Broker - Grounds for License Discipline - General Provisions - Unprofessional Conduct, p. 730, 1585
- 8.58.411 Fee Schedule, p. 2698
- (Board of Respiratory Care Practitioners)
- 8.59.601 and other rules - Continuing Education, p. 2700, 3093
- (Board of Speech-Language Pathologists and Audiologists)
- 8.62.413 and other rule - Fees - Schedule of Supervision - Contents, p. 1327, 1992
- (Board of Passenger Tramway Safety)
- I-II Board Engineer Conducting Acceptance Inspection - Conference Call Meetings, p. 2703
- (Board of Veterinary Medicine)
- 8.64.802 and other rules - Applications for Certification - Qualification - Management of Infectious Wastes, p. 1329, 1993
- (Building Codes Bureau)
- 8.70.101 Incorporation by Reference of Uniform Building Code, p. 1331, 1994
- (Local Government Assistance Division)
- I Incorporation by Reference of Rules for Administering the 1995 CDBG Program, p. 3067
- I Administration of the 1994 Treasure State Endowment (TSEF) Program, p. 125, 1589
- I Administration of the 1994 Federal Community Development Block Grant (CDBG) Program, p. 127, 1587
- 8.94.4102 and other rules - Report Filing Fees Paid by Local Government Entities - Financial Statements - Incorporation by Reference of Various Standards, Accounting Policies and Federal Laws and Regulations under the Montana Single Audit Act, p. 999, 2430, 2717

(Board of Investments)

8.97.919 Interap Program - Special Assessment Bond Debt - Description - Requirements, p. 3069

(Hard-Rock Mining Impact Board)

8.104.101 and other rules - Administration of the Hard-Rock Mining Impact Act, p. 1627, 2718, 3010

(Montana State Lottery)

8.127.407 and other rule - Retailer Commissions - Sales Staff Incentive Plan, p. 1002, 1823, 1995

8.127.1007 Sales Staff Incentive Plan, p. 1947, 3094

EDUCATION, Title 10

(Superintendent of Public Instruction)

10.10.301A and other rules - School Funding and Tuition, p. 1006, 1824

10.16.1302 and other rules - Special Education School Funding, p. 2576

(Board of Public Education)

I Teacher Certification - Surrender of a Teacher Specialist or Administrator Certificate, p. 817, 2525

10.55.601 Accreditation Standards; Procedures, p. 1642, 2524

10.57.301 Teacher Certification - Endorsement Information, p. 815, 1690

10.58.102 and other rules - Teacher Certification - Teacher Education Programs Standards, p. 735, 2722

10.64.355 Transportation - Bus Body, p. 733, 2526

10.65.101 Hours and Days of Instruction - Policy Governing Pupil Instruction-Related Days Approved for Foundation Program Calculations, p. 1640, 2527

FAMILY SERVICES, Department of, Title 11

I Smoke Free Environment in Day Care Facilities, p. 2890

I Youth Care Facilities - Persons Affected by Department Records, p. 2594, 2936, 3011

I-II Community Homes for the Developmentally or Physically Disabled - Persons Affected by Department Records, p. 2596, 2939

I-II and other rules - Counting Children Considered to be in Day Care - Infant Needs of Non-Infants - Defining Day Care Center, Family Day Care Home and Group Day Care Home, p. 2389, 2740

I-II Placement of Children with Out-of-State Providers, p. 1338, 1996

11.2.203 Requests for Hearings Upon Notification of Adverse Action, p. 2888

11.5.501 and other rules - Child Protective Services, p. 1792, 2431

11.5.601 and other rules - Case Records of Abuse and Neglect, p. 1789, 2433

11.8.304 Violations of Aftercare Agreements, p. 819, 1590

11.12.413 and other rules - Medical Necessity Requirements of Therapeutic Youth Group Homes, p. 2380, 2739, 3013

- 11.14.103 Registration and Licensing of Day Care Facilities, p. 2393, 2742
- 11.14.104 Day Care Facilities - Persons Affected by Department Records, p. 2598, 2938

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

- I Classifying Certain Types of Actions Taken Under the River Restoration Program as Categorical Exclusions, p. 1649, 2129
- I Nonresident Hunting License Preference System, p. 242, 1834
- I-V and other rules - Wildlife Habitat, p. 1644, 3095
- I-X Block Management Program, p. 1064, 1691
- 12.6.901 No Wake Speed Zone in Bigfork Bay of Flathead Lake, p. 2600
- 12.6.901 Emergency Amendment - Extending the No Wake Speed Zone in Bigfork Bay of Flathead Lake, p. 2434
- 12.6.901 Establishment of a No Wake Speed Zone on Portions of the Blackfoot and Clark Fork Rivers, Missoula County, p. 825, 1699
- 12.7.803 and other rules - Evaluation and Recommendation - Competing Applications - Department Decision - Appeal to the Commission, p. 3004

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I-III Integrated Solid Waste Management Plan, p. 1510
- I-III Drinking Water and Ice Regulations, p. 2474, 2832
- I-V Air and Water Quality - Procedures and Criteria for the Certification of Air and Water Pollution Equipment as Eligible for Special Property Tax Treatment, p. 2482
- I-V Establishing Administrative Enforcement Procedures for the Public Water Supply Act, p. 2398
- I-IX and other rules - Implementation of the Water Quality Act's Nondegradation Policy, p. 2723, 849, 2136
- I-X Water Quality - Use of Mixing Zones, p. 835, 2136
- 16.8.401 and other rules - Air Quality - Emergency Procedures - Ambient Air Monitoring - Visibility Impact Assessment - Preconstruction Permits - Stack Heights - Dispersion Techniques - Open Burning - Preconstruction Permits for Major Stationary Sources or Major Modifications Located Within Attainment or Unclassified Areas - Operating and Permit Application Fees - Operating Permits - Acid Rain Permits, p. 3070
- 16.8.708 and other rules - Air Quality - Incorporation of Federal Air Quality Rules and Incorporation of the Montana Source Testing Protocol and Procedures Manual, p. 2043, 2828
- 16.8.945 and other rules - Air Quality - Prevention of Significant Deterioration of Air Quality, p. 2048, 2829

- 16.8.1301 and other rules - Air Quality - Open Burning of Christmas Tree Waste - Open Burning for Commercial Film or Video Productions, p. 867, 2528
- 16.8.1413 and other rule - Air Quality - Opacity Requirements at Kraft Pulp Mills, p. 1654
- 16.8.1903 and other rule - Air Quality - Air Quality Operation and Permit Fees, p. 2052
- 16.8.1907 Air Quality - Fees for the Smoke Management Program, p. 1511, 2130
- 16.8.1908 Air Quality - Fees for Christmas Tree Wastes and Commercial Film Production Open Burning, p. 2054, 2830
- 16.10.101 Food, Drugs and Cosmetics - Incorporating Federal Food Standards, p. 2395, 2743
- 16.10.239 and other rules - Minimum Performance Requirements for Local Health Authorities, p. 1797, 2941
- 16.10.501 and other rules - Bottled Drinking Water and Ice Regulations, p. 2404, 2831
- 16.10.701 and other rules - Campgrounds - Trailer Courts and Campgrounds, p. 2602, 2892
- 16.10.1001 Annual Jail Inspections, p. 2041, 2629
- 16.10.1311 Swimming Pool Inspections - Indication of What Constitutes a Full Facility Inspection and a Critical Point Inspection of a Public Bathing Place or Swimming Pool, p. 1513, 1998
- 16.20.202 and other rules - Drinking Water - Setting Standards for Public Drinking Water that Incorporate Federal Requirements for Phase II and V Contaminants and Lead and Copper, p. 1362, 2131
- 16.20.603 and other rules - Water Quality - Surface Water Quality Standards, p. 2737, 827, 2136
- 16.20.604 Water Quality - Water Use Classifications--Clark Fork - Columbia River Drainage Except the Flathead and Kootenai River Drainages, p. 2707, 3099
- 16.20.1003 and other rules - Water Quality - Ground Water Quality Standards - Mixing Zones - Water Quality Nondegradation, p. 244, 846, 2136
- 16.24.104 and other rules - Children's Special Health Services - Standards for the Children's Special Health Services Program, p. 1340, 1836
- 16.28.713 Informed Consent for Administration of Vaccine, p. 2705, 3015
- 16.28.1005 Tuberculosis Control Requirements for Schools and Day Care Facilities, p. 1652, 2305
- 16.30.801 and other rules - Emergency Medical Services - Reporting of Exposure to Infectious Diseases, p. 1251, 1704
- 16.32.356 and other rules - Adult Day Care - Licensure of Adult Day Care Centers, p. 1255, 1838
- 16.32.373 and other rules - Standards for Licensure of Hospices, p. 631, 2436
- 16.32.380 and other rules - Personal Care - Licensure of Personal Care Facilities, p. 1342, 2306
- 16.32.396 Kidney Treatment Centers, p. 2782

- 16.32.399G Medical Assistance Facilities - Medical Assistance Facilities Emergency Services, p. 2480, 2833
- 16.32.922 Personal Care Facilities - Fees for Inspecting Personal Care Facilities, p. 2784
- 16.32.1001 Adult Day Care Center Services, p. 2780
- 16.44.303 and other rules - Solid and Hazardous Waste - Hazardous Waste Management - Use of Used Oil as a Dust Suppressant, p. 556, 2532
- 16.45.1201 and other rules - Underground Storage Tanks - Underground Storage Tank Installer and Inspector Licensing - Tank Permits - Tank Inspections - Inspector Licensing Fees, p. 1221, 2744
- 16.47.342 Review of Corrective Actions Plans, p. 2786

JUSTICE, Department of, Title 23

- 23.4.201 and other rules - Sampling Bodily Substances for Drug and Alcohol Analysis, p. 2788
- 23.15.102 and other rules - Crime Victims Compensation, p. 1381, 1999
- 23.16.101 and other rules - Public Gambling, p. 2406, 2834

LABOR AND INDUSTRY, Department of, Title 24

- I-V and other rule - Workers' Compensation Data Base System - Attorney Fee Rule, p. 2487, 2893
- I-V Safety Culture Act - Implementation of Safety Committees, p. 2493, 3016
- I-XI Workers' Compensation Data Base System, p. 1949, 2630
- 24.11.202 and other rules - Unemployment Insurance Benefit Eligibility, p. 2056, 2835, 2951
- 24.16.9007 Montana's Prevailing Wage Rate, p. 912, 1705
- 24.29.101 Organizational Rule for the Former Division of Workers' Compensation, p. 2351
- 24.30.1703 Fees for Construction Blaster Licenses, p. 2491

STATE LANDS, Department of, Title 26

- I-XXV and other rules - Regulation of Hard Rock Mining or Exploration, p. 1956, 2952
- 26.3.180 and other rules - Recreational Use of State Lands, p. 641, 1844, 2539
- 26.3.186 and other rules - Authorizing and Regulating Enrollment of State Lands in Block Management Areas, p. 1071, 2002
- 26.4.201 and other rules - Opencut Mining Act, p. 914, 1871
- 26.4.301 and other rules - Refusal to Issue Operating Permits because of Violation of Reclamation or Environmental Laws, p. 2498
- 26.4.301 and other rules - Regulation of Prospecting for Coal and Uranium, p. 2414
- 26.4.301 and other rules - Regulation of Strip and Underground Mining for Coal and Uranium, p. 2064, 2957

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I Truman Creek Basin Closure, p. 3007
- I Reject, Modify or Condition Permit Applications in the Willow Creek Basin, p. 1809, 2640
- I-VI Horizontal Wells and Enhanced Recovery Tax Incentives, p. 925, 1875
- 36.22.604 and other rules - Issuance, Expiration, Extension and Transfer of Permits - Horizontal Wells, p. 2792

PUBLIC SERVICE REGULATION, Department of, Title 38

- I-XII Motor Carrier of Property, p. 2894
- 38.2.3909 Stenographic Recording and Transcripts, p. 929, 2010
- 38.5.2202 Pipeline Safety - Adopting Federal Rules Applicable to Liquefied Natural Gas Facilities and Reenacting the Existing Rule, p. 2794

REVENUE, Department of, Title 42

- I-II Limited Liability Companies, p. 931, 1721
- I-VIII Regulation of Cigarette Marketing, p. 375, 1453, 1722
- 42.11.301 and other rules - Agency Franchise Agreements for the Liquor Division, p. 2097, 2625, 3081
- 42.11.301 Opening a New Liquor Store, p. 1475, 2418
- 42.12.103 and other rules - Liquor Licenses and Permits, p. 2003, 2423
- 42.12.128 Catering Endorsement, p. 2094, 2626, 3101
- 42.12.222 Revocation or Suspension of a Liquor License, p. 2505, 2974
- 42.15.308 Adjusted Gross Income, p. 657, 1720
- 42.16.104 Net Operating Loss Carryback, p. 1657, 2352
- 42.17.147 Wage Exceptions, p. 3082
- 42.21.106 and other rules - Personal Property, p. 2897
- 42.22.1311 and other rules - Industrial Trend Tables, p. 2916
- 42.23.606 and other rules - Estimated Tax Payments, p. 1659, 2353
- 42.25.1201 and other rules - Horizontal Wells, p. 1663, 2354

SECRETARY OF STATE, Title 44

- 1.2.419 Filing, Compiling, Printer Pickup and Publication Dates for the Montana Administrative Register, p. 2709, 3009
- (Commissioner of Political Practices)
- 44.10.331 Limitations on Receipts from Political Committees to Legislative Candidates, p. 659, 2442
- 44.12.107 Waiver of Registration Fees of State Government Employees Who Register as Lobbyists, p. 2425, 2749

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I Exceptions to the Developmental Disabilities Placement Rules, p. 2811

- I and other rule - Contractor Allotments for Community Block Grants, p. 933, 1725
- I-IV Recovery by the State Auditor's Office of Debts Owed to the Department, p. 2796
- I-IX Child Support Enforcement Suspension of Licenses Process, p. 1386, 2447
- I-X and other rules - Review and Modification of Support Orders, p. 1392, 2011
- 46.10.101 Safeguarding and Sharing of AFDC Information, p. 2800
- 46.10.108 and other rules - AFDC and Food Stamp Monthly Reporting Requirements, p. 1271, 2543
- 46.10.314 and other rules - Transitional Child Care, p. 1400, 2542
- 46.10.403 AFDC Standards and Payment Amounts Concerning Shared Living Arrangements, p. 1264, 1726
- 46.10.403 AFDC Income Standards and Payment Amounts, p. 1090, 1728
- 46.10.803 and other rules - AFDC JOBS Program, p. 1515, 2356
- 46.12.503 and other rules - Medicaid Coverage and Reimbursement of Inpatient and Outpatient Hospital Services, p. 1076, 1732
- 46.12.590 and other rules - Medicaid Coverage and Reimbursement of Residential Treatment Services, p. 1111, 1744
- 46.12.702 Medicaid Outpatient Drugs, p. 1525, 2443
- 46.12.802 and other rules - Medicaid Coverage and Reimbursement of Wheelchairs and Wheelchair Accessories, p. 1811, 2546
- 46.12.1107 and other rules - Medicaid Coverage of Services Provided to Recipients Age 65 and Over in Institutions for Mental Diseases, p. 936, 1591, 1878
- 46.12.1222 and other rules - Medicaid Coverage and Reimbursement of Nursing Facility Services, p. 1096, 1881
- 46.12.1901 and other rules - Targeted Case Management for Developmental Disabilities, p. 2803
- 46.12.2002 Medicaid Coverage of Abortion Services in Cases of Rape or Incest, p. 2427, 2975
- 46.12.3803 Medically Needy Income Standards, p. 1109, 1750
- 46.12.5002 and other rules - Passport to Health Program, p. 2507, 2983
- 46.13.303 and other rules - Low-Income Energy Assistance Program, p. 1983, 2642

BOARD APPOINTEES AND VACANCIES

House Bill 424, 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 HB 424 was 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 made in November, 1994, are published. Vacancies scheduled to appear from January 1, 1995, through March 31, 1995, are also listed, as are current recent vacancies due to resignations or other reasons. Individuals interested in serving on a new board should refer to the bill that created the board for details about the number of members to be appointed and qualifications necessary.

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 December 5, 1994.

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 NOVEMBER, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
AIDS Advisory Council (Health and Environmental Sciences)			
Mr. James Christensen	Governor	not listed	11/2/1994
Missoula			8/18/1996
Qualifications (if required): none specified			
Mr. Marshall Miller	Governor	not listed	11/2/1994
Helena			8/18/1996
Qualifications (if required): none specified			
Board of Landscape Architects (Commerce)			
Mr. Robert Broughton	Governor	Thomas	11/2/1994
Hamilton			7/1/1998
Qualifications (if required): licensed architect			
Mr. Lester Field	Governor	not listed	11/2/1994
Townsend			7/1/1998
Qualifications (if required): public member			
Board of Medical Examiners (Commerce)			
Dr. Catherine Anne MacLean	Governor	Gilbert	11/22/1994
Bozeman			9/1/1997
Qualifications (if required): public member			
Dr. Lawrence McEvoy	Governor	Angelos	11/22/1994
Clancy			9/1/1995
Qualifications (if required): doctor of medicine			
Board of Radiologic Technologists (Commerce)			
Ms. Jane Christman	Governor	Marcello	11/3/1994
Dutton			7/1/1997
Qualifications (if required): radiologic technologist			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1994

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capitol Restoration Commission (Administration)			
Mr. Edward Bell			11/1/1994
Helena			0/0/0
Qualifications (if required):			
Flathead Basin Commission (Governor)			
Ms. Gail Kuntz	BPA	Eskridge	11/3/1994
Helena			0/0/0
Qualifications (if required): not listed			
Historical Preservation Review Board (Historical Society)			
Mr. John Robert Horner	Governor	reappointed	11/2/1994
Bozeman			10/1/1998
Qualifications (if required): paleontologist			
Ms. Theo Hugs	Governor	reappointed	11/2/1994
Fort Smith			10/1/1998
Qualifications (if required): historian			

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

Board/current position holder	Appointed by	Term end
Agricultural Land Valuation Advisory Committee		
Mr. Jerry Allen, Corvallis	(Revenue) Governor	1/1/1995
Qualifications (if required): public member		
Mr. Jim Almond, Billings	Governor	1/1/1995
Qualifications (if required): represents grazing interests		
Ms. Marge Boulware, Miles City	Governor	1/1/1995
Qualifications (if required): represents multiple use farmers/ranchers		
Mr. Earl Bricker, Moore	Governor	1/1/1995
Qualifications (if required): represents non-irrigated cropland users		
Mr. Michael Grove, White Sulphur Springs	Governor	1/1/1995
Qualifications (if required): represents financial institution		
Mr. Chase Hibbard, Helena	Governor	1/1/1995
Qualifications (if required): legislator		
Ms. Carol Irvin, Columbia Falls	Governor	1/1/1995
Qualifications (if required): represents urban interests		
Ms. Mona L. Nutting, Red Lodge	Governor	1/1/1995
Qualifications (if required): represents local government		
Mr. Jerry Nypen, Fairfield	Governor	1/1/1995
Qualifications (if required): represents organized irrigation district water users		
Mr. Don Steinbeisser, Sidney	Governor	1/1/1995
Qualifications (if required): public member		
Mr. John Stienbasser, Sidney	Governor	1/1/1995
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

Board/current position holder	Appointed by	Term end
Agricultural Land Valuation Advisory Committee Mr. Bob Story, Jr., Park City Qualifications (if required): represents individual water users	(Revenue) cont. Governor	1/1/1995
Mr. Myles Watts, Bozeman Qualifications (if required): not specified	Governor	1/1/1995
Agricultural Loan Authority Mr. Bernard Harkness, Dell Qualifications (if required): livestock farmer	Governor	1/7/1995
Mr. Everett Snortland, Conrad Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/1995
Mr. John Swanz, Judith Gap Qualifications (if required): grain farmer	Governor	1/1/1995
Mr. John Witte, Miles City Qualifications (if required): representative from a commercial lending institution	Governor	1/1/1995
Appellate Defender Commission Mr. Ric Holden, Glendive Qualifications (if required): public member	Governor	1/1/1995
Mr. Tom McElwain, Butte Qualifications (if required): public member	Governor	1/1/1995
Board of Aeronautics (Commerce) Mr. Leland F. Ford, Missoula Qualifications (if required): public member at large	Governor	1/1/1995
Mr. Robert M. Hector, Billings Qualifications (if required): airline representative	Governor	1/1/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

Board/current position holder	Appointed by	Term end
Board of Aeronautics (Commerce) cont. Mr. Greg Mecklenburg, Belgrade Qualifications (if required): actively involved in aviation education	Governor	1/1/1995
Ms. Sharel Stroh, Havre Qualifications (if required): fixed base operator	Governor	1/1/1995
Ms. Pamela J. Bancroft, Bozeman Qualifications (if required): reg. architect on MSU School of Arch. staff	Governor	3/27/1995
Board of Chiropractors (Commerce) Dr. Marvin S. Harris, Great Falls Qualifications (if required): chiropractor	Governor	1/1/1995
Board of Crime Control (Justice) Mr. Craig Anderson, Glendive Qualifications (if required): representative of juvenile justice	Governor	1/1/1995
Mr. Randy H. Bellingham, Billings Qualifications (if required): represents Youth Justice Council	Governor	1/1/1995
Mayor Fred A. Brown, Libby Qualifications (if required): represents local executives	Governor	1/1/1995
Mr. Gary Buchanan, Billings Qualifications (if required): public member	Governor	1/1/1995
Sen. Delwyn Gage, Cut Bank Qualifications (if required): legislator	Governor	1/1/1995
Judge Gregory P. Mohr, Sidney Qualifications (if required): represents lower courts	Governor	1/1/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Crime Control (Justice) cont. Rep. Mary Lou Peterson, Eureka Qualifications (if required): represents House of Reps.	Governor	1/1/1995
Board of Dentistry (Commerce) Dr. R.W. Rector, Havre Qualifications (if required): dentist	Governor	3/29/1995
Board of Health and Environmental Sciences (Health and Environmental Sciences) Mr. Remington Kohrt, Darby Qualifications (if required): active interest in public health & economic welfare of state	Governor	1/1/1995
Dr. Dennis Schreffler, Billings Qualifications (if required): licensed professional in human health service	Governor	1/1/1995
Mr. Jeremy Thane, Missoula Qualifications (if required): attorney	Governor	1/1/1995
Board of Horseracing (Commerce) Mr. Malcom E. Adams, Roscoe Qualifications (if required): resides in 2nd district	Governor	1/20/1995
Mr. Steve Christian, Whitefish Qualifications (if required): resides in 5th district	Governor	1/20/1995
Board of Housing (Commerce) Ms. Barbara Hamlin, Helena Qualifications (if required): public member	Governor	1/1/1995
Mr. Dean J. Mart, Great Falls Qualifications (if required): experienced in economics and finance	Governor	1/1/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Housing (Commerce) cont. Mr. Bob Thomas, Stevensville Qualifications (if required): informed and experienced in housing and economics	Governor	1/1/1995
Board of Investments (Commerce) Ms. Maureen J. Fleming, Missoula Qualifications (if required): representative of labor	Governor	1/1/1995
Mr. Earl W. Johnson, Helena Qualifications (if required): representative of business & finance	Governor	1/1/1995
Mr. Wm S. Macfadden, Great Falls Qualifications (if required): public member	Governor	1/1/1995
Mr. F. Lee Robinson, Malta Qualifications (if required): representative of business and finance	Governor	1/1/1995
Board of Labor Appeals (Labor and Industry) Mr. Stephen A. Birch, Great Falls Qualifications (if required): state employee	Governor	1/1/1995
Board of Livestock (Livestock) Mr. Tom Lane, Livingston Qualifications (if required): none specified	Governor	3/1/1995
Mr. Jack Salmond, Choteau Qualifications (if required): none specified	Governor	3/1/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Natural Resources and Conservation (Natural Resources and Conservation)		
Mr. John Bailey, Livingston	Governor	1/1/1995
Qualifications (if required): informed & experienced in natural resources & conservation		
Mr. Gerald Peda, Glasgow	Governor	1/1/1995
Qualifications (if required): informed & experienced in natural resources & conservation		
Mr. Jack Galt, Helena	Governor	1/1/1995
Qualifications (if required): informed & experienced in natural resources & conservation		
Board of Oil and Gas Conservation (Natural Resources and Conservation)		
Mr. Waren H. Ross, Chinook	Governor	1/1/1995
Qualifications (if required): non-industry land owner		
Mr. Dean A. Swanson, Billings	Governor	1/1/1995
Qualifications (if required): representative of oil and gas industry		
Mr. Denzil R. Young, Baker	Governor	1/1/1995
Qualifications (if required): atty living in mineral producing county, doesn't own rights		
Board of Pardons (Institutions)		
Rep. David Hoffman, Sheridan	Governor	1/1/1995
Qualifications (if required): attorney		
Board of Passenger Tramway Safety (Commerce)		
Mr. Merv Erickson, Missoula	Governor	1/1/1995
Qualifications (if required): employee from U.S. Forest Service working in field		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Personnel Appeals (Labor and Industry) Mr. Don K. Klepper, Missoula Qualifications (if required): management representative	Governor	1/1/1995
Mr. Willis M. McKeon, Malta Qualifications (if required): represents management	Governor	1/1/1995
Board of Public Education (Education) Ms. Anita A. Johnson, Lewistown Qualifications (if required): resides in 2nd Congressional District & affiliated Republican	Governor	2/1/1995
Board of Social Work Examiners and Professional Counselors (Commerce) Dr. Leta Livotti, Helena Qualifications (if required): professional counselor	Governor	1/1/1995
Ms. Antoinette Fraser Rosell, Billings Qualifications (if required): professional counselor	Governor	1/1/1995
Mr. Richard A. Simonton, Glendive Qualifications (if required): public member	Governor	1/1/1995
Ms. Jolene Goodover, Great Falls Qualifications (if required): public member	Governor	1/1/1995
Child Support Services Advisory Council (Social and Rehabilitation Services) Ms. Kathleen Fleury, Helena Qualifications (if required): none specified	Director	1/9/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Children's Trust Fund Board (Family Services)		
Mr. Gary Acevedo, Pablo	Governor	1/1/1995
Qualifications (if required): public member		
Mr. Kirk Astroth, Belgrade	Governor	1/1/1995
Qualifications (if required): state gov. agency involved in educat. & social work w/kids		
Ms. Judy Birch, Helena	Governor	1/1/1995
Qualifications (if required): public member		
Mr. Larry Epstein, Cut Bank	Governor	1/1/1995
Qualifications (if required): public member		
Mr. Richard Kerstein, Billings	Governor	1/1/1995
Qualifications (if required): public member		
Mr. Randy Koutnik, Helena	Governor	1/1/1995
Qualifications (if required): public member		
Coal Board (Commerce)		
Dr. Thomas E. Finch, Butte	Governor	1/1/1995
Qualifications (if required): educator from first Congressional District		
Ms. Helena S. MacLay, Florence	Governor	1/1/1995
Qualifications (if required): attorney from first Congressional District		
Commission for Human Rights (Labor and Industry)		
Mr. Dennis Limberhand, Lame Deer	Governor	1/7/1995
Qualifications (if required): public member		
Ms. Jane Meyer, Great Falls	Governor	1/7/1995
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Services)		
Rep. Betty Lou Kasten, Brockway	Governor	1/1/1995
Qualifications (if required): representative		
Fish, Wildlife and Parks Commission (Fish, Wildlife and Parks)		
Ms. Elaine K. Allestad, Big Timber	Governor	1/1/1995
Qualifications (if required): from Fish & Game District IV		
Mr. James D. Rector, Glasgow	Governor	1/1/1995
Qualifications (if required): from Fish & Game District II		
Hard-Rock Mining Impact Board (Commerce)		
Mr. John P. Gardner, Butte	Governor	1/1/1995
Qualifications (if required): rep. of hard-rock mining industry & from Western Congressional District		
Mr. Mike Manuel, Fairfield	Governor	1/1/1995
Qualifications (if required): school board trustee		
Highway Commission (Highways)		
Mr. Roy M. Duff, Whitefish	Governor	1/1/1995
Qualifications (if required): from District V		
Mr. Ed B. Smith, Dagmar	Governor	1/1/1995
Qualifications (if required): from District IV		
Milk Control Board (Commerce)		
Dr. R. Clyde Greer, Bozeman	Governor	1/1/1995
Qualifications (if required): Democrat from Congressional District 1		
Mr. Michael F. Kleese, Stevensville	Governor	1/1/1995
Qualifications (if required): Democrat from Congressional District 1		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Arts Council (Education) Ms. Kathy Doeden, Miles City Qualifications (if required): has interest in arts	Governor	2/1/1995
Ms. Bebe Kezar, Whitefish Qualifications (if required): has interest in arts	Governor	2/1/1995
Mr. Jack W. Nickels Jr., Fort Peck Qualifications (if required): has interest in arts	Governor	2/1/1995
Mr. James Whitlock, Hamilton Qualifications (if required): has interest in arts	Governor	2/1/1995
Mr. Larry D. Williams, Great Falls Qualifications (if required): none specified	Governor	2/1/1995
Montana Coal Board (Commerce) Ms. Alice Jagiello, Colstrip Qualifications (if required): educator	Governor	1/1/1995
Montana Health Facility Authority Board (Commerce) Ms. Gayle Carpenter, Helena Qualifications (if required): public member	Governor	1/1/1995
Prison Ranch Advisory Council (Corrections and Human Services) Rep. Francis Bardonouve, Harlem Qualifications (if required): none specified	Director	3/1/1995
Mr. Don Davis, Deer Lodge Qualifications (if required): none specified	Director	3/1/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Prison Ranch Advisory Council Rep. Ed Grady, Canyon Creek Qualifications (if required): none specified	(Corrections and Human Services) cont. Director	3/1/1995
Mr. Ray Lybeck, Kalispell Qualifications (if required): none specified	Director	3/1/1995
Rep. Bob Thoft, Stevensville Qualifications (if required): none specified	Director	3/1/1995
Science and Technology Development Board (Commerce) Mr. Rick Hill, Helena Qualifications (if required): experienced in finance	Governor	1/1/1995
Dr. Rebecca W. Mahurin, Bozeman Qualifications (if required): from private sector w/ experience in technology development	Governor	1/1/1995
Mr. Robert B. Noble, III, Great Falls Qualifications (if required): public member	Governor	1/1/1995
Mr. James A. Stevenson, Billings Qualifications (if required): represents private sector	Governor	1/1/1995
State Lottery Commission (Commerce) Mr. Dwaine J. Iverson, Shelby Qualifications (if required): is a certified public accountant	Governor	1/1/1995
State Tax Appeal Board (Administration) Ms. Patti Foster, Townsend Qualifications (if required): public member	Governor	3/1/1995
Mr. John J. McNaught, Great Falls Qualifications (if required):	Governor	3/1/1995

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Try Another Way State Employees Task Force (Governor)		
Ms. Barbara Neuwerth, Helena	Director	1/1/1995
Qualifications (if required): none specified		
Ms. Judy Reese, Helena	Director	1/1/1995
Qualifications (if required): none specified		
Mr. David Rusoff, Helena	Director	1/1/1995
Qualifications (if required): none specified		
Ms. Jo Anne Thun, Helena	Director	1/1/1995
Qualifications (if required): none specified		
Water Pollution Control Advisory Council (Health and Environmental Sciences)		
Mr. Tom Lee, Kalispell	Governor	1/7/1995
Qualifications (if required): water recreation representative		
Youth Justice Advisory Council (Justice)		
Ms. Diane G. Barz, Billings	Governor	3/1/1995
Qualifications (if required): none specified		
Mr. Al Davis, Helena	Governor	3/1/1995
Qualifications (if required): none specified		
Mr. Rick Day, Helena	Governor	3/1/1995
Qualifications (if required): none specified		
Ms. Gail Gray, Helena	Governor	3/1/1995
Qualifications (if required): none specified		
Mr. Allen Horsfall, Jr., Hamilton	Governor	3/1/1995
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1995 through March 31, 1995

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) cont.		
Mr. Hank Hudson, Clancy Qualifications (if required): none specified	Governor	3/1/1995
Rep. Royal Johnson, Billings Qualifications (if required): none specified	Governor	3/1/1995
Mr. Ted O. Lympus, Kalispell Qualifications (if required): none specified	Governor	3/1/1995
Ms. Jeannette Manning, Helena Qualifications (if required): none specified	Governor	3/1/1995
Ms. Kate Mrgudic, Missoula Qualifications (if required): none specified	Governor	3/1/1995
Mr. Steve P. Nelsen, Bozeman Qualifications (if required): none specified	Governor	3/1/1995
Mr. Kim Olson, Bozeman Qualifications (if required): none specified	Governor	3/1/1995
Mr. David Pope, Bozeman Qualifications (if required): none specified	Governor	3/1/1995
Mr. Gary Racine, Browning Qualifications (if required): none specified	Governor	3/1/1995
Ms. Sally Stansberry, Missoula Qualifications (if required): none specified	Governor	3/1/1995