

RESERVE
KFM
9035
1973
.A245a

RESERVE

**MONTANA
ADMINISTRATIVE
REGISTER**

**DOES NOT
CIRCULATE**

STATE LAW LIBRARY

DEC 20 1996

OF MONTANA

1996 ISSUE NO. 24
DECEMBER 19, 1996
PAGES 3174-3262



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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Page Number

TABLE OF CONTENTS

NOTICE SECTION

COMMERCE, Department of, Title 8

8-34-28 (Board of Nursing Home Administrators)
Notice of Proposed Amendment, Repeal and Adoption
- Nursing Home Administrators. No Public Hearing
Contemplated. 3174-3181

ENVIRONMENTAL QUALITY, Department of, Title 17

17-037 (Operator Certification) Notice of Proposed
Amendment - Revising Water and Waste Water Operator
Certification Rules. No Public Hearing
Contemplated. 3182-3196

17-038 (Petroleum Tank Release Compensation Board)
(Petroleum Board) Notice of Proposed Amendment -
Designating a Representative for Reimbursement. No
Public Hearing Contemplated. 3197-3198

17-039 (Board of Environmental Review) (Water
Quality) Notice of Proposed Repeal and Amendment -
Permitting of In-Situ Uranium Mining. No Public
Hearing Contemplated. 3199-3200

LIVESTOCK, Department of, Title 32

32-3-136 (Board of Milk Control) Notice of Public
Hearing on Proposed Amendment - Producer Class I
Pricing. 3201-3204

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-48 Notice of Proposed Amendment - Interstate Compact on the Placement of Children. No Public Hearing Contemplated. 3205-3207

REVENUE, Department of, Title 42

42-2-609 Notice of Public Hearing on Proposed Amendment and Adoption - Forest Land Rules. 3208-3209

RULE SECTION

COMMERCE, Department of, Title 8

AMD (Board of Architects) Practice of
REP Architecture.
NEW 3210-3211

(Board of Chiropractors) Corrected Notice of Amendment - Chiropractors. 3212

NEW (Board of Medical Examiners) Physicians - Inactive License. 3213

AMD (Board of Veterinary Medicine) Fee Schedule - Examination for Licensure. 3214

LIVESTOCK, Department of, Title 32

AMD (Board of Milk Control) Quota Rules. 3215

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

AMD Minimum Standards for a Hospital - General Requirements. 3216-3217

AMD Inpatient and Outpatient Hospital Services. 3218-3219

REVENUE, Department of, Title 42

AMD Class 5 Classification of Property Tax Rules. 3220

SECRETARY OF STATE, Title 44

AMD Surveys of Polling Places - Examination
REP of Voting Devices. 3221

REP Uniform Commercial Codes. 3222
AMD

	<u>Page Number</u>
<u>SECRETARY OF STATE, Continued</u>	
NEW Electronic Storage of Local Government Records.	3223
<u>NOTICE AND TABLE SPECIAL SECTION</u>	
Functions of the Administrative Code Committee.	3224
How to Use ARM and MAR.	3225
Accumulative Table.	3226-3237
Boards and Councils Appointees.	3238-3244
Vacancies on Boards and Councils.	3245-3262

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT,
amendment, repeal and adoption) REPEAL AND ADOPTION OF RULES
of rules pertaining to nursing) PERTAINING TO NURSING HOME
home administrators) ADMINISTRATORS

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On January 18, 1997, the Board of Nursing Home Administrators proposes to amend, repeal and adopt rules pertaining to nursing home administrators.

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

"8.34.404A DEFINITIONS (1) "Experience in health care administration" shall mean having management responsibility, which shall include supervision of at least three (3) staff persons, of a health care facility.

(2) "Education in health care administration" shall mean the completion of a course of instruction designed to teach the elements of health care facility administration and management, including training regarding the protection of the rights of residents or patients therein.

(3) (1) "Health care facility" shall mean a facility that provides acute or licensed long-term, in-patient, 24-hour facility, or licensed acute care facility, as defined by section 50-5-301(3), MCA.

(4) (2) "Clock hour" shall mean sixty (60) minutes of formal instruction by an approved presenter."

Auth: Sec. 37-9-203, MCA; IMP, Sec. 37-9-203, MCA

REASON: Subsection (2) is being proposed for deletion because it repeats the substance of 37-9-301, MCA. The definition of a health care facility is being amended to delete reference to 50-5-301(3), MCA. The current version of that statute defines health care facility to include facilities that the board has determined are not appropriate places to gain experience for the license. The proposed amendment to (4) is clerical only.

"8.34.405 GENERAL REQUIREMENTS (1) The licensee together with evidence of current validation, shall be conspicuously displayed within the facility served by the licensee, and the holder of a The licensee shall have carry evidence of current validation in his possession at all times licensure.

(2) Each person who holds a All licensees or permit shall file ~~his~~ their mailing addresses with and notify the board in writing of any and all changes which occur within 10 days of such change."

Auth: Sec. 37-9-201, MCA; IMP, Sec. 37-9-304, MCA

REASON: The proposed amendments involve grammar changes and make the rule easier to read.

"8.34.413 TEMPORARY PERMIT (1) An application for a temporary permit must be accompanied by the required fee, which will not be refunded. Applicants who have been approved by the board to sit for the examination may obtain a temporary practice permit from the board. The temporary permit holder shall practice only under the supervision of a nursing home administrator licensed in the state of Montana. The supervisor's name and plan of supervision shall be provided on the application and subject to board approval. Supervision shall be defined as weekly contact with the supervisor and an on-site visit by the licensed supervisor at a minimum of 30 days. Supervisory reports demonstrating compliance with the supervisory plan as approved by the board shall be maintained by the temporary permit holder and will be examined by the board during random audits."

Auth: Sec. 37-1-319, 37-9-201, MCA; IMP, Sec. 37-1-319, 37-9-302, MCA

REASON: This rule is being amended to make clear that the temporary permit holders must be supervised by a licensed nursing home administrator and to define that supervision. The Uniform Professional Licensing and Regulation Procedures Act (House Bill 518), mandated by the 1995 Legislature, authorizes the Board to limit the kind and amount of supervision a person has under a temporary permit.

"8.34.415 RENEWALS (1) An application for renewal of license for the next subsequent calendar year shall be filed on or before December 31 of each year and must be accompanied by the required fee, which shall not be refunded.

(2) The renewal fee for the next subsequent calendar year shall be due and payable on or before December 31 of each year. Renewal fees paid by mail shall be considered as paid when due if the envelope bears a postmark of December 31 or earlier.

(1) The board shall send a renewal application form to the licensee's address on file in the board office prior to the renewal deadline. Failure of the licensee to receive a renewal application form in no way releases the licensee from the obligation to renew his or her license in a timely manner.

(2) Licensees may renew their licenses for a period of two years after the expiration date of the license by paying a late fee and by submitting documentation of the appropriate continuing education requirements. A license that is not renewed within two years of the most recent renewal date automatically terminates. The terminated license may not be reinstated, and a new original license must be obtained by retaking the licensing examination including the national association of boards of nursing home administrators examination and paying the appropriate fees."

Auth: Sec. 37-9-201, MCA; IMP, Sec. 37-9-304,
37-9-305, MCA

REASON: The proposed amendments are necessary to reflect the Board's intention to deviate from the three-year lapse period set forth in 37-1-141, MCA. The Board finds that two years is a more appropriate period of time after which an individual, who has presumably not practiced on an expired license, must reestablish his or her competency by sitting for the licensing examination.

"8.34.416 CONTINUING EDUCATION (1) All applicants for renewal of licenses and inactive registration shall have completed a 25 hours of continuing education course as a condition to establish eligibility for renewal.

(2) ~~All applicants for renewal shall submit proposed courses to the board for approval. No course shall be accepted as satisfying the continuing education requirement unless it shall have had approval by the board. Such decision shall be based on the relevance and scope and contemporaneous nature of the course in light of the current trends in quality nursing home administration. From time to time, the board may in its discretion designate certain specific courses offered to the public as courses which, upon successful completion, shall satisfy the continuing education requirement. The continuing education requirement will not apply until the licensee's first full year of licensure.~~

(3) Up to 25 hours in excess of the 25 hours required in a license year may be carried over into the following year.

(3) Twenty five hours of continuing education will be required annually for renewal of a license or renewal of inactive registration.

(a) The continuing education requirement will not apply until January 1 of the year following the year of original license.

(b) Up to 25 hours earned in excess of 25 hours in a calendar year may be carried over into the succeeding year.

(4) No more than 25 hours of college courses may be submitted for continuing education in any three year period without prior approval of the board. These courses shall be approved in advance by the continuing education committee and should contribute to the professional competence of the participant. The remaining continuing education hours submitted during that three year period must pertain to nursing home administration. Applicants shall submit a sworn, signed statement to document completion of the required continuing education that shall include:

- (a) the sponsor;
- (b) the instructor or speakers;
- (c) title of the program or course;
- (d) description of the content;
- (e) an outline;
- (f) date;
- (g) location; and

(h) number of hours attended.

(5) Applicants shall retain documentary evidence of the program for a five-year period. The board will conduct periodic audits of continuing education affidavits. The applicant will be notified and required to correct the noted deficiencies.

(6) Acceptable continuing education programs are those programs whose content is germane to the profession and contribute directly to the professional competence of a nursing home administrator. The program must be presented by a speaker or an instructor, offered in the following settings, and subject to any listed conditions set forth below. Continuing education credits are available for association meetings structured as formal education programs.

(a) The licensee must pass the course with a score of "C" or above, if a score is given.

(b) The board will give a presenter of a continuing education program one hour of continuing education for every two hours of preparation not to exceed 25 hours in a year.

(c) The licensee shall demonstrate attendance of formal in-service education programs not to exceed eight hours.

(d) Licensee shall receive 10 hours of continuing education credit as a public author.

(e) Licensees may participate in self-study programs so long as an examination is provided at the end of the program.

(7) The board will not accept business meetings, vendor presentations or trade shows as continuing education.

Auth: Sec. 37-1-131, 37-9-201, 37-9-203, MCA; IMP, Sec. 37-9-203, 37-9-305, MCA

REASON: The Board's current rule provides that the licensee produce documentary evidence of course attendance. The Board proposes to change to an audit system to decrease some of the burden on administrative staff and resources.

"8.34.418. FEE SCHEDULE (1) and (1)(a) will remain the same.

- | | | |
|-----|---|----------|
| (b) | examination and license for the | 100-00 |
| | <u>April examination to be submitted with</u> | |
| | <u>application</u> | |
| (c) | examination and license for the | 120-00 |
| | <u>October examination to be submitted with</u> | |
| | <u>application</u> | |
| (d) | <u>inactive renewal fee</u> | 30-00 60 |
| (e) | through (k) will remain the same. | |
| (2) | will remain the same." | |

Auth: Sec. 37-1-131, 37-1-134, 37-9-201, 37-9-203, 37-9-304, MCA; IMP, Sec. 37-1-134, 37-9-203, 37-9-304, MCA

REASON: These amendments are being proposed to notify the applicants for examination that the fees must be submitted with the application.

3. The Board is proposing to repeal ARM 8.34.406 (authority 37-1-131, 37-9-201, 37-9-203, 37-9-311, MCA; implementing 37-9-203, 37-9-311, MCA) because disciplinary

procedures are now contained in the Uniform Professional Licensing and Regulation Procedures Act, Title 37, chapter 1, MCA, enacted by 1995 Legislature; 8.34.407 (authority 37-9-201, MCA; implementing 37-9-201, MCA) because public information disclosure is governed by the Montana Administrative Procedure Act, section 2-4-103, MCA; 8.34.408 (authority 37-9-201, MCA; implementing 37-9-301, 37-9-302, 37-9-303, MCA) because the procedures for requests and submittals are set forth in 2-4-103, MCA; 8.34.410 (authority 37-1-131, 37-9-201, MCA; implementing 37-9-201, MCA) because the procedures for duties of director are set forth in 37-1-307 and 37-1-310, MCA; 8.34.411 (authority 37-9-201, MCA; implementing 37-9-305, 37-9-311, MCA) because the procedures for application denial are set forth in 37-1-309, MCA, the Uniform Professional Licensing and Regulation Procedures Act; 8.34.417 (authority 37-9-201, 37-9-203, MCA; implementing 37-9-301, 37-9-303, MCA) because out-of-state licensing procedures are set forth in 37-1-304, MCA, the Uniform Professional Licensing and Regulation Procedures Act; 8.34.419 (authority 37-1-131, 37-9-201, 37-9-203, MCA; implementing 37-1-131, 37-9-201, 37-9-203, 37-9-305, MCA) because the procedures for reinstatement of license are set forth in 37-1-314, MCA, the Uniform Professional Licensing and Regulation Procedures Act; and 8.34.421 (authority 37-9-201, MCA; implementing 37-9-311, MCA) because the procedures for hearings are set forth in 37-1-307, 37-1-309 and 37-1-310, MCA, the Uniform Professional Licensing and Regulation Procedures Act. The rules are located at pages 8-1036 through 8-1038, 8-1043 and 8-1044, Administrative Rules of Montana.

4. The proposed new rules will read as follows:

"I EXAMINATION APPLICATION (1) The examination applicant must possess at least a baccalaureate degree in long-term care administration from an accredited college or university or have at least a baccalaureate degree from an accredited college or university with a minimum of one course in each of the following:

- (a) management;
- (b) finance;
- (c) human resources and gerontology; and
- (d) complete a Montana board-approved 480-hour administrator in training (AIT) program, completed within the last five years, in a licensed long-term care facility."

Auth: Sec. 37-9-203, MCA; IMP, Sec. 37-9-203, MCA

REASON: The Board has determined that the former point system utilized by the Board to evaluate applications was not an accurate indicia of a candidate's qualifications to take the Board's examination. Moreover, the Board feels this will enable candidates with appropriate qualifications to apply regardless of the exact nature of that experience.

"II APPLICATION - GENERAL (1) An application for licensure must be made on a form provided by the board and completed and signed by the applicant, with the signature acknowledged before a notary public.

(2) The application must be typed or written in ink and accompanied by the appropriate fee(s) and contain sufficient evidence that the applicant possesses the qualifications as set forth in Title 37, chapter 9, MCA, and rules promulgated thereunder.

(3) The applicant shall submit original or certified documents in support of the application. The board may permit such documents to be withdrawn upon substitution of a true copy. Education transcripts shall be submitted directly from the accredited college or university.

(4) The board shall review fully-completed applications for compliance with board law and rules. The board may request additional information or clarification of information provided in the application as it deems reasonably necessary. Incomplete applications shall be returned to the applicant with a statement regarding incomplete portions.

(5) The applicant shall correct any deficiencies and re-submit the application as requested. Failure to re-submit the application within 60 days shall be treated as a voluntary withdrawal of the application. After voluntary withdrawal an applicant will be required to submit an entirely new application to begin the process again.

(6) The board shall notify the applicant in writing of the results of the evaluation of the application.

(7) All requests for reasonable accommodations under the Americans with Disabilities Act of 1990, as 42 U.S.C. Sec. 12101, et seq., must be made on forms provided by the board.

(8) An application must be received in the board office 30 days in advance of the board's next regularly scheduled meeting. Applications received after this deadline will be held for consideration at the next following board meeting."

Auth: Sec. 37-9-203, 37-9-301, MCA; IMP, Sec. 37-9-203, 37-9-301, MCA

REASON: This rule is proposed to implement provisions mandated by the 1995 Legislature under House Bill 518, the Uniform Professional Licensing and Regulation Procedures Act. The new rule utilizes uniform language that will be applied to other boards in the Professional and Occupational Licensing Bureau to promote uniformity and efficiency.

"III UNPROFESSIONAL CONDUCT For the purpose of implementing the provisions of Title 37, chapter 1, MCA, and in addition to the unprofessional conduct provisions set forth at 37-1-316, MCA, the board defines unprofessional conduct as follows:

(1) violation of any board statutes or rules or the statutes or rules of any federal, state, county or city agency having licensing and regulation of nursing homes or administrators;

(2) diversion or appropriation of drugs or medications prescribed for residents in the nursing home;

(3) failing to take appropriate action on an employee who diverts drugs or medications prescribed for residents;

(4) personally accepting valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home care;

(5) disclosure or use of confidential information in the course of duties as a nursing home administrator which would further his/her own economic interests;

(6) failing to correct deficiencies or failing to maintain corrective measures in the nursing home, as cited by any agency of government which has nursing home administration responsibility;

(7) failing to maintain, or provide accounting of or for, residents' property or assets during their stay in the nursing home. However, the administrator shall be responsible only for that property with which he has been specifically entrusted by the resident, or that property over which the administrator has reasonable means of exercising security;

(8) failing to comply with the provisions of Title 37, chapter 9, MCA, or any rule promulgated thereunder;

(9) violating any state, federal, provincial or tribal statute or administrative rule governing or affecting the professional conduct of any licensee;

(10) using any dangerous drug or controlled substance illegally while providing professional services;

(11) exercising influence on, or control over, a client, including the promotion or the sale of services, goods, property or drugs for the financial gain of the licensee or a third party;

(12) promoting for personal gain any drug, device, treatment, procedure, product or service which is unnecessary, ineffective or unsafe;

(13) failing to render adequate supervision, management, training or control of auxiliary staff or the persons, including licensees, practicing under the licensee's supervision or control according to generally accepted standards of practice;

(14) delegating a professional responsibility to a person when the licensee knows, or has reason to know, that the person is not qualified by training, experience, license or certification to perform the delegated task;

(15) failing to cooperate with a board inspection or investigation in any material respect;

(16) failing to report an incident of unsafe practice or unethical conduct of another licensee to the licensing authority;

(17) notwithstanding any provision regarding privileged communications, failing to take reasonable steps to protect a client in circumstances where a licensee becomes aware, during the course of providing or supervising professional services, that a client intends or plans to inflict bodily harm to himself or herself."

Auth: Sec. 37-1-319, 37-9-203, MCA; IMP, Sec. 37-1-316, 37-9-305, MCA

REASON: The proposed new rule replaces an existing unprofessional conduct rule in favor of broader, more accurate and precise grounds of unprofessional conduct. The proposed

new rule utilizes uniform language that will be applied to other boards in the Professional & Occupational Licensing Bureau to promote uniformity and efficiency.

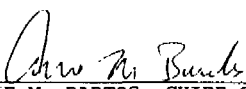
5. Interested persons may submit their data, views or arguments concerning the proposed amendments, repeals and adoptions in writing to the Board of Nursing Home Administrators, Lower Level, Arcade Building, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., January 16, 1997.

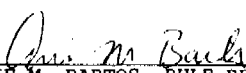
6. If a person who is directly affected by the proposed amendments, repeals and adoptions wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Nursing Home Administrators, Lower Level, Arcade Building, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., January 16, 1997.

7. If the Board receives requests for a public hearing on the proposed amendments, repeals and adoptions from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed amendments, repeals 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 28 based on the 282 licensees in Montana.

BOARD OF NURSING HOME
ADMINISTRATORS
RAYMOND HOFFMAN, CHAIRMAN

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, December 9, 1996.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF PROPOSED
of rules 17.40.201 through 214	)	AMENDMENT OF RULES
revising water and waste water)	
operator certification rules	)	NO PUBLIC HEARING
		CONTEMPLATED
		(Operator Certification)

To: All Interested Persons

1. On February 28, 1997, the department proposes to amend the above-captioned rules.

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

17.40.201 DEFINITIONS In addition to the terms defined in 37-42-102, MCA:

(1) "Fully certified operator" means an operator who either:

(a) has met applicable continuing education requirements, if any, in ARM 17.40.213; and

(b) has passed the certification examination and satisfies the experience requirements set forth in ARM 17.40.207;

(c) is an operator certified pursuant to ARM 17.40.203(1) who is still employed at the facility system where he was employed July 1, 1967;

(d) was certified pursuant to 37-42-305, MCA, before March 1, 1982; or

(e) is certified pursuant to ARM 17.40.203(8); and earns continuing education credits as required by ARM 17.40.213.

(2) "Ground water" means subsurface water occupying the saturation zone from which wells and springs are fed. In a strict sense the term applies only to water below the water table voids within a geologic stratum and within the zone of saturation.

(3) "Operator-in-training" means an operator who has passed the certification examination but does not yet meet the experience requirements set out in ARM 17.40.207.

(4) "Primary ~~sewage waste water~~ treatment" means the first major (sometimes the only) treatment in waste water treatment works systems, usually sedimentation and flotation. The Primary waste water treatment normally results in removal of a substantial amount of settleable matter and some suspended matter with little or no removal of colloids and dissolved matter. The treatment, and may be accomplished by the use of ponds, septic tanks, or sedimentation basins.

(5) "Responsible charge" means the responsibility exercised by an individual in day-by-day operation and/or supervision of a water distribution system, water treatment

plant, waste water treatment plant system, or any part thereof, which may affect the quality and/or quantity of the water for human consumption or the quality of the effluent produced by such works the waste water system.

(6) "Secondary waste water treatment" means the stabilization of waste water by biological ~~or chemical~~ processes such as ~~sewage waste water~~ lagoons, aerated lagoons, trickling filters, activated sludge, ~~or bio-discs, or physical-chemical~~ treatment.

(7) "Surface waters" means ~~all any water on the earth's surface as distinguished from groundwater including, but not limited to, streams, lakes, ponds, reservoirs, and irrigation drainage systems discharging directly into a stream, lake, pond, reservoir or other water on the earth's surface. Water bodies used solely for treating, transporting or impounding pollutants are not considered surface water for the purposes of this chapter.~~

(8) "Temporary certificate" means a certificate ~~which that~~ is issued to:

(a) an applicant ~~who is~~ approved by the department to be an operator in responsible charge of a specified system until the date of the next examination; ~~or~~

(b) ~~an operator in training until the person has met the experience requirements in ARM 17.40.208.~~

(9) "Waste water treatment system" means a waste water treatment plant as defined in 37-42-102, MCA.

(10) "Water treatment system" means a water treatment plant as defined in 37-42-102, MCA.

AUTH: 37-42-202, MCA; IMP: 37-42-202, MCA

17.40.202 CLASSIFICATION OF PLANTS SYSTEMS (1) All water treatment plants, ~~water distribution systems,~~ and waste water treatment plants ~~shall be systems~~ are classified according to population served and type of treatment as shown below:

(a) Water distribution systems:

(i) ~~first class 1--serving over more than 20,000 people;~~

(ii) ~~second class 2--serving 2,500-20,000 people;~~

(iii) ~~third class 3--serving 500-2,500 people;~~

(iv) ~~fourth class 4--serving 100-500 people;~~

(v) ~~fifth class 5--serving less fewer than 100 people.~~

(b) Water treatment plants systems:

(i) ~~first class 1--treatment for surface water utilizing chemical coagulation, filtration, and chlorination disinfection;~~

(ii) ~~second class 2--treatment for surface water not utilizing chemical coagulation;~~

(iii) ~~third class 3--well water supply serving over greater than 2,500 people, with or without chlorination disinfection;~~

(iv) ~~fourth class 4--well water supply serving 100 to 2,500 people, with or without chlorination disinfection;~~

(v) ~~fifth class 5--well water supply serving less fewer than 100 people, with or without chlorination disinfection.~~

(c) Waste water treatment plants systems:

(i) ~~first class 1--conventional, or high rate, or biological nutrient removal activated sludge and physical-~~

~~chemical plants systems with or without tertiary treatment;~~

(ii) ~~second class 2--treatment such as extended aeration, oxidation ditches, trickling filters, package plants, bio-discs and primary plants or tertiary treatment systems~~ discharging to surface waters;

(iii) ~~third class 3--aerated lagoons;~~

(iv) ~~fourth class 4--sewage lagoons not utilizing artificial aeration;~~

~~(v) fifth class none.~~

(d) Industrial waste water treatment plants systems:

(i) ~~first class 1--physical-chemical treatment facilities for precipitation and settling and/or biological treatment plants treating over more than 1.0 mgd;~~

(ii) ~~second class 2--biological treatment plants serving under treating less than 1.0 mgd;~~

(iii) ~~third class 3--treatment facilities primarily for oil removal;~~

(iv) ~~fourth class 4--ponding facilities for removal of sediment which do not utilize chemical treatment;~~

~~(v) fifth class none.~~

(2) In order to calculate the class of a particular water treatment plant or water distribution supply system pursuant to (1)(a) and or (b) of this rule when an accurate population census is not available, the population served may be determined by multiplying the number of service connections by ± 2.5 .

AUTH: 37-42-202, MCA; IMP: 37-42-104, 37-42-304, 37-42-306, MCA

17.40.203 CERTIFICATION OF OPERATORS (1) Certification will ~~must~~ be granted to an applicant under the grandfather clause (37-42-303(2), MCA) ~~providing he if the applicant~~ submits a statement from the governing board or owner of a water treatment, water distribution, system or waste water treatment plant system stating he was in a position of responsible charge of the facility system on July 1, 1967.

(2) If an addition to an existing facility system is installed after July 1, 1967, the person who was in responsible charge of the plant system on that date and has a grandfather clause certificate may be granted a grandfather clause certificate at a higher classification, ~~providing he if:~~

~~(a) the person participated in the installation; and providing that~~

~~(b) evidence be is presented to the department that the operator has been trained and is qualified to operate the higher-classified plant system.~~

(3) ~~If an~~ An operator who moves out of the state or otherwise terminates employment as an operator within Montana, he may renew his/her certificate annually for a period of 2 years beyond the expiration date of his/her current certificate, ~~provided that if he or she pays the renewal fee required by 37-42-308, MCA, prior to July 1 of each of these years. After 2 years, in order to receive a new certificate, he the operator must furnish proof prove to the department that he or she:~~

~~(a) has sufficient continuing education credits for the current biennium;~~

(b) is still employed as an operator of a water or waste water treatment plant, or water distribution system; or

(c) has submitted a new application and fee to the department.

(4) After receipt by the The department may, upon receipt and approval of an fully completed application and payment of an appropriate fee as determined under ARM 17.40.212 and upon approval of the application by the department, issue a temporary certificate, may be issued. The temporary certificate is effective only until the council meeting following the date of the next examination date, unless the holder of the temporary certificate fails to take the examination. In the latter case, the temporary certificate is effective only until the date of the examination date, unless However, if the applicant's employer submits to the department an excuse in writing for not being present prior to the examination that provides a credible reason for the absence and the council department finds it the excuse to be reasonable, in which case the department will may extend the effective date of the certificate to the date of the council meeting following the next examination.

(5) The department shall issue a certificate to the applicant if the applicant meets all requirements of this chapter for certification. The certificate is only valid to the person to whom it is issued and may not be transferred to another person.

(6) In any case where the If a census shows a city is changed to system qualifies for a higher classification or the system is modified in a way that triggers a higher classification, the each fully certified operators of the appropriate system may obtain the higher classification by making if:

(a) the operator makes a written request to the department for a higher classification; and

(b) after determination by the council department determines that the applicant has the education and experience defined in ARM 17.40.207 as that are necessary to operate the facility system, as defined in ARM 17.20.207.

(7) An operator whose facility system has been changed to a higher classification due to because of a revision of the rules in this chapter will be given a one-time certification at that higher classification upon renewal of his/her annual certificate. The fee required will be for the higher classification.

(8) An operator whose facility system has been changed to a lower classification due to because of a revision of the rules in this chapter or a change in status of the system will be given certification at that lower classification upon renewal of his/her annual certification and the fee will be for the lower classification; unless he the operator makes a written request to the department and the department determines that he is capable of the operator meets all requirements for operating a higher classified facility system. In that case, he the operator will remain certified at his the operator's present classification, and the fee required shall be renewal

requirements are the requirements for that higher certification classification.

~~(8)(9)(a) An operator who has obtained certification is certified in another state may obtain a reciprocal certification in Montana if review of his the department determines that the operator's application and supporting material indicates he verify that the operator:~~

~~(i) has passed an examination at least equivalent to that required by Montana and;~~

~~(ii) has experience meeting Montana's minimum requirements and;~~

~~(iii) is in responsible charge of a system located in Montana that requires a certified operator.~~

~~(a)(b) After June 30, 1991, operators Operators certified under this subsection (a) above must pay a one-time fee of \$30 in addition to the fees applicable for the Montana certification sought.~~

~~(9)(10) Certificates shall must be renewed each year after payment of the proper fee.~~

~~(10) An operator is certified upon notification by the department that he has passed the examination and met all other requirements for certification.~~

AUTH: 37-42-202, MCA; IMP: 37-42-304 through 37-42-308, MCA

17.40.206 EXAMINATIONS (1) A person desiring to take the examination for certification as a ~~water treatment plant, or waste water treatment plant, or water distribution system~~ operator must complete the department's application form and return it to the department at least 15 days before the date of the next examination. The proper fee, as determined under ARM 17.40.212, must accompany the application. Upon department approval of the department, the applicant may take the examination.

(2) ~~An operator who is already certified and desires to take an examination for a higher certification level shall submit fees in an amount sufficient to cover the difference between his present fee and the fee for the certification level for which he desires examination. An annual application fee, based on the state fiscal year, is required for each application for water certification and each application for wastewater certification. Examination fees are required for each examination taken.~~

(3) An operator certified under 1 classification by examination and another under the ~~grandfather clause ARM 17.40.203(1)~~ will receive 1 certificate ~~showing both certifications,~~ with that classification held under the ~~grandfather clause ARM 17.40.203(1)~~ noted by "(g.c.)".

(4)(a) Except as provided in (b) below, all classes of examinations will be given by department staff or by a council member at a time and place set by the department.

(b) Class 4 and class 5 water system examinations, class 3 and 4 nonindustrial waste water treatment examinations, and class 4 industrial waste water examinations, may be given by a member of the department staff of the department or a council member of the council at a time and place set by the person

administering the examination.

(5) Each person submitting an application and application fee for certification that meet department requirements will be sent a notice of the time and place of the examination.

(6) Special examinations may be held ~~in the event that if~~ the examination date and place regularly set by the council conflicts with ~~religious beliefs~~ special circumstances of the applicant, ~~and, in that event, To request a special examination,~~ the applicant may petition the department by letter requesting ~~such special the examination and citing the special circumstances as justification.~~ If the department allows ~~such~~ a special examination, it shall set a time and place ~~thereof that, in its discretion, are appropriate to address the needs of the applicant.~~

(7) Examinations will not be returned to examinees, but will be on file for 1 year ~~in~~ at the department. A failing examination will be kept 2 years. An ~~applicant examinee~~ may review his examination ~~in the at a department office.~~

(8) An operator holding a temporary certificate who failing fails the examination 2 times ~~may not be issued a loses~~ his temporary certificate upon notice from the department of the second failure, ~~however, he~~ However, the operator may take the examination whenever it is given upon by re-applying ~~and upon receiving the approval of the in conformance with department requirements.~~

(9) ~~Duplicate~~ A duplicate certificates shall be provided by the department to persons requesting the same upon the payment of a \$10.00 fee. A duplicate certificate may be provided only to the person who is certified by the department.
AUTH: 37-42-202, MCA; IMP, 37-42-305, 37-42-306, MCA

17.40.207 EXPERIENCE AND EDUCATION (1) All operators certified after June 30, 1991, ~~are required to must~~ have graduated from high school or hold a GED certificate, unless the applicant submits a written application for a special exception from this requirement and the department grants the exception. The department may only grant a special exception from this requirement upon finding that the applicant has the basic knowledge reading, writing and comprehension skills necessary to otherwise meet the requirements of this subchapter and to protect the public health and quality of Montana's waters.

(2) To become fully certified an operator, in addition to passing the certification examination for ~~his the operator's~~ specific classification, shall have the following operating experience in a facility of that classification:

- (a) ~~first~~ class 1--2 years experience;
- (b) ~~second~~ class 2--1½ years experience;
- (c) ~~third~~ class 3--1 year experience;
- (d) ~~fourth~~ class 4--6 months experience;
- (e) ~~fifth~~ class 5--no experience requirement.

(3) ~~On the determination of~~ If the department determines that experience gained at a lower classified facility system is applicable to a higher classified facility system, this experience or a portion of it may be credited toward the

experience requirement for the higher classification.

(4) Two days of education in post-secondary engineering training or the equivalent may be substituted for each day of experience, up to 1/2 of the experience requirement.

(5) A person who has passed the examination but lacks the requisite experience will be issued a certificate as OPERATOR-IN-TRAINING. When the experience requirement is fulfilled and the operator returns a verified experience voucher to the department, a certificate as CERTIFIED OPERATOR will be issued. AUTH: 37-42-202, MCA; IMP: 37-42-302, 37-42-306, MCA

17.40.208. CERTIFIED OPERATOR IN CHARGE OF FACILITY SYSTEM; EXCEPTIONS (1) ~~Every water treatment plant, or waste water treatment plant, or water distribution system~~ must have an individual in responsible charge at the facility system site or on call at all times who can ~~be contacted immediately and be at the site within a short period of time~~ respond in a timely manner to threats to public or environmental health.

(2) Except as provided in this rule, the individual in responsible charge of a facility system must be a fully certified operator for that class or a higher class of system.

(3) An operator with a temporary certificate or an operator-in-training certificate may be the operator in responsible charge of a facility system upon:

(a) written request to the department by the facility system owner and verification by ~~such~~ the owner that the facility system is unable to employ a fully certified operator, and upon

(b) a finding by the department that the operator has the basic knowledge necessary to operate the facility system and that public health will be protected. The department shall base its decision upon:

(i) the results of any on-site inspection of the facility system;

(ii) review of the facility's plans and specifications of the system;

(iii) review of the operator's records, experience and training; and

(iv) examination of any other reasonably available and relevant information.

(4) An industrial waste water treatment plant ~~which system that discharges to municipal facilities or removes sediment without a surface water discharge~~ does not need a certified operator.

AUTH: 37-42-202, MCA; IMP: 37-42-302, 37-42-305, MCA

17.40.212 FEES (1) An applicant for certification or a certified operator applying for renewal of his certificate must pay to the department the fee below:

~~(a) For applications and renewals submitted to the department through August 31, 1991:~~

~~(i) Class I, \$27,~~

~~(ii) Class II, \$22,~~

~~(iii) Class III, \$17,~~

~~(iv) Class IV, \$12;~~

~~(v) Class V, \$10.~~

~~(b)(a) Beginning September 1, 1991, an applicant for certification or renewal of a certificate in any classification level of water distribution or water treatment, must pay to the department an annual fee of \$30; and~~

~~(c)(b) Beginning September 1, 1991, an applicant for certification or renewal of a certificate in any classification level of waste water treatment, must pay to the department an annual fee of \$30.~~

~~(2) The fee is \$5 \$20 for each examination held after December 31, 1983.~~

~~(3) Any renewal application received from an applicant whose certificate has been suspended must be accompanied by \$10 \$30 in addition to the fee required by (1) of this rule.~~

AUTH: 37-42-202, MCA; IMP: 37-42-304, 37-42-308, MCA

17.40.213 CONTINUING EDUCATION REQUIREMENTS (1) A continuing education credit or portion thereof must be earned by all class I, II, III, and IV All fully certified operators must earn a continuing education credit or credits, as specified in this rule, during a each 2-year period commencing on July 1, 1986, and July 1 of even-numbered years thereafter of each even-numbered year.

(a) One Two continuing education credits per water distribution and/or water plant system certificate and 1 2 continuing education credits per waste water certificate must be earned by a class I 1 certified operator during each 2-year period.

(b) A 1/2 One continuing education credit per water distribution and/or water plant system certificate and 1/2 1 continuing education credit per waste water certificate must be earned by a class II, III, and IV 2, 3, or 4 certified operator.

(c) Beginning July 1, 1992, class V Class 5 certified operators must attend a minimum of 4 contact hours of seminar training per 2-year period.

(2)(a) A credit consists of 10 contact hours, and 1/2 credit consists of 5 contact hours. A contact hour is defined as a 60-minute participation in an approved classroom program or 60-minute participation in an approved program not requiring classroom participation. On and after July 1, 1992, the credit requirements shall double for each classification except class V.

(b) To determine the number of credits to be awarded to a certified operator for teaching a classroom program, 0.1 credit per actual hour of classroom instruction shall be awarded.

(c) Each 3-hour instruction period must have a 15-minute mid-point break, which may not be included as actual classroom instruction.

(2) (3)(a) Newly certified operators (previously uncertified) who are certified in from January 1 of an odd-numbered year to June 30 of the following even-numbered year are not required to earn the credit applicable to each classification until the next 2-year period.

(b) If an operator upgrades a certificate after December 1 or becomes newly certified during the period from January 1 of an odd-numbered year to June 30 of each the following even-numbered year and that upgrade increases the credit requirement, the operator must during that same 2-year period earn the lower credit requirement but is not required to meet the higher credit requirement until the next 2-year period commences.

(3) ~~Beginning July 1, 1988, and succeeding even-numbered years, only these~~

(4) ~~Only an operators who fulfilling fulfills the credit requirements before the end of each 2-year period will be allowed to may renew their his or her certificate(s). The certificate(s) of an operators who does not fulfilling the credit requirements shall expires on June 30 of the applicable biennium 2-year period and may only be reissued on passage of the appropriate examination(s).~~

~~(4)(5) All subject matter for which credit will be granted must be relevant to the operation, and maintenance, or safety of water treatment plants systems, water distribution systems, waste water treatment plants systems, or industrial waste water treatment plants systems as classified in ARM 17.40.202. It Eligible topics may include but not necessarily be confined to subjects regarding plant, systems, or facility mechanics for operation and maintenance of plant systems and machinery, electrical systems, hydraulics, chemical treatment, biological testing, disinfection of water, or use of mathematics and chemistry where applicable.~~

~~(6)(a) All activities for which credit will be granted must be first approved by the department and There are 3 types of education offerings that qualify for continuing education credit:~~

~~(i) training courses offered by the department;~~
~~(ii) courses or conferences specifically approved for credit by the department; and~~
~~(iii) training courses or conferences offered by department-approved training organizations. The organization must first apply to the department for approval and demonstrate, in writing, that training is one of its principal programs. Based on the submittal, the department may, in writing, approve the organization for education offerings under this subsection for up to a 2-year period. The department may also revoke the approval at any time, citing the reasons for its revocation.~~

~~(b) In addition to the requirements in (5) of this rule, the activities must be related to the subject matter of the particular certificate to which the credit is being applied.~~

~~(c) A correspondence course that is approved by the department may be used to earn credit. However, the provider must issue proof of completion to the department before credit may be awarded.~~

~~(5)(7) The department may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to 1 year within which to fulfill the minimum credit requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances~~

beyond the control of the certified operator which prevent attendance at the required activities. All requests for extensions must be made prior to June 30 of the even-numbered year in which the credit is required to be submitted for registration.

~~(6)~~(8) It is the certified operator's responsibility to notify the department on the appropriate form of the credit earned during the period. The credit earned during the period ~~shall~~ must be ~~shown on~~ included with the application for renewal.

~~(7)~~(9) A ~~certified operator shall be deemed to have complied with the~~ The continuing education credit requirements of this rule ~~are waived for a certified operator during periods that when:~~

(a) the operator serves honorably on active duty in the military services, ~~or for periods that;~~

(b) the operator is a resident of another state or district having a continuing education credit requirement for operators and meets all the requirements of that state or district for practice there, ~~or for periods that;~~

(c) the person is a government employee working as an operator and assigned to duty outside of the United States, ~~or for other periods of active practice and absence from the state approved by the department.~~

(10) The department may waive the continuing education requirements for the period an operator has been absent from the state if the operator actively practiced during the absence.

AUTH: 37-42-202, MCA; IMP, 37-42-304 through 37-42-308, MCA

17.40.214 DISCIPLINARY ACTIONS--DESCRIPTION OF GROUNDS--PROCEDURES FOR REVOCATION, PROBATION, OR SUSPENSION OF LICENSE, OR AND REPRIMAND OF LICENSE

(1) An operator certificate issued under 37-42-321, MCA, may be revoked if:

(a) The operator has practiced fraud or deception by willfully changing or omitting the truth in any records required of him/her by his/her duties as an operator, which. These records include:

(i) the operator's certification application, experience records, and continuing education report forms; and

(ii) any records required of the operator under federal and state laws and regulations for the proper operation of water distribution, water and waste water systems as needed to protect the public health and safety or the quality of state waters;

(b) The operator did not exercise reasonable care or judgment or properly apply his/her knowledge or abilities in the performance of his/her duties; and

(i) the operator's action or lack of action ~~jeopardizes~~ jeopardized the public's health and welfare or the quality of Montana's waters; and

(ii) the operator should have known that the results of his or her actions would jeopardize the public's health and welfare or the quality of Montana's waters; or

(c) ~~The department shall deem an~~ An operator incompetent or unable to properly perform his duties when he repeatedly, and

without explanation, fails to:

(i) properly complete reports or properly submit the samples specified by the department ~~as necessary to protect the public's health and welfare or the quality of Montana's waters;~~ or

(ii) take the corrective action specified in an inspection report completed by the department for the water distribution system, water supply system, waste water treatment ~~plant system,~~ or water treatment ~~plant system~~ for which he the operator is the certified operator in responsible charge.

(2) The department shall initiate an investigation whenever a written complaint is filed with the department or the department otherwise has reason to believe that a person to whom certification has been issued has violated the provisions of 37-42-321, MCA, or this rule. If the investigation confirms that there may be grounds for revocation of the operator's certification, the department may initiate hearing proceedings according to ~~2-4-601 et seq. Title 2, chapter 4, part 6, MCA.~~ The following disciplinary actions may be rendered in a decision ~~after the hearing proceedings occur after such proceedings:~~

(a) the operator's certification may be revoked;

(b) the operator's certification may be suspended for a stated time period; or

(c) the certified operator may be reprimanded.

AUTH: 37-42-202, MCA; IMP: 37-42-321, MCA

3. The department is proposing these amendments to the rules because they are necessary to more completely describe requirements for water system and waste water system operators. Detailed explanations are provided by rule, as follows:

17.40.201 Definitions: The amended definitions are generally re-written for clarity. In addition, "ground water" and "surface water" are defined to parallel definitions adopted by the department under the Water Quality Act; "primary sewage treatment" is changed to "primary waste water treatment" to be consistent with other department rules and to include flotation as a common example of such treatment; and "temporary certificate" is amended to include certificates issued to operators-in-training who have not yet met experience requirements. Collectively, the changes help to integrate these rules with other department or Board of Environmental Review rules, thereby facilitating ease in interpretation, and to comprehensively address the broad array of factual scenarios encountered by department staff.

17.40.202 Classification of Plants: In subsection (2), the multiplier applied to the number of service connections to determine population is lowered from 3 to 2.5 to be consistent with public water supply and subdivision requirements. By lowering the multiplier, some operators will be able to take a less onerous examination and, in some cases, the continuing education credits requirement will also be lower. This change will result in more reasonable education requirements for operators, who will still have adequate educational training to

ensure that the health of systems users is protected.

17.40.203 Certification of Operators: Subsection (3) is amended to enable an operator who is out of work for over two years to retain his or her certification if the operator has met the continuing education requirements. This change will enable operators who have retired, or who have been temporarily unemployed as an operator, to retain certification without having to take another examination. Because these operators must continue to obtain continuing education credits which will provide them up-to-date training, the department feels this change is reasonable and appropriate.

Subsection (4) is amended to clarify the circumstances under which a temporary certificate may be issued.

Subsection (5) now specifies that an applicant must meet all requirements to receive a certificate and that the certificate is valid only for the person to whom it is issued. Over the years, there have been several instances when operators of public water supply systems had the misconception that the certification belongs to the system, not the operator.

Subsection (6) is amended to allow operators to be certified at a higher certification class without taking a higher-level examination if the operator's system has been modified and reclassified at the higher level. This amendment is justified because the existing system operator is well-trained in operating his or her system, and can adjust to system modifications much easier than an operator who is new to the system.

Subsection (7) is amended to allow operators to receive a one-time certification at the higher certification class without having to take a higher level examination if a rule change results in the system being classified at a higher level. The operator must also meet all renewal requirements for the higher classification. This change is justified because the operator is essentially managing the same physical system and, therefore, merits the higher classification generated by the rule change. Similarly, subsection (8) is amended to allow an operator to keep a higher classification if a system is changed to a lower classification because of a rule revision or change in system status. This change is merited because the operator has been both employed and educated for the classification.

Subsection (9)(iii) is amended to allow operators from other states to receive a reciprocal certification if they are employed by a system in Montana. As a result, this rule is more consistent with and clarifies 37-42-305, MCA.

Subsection (10) is stricken as redundant given the amendments to subsection (5).

17.40.206 Examinations: Subsection (2) is stricken because the fee schedule is outdated. The new subsection (2) clarifies that the water and wastewater application fees are annual and that an examination fee is required for each exam.

Subsection (4)(a) clarifies that all exams are to be administered by department staff or council members. This amendment ensures that such exams are administered uniformly.

Subsection (4)(b) adds Class 3 nonindustrial wastewater

exams. This amendment will enable aerated lagoon operators (Class 3) to take the exam at any time with the sewage lagoon operators (Class 4), instead of only at the set exam times. This addition will also cut down on the number of exams to be administered at the two set exam times, and will result in more efficient exam administration for both the department and the examinee.

Subsection (6) is changed to allow special examinations to be more broadly given for legitimate reasons. Some operators have had to wait an additional six months before being able to take a Class 1, 2 or 3 exam because of special circumstances, such as personal illness or a death in the family. Under these circumstances, it is reasonable and protective of public health, by allowing the operator to become certified at an earlier time, to allow a special examination.

Subsection (8) is amended to provide that a person who has been awarded a temporary certificate loses the certification if he or she fails the examination twice and to clarify that those persons may reapply and take the examination for permanent certification. This was added since all applicants who have failed examinations were concerned that they could only fail an examination twice.

Subsection (9) is amended to provide that a duplicate certificate will only be provided to the certified operator, thereby limiting potentials for fraudulent use of certificates.

17.40.207 Experience and Education: Subsection (1) clarifies the basic knowledge needed to receive a high school diploma waiver. By specifying that the applicant must have reading, writing and comprehension skills, department staff will have better guidance in determining whether or not to issue waivers.

Subsection (5) is amended to require that the operator-in-training is responsible for returning the verified experience voucher to the department. The voucher is the instrument by which the department determines that the operator has been adequately trained to operate the system. Delivery of the voucher to the department has been a problem in the past, with operators-in-training expecting to be automatically certified.

17.40.208 Certified Operator in Charge of Facility: Subsection (1) is amended to clarify what an individual in responsible charge is. The Water and Waste Water Operators' Advisory Council determined that a better descriptor is one who can "respond in a timely manner to threats to public or environmental health." This approach more reasonably accommodates the various factual situations encountered by operators across the state.

17.40.212 Fees The amendment to subsection (1) eliminates outdated fee schedules, and new fees are added in this rule to more adequately cover the costs of administering a certification examination. In particular, the examination fees are raised from \$5 to \$20. While the administration costs of an examination are higher than \$20 the Advisory Council felt that the state budget could reasonably accommodate the deficit. The Council also felt that the existing \$5 fee may sometimes

encourage examination-taking without adequate preparation.

The rule also clarifies that there are annual certification or certification renewal fees, for which the late fee is raised from \$10 to \$30. This amendment is made to provide more incentive to operators to meet the June 30 renewal deadline and save the department postage and time.

17.40.213 Continuing Education Requirements: The amendments changing the requirements for continuing education have been discussed and approved by a committee comprised of training providers, operators, representatives of municipalities, an Advisory Council member, and department staff. This committee was formed by the Advisory Council in response to requests from operators who wanted the continuing education rules to be more clearly defined and to ensure continuity. The department also wanted the rules to be clarified for ease in interpretation and enforcement.

Another goal of the continuing education committee was to develop new training areas so that operators have more options available to them to meet their continuing education requirements. The committee desired to allow instruction by pre-approved training organizations, which will facilitate course instruction without demands on existing department staff.

In particular, the amendments to subsections (1) and (2)(a) change outdated continuing education requirements and generally clarify the wording. The amendment to subsection 2(b) makes calculation of required continuing education credits easier by integrating a straight hour-for-hour system. The amendment to subsection (2)(c) specifies that the 15-minute break taken during an education session does not count toward the credit requirement. Subsection (3) is amended to clarify the time period within which continuing education credits are required to be earned.

Subsection (5) is amended to add safety as an eligible topic for training of operators. This was added at the request of training providers, and is reasonably related to proper operation of systems.

Subsection (6) describes the types of training that are eligible for credit, including courses by the department as well as courses or providers approved by the department. This listing ensures that training provided to operators is of a variety and quality that promotes better operation of water and wastewater systems in a manner that further protects public health.


The other changes to the rules were made to improve the overall clarity and consistency, cleanup grammar, and delete outdated information in response to numerous public requests over the years.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendments, in writing, to Shirley Quick at the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901, no later than January 31, 1997.

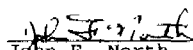
5. If a person who is directly affected by the proposed amendment wishes to express his/her data, views, and arguments

orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to Shirley Quick at the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. A written request for a hearing must be received no later than January 31, 1997.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 140 based on the number of water and waste water system operators in Montana.


Mark A. Simonich
Director

Reviewed by


John F. North, Rule Reviewer

Certified to the Secretary of State December 9, 1996.

BEFORE THE PETROLEUM TANK RELEASE COMPENSATION BOARD
DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
rule 17.58.333 pertaining to) AMENDMENT OF RULE
designating a representative for)
reimbursement.)

NO PUBLIC HEARING
CONTEMPLATED

(Petroleum Board)

To: All Interested Persons

1. On January 27, 1997, the board proposes to amend the above-captioned rule.

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

17.58.333 DESIGNATION OF REPRESENTATIVE (1) If an owner or operator wishes to designate another person to receive reimbursement under the Act, the owner or operator shall complete and file with the board a "Designation of Representative" form.

~~(2) Unless a person is designated to receive reimbursement under (1) of this rule, the board may not consider applications for reimbursement from any person other than the responsible party.~~

AUTH: 75-11-318, MCA; IMP: 75-11-307(3), MCA

3. The proposed amendment is necessary because the Board believes subsection (2) is unnecessary and unduly burdensome. It would place an undue hardship on the owners and operators requesting reimbursement to prohibit consultants from preparing applications for owners and operators.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendment, in writing to Jean Riley, Petroleum Tank Release Compensation Board, P.O. Box 200902, Helena, MT 59620-0902, no later than January 18, 1997.

5. If a person who is directly affected by the proposed amendment wishes to express his/her data, views, and arguments orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to the Petroleum Tank Release Compensation Board, P.O. Box 200902, Helena, MT 59620-0902. A written request for a hearing must be received no later than January 18, 1997.

6. If the agency receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 600 based on approximately 6,000 tank owners.

PETROLEUM TANK RELEASE COMPENSATION BOARD
GARY TSCHACHE, PRESIDING OFFICER

BY: *Jean A. Riley*
JEAN A. RILEY, Executive Director

Reviewed by:

John F. North
JOHN F. NORTH, Rule Reviewer

Certified to the Secretary of State December 9, 1993.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the repeal of	)	NOTICE OF
Title 17, chapter 30, subchapter	)	PROPOSED REPEAL
15, and the amendment of 17.30.1001	)	AND AMENDMENT OF RULES
and 17.30.1022 concerning)	
permitting of in-situ uranium)	
mining.	)	NO PUBLIC HEARING
	)	CONTEMPLATED

(Water Quality)

To: All Interested Persons

1. On February 7, 1997, the Board proposes to repeal Title 17, chapter 30, subchapter 15, and amend 17.30.1001 and 17.30.1022.

2. The rules proposed to be repealed may be found at pages 17-3075 through 17-3105 of the Administrative Rules of Montana. AUTH: 50-1704, RCM, 1947 [not codified temporary], 75-5-401, MCA; IMP: 50-1704, RCM, 1947 [not codified temporary], 75-5-401, MCA.

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

17.30.1001 DEFINITIONS For the purpose of this subchapter, the following definitions, in addition to those in 75-5-103, MCA, will apply:

(1)-(8) Remain the same.

~~(9) "MIMUCS" means the Montana in situ mining of uranium control system as defined in ARM Title 17, chapter 30, subchapter 15.~~

(10)-(15) Remain the same but renumbered (9)-(14).

AUTH: 75-5-201, 75-5-401, MCA; IMP, 75-5-301, 75-5-401, MCA

17.30.1022 EXCLUSIONS FROM PERMIT REQUIREMENTS (1) For the purposes of this subchapter, the following are not subject to the permit requirements of ARM 17.30.1023, 17.30.1024, 17.30.1030 through 17.30.1033, 17.30.1040 and 17.30.1041:

(a)-(k) Remain the same.

~~(l) in situ mining of uranium facilities controlled under MIMUCS,~~

(m) and (n) Remain the same but renumbered (l) and (m).

(2) Remains the same.

AUTH: 75-5-401, MCA; IMP, 75-5-401, 75-5-602, MCA

4. The rules proposed for repeal are the Montana In-Situ Mining of Uranium Control System (MIMUCS) rules. The repeal of the rules is proposed because the rules are unnecessary.

In 1978, the Board of Health and Environmental Sciences adopted the MIMUCS rules. These rules establish a permit system to control discharge of pollutants into ground water

from in-situ solution mining of uranium. They do not, however, contain groundwater quality protection standards. In 1979 the Legislature amended the Montana Strip and Underground Mine Reclamation Act to require a person who mines coal or uranium by in situ methods to obtain an operating permit under that Act. Shortly thereafter the Department of State Lands adopted rules requiring permittees to comply with the standards contained in the appropriate ground water rules. In 1982, the Board of Health and Environmental Sciences adopted the Montana Ground Water Pollution Control System (MGWPCS) rules. Those rules establish a statewide ground water classification system and ground water protection standards. The statute that authorizes adoption of both the MIMUCS and the MGWPCS rules, 75-5-401, MCA, was amended in 1995 to exclude from the permit requirement operations permitted pursuant to The Montana Strip and Underground Mine Reclamation Act. Therefore, in situ uranium mining operations are now permitted under the mining statutes using the ground water quality standards contained in the MGWPCS rules. The MIMUCS rules no longer apply.

For these reasons the MIMUCS rules are unnecessary, and repeal is in conformance with the request of Governor Racicot to implement HJR5.

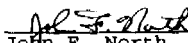
5. Interested persons may submit their data, views, or arguments concerning the proposed actions, in writing, to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901, no later than January 21, 1997.

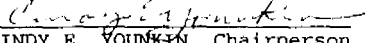
6. If a person who is directly affected by the proposed repeal and amendment wishes to express his/her data, views, and arguments orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to the Board of Environmental Review, PO Box 200901, Helena, MT 59620-0901. A written request for a hearing must be received no later than January 21, 1997.

7. If the agency receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed 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 25 persons, based on the number of persons involved in in-situ uranium mining in Montana.

Reviewed by

BOARD OF ENVIRONMENTAL REVIEW


John F. North, Rule Reviewer

By 
CINDY E. YOUNKIN, Chairperson

Certified to the Secretary of State December 9, 1996.

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of amendments) NOTICE OF PUBLIC HEARING
of rule 32.24.301 as it) ON PROPOSED AMENDMENT
relates to producer class I)
pricing.) DOCKET #5-96

TO: All Interested Persons:

1. On January 21, 1997, at 9:30 a.m. or as soon thereafter as possible, a public hearing will be held in the Department of Transportation Auditorium, 2701 Prospect Avenue, Helena, Montana, to consider amendments of rule 32.24.301.

2. The hearing will be held in response to a petition filed by Tom Harrison, attorney for the Montana Dairy Association (MDA); Michael Cok, attorney for Country Classic Dairies, Inc; and Neil Ugrin, attorney for the Montana Milk Producers Association (MMPA).

3. The rule as proposed to be amended provides as follows: (text of present rule with matter to be stricken interlined and new matter added, then underlined)

"32.24.301 PRICING RULES

(1)-(3) Remain the same.

(a) The minimum class I prices, which shall be paid to producers by distributors in the state of Montana, shall be calculated by either applying the flexible economic formula described below or the "basic formula price plus two dollars and fifty-five cents", whichever price is lower. The flexible economic formula utilizes a November 1969 base equalling 100, an interval of 4.5 and consists of seven factors. The factors and their assigned weights are as follows:

FACTOR		WEIGHT	CONVERSION FACTOR
(i)	Unemployment US (6.67 (3.8 C) + 100)	.05	5%
(ii)	Unemployment MT- (6.67 (6.1 C) + 100)	.10	10%
(iii)*	Weekly Wages - Total private (Revised and seasonally adjusted)	15%	.13297873
(iv)	Prices Received by Farmers - MT ('47 '49 = 100)	15%	.22960139
(v)	Mixed Dairy Feed	20%	.32258065
(vi)	Alfalfa Hay	12%	.48000000
(vii)	Prices Paid by Farmers - US (190 '92 = 100)	23%	.78879040
			100%

*Note: The reported revised weekly wage total private is seasonally adjusted by dividing each month's revised figures by the following factors: Jan. .9867; Feb. .9832; March .9809; April .9822; May .9911; June 1.0053; July 1.0165; August 1.0261; Sept. 1.0136; Oct. 1.0192; Nov. 1.0047; Dec. .9905.

The following table will be used in computing producer prices:

TABLE I

Producer price determination using above formula with November, 1969 100 and an interval 4.5

FORMULA INDEX	PRICE PER CWT
201.5 205.1	\$13.01
206.0 209.6	13.24
210.5 214.1	13.47
215.0 218.6	13.70
219.5 223.1	13.93
224.0 227.6	14.16
228.5 232.1	14.39
233.0 236.6	14.62
237.5 241.1	14.85
242.0 245.6	15.08
246.5 250.1	15.31
251.0 254.6	15.54
255.5 259.1	15.77
260.0 263.6	16.00
264.5 268.1	16.23
269.0 272.6	16.46
273.5 277.1	16.69
278.0 281.6	16.92
282.5 286.1	17.15
287.0 290.6	17.38

(b) The class I butterfat differential will be calculated by multiplying the most recent Chicago area butterfat price (grade A 92 score) as reported by the United States department of agriculture, by a factor of .118 and the resulting answer will be rounded to the nearest half cent. When milk does not test 3.5 percent butterfat, the price per CWT will be adjusted by the above resulting calculation for each .1 percent the butterfat test moves up or down.

(c) Detailed information on converting the above factors in the producer formula (3)(a) to a current weighted value can be obtained by contacting the milk control bureau.

(d) The factors in the producer formula will be converted to a weighted value as soon as practicable after the first of each month.

(e) For each 4.5 points that the weighted index advances or retreats, prices paid to producers will increase or decrease \$0.23 per hundredweight.

(4)-(8)(b) Remain the same."

AUTH: 81-23-302, MCA

IMP: 81-23-302, MCA

4. The amendment of rule 32.24.301 is necessary for the following reasons:

a) That the milk industry has recently agreed on pricing concession and compromises, all of which were tied and predicated upon the "basic formula price plus \$2.55" and not upon the "flexible economic formula." Through board hearing in August 1996, new rules were adopted to implement these changes (MAR NOTICE 32-3-134).

b) That the existing rule creates an alternative pricing formula or the "flexible economic formula" (suspended currently by emergency board action) which has not been utilized for a significant length of time because of economic conditions.

c) That the "flexible economic formula" has no current, reliable, nor sound statistics to support it.

d) That the "flexible economic formula" was established in 1976, has not been updated since, and is woefully outdated.

e) That the new federal milk order called the "basic formula price or BFP", which is the other alternative economic pricing formula in ARM 32.24.301, has been updated as of June 1, 1995.

f) That the "basic formula price" as updated is based upon current economic conditions and it constitutes a sound economic formula indicating it can be utilized as the sole mechanism in the state of Montana, thereby eliminating any need for an alternate pricing procedure.

g) That the "basic formula price" is established by the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin, using the "base month" series adjusted for butterfat and rounded to the nearest cent, and accordingly this economic formula is both current and statistically based.

h) That because of the exceedingly high cost of cattle feed and a dwindling supply of milk nationwide, the "flexible economic formula", if triggered, would be of substantial injury to the milk industry in the state of Montana.

i) That if the "flexible economic formula" were to be allowed to be triggered after expiration of the emergency rule the milk industry would be in imminent peril with Montana dairy farmers being at a higher risk of going out-of-business, as well as the possibility of dairy processors also going out-of-business; and the result may be to seriously jeopardize or interfere with the Montana consumer's right to an adequate supply of wholesome class I milk and to otherwise disrupt and injure the milk industry and those welfare conditions may be placed in imminent peril.

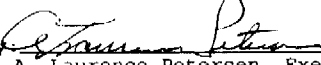
j) That it is the policy of this state to promote, foster, and encourage the intelligent production and orderly marketing of milk, and to make the distribution of milk products between producer and consumer both efficient and economic, and to stabilize marketing of those milk products. [81-23-102(1)(f), MCA]

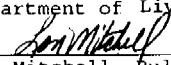
k) That the board is mandated to establish prices by means of flexible formulas that must be devised that they bring about automatic changes in all minimum prices that are justified on the basis of changes in production, supply, processing, distribution, and retailing costs. [81-23-302(2), MCA]

5. Interested parties may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted concerning the proposed rules in writing to the Milk Control Bureau, 301 N. Roberts St. - RM 236, PO Box 202001, Helena, MT 59620-2001. Any comments must be received no later than January 17, 1997.

6. Melanie Symons from the Attorney General's office has been designated to preside over and conduct the hearing.

BOARD OF MILK CONTROL
MILTON J. OLSEN, Chairman

By: 
A. Laurence Petersen, Exec.
Officer, Board of Livestock
Department of Livestock

By: 
Lon Mitchell, Rule Reviewer
Livestock Chief Legal Counsel

Certified to the Secretary of State December 9, 1996.

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

In the matter of the amendment	)	NOTICE OF THE PROPOSED
of rule 11.7.901 pertaining to	)	AMENDMENT OF RULE
the interstate compact on the)	
placement of children	)	NO PUBLIC HEARING
	)	IS CONTEMPLATED

TO: All Interested Persons

1. On January 21, 1997, the Department of Public Health and Human Services proposes to amend rule 11.7.901 pertaining to the interstate compact on the placement of children.

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

11.7.901 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(1) The department of ~~family~~ public health and human services hereby adopts and incorporates by reference the regulations adopted by the association of administrators of the interstate compact on the placement of children as amended through ~~May 8, 1991~~ April 28, 1996. These regulations interpret the interstate compact on the placement of children and include clarifications of the applicability of the interstate compact on the placement of children with regard to the following: interstate relocation by foster parents; programs in which children are placed in family homes as an incident to their attendance at schools in other states; interstate placement of a child into the home of his parent, relative or non-agency guardian; interstate placements of children in educational institutions, hospitals and institutions for the mentally ill or mentally defective; and the requirement of a central state office for all compact referrals; a six month time limit on placement authorization; and procedures for priority placements.

(2) A copy of the regulations adopted by the association of administrators of the interstate compact on the placement of children as amended through ~~May 8, 1991~~ April 28, 1996, can be obtained from the Department of Family Public Health and Human Services, ~~48 North East Chance~~ Quich 1400 Broadway, P.O. Box 8005 202951, Helena, Montana 59604 20-2951.

AUTH: Sec. 41-3-1103, 52-2-111 and 53-4-111, MCA

IMP: Sec. 41-4-101, 41-3-1101 and 53-4-114, MCA

3. It is necessary to amend the rule to update the agency's name and address and to properly incorporate new material in the regulations adopted and incorporated by reference. The rule in its current form adopts and incorporates

the regulations of the Association of Administrators of the Interstate Compact on the Placement of Children as they existed through May 8, 1991. Since that date, the Administrators have adopted a new regulation providing a procedure for the priority of placement of children through the Interstate Compact. This important change provides necessary details for prioritizing services.

The proposed amendment also contains language limiting placement authorization to a 6 month period following initial authorization. The purpose of the regulation is to ensure that authorizations reflect current conditions. This language is proposed to be added because the regulation on the 6 month period was adopted and incorporated when the rule was amended in 1994. However, the rule contains no specific reference to the subject matter of the regulation. Therefore, to comply with the requirement of § 2-4-307(2), MCA, that the subject matter of omitted material be referenced in the rule adopting and incorporating the material, the language on the 6 month period is proposed to be added.

New material cannot be adopted and incorporated without changing the date in the rule. § 2-4-307(3), MCA. Requiring inclusion of the text of all the regulations in the ARM or register would be unduly cumbersome due to the length of the regulations. § 2-4-307(1), MCA.

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

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

6. If the Department of Public Health and Human Services receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendment, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision, or from an association having no less than 25 members who are directly affected, a hearing will be held at a later date. Ten percent of those directly affected has been determined to be more than 25 based on the number of children and families seeking services through the Compact.

John C. Melchior, acting
Rule Reviewer

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

Certified to the Secretary of State December 9, 1996.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT) NOTICE OF PUBLIC HEARING ON THE
of ARM 42.20.166 and ADOPTION) PROPOSED AMENDMENT AND ADOPTION
of NEW RULE I relating to)
Forest Land Rules)

TO: All Interested Persons:

1. On January 10, 1997, at 9:30 a.m., a public hearing will be held in the Fourth Floor Conference Room of the Mitchell Building, at Helena, Montana, to consider the amendment of, ARM 42.20.166 and the adoption of Rule I relating to Forest Land Rules.

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

42.20.166 FOREST LAND VALUATION ZONES (1) The department shall divide the state into forest valuation zones, with each zone designated to recognize the uniqueness of marketing areas, timber types, growth rates, access, and other pertinent factors that affect value. The designated forest valuation zones and the counties contained within each zone are:

(a) Zone 1 - Northwest: Flathead, ~~Lake~~, Lincoln and Sanders counties;

(b) Zone 2 - West Central: Granite, ~~Lake~~, Mineral, Missoula, Powell and Ravalli counties;

(c) through (e) remain the same.

AUTH: Sec. 15-1-201 and 15-44-105, MCA; IMP: Sec. 15-44-101 through 15-44-104, MCA

3. The department proposes the new rule as follows:

RULE I FOREST LAND (1) The following is the schedule for the classification and valuation of forest land:

(a) In effect from January 1, 1997, through December 31, 1999.

Productivity	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
<u>Class</u>	<u>\$/Ac</u>	<u>\$/Ac</u>	<u>\$/Ac</u>	<u>\$/Ac</u>	<u>\$/Ac</u>
1	1333.82	1154.67	762.95	974.41	514.88
2	1038.06	900.84	595.36	761.46	403.95
3	742.30	647.00	427.77	548.50	293.03
4	446.54	393.16	260.18	335.54	182.10

AUTH: Sec. 15-1-201 and 15-44-105, MCA; IMP: Sec. 15-44-103, MCA

4. The department is proposing the amendments and adoption of these rules for the following reasons:

ARM 42.20.166 is amended to show what is found when we look at market modeling. Market modeling more accurately places Lake county in forest valuation zone 1 than forest valuation

zone 2 for the 1997 appraisal cycle.

The valuation schedules are being placed in a new rule to assist forest land taxpayers in better understanding the impact of reappraisal, and display the results of the forest land valuation formula as established by the statute.


5. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to:

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

no later than January 17, 1997.

6. Cleo Anderson, Department of Revenue, Office of Legal Affairs, has been designated to preside over and conduct the hearing.


CLEO ANDERSON
Rule Reviewer


MICK ROBINSON
Director of Revenue

Certified to Secretary of State December 9, 1996

BEFORE THE BOARD OF ARCHITECTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment,) NOTICE OF AMENDMENT, REPEAL
repeal and adoption of rules) AND ADOPTION OF RULES PER-
pertaining to the practice of) TAINING TO THE PRACTICE OF
architecture) ARCHITECTURE

TO: All Interested Persons:

1. On August 8, 1996, the Board of Architects published a notice of proposed amendment, repeal and adoption of rules pertaining to the practice of architecture at page 2060, 1996 Montana Administrative Register, issue number 15. The Board subsequently received a qualifying number of requests for hearing and published its Notice of Public Hearing on October 3, 1996 at page 2476, 1996 Montana Administrative Register, issue number 19. The hearing was held on October 24, 1996.

2. The Board has amended ARM 8.6.405, 8.6.407, 8.6.412 and 8.6.413; repealed ARM 8.6.414; and adopted new rules I (8.6.416), II (8.6.417) and III (8.6.418) exactly as proposed.

3. The Board has thoroughly considered all comments received. Those comments and the Board's responses thereto are as follows:

COMMENT NO. 1: One comment was received stating opposition to increasing the examination fees from \$329.00 to \$980.00, as this is an increase of triple the previous amount, and will most directly affect the interns who are not able to pay expensive fees.

RESPONSE: The Board noted that NCARB has determined the new fee amounts to reflect the increased cost of exams. The Montana Board does not set the fees, nor collect them, as they are sent directly to NCARB. The proposed rule change will merely show the national fee being paid in every state in the country. The Board is aware of research at a national level as to how the state licensing boards could subsidize part of this fee if their budgets would allow, but this process is not yet in place. Finally, the Board noted that intern expenses may be managed by deferral of student loans, and payment of the exam fees by section rather than as one lump sum. All information regarding fees is contained in the NCARB exam booklet information available from the Board office.

COMMENT NO. 2: One comment was received stating ARM 8.6.412 on unprofessional conduct should not eliminate language necessary for license discipline of architects, and should show which language is now contained in §37-1-316, MCA.


RESPONSE: The Board noted that the proposed rule changes reflect the fact that all standard unprofessional conduct language is now contained in the Montana statutes at §37-1-316, MCA, and is not therefore properly repeated in the rule. The standards will remain the same, however, but different citations will be used for disciplinary actions. The statute

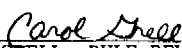
will be printed in the Board law and rule book which is always available upon request from the Board office.

COMMENT NO. 3: One comment was received stating an interest in receiving information on the NCARB approved seismic forces and Division E Structural Lateral Forces courses or seminars.

RESPONSE: The Board noted this was not a comment on the proposed rules, and no response is therefore necessary. However, the Board noted that all applicants will be required to take the seismic test for Montana licensure. The Board further directed the comment maker to check with NCARB for available courses or seminars to train in the seismic area.

BOARD OF ARCHITECTS
PAMELA HILL, CHAIRMAN

BY: 
ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE


CAROL GRELL, RULE REVIEWER

Certified to the Secretary of State, December 9, 1996.

BEFORE THE BOARD OF CHIROPRACTORS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment,) CORRECTED NOTICE OF
repeal and adoption of rules) AMENDMENT OF RULES
pertaining to chiropractors) PERTAINING TO
) CHIROPRACTORS

TO: All Interested Persons:

1. On April 25, 1996, the Board of Chiropractors published a notice of proposed amendment, repeal and adoption of rules pertaining to chiropractors at page 974, 1996 Montana Administrative Register, issue number 8. On October 24, 1996, the Board published an adoption notice amending, repealing and adopting the rules, some with changes, at page 2844, 1996 Montana Administrative Register, issue number 20.

2. The Board has amended ARM 8.12.606(4) as shown below. The underlined language was included but was inadvertently not underlined in the original notice.

8.12.606 RENEWALS - CONTINUING EDUCATION REQUIREMENTS

(1) through (3) remain as amended.

(4) The board shall approve on a case-by-case basis all continuing education programs that it determines in its discretion to be related to the practice of chiropractic.

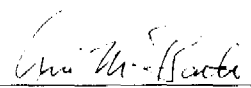
(5) through (7) remain as amended.

3. The Board has amended ARM 8.12.902(1) as shown below, interlining language that should have been removed in the adoption notice.

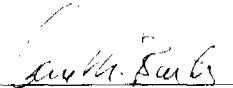
8.12.902 MINIMUM REQUIREMENTS FOR BOARD-APPROVED PROGRAMS TO QUALIFY FOR CERTIFICATION AS IMPAIRMENT EVALUATORS

(1) In order to qualify for board approval, programs shall include a minimum of 36 hours of classroom course work consisting of 24 hours of education in impairment rating from a college certified by the council on chiropractic education, and 12 hours ~~in which education materials have been compiled, written, or~~ in a course on impairment rating utilizing the current edition of the Journal of American Medical Association (JAMA) guidelines.

BOARD OF CHIROPRACTIC
MARVIN HARRIS, DC, CHAIRMAN


ANNIE M. BARTOS
RULE REVIEWER

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 9, 1996.

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the adoption) NOTICE OF ADOPTION OF A NEW
of a new rule pertaining to) RULE I (8.28.424) INACTIVE
physicians) LICENSE

TO: All Interested Persons:

1. On October 24, 1996, the Board of Medical Examiners published a notice of proposed adoption of a new rule pertaining to inactive license at page 2635, 1996 Montana Administrative Register, issue number 20.
2. The board has adopted new rule I (8.28.424) exactly as proposed.
3. No public comments were received.

BOARD OF MEDICAL EXAMINERS
JAMES S. BONNET, JR., M.D.,
CHAIRMAN

BY: 
ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE


CAROL GRELL, RULE REVIEWER

Certified to the Secretary of State, December 9, 1996.

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of rules pertaining to fees and) 8.64.402 FEE SCHEDULE AND
examination for licensure) 8.64.503 EXAMINATION FOR
) LICENSURE

TO: All Interested Persons:

1. On October 24, 1996, the Board of Veterinary Medicine published a notice of proposed amendment of rules pertaining to the practice of veterinary medicine at page 2679, 1996 Montana Administrative Register, issue number 20.


2. The Board has amended ARM 8.64.402 and 8.64.503 exactly as proposed.

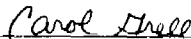
3. The Board accepted written comment through November 21, 1996. The Board has thoroughly considered all comments received. Those comments and the Board's responses thereto are as follows:

COMMENT: One comment was received stating support for ARM 8.64.503 on elimination of the state examination in lieu of the NBE and CCT. The comment also stated the rule should not require the NBE and CCT scores to be within five years of application in Montana, as many veterinarians who have been in practice for ten or more years may not be able to pass these examinations again without considerable effort.

RESPONSE: The Board acknowledged receipt of the comment in support. The Board also noted that a different Board rule (ARM 8.64.509) provides that licensees from other states who have been continuously in practice for at least five years are not required to re-take the NBE and CCT examinations, but simply submit the scores from whenever it was taken. This is an endorsement method of becoming licensed, and is available to everyone who meets the qualifications set forth in the rule, and would therefore allow licensure by a different method than the examination methods of ARM 8.64.503.

BOARD OF VETERINARY MEDICINE
W. DEAN HOLMES, DVM, CHAIRMAN

BY: 
ANDY POOLE, DEPUTY DIRECTOR
DEPARTMENT OF COMMERCE


CAROL GRELL, RULE REVIEWER

Certified to the Secretary of State, December 9, 1996.

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of amendments) NOTICE OF AMENDMENT
of rules 32.24.501, 32.24.504,))
32.25.505 and 32.24.506 as)
they relate to quota.) DOCKET #4-96

TO: ALL INTERESTED PERSONS:

1. On October 24, 1996, the Montana board of milk control published notice of the proposed amendments of ARM 32.24.501, 32.24.504, 32.24.505 and 32.24.506 as they related to quota rules. Notice was published at page 2718 of the 1996 Administrative Register, issue no. 20, as MAR NOTICE 32-3-135.

2. The board has amended the rules as proposed.

AUTH: 81-23-104, MCA

IMP: 81-23-103, MCA

3. No comments or testimony were received.

4. These amendments will become effective December 20, 1996.

DEPARTMENT OF LIVESTOCK

By: 

A. Laurence Petersen, Exec.
Officer, Board of Livestock
Department of Livestock

By: 

Loh Mitchell, Rule Reviewer
Livestock Chief Legal Counsel

Certified to the Secretary of State December 9, 1996.

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

In the matter of the amendment) NOTICE OF THE AMENDMENT
of 16.32.320 pertaining to the) OF A RULE
minimum standards for a)
hospital -- general)
requirements)

TO: All Interested Persons

1. On October 24, 1996, the Department of Public Health and Human Services published notice of the proposed amendment of 16.32.320 pertaining to the minimum standards for a hospital -- general requirements at page 2722 of the 1996 Montana Administrative Register, issue number 20.

2. The Department has amended the following rule as proposed with the following changes from the original proposal. New language being added is underlined. Language to be deleted is interlined.

16.32.320 MINIMUM STANDARDS FOR A HOSPITAL--GENERAL REQUIREMENTS (1) A hospital shall comply with the Conditions of Participation for Hospitals in 42 CFR 482.2 through 482.662, subpart A, excluding 42 CFR 482.1, through E, excluding 42 CFR 482.66, revised as of October 1, 1995. The department hereby adopts and incorporates by reference 42 CFR 482.2 through 482.662, subpart A, excluding 42 CFR 482.1, through E, excluding 42 CFR 482.66, revised as of October 1, 1995. A copy of the regulations may be obtained from the Department of Public Health and Human Services, Licensing Bureau, Cogswell Building, P.O. Box 22951, 1400 Broadway, Helena, Montana 59620-2951.

AUTH: Sec. 50-5-103 and 50-5-404, MCA

IMP: Sec. 50-5-103, 50-5-204 and 50-5-404, MCA

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

COMMENT #1: One commentor noted that the text of ARM 16.32.320 did not include the date of the federal regulations proposed for adoption.

RESPONSE: The department agrees with the commentor and has amended ARM 16.32.20 to reflect the date of the referenced federal regulations.

COMMENT #2: One commentor stated that 42 CFR 482.66 of the referenced regulations establishes swing bed requirements that only pertain to hospitals with more than 49 beds. The commentor noted that many Montana hospitals have fewer than 49 beds with

the result that the swing bed requirements proposed for adoption via 42 CFR 482.66 would be inapplicable to those hospitals.

RESPONSE: In order to ensure the applicability of a single set of swing bed requirements to all hospitals in Montana, regardless of bed capacity, the department has deleted 42 CFR 482.66 from the federal regulations proposed for adoption in ARM 16.32.320. Additionally, the department has clarified that 42 CFR 482.61, while a part of subpart A, is expressly excluded from the regulations proposed for adoption. Therefore, ARM 16.32.320, as revised, will incorporate 42 CFR 482.2 through 42 CFR 482.62, subpart A, excluding 42 CFR 482.1, through E, excluding 42 CFR 482.66, revised as of October 1, 1995. Of note, the next regulation after 42 CFR 482.62 was 42 CFR 482.66. It is the department's intention to draft a single set of swing bed requirements, applicable to all Montana hospitals, at a later date. The department will propose their adoption through the rule making process thereby affording the public the opportunity for review and comment.


Rule Reviewer


Director, Public Health and
Human Services

Certified to the Secretary of State December 9, 1996.

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

In the matter of the amendment	)	NOTICE OF THE AMENDMENT
of rules 46.12.503 and	)	OF RULES
46.12.508 pertaining to)	
inpatient and outpatient)	
hospital services)	

TO: All Interested Persons

1. On October 24, 1996, the Department of Public Health and Human Services published notice of the proposed amendment of rules 46.12.503 and 46.12.508 pertaining to inpatient and outpatient hospital services at page 2752 of the 1996 Montana Administrative Register, issue number 20.

2. The Department has amended rules 46.12.503 and 46.12.508 as proposed.

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

COMMENT #1: The department's medicaid policy regarding emergency conditions violates the intent, if not the letter, of federal anti-dumping laws.

RESPONSE: The department disagrees. The federal Health Care Financing Administration (HCFA) has approved the PASSPORT to health program. The department has worked closely with HCFA to ensure compliance with federal law concerning emergency room treatment and services. The department's medicaid rules do not dictate the evaluation or treatment that a hospital may provide, but rather prescribe different procedures and payment amounts depending upon the emergency nature of the medical need. The department's medicaid policy does seek to discourage inappropriate use of emergency room services. The department believes that medicaid policy, including the proposed rule changes, are consistent with federal anti-dumping laws.

COMMENT #2: The department's policies regarding emergency care are inconsistent. On one hand, the department's medicaid program is trying to discourage treatment in the emergency room for less than life-threatening conditions. Meanwhile, the department's Quality Assurance Division is citing hospitals for not providing treatment for a variety of medical complaints which are not life threatening. The department should not adopt administrative rules requiring hospitals to seek prior authorization to treat emergency room patients. Policies which require hospital staff to inquire about insurance status and further require hospitals to seek authorization prior to providing care (depending on diagnosis) place a hospital in

jeopardy of violating federal anti-dumping laws.

RESPONSE: The deletion of codes from the emergency exemption list does not imply or mean that the hospital cannot evaluate the recipient as required by federal anti-dumping laws. The medicaid program will pay the hospital a screening fee to determine the recipient's medical condition. For diagnoses not included on the emergency diagnosis list, the hospital must then contact the primary care provider for authorization to further treat the recipient. The department believes that this requirement enhances the treatment and services that are provided to the patient, because the primary care provider is knowledgeable about the patient's condition and can provide valuable assistance in determining the patient's course of treatment.

COMMENT #3: The federal definition of emergency medical condition includes a reference to pain suffered by the patient. Migraine headaches are typically a severe, painful condition, oftentimes accompanied by nausea and vomiting. The department has not adequately considered that patients with migraine headaches may be suffering from considerable pain. Such patients have, by federal definition, an emergency medical condition.

RESPONSE: The department does not agree that migraine headache patients categorically suffer from an emergency medical condition. The department agrees that there may be symptoms associated with a migraine headache which will require additional evaluation and/or treatment. The hospital may screen the recipient for such symptoms, and then must call the recipient's primary care physician with this information, whereupon authorization can be given for treatment. The primary care physicians in the PASSPORT program were consulted about deletion of this diagnosis from the emergency diagnosis list and they support this deletion. The primary care physicians feel they should be called when a recipient presents with this complaint. The physician will be able to assist the emergency room physician and staff with information about the recipient and will be able to provide follow up care. This is an important component of treatment for patients with migraine headaches. The department believes that the proposed rule changes are consistent with federal anti-dumping laws.

Russell E. Caden
Rule Reviewer

Michael B. Bellups for
Director, Public Health and
Human Services

Certified to the Secretary of State December 9, 1996.

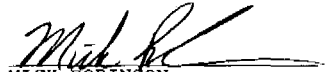
BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT) NOTICE OF THE AMENDMENT
of ARM 42.19.1203; 42.19.) to Class 5 Classification of
1222; AND 42.19.1223 relating) Property Tax Rules
to Class 5 Classification of)
Property Tax Rules)

TO: All Interested Persons:

1. On October 24, 1996, the Department published notice of the proposed amendment of ARM 42.19.1203, 42.19.1222, and 42.19.1223 relating to Class 5 Classification of Property Tax Rules at page 2803 of the 1996 Montana Administrative Register, issue no. 20.
2. No public comments were received regarding these rules.
3. The Department has amended the rules as proposed.


CLEO ANDERSON
Rule Reviewer


MICK ROBINSON
Director of Revenue

Certified to Secretary of State December 9, 1996

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

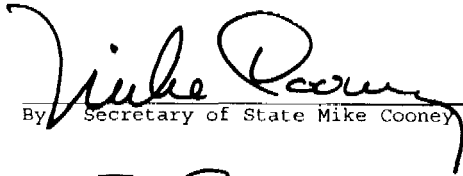
In the matter of the	)	NOTICE OF THE
amendment of 44.3.105 and	)	AMENDMENT AND REPEAL
44.3.106 pertaining to surveys	)	OF RULES
of polling places,)	
44.3.1701, 44.3.1703,)	
44.3.1704, 44.3.1706, and)	
44.3.1708 pertaining to the)	
examination of voting devices,)	
and the repeal of 44.3.1001,)	
44.3.1705, 44.3.1709, and)	
44.3.1730 pertaining to the)	
examination of voting devices)	

TO: All Interested Persons.

1. On October 24, 1996 the Office of Secretary of State published a notice of proposed amendment of rules pertaining to the survey of polling places and the examination of voting devices and the repeal of rules pertaining to the examination of voting devices at page 2832 of the Montana Administrative Register, Issue No. 20.

2. A public hearing was held on November 19th, at 10:00 a.m., in the Secretary of State's Office Conference Room in Room 225 of the Capitol Building in Helena, Montana, to consider the amendment of rules 44.3.105, 44.3.106, 44.3.1701, 44.3.1703, 44.3.1704, 44.3.1706, and 44.3.1708; and the repeal of 44.3.1001, 44.3.1705, 44.3.1709 and 44.3.1730 at which no oral or written comments were received. No written comments were received prior to the closing date of November 21, 1996.

3. After thorough consideration, the Office of Secretary of State has amended rules 44.3.105, 44.3.106, 44.3.1701, 44.3.1703, 44.3.1704, 44.3.1706, and 44.3.1708 and repealed rules 44.3.1001, 44.3.1705, 44.3.1709, and 44.3.1730 as proposed.


By Secretary of State Mike Cooney


Steve Bullock, Rule Reviewer

Dated this 9th day of December, 1996.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

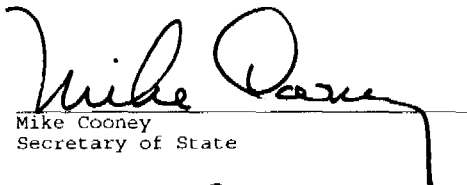
In the matter of the	)	NOTICE OF REPEAL AND
repeal of ARM rule 44.6.106	)	AMENDMENT
and amendment of ARM rules)	
44.6.104, 44.6.105, 44.6.107)	
and 44.6.110 pertaining to UCC)	

TO: All Interested Persons.

1. On October 24, 1996, the Secretary of State published a notice of proposed repeal of rule 44.6.106 and amendment of 44.6.104, 44.6.105, 44.6.107 and 44.6.110 pertaining to Uniform Commercial Code rules at page 2838 of the Montana Administrative Register, Issue No. 20.

2. The Secretary of State has repealed and amended the rules as proposed.

3. No comments or testimony were received.


Mike Cooney
Secretary of State


Steve Bullock
Rule Reviewer

Dated this 9th day of December, 1996.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

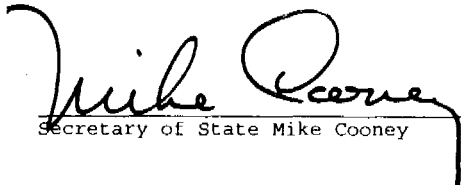
In the matter of the	)	NOTICE OF ADOPTION
adoption of new rules	)	OF RULES 44.14.201,
pertaining to electronic	)	44.14.202 AND 44.14.203
storage of local government)	
records.		

TO: All Interested Persons.

1. On October 24, 1996 the Office of the Secretary of State published a notice at page 2840 of the Montana Administrative Register, Issue No. 20 of its intent to consider the adoption of new rules pertaining to electronic storage of local government records.

2. A public hearing was held on November 14, 1996, in Helena, Montana concerning the adoption of the new rules at which oral and written comments were received. No written comments were received prior to the closing date of November 21, 1996.

3. After thorough consideration of the comments received on the proposed rules, the Office of the Secretary of State has adopted Rules I (44.14.201), II (44.14.202) and III (44.14.203) exactly as proposed.


Secretary of State Mike Cooney


Steve Bullock, Rule Reviewer

Dated this 9th day of December, 1996.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 1996. This table includes those rules adopted during the period October 1, 1996 through December 31, 1996 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, 1996, 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 1995 and 1996 Montana Administrative Registers.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number. These will fall alphabetically after department rulemaking actions. Accumulative Table entries will be listed with the department name under which they were proposed, e.g., Department of Health and Environmental Sciences as opposed to Department of Environmental Quality.

GENERAL PROVISIONS, Title 1

- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 2574, 3154

ADMINISTRATION, Department of, Title 2

- 2.4.136 State Accounting - Reimbursement for Receiptable Lodging, p. 3095
2.5.401 and other rules - State Purchasing, p. 3097
2.21.1201 and other rules - Personnel Policy, p. 945, 1635
(State Compensation Insurance Fund)
2.55.321 and other rules - Premium Rates, p. 2627
2.55.408 Retrospective Rating Plans, p. 1770, 2278

AGRICULTURE, Department of, Title 4

- 4.5.102 and other rules - Projects, Procedures and Updates and Repeal of Requirements to the Noxious Weed Trust Fund, p. 2473

- 4.9.101 and other rules - Wheat and Barley Committee Rules, p. 1343, 1826
- 4.13.1001 and other rule - Grain Fee Schedule of Lab Hours, Travel Time and Fees, p. 2343, 2842

STATE AUDITOR, Title 6

- I Securities Regulation on the Internet, p. 1346, 1828
- I-XIV Medicare Select Policies and Certificates, p. 9, 907, 1645
- 6.2.103 and other rules - Procedural Rules of the State Auditor's Office, p. 1227, 1636
- 6.6.1101 and other rules - Credit Life - Disability Insurance, p. 955, 1646, 2157
- 6.6.2001 and other rules - Unfair Trade Practices on Cancellations, Non-renewals, or Premium Increases of Casualty or Property Insurance, p. 2720, 414, 2158
- 6.6.2007 and other rules - Unfair Trade Practices on Cancellations, Non-renewals, or Premium Increases of Casualty or Property Insurance, p. 869, 1370, 2159
- 6.6.4102 and other rules - Fee Schedules - Continuing Education Program for Insurance Producers and Consultants, p. 963, 1661

(Classification Review Committee)

- 6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., p. 2349, 2843
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., p. 1348, 1827

COMMERCE, Department of, Title 8

(Board of Alternative Health Care)

- I Vaginal Birth After Cesarean (VBAC) Delivery, p. 348, 1829
- 8.4.301 and other rules - Fees - Renewal - Unprofessional Conduct - Licensing of Out-of-State Applicants - Certification for Speciality Practice of Naturopathic Physician Continuing Education - Direct Entry Midwife Apprenticeship Requirements, p. 2230, 2576

(Board of Architects)

- 8.6.405 and other rules - Practice of Architecture, p. 2060, 2476

(Board of Athletics)

- 8.8.2804 and other rules - Athletic Events - Participants, p. 969, 1664

(Board of Barbers)

- 8.10.403 and other rules - Barbers, Barber Shops and Barber Schools, p. 1432, 3114

(Board of Chiropractors)

8.12.601 and other rules - Chiropractors, p. 974, 2844

(Board of Dentistry)

8.16.402 and other rules - Dentists - Dental Hygienists -
Denturists - Practice of Dentistry and Denturistry,
p. 2478, 3118

(State Electrical Board)

8.18.401 and other rules - Electrical Industry, p. 2065, 3039

(Board of Hearing Aid Dispensers)

8.20.401 and other rules - Hearing Aid Dispensers, p. 3009

(Board of Horse Racing)

8.22.703 and other rule - Exercise Persons - Pony Persons,
p. 1350, 1964

(Board of Landscape Architects)

8.24.403 and other rules - Landscape Architects -
Applications - Seals - Examinations - Renewals -
Replacement Licenses - Fee Schedule - Unprofessional
Conduct, p. 2944

(Board of Medical Examiners)

I Physicians - Inactive License, p. 2635

8.28.911 and other rule - Nutritionists, p. 616, 2279

(Board of Funeral Service)

8.30.101 and other rules - Morticians - Mortuaries -
Crematories - Crematory Operators - Crematory
Technicians, p. 2073, 2425

(Board of Nursing)

8.32.413 and other rules - Conduct of Nurses - Survey and
Approval of Schools - Annual Report - Definitions -
Registered Nurse's Responsibility to the Nursing
Process - Standards for Schools of Nursing -
Standards for IV Therapy - Charge Nurse for Licensed
Practical Nurses, p. 2638

(Board of Occupational Therapists)

8.35.401 and other rules - Practice of Occupational Therapy,
p. 1448, 1586, 2379

(Board of Optometry)

8.36.406 and other rules - General Practice Requirements -
Unprofessional Conduct - Fees - Disciplinary Actions -
Continuing Education Concerning the Practice of
Optometry, p. 2238, 2654

(Board of Physical Therapy Examiners)

8.42.402 and other rules - Licensure of Physical Therapists -
Physical Therapist Assistants - Foreign-Trained
Physical Therapists, p. 2245

(Board of Plumbers)

- 8.44.402 and other rules - Plumbing Industry, p. 2081, 2426, 2577

(Board of Professional Engineers and Land Surveyors)

- 8.48.401 and other rules - Practice of Professional Engineers and Land Surveyors, p. 2085

(Board of Private Security Patrol Officers and Investigators)

- 8.50.423 and other rules - Private Security Patrol Officers and Investigators, p. 2656

(Board of Public Accountants)

- 8.54.402 and other rules - Practice of Public Accounting, p. 3018
8.54.402 and other rules - Examinations - Out-of-State Candidates for Examination - Education Requirements - Fees, p. 1460, 2280

(Board of Real Estate Appraisers)

- 8.57.403 and other rules - Real Estate Appraisers, p. 2665

(Board of Realty Regulation)

- 8.58.419 Grounds for License Discipline - General Provisions - Unprofessional Conduct, p. 3101

(Board of Sanitarians)

- 8.60.401 and other rules - Sanitarians, p. 626, 985, 1965, 2578

(Board of Speech-Language Pathologists and Audiologists)

- 8.62.413 and other rules - Practice of Speech-Language Pathology and Audiology, p. 2103, 2976

(Board of Passenger Tramway Safety)

- 8.63.503 and other rules - Passenger Tramway Safety Industry, p. 2952

(Board of Veterinary Medicine)

- 8.64.402 and other rule - Fee Schedule - Examination for Licensure, p. 2679
8.64.402 and other rules - Fees - Application Requirements - Temporary Permits - Examinations - Annual Renewals - Continuing Education - Unprofessional Conduct - Applications for Certification of Embryo Transfer - Unprofessional Conduct for Embryo Transfer - Disciplinary Actions - Advisory Committee, p. 2253, 2579

(Building Codes Bureau)

- 8.70.101 and other rules - Uniform and Model Codes - Plumbing and Electrical Requirements - Recreational Vehicles - Boiler Safety - Swimming Pools, p. 2682
8.70.108 and other rules - Incorporation by Reference of CABO One and Two Family Dwelling Code - Funding of Code

Enforcement Programs - Extension of Municipal Jurisdictional Area - Incorporation by Reference of Safety Code for Elevators and Escalators, p. 1475, 2160

(Weights and Measures Bureau)

8.77.302 NIST Handbook 130 - Uniform Laws and Regulations, p. 2957

(Consumer Affairs Office)

8.78.202 and other rules - Repair and Servicing of Automobiles - Consumer Reporting Agencies - Operation of Proprietary Schools, p. 1352, 2284

(Banking and Financial Institutions Division)

8.80.108 Limitations on Loans, p. 355, 2161

8.80.307 Dollar Amounts to Which Consumer Loan Rates are to be Applied, p. 986, 2165

(Local Government Assistance Division)

8.83.401 and other rules - State Grants to Counties for District Court Assistance, p. 988, 1665

(Economic Development Division)

8.99.401 and other rules - Microbusiness Advisory Council, p. 636, 2166, 2580, 2978

(Board of Science and Technology Development)

8.122.102 and other rules - Award and Administration of Loans by the Montana Board of Science and Technology Development, p. 2351

(Montana Lottery)

8.127.101 and other rules - Organizational Rule - Instant Tickets - Prizes, p. 2110, 2849

8.127.407 and other rule - Retailer Commission - Sales Staff Incentive Plan, p. 1479, 2850

EDUCATION. Title 10

(Office of Public Instruction)

10.7.103 and other rules - School Transportation, p. 2689

10.20.201 and other rules - School Finance - Budgeting and Funding, p. 1230, 2168

(Board of Public Education)

10.57.107 Teacher Certification - Emergency Authorization of Employment, p. 2961

10.57.211 and other rule - Test for Certification - Minimum Scores on the National Teacher Examination Core Battery, p. 2416, 2979

10.57.301 Endorsement Information, p. 990, 1666, 1835

10.58.505 Teacher Education Programs - Business Education, p. 2962

- 10.66.101 Adult Secondary Education - Requirements Which Must Be Met in Order to Receive High School Equivalency Diplomas, p. 2959

(Montana Historical Society)

- I-XIV Procedures that State Agencies Must Follow to Protect Heritage Properties and Paleontological Remains - Providing General Procedures which the State Historic Preservation Office Must Follow in Implementing Its General Statutory Authority, p. 1920

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

- I Application Process and Criteria for a Scientific Collectors Permit, p. 373, 1148, 2171
12.6.1604 and other rules - Regulation of Roadside Zoos - Game Bird Farms - Fur Farms - Migratory Game Bird Avicultural Permits - Tattooing of Certain Captive Predators, p. 1002, 1839

(Fish, Wildlife, and Parks Commission)

- 12.4.102 Stream Access Definitions in Rules, p. 994, 1838
12.9.105 and other rules - Wild Turkey Policy - 10-80 Baits - Reintroduction of Peregrine Falcon, p. 1014, 1842

(Fish, Wildlife, and Parks Commission and Department of Fish, Wildlife, and Parks)

- 12.2.304 and other rules - Natural Resources Policies - Public Participation, p. 997, 1836
12.3.107 and other rules - Issuance of Hunting, Fishing and Trapping Licenses, p. 991, 1837
12.7.401 and other rules - Fish Ladders - River Restoration Program, p. 1007, 1840
12.8.101 and other rules - State Park System - State Recreational Waterway System - Cultural Resources, p. 1011, 1841

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.54.102 and other rules - Waste Management - Federal Regulations for the Hazardous Waste Program, p. 2711
26.4.101A and other rules - Reclamation - Transfer from the Department of State Lands - Reclamation, p. 2852, 3042
36.7.901 and other rules - Energy - Transfer from the Department of Natural Resources and Conservation - Major Facility Siting - Renewable Energy Grant and Loan Program, p. 2863

(Board of Environmental Review)

- I Water Quality - Temporary Water Standards for Daisy Creek, Stillwater River, Fisher Creek, and the

- Clark's Fork of the Yellowstone River, p. 1652, 1872, 2211, 1049, 2502
- I-IX Air Quality - Incorporating Federal Transportation Conformity Rules - Adopting Interagency Consultation Procedures, p. 1775, 2299
- 16.8.701 and other rules - Air Quality - Adopting the Current Federal Definition of Volatile Organic Compounds, p. 1019, 1843
- 16.8.704 and other rules - Air Quality - Updating the Incorporations by Reference and References to the MCA to the Most Recent Regulations and Statutes - Combining Certain Provisions of the Air Quality Rules, p. 1034, 1844
- 16.8.1101 and other rules - Air Quality - Adding Human Health Risk Assessment to the Preconstruction Permit Application Requirements for Incineration Facilities Subject to 75-2-215, MCA, p. 1026, 2291
- 16.8.1102 and other rules - Air Quality - Allowing Existing Facilities Flexibility to make Minor Changes without Revising their Air Quality Preconstruction Permits, p. 1772, 2293
- 16.8.1419 Air Quality - Fluoride Emissions - Phosphate Processing, p. 1017, 1852
- 16.8.1429 and other rule - Air Quality - Adopting Federal Regulations for the Administration of Maximum Achievable Control Technology Standards, p. 1024, 2298
- 16.8.1903 and other rule - Air Quality - Air Quality Operation Fees - Air Quality Permit Application Fees, p. 1928, 2581
- 16.8.1906 and other rules - Air Quality - Rules Regarding Air Quality, p. 2260, 3041
- 16.8.2026 Air Quality - Acid Rain, p. 1022, 1853
- 17.30.640 and other rules - Water Quality - Water Quality, p. 1047, 1854
- 17.30.716 Water Quality - Eliminating a List of Activities Predetermined to be Nonsignificant and Adopting a Category of Nonsignificance for Individual Sewage Systems, p. 3103
- 17.30.1501 and other rules - Water Quality - Permitting of In-Situ Uranium Mining, p. 2263
- 17.54.102 and other rules - Waste Management - Bringing Current Rules in Line with EPA Regulations in Order to Maintain Federal Authorization of the State Hazardous Waste Program, p. 2357, 2851
- 26.4.107M and other rules - Hard Rock - Enforcement - Penalties, p. 1786, 2586
- 26.4.301 and other rules - Abandoned Mines - Abandoned Mine Reclamation Program, p. 2265, 3050
- (Department of Environmental Quality and Board of Environmental Review)
- 16.8.101 and other rules - Air Quality - Transfer from Department of Health and Environmental Sciences -

- Air Quality - Air and Water Quality Tax
Certification, p. 2285
16.8.1906 and other rules - Air Quality - Rules Regarding Air
Quality, p. 2260, 3041

- (Petroleum Tank Release Compensation Board)
16.47.101 and other rules - Petroleum Tank Release
Compensation Board, p. 1587, 3125

TRANSPORTATION, Department of, Title 18

- I-XV Railroad Crossing Signalization - Signal Removal -
Improved Crossing Surface Installation, p. 3028
18.8.101 and other rules - Motor Carrier Services Program,
p. 714, 1971, 2980
18.8.509 and other rule - Motor Carrier Services Program,
p. 2964
18.12.501 and other rules - Aeronautical Powers and Duties,
p. 1943, 2983

- (Transportation Commission)
18.6.202 and other rules - Outdoor Advertising Regulations,
p. 39, 1855

(Montana Transportation Commission and Department of
Transportation)

- I-VII Debarment of Contractors Due to Violations of
Department Requirements - Determination of
Contractor Responsibility, p. 1930, 3133

JUSTICE, Department of, Title 23

- I-III Handling, Collection, Transportation, Sampling and
Storage of Blood Samples for DNA Indexing, p. 1605,
2172
I-IX Operation, Inspection, Classification, Rotation, and
Insurance of Commercial Tow Trucks, p. 2267, 3134
23.5.102 Emergency Amendment - Hours-of-Service Requirements
for Certain Industries to Conform with Changes in
Federal Law Presently Incorporated by Reference
Pertaining to Motor Carrier and Commercial Vehicle
Safety Standard Regulations, p. 2177
23.16.101 and other rules - Public Gambling, p. 2504

- (Board of Crime Control)
23.14.401 and other rules - Peace Officers Standards and
Training - DARE Trust Fund, p. 1260, 2984

LABOR AND INDUSTRY, Department of, Title 24

- I and other rules - Unemployment Insurance Case
Procedures - Employment Status [Independent
Contractor] Issues, p. 1051, 1667

- I and other rules - Procedure in Workers' Compensation Matters - Employment Status [Independent Contractor], p. 1061, 1673
- I-III and other rules - Wage Claim Procedures - Employment Status [Independent Contractor] Issues, p. 1056, 1668
- I-V Workers' Compensation Administrative Assessment, p. 1609
- I-XI Creating One Process for Determining All Employment Status Issues, Including that of Independent Contractor, p. 1070, 1676
- I-XVII and other rules - Workers' Compensation Plan Number One [Plan 1] Requirements and Eligibility, p. 512, 1151, 2427
- 24.16.1509 and other rule - Minimum Hourly Wage Rate, p. 2363, 2882
- 24.16.9007 Prevailing Wage Rates - Building Construction, p. 873, 1669
- 24.29.706A and other rules - Transfer of Independent Contractor Rules to ARM Title 24, Chapter 35, p. 1863
- (Human Rights Commission)
- 24.9.801 and other rules - Proof of Discrimination, p. 1790, 2871

LIVESTOCK, Department of, Title 32

- (Board of Livestock)
- 32.3.121 and other rules - Disease Control - Animal Feeding, Slaughter, and Disposal - Fluid Milk and Grade A Milk Products - General Licensing and Provisions - Marketing of Livestock - Branding and Inspection, p. 376, 1864
- 32.3.201 and other rules - Importation of Animals and Semen into Montana - Brucellosis - Tuberculosis - Poultry - Animal Identifications - Control of Biologics - Rendering Plants - Vehicles and Equipment - Animal Health Requirements for Livestock Markets - Official Tuberculin Tests, p. 1803, 2300

- (Board of Milk Control)
- I-IV and other rule - Milk Utilization - Marketing of Class III Milk, p. 2114, 2428
- 8.86.301 Wholesale Prices for Class I, II and III Milk, p. 641, 2181
- 32.24.501 and other rules - Quota Rules, p. 2718

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I Reject, Modify, or Condition Permit Applications in the Houle Creek Basin, p. 1952, 2432
- I-VII Resolution of Disputes over the Administration of the Yellowstone River Compact, p. 1078, 1866

- 36.2.401 and other rules - Minimum Standards and Guidelines for the Streambed and Land Preservation Act, p. 1946, 2366
- 36.12.102 and other rule - Forms - Application and Special Fees, p. 1954, 2430

(Board of Land Commissioners)

- I-X All Activities on Classified Forest Lands Within Montana during the Legal Forest Fire Season - Debris Disposal - Fire Prevention on Forest Lands, p. 877, 1502, 2183
- 36.2.803 Categorical Exclusions to Consultation with the State Historic Preservation Office, p. 1820
- 36.11.102 and other rules - Christmas Tree Cutting - Control of Timber Slash and Debris, p. 59, 379, 774, 1865

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

- 26.3.128 and other rules - Transfer of State Lands Rules - Surface Management - Issuance of Oil and Gas Leases - Coal Leasing - Geothermal Resources - Metalliferous Leasing, p. 2384
- 36.25.115 and other rules - State Land Leasing, p. 2368
- 36.25.146 and other rule - State Land Leasing, p. 3110

(Board of Water Well Contractors)

- 36.21.410 and other rules - Water and Monitoring Well Licensing - Construction Standards, p. 2120

(Board of Oil and Gas Conservation)

- 36.22.1408 Underground Injection Control - Financial Responsibility, p. 3107

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I Families Achieving Independence in Montana (FAIM), p. 1357, 2194
- I Release of Confidential Records for State Mental Health Facilities, p. 1264, 2187
- I Conditions for Contracts Funded with Federal Maternal and Child Health Block Grant Funds, p. 525, 2184
- I-IV Medicaid Coverage and Reimbursement of Home Infusion Therapy Services, p. 2131, 2599
- I-VI Criteria for Patient Placement at the Montana Chemical Dependency Center, p. 1958, 2596
- I-IX and other rules - Medicaid Coverage - Reimbursement of Physical Therapy, Speech Therapy, Occupational Therapy and Audiology Services, p. 1089, 1687
- I-X and other rules - Targeted Case Management, p. 2755
- I-XIII Retirement Home Licensing Requirements, p. 734, 1867
- I-XVII Home Infusion Therapy, p. 883, 2587
- I-XVIII Montana Telecommunications Access Program, p. 2967
- 11.2.101 and other rules - Departments of Family Services, Health and Environmental Sciences, and Social and

- Rehabilitation Services Procedural Rules, p. 2423, 3051
- 11.14.605 Income Eligibility and Copayments for Day Care, p. 1824, 2302
- 16.32.101 and other rules - Procedures, Criteria and Reporting of the Certificate of Need Program, p. 1267, 1975
- 16.32.320 Minimum Standards for a Hospital - General Requirements, p. 2722
- 46.2.101 and other rules - Transfer of Department of Social and Rehabilitation Services Procedural Rules, p. 2433
- 46.8.109 and other rules - Developmental Disabilities, p. 1614, 2188
- 46.10.403 AFDC Assistance Standards, p. 1290, 2192
- 46.10.409 and other rules - Child Care Fee Scales, p. 2372, 2886
- 46.12.101 and other rules - General Medicaid Provider Requirements, p. 2724
- 46.12.503 and other rule - Inpatient and Outpatient Hospital Services, p. 2752
- 46.12.505 Medicaid Coverage - Reimbursement of Inpatient and Outpatient Hospital Services, p. 1102, 1682
- 46.12.1222 and other rule - Provider Changes Under the Medicaid Nursing Facility Services Program, p. 3034
- 46.12.1222 and other rules - Nursing Facilities, p. 1081, 1698
- 46.12.1919 and other rule - Targeted Case Management for High Risk Pregnant Women, p. 532, 1566, 1997
- 46.12.1930 and other rules - Targeted Case Management for the Mentally Ill, p. 535, 1998
- 46.12.3803 Medically Needy Assistance Standards, p. 2750
- 46.12.4804 and other rules - Health Maintenance Organizations, p. 2418
- 46.12.5002 and other rules - Passport to Health Program, p. 1484, 2193
- 46.13.302 and other rules - Low Income Energy Assistance Program (LIEAP), p. 2136, 2887
- 46.14.401 Low Income Weatherization Program, p. 731, 1713
- 46.30.507 and other rules - Child Support Enforcement Distribution of Collections - Non-AFDC Services, p. 2765, 1714

PUBLIC SERVICE REGULATION. Department of. Title 38

- I Recovery of Abandonment Costs in Electric Utility Least-Cost Resource Planning and Acquisition, p. 1962
- I Content of Certain Motor Carrier Receipts, p. 896, 1567
- I-LVIII Local Exchange Competition and Dispute Resolution in Negotiations between Telecommunications Providers for Interconnection, Services and Network Elements, p. 2528
- 38.5.1010 and other rules - Electric Safety Codes - Electric Service Standards - Pipeline Safety (including Drug and Alcohol Testing), p. 2779

REVENUE, Department of, Title 42

- I Agricultural Improvements from Property Land Classification, p. 3112
- I-XIII and other rules - Oil and Gas Rules for the Natural Resources Tax Bureau, p. 1107, 2001
- 42.11.243 and other rules - Liquor Regulations for Golf Course and Moveable Devices, p. 2564, 3146
- 42.15.101 and other rules - Biennial Review of Chapter 15 - Composite Returns, p. 2142, 2605, 2985
- 42.15.506 and other rule - Computation of Residential Property Tax Credit, p. 2829, 3148
- 42.17.103 General Withholding Taxes, p. 2276, 2610
- 42.18.106 and other rules - Reappraisal Plan Property Rules, p. 2783, 3149
- 42.19.501 Property Tax Exemption for Disabled Veterans, p. 2568, 3150
- 42.19.1203 and other rules - Class 5 Classification Property Tax Rules, p. 2803
- 42.21.106 and other rules - Personal Property Rules, p. 2805, 3157
- 42.22.101 and other rules - Industrial Property Rules, p. 2793, 3153
- 42.25.1810 Oil and Gas Rules, p. 2151, 2435

SECRETARY OF STATE, Title 44

- I-III Electronic Storage of Local Government Records, p. 2840
- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 2574, 3154
- 44.3.105 and other rules - Surveys of Polling Places - Examination of Voting Devices, p. 2832
- 44.6.106 and other rules - Uniform Commercial Code Rules, p. 2838
- (Commissioner of Political Practices)
- Notice of Public Hearing to Consider Whether New or Amended Rules that Address Lobbying Activities are Necessary Pursuant to the Petition Submitted by Montana Common Cause, p. 2570
- 44.10.411 Incidental Political Committee, Filing Schedule, Reports, p. 1126, 2153
- 44.12.109 Personal Financial Disclosure by Elected Officials, p. 1128, 2195

BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in November 1996, appear. Vacancies scheduled to appear from January 1, 1997, through March 31, 1997, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of December 1, 1996.

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

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Emergency Medical Services Advisory Council (Public Health and Human Services)			
Dr. Faust Alvarez	Governor	not listed	11/4/1996
Helena			11/2/1998
Qualifications (if required):	representing the Board of Medical Examiners		
Ms. Sharon Dieziger, R.N.	Governor	not listed	11/4/1996
Great Falls			11/2/1998
Qualifications (if required):	representing the Montana Nurses Association		
Ms. Joyce Dombrowski	Governor	not listed	11/4/1996
Missoula			11/2/1998
Qualifications (if required):	representing the Emergency Nurses Association		
Mr. Ken Fry	Governor	not listed	11/4/1996
Missoula			11/2/1998
Qualifications (if required):	representing the Montana Private Ambulance Operators		
Ms. Julie Hickethner	Governor	not listed	11/4/1996
Great Falls			11/2/1998
Qualifications (if required):	representing Montana Flight Nurses		
Ms. Elana Icenoggle	Governor	not listed	11/4/1996
Butte			11/2/1998
Qualifications (if required):	representing Montana trauma coordinators		
Dr. John Middleton	Governor	not listed	11/4/1996
Billings			11/2/1998
Qualifications (if required):	president of the Trauma Care Committee		
Ms. Kerry Nickou	Governor	not listed	11/4/1996
Browning			11/2/1998
Qualifications (if required):	representing Indian Health Services		

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Emergency Medical Services Advisory Council (Public Health and Human Services) Cont.			
Mr. David Nigh	Governor	not listed	11/4/1996
Billings			11/2/1998
Qualifications (if required): representing the American College of Emergency Physicians			
Mr. Reed Redman	Governor	not listed	11/4/1996
Denton			11/2/1998
Qualifications (if required): representing the Montana Emergency Medical Services Association			
Dr. Stuart Reynolds	Governor	not listed	11/4/1996
Havre			11/2/1998
Qualifications (if required): representing the American College of Surgeons			
Dr. Dennis P. Ruggerie	Governor	not listed	11/4/1996
Great Falls			11/2/1998
Qualifications (if required): representing the Montana Academy of Pediatrics			
Dr. Anne M. Williams	Governor	not listed	11/4/1996
Glasgow			11/2/1998
Qualifications (if required): representing the Montana Medical Association			
HIV/AIDS Advisory Council (Public Health and Human Services)			
Mr. Steve Bennetts	Governor	not listed	11/26/1996
Great Falls			11/26/1998
Qualifications (if required): public member			
Rep. John Bohlinger	Governor	not listed	11/26/1996
Billings			11/26/1998
Qualifications (if required): legislator			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
HIV/AIDS Advisory Council (Public Health and Human Services) Cont.			
Ms. Pam Bragg	Governor	not listed	11/26/1996
Helena			11/26/1998
Qualifications (if required):	public member		
Ms. Pam Carter	Governor	not listed	11/26/1996
Bozeman			11/26/1998
Qualifications (if required):	public member		
Mr. Terry Cyr	Governor	not listed	11/26/1996
Missoula			11/26/1998
Qualifications (if required):	public member		
Ms. Terri Dunn	Governor	not listed	11/26/1996
Whitefish			11/26/1998
Qualifications (if required):	public member		
Mr. Frank Gary	Governor	not listed	11/26/1996
Butte			11/26/1998
Qualifications (if required):	public member		
Pastor Paul Goodman	Governor	not listed	11/26/1996
Billings			11/26/1998
Qualifications (if required):	public member		
Mr. David Herrera	Governor	not listed	11/26/1996
Billings			11/26/1998
Qualifications (if required):	public member		
Ms. Alison James	Governor	not listed	11/26/1996
Clancy			11/26/1998
Qualifications (if required):	student representative		

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
HIV/AIDS Advisory Council (Public Health and Human Services) Cont.			
Ms. Rita Munzenrider	Governor	not listed	11/26/1996
Kalispell			11/26/1998
Qualifications (if required): public member			
Dr. Connie O'Connor	Governor	not listed	11/26/1996
Helena			11/26/1998
Qualifications (if required): public member			
Dr. Elizabeth Olberding	Governor	not listed	11/26/1996
Helena			11/26/1998
Qualifications (if required): public member			
Mr. David G. Rice	Governor	not listed	11/26/1996
Havre			11/26/1998
Qualifications (if required): public member			
Ms. Verbena Savior	Governor	not listed	11/26/1996
Poplar			11/26/1998
Qualifications (if required): public member			
Reverend D. Gregory Smith	Governor	not listed	11/26/1996
Helena			11/26/1998
Qualifications (if required): public member			
Trauma Care Committee (Public Health and Human Services)			
Mr. Harry Chapman	Governor	not listed	11/4/1996
Libby			11/2/2000
Qualifications (if required): representing the Montana Emergency Medical Services Association			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1996

Appointee	Appointed by	Succeeds	Appointment/End Date
Trauma Care Committee (Public Health and Human Services) Cont.			
Dr. A. Craig Eddy	Governor	not listed	11/4/1996
Missoula			11/2/2000
Qualifications (if required):	representing the Western Regional Trauma Advisory Committee		
Dr. Kendall Flint	Governor	not listed	11/4/1996
Browning			11/2/2000
Qualifications (if required):	representing Indian Health Services		
Dr. James P. Gardner	Governor	not listed	11/4/1996
Missoula			11/2/2000
Qualifications (if required):	representing the American College of Emergency Physicians		
Dr. Joseph Leal	Governor	not listed	11/4/1996
Glendive			11/2/2000
Qualifications (if required):	representing the Eastern Regional Trauma Advisory Committee		
Mr. Earl Neff	Governor	not listed	11/4/1996
Sidney			11/2/2000
Qualifications (if required):	representing the Eastern Regional Trauma Advisory Committee		
Mr. Gene O'Hara	Governor	not listed	11/4/1996
Missoula			11/2/2000
Qualifications (if required):	representing the Montana Hospital Association		
Ms. Susan O'Leary	Governor	not listed	11/4/1996
Great Falls			11/2/2000
Qualifications (if required):	representing the Central Regional Trauma Advisory Committee		

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 1996

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Trauma Care Committee (Public Health and Human Services) Cont.			
Dr. Michael B. Orcutt	Governor	not listed	11/4/1996
Great Falls			11/2/2000
Qualifications (if required): representing the Central Regional Trauma Advisory Committee			
Ms. Mary Phillips	Governor	not listed	11/4/1996
Great Falls			11/2/2000
Qualifications (if required): representing the Montana Emergency Nurses Association			
Dr. Charles Rinker	Governor	not listed	11/4/1996
Bozeman			11/2/2000
Qualifications (if required): representing the Montana Medical Association			
Mr. Dave Shavely	Governor	not listed	11/4/1996
Billings			11/2/2000
Qualifications (if required): representing Montana private ambulance operators			
Ms. Kim Sorensen	Governor	not listed	11/4/1996
Billings			11/2/2000
Qualifications (if required): representing the Montana Trauma Coordinators			
Dr. Rod Vaught	Governor	not listed	11/4/1996
Whitefish			11/2/2000
Qualifications (if required): representing the Western Regional Trauma Advisory Committee			

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Agricultural Advisory Council (Revenue)		
Mr. Myles Watts, Bozeman	Governor	1/23/1997
Qualifications (if required): representing Montana State University, College of Agriculture		
Mr. Mike Murphy, Helena		
Qualifications (if required): representing irrigation interests	Governor	1/23/1997
Mr. Don Jenni, Lewistown		
Qualifications (if required): representing grazing interests	Governor	1/23/1997
Representative Linda J. Nelson, Medicine Lake		
Qualifications (if required): State Senator and a Democrat	Governor	1/23/1997
Representative John 'Sam' Rose, Choteau		
Qualifications (if required): State Representative and a Republican	Governor	1/23/1997
Ms. Beth Murphy, Great Falls		
Qualifications (if required): representing urban interests	Governor	1/23/1997
Mr. Mark Rasmussen, Hogeland		
Qualifications (if required): representing nonirrigated cropland interests	Governor	1/23/1997
Mr. Tim Gill, Helena		
Qualifications (if required): representing financial interests	Governor	1/23/1997
Appellate Defender Commission (Administration)		
Mr. Marx Parker, Billings	Governor	1/1/1997
Qualifications (if required): attorney		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Blue Ribbon Telecommunications Task Force (Administration)	Governor	1/1/1997
Mr. Bill Cochran, Billings Qualifications (if required): public member		
Mr. Jim Pool, Helena Qualifications (if required): public member	Governor	1/1/1997
Dr. John Cleveland, Missoula Qualifications (if required): ex-officio member	Governor	1/1/1997
Mr. Jim Hayhurst, Helena Qualifications (if required): public member	Governor	1/1/1997
Ms. Cynthia Denton, Hobson Qualifications (if required): public member	Governor	1/1/1997
Mr. Marc Wilson, Bigfork Qualifications (if required): ex-officio member	Governor	1/1/1997
Mr. David Owen, Helena Qualifications (if required): ex-officio member	Governor	1/1/1997
Mr. Mike Strand, Helena Qualifications (if required): public member	Governor	1/1/1997
Ms. Cathy Brightwell, Helena Qualifications (if required): public member	Governor	1/1/1997
Mr. Jim Ereaux, Pablo Qualifications (if required): public member	Governor	1/1/1997
Mr. Tony Herbert, Helena Qualifications (if required): ex-officio member	Governor	1/1/1997

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Blue Ribbon Telecommunications Task Force (Administration) Cont.		
Mr. Edward Van Tighem, Great Falls	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Mr. Fred Lark, Lewistown	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Ms. Joan Mandeville, Great Falls	Governor	1/1/1997
Qualifications (if required): public member		
Ms. Cheryl Beatty, Anaconda	Governor	1/1/1997
Qualifications (if required): public member		
Mr. Danny Oberg, Helena	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Mr. Tim Sweeney, Helena	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Mr. Patrick Hogan, Butte	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Mr. Jeff Tabor, Billings	Governor	1/1/1997
Qualifications (if required): public member		
Ms. Dixie Swenson, Bozeman	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Ms. B.J. Hawkins, White Sulphur Springs	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Ms. Doris Barta, Billings	Governor	1/1/1997
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

Board/current position holder	Appointed by	Term end
Blue Ribbon Telecommunications Task Force (Administration) Cont.		
Lieutenant Billi Heigh, Helena	Governor	1/1/1997
Qualifications (if required): ex-officio member		
Board of Aeronautics (Transportation)		
Mr. Byron Bayers, Twin Bridges	Governor	1/1/1997
Qualifications (if required): represents County Commissioners Association		
Mr. Ronald S. Mercer, Helena	Governor	1/1/1997
Qualifications (if required): represents Montana Airport Management Association		
Mr. Joel Fenger, Chester	Governor	1/1/1997
Qualifications (if required): represents Montana Chamber of Commerce		
Mr. Douglas Freeman, Hardin	Governor	1/1/1997
Qualifications (if required): represents Montana League of Cities and Towns and an attorney		
Mr. Fred Booth, Highwood	Governor	1/1/1997
Qualifications (if required): represents Montana Pilots' Association		
Board of Architects (Commerce)		
Mr. John W. Peterson, Kalispell	Governor	3/27/1997
Qualifications (if required): registered architect		
Board of Chiropractors (Commerce)		
Dr. Karlene Berish, Billings	Governor	1/1/1997
Qualifications (if required): chiropractor		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Crime Control (Justice)		
Mr. Don Bjertness, Billings	Governor	1/1/1997
Qualifications (if required): public member		
Mr. Rick Day, Helena	Governor	1/1/1997
Qualifications (if required): represents Department of Corrections and Human Services		
Mr. Ken Stuker, Helena	Governor	1/1/1997
Qualifications (if required): educator with interest and knowledge in prevention education as it relates to justice issues		
Sheriff Bill Slaughtner, Bozeman	Governor	1/1/1997
Qualifications (if required): represents sheriffs		
Ms. Elaine Allestad, Big Timber	Governor	1/1/1997
Qualifications (if required): county commissioner		
Mr. John Flynn, Townsend	Governor	1/1/1997
Qualifications (if required): represents county attorneys		
Chief Mike Shortell, Havre	Governor	1/1/1997
Qualifications (if required): represents Chief of Police		
Mr. John Pfaff Jr., Whitefish	Governor	1/1/1997
Qualifications (if required): private citizen		
Mr. Jean A. Turnage, Helena	Governor	1/1/1997
Qualifications (if required): represents Supreme Court		
Judge Dorothy B. McCarter, Helena	Governor	1/1/1997
Qualifications (if required): judge		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Dentistry (Commerce)		
Ms. Fern Flanagan, Helena	Governor	1/4/1997
Qualifications (if required): public member and senior citizen		
Ms. Lisa J. Hinebauch, Chinook	Governor	3/29/1997
Qualifications (if required): public member		
Mr. Clifford Christenot, Libby	Governor	3/29/1997
Qualifications (if required): dentist		
Mr. Jack Traxler, Missoula	Governor	3/29/1997
Qualifications (if required): public member and senior citizen		
Ms. Carol Ann Scranton, Kalispell	Governor	3/29/1997
Qualifications (if required): dentist		
Board of Hail Insurance (Agriculture)		
Auditor Mark O'Keefe, Helena	Governor	1/1/1997
Qualifications (if required): state auditor		
Board of Health and Environmental Sciences (Health and Environmental Sciences)		
Ms. Verna Green, Helena	Governor	1/1/1997
Qualifications (if required): demonstrating an active interest in public health and the economic welfare of the state		
Dr. Raymond W. "Rib" Gustafson, Conrad	Governor	1/1/1997
Qualifications (if required): doctor of veterinary medicine licensed in state		
Dr. Frank Munshower, Bozeman	Governor	1/1/1997
Qualifications (if required): public member		
Dr. P.L. Kathrein, Great Falls	Governor	1/1/1997
Qualifications (if required): licensed professional in human health services		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Horseracing (Commerce) Dr. James A. Scott, Great Falls Qualifications (if required): represents District 3	Governor	1/20/1997
Ms. Isabelle Devlin, Terry Qualifications (if required): represents District 1	Governor	1/20/1997
Board of Housing (Commerce) Mr. Robert J. Savage, Sidney Qualifications (if required): attorney	Governor	1/1/1997
Mr. William H. Oser, Billings Qualifications (if required): public member	Governor	1/1/1997
Mr. Michael E. McKee, Hamilton Qualifications (if required): public member	Governor	1/1/1997
Mr. Paul Bankhead, Heron Qualifications (if required): public member	Governor	1/1/1997
Board of Investments (Commerce) Mr. James E. Cowan, Seeley Lake Qualifications (if required): represents Teachers' Retirement Board	Governor	1/1/1997
Ms. Sharon Walker, Helena Qualifications (if required): public member	Governor	1/1/1997
Mr. Troy W. McGee, Jr., Helena Qualifications (if required): represents public employee retirement	Governor	1/1/1997
Mr. Bill Price, Lewistown Qualifications (if required): public member	Governor	1/1/1997

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Investments (Commerce) Cont.		
Mr. Warren Vaughan, Billings	Governor	1/1/1997
Qualifications (if required): public member		
Board of Labor Appeals (Labor and Industry)		
Mr. Daniel Johns, Kalispell	Governor	1/1/1997
Qualifications (if required): member not an employee of state government		
Mr. Joseph E. Thares, Helena	Governor	1/1/1997
Qualifications (if required): member not an employee of state government		
Board of Livestock (Livestock)		
Ms. Nancy Espy, Broadus	Governor	3/1/1997
Qualifications (if required): cattle producer from Eastern District		
Mr. James F. Hagenbarth, Dillon	Governor	3/1/1997
Qualifications (if required): cattle producer from Western District		
Board of Natural Resources and Conservation (Natural Resources and Conservation)		
Ms. Mary Ann Sharon, Dillon	Governor	1/1/1997
Qualifications (if required): attorney		
Ms. Mary Hinebaugh, Rosebud	Governor	1/1/1997
Qualifications (if required): public member		
Mr. Barton Cooper, Boulder	Governor	1/1/1997
Qualifications (if required): public member		
Dr. John Brower, Butte	Governor	1/1/1997
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Oil and Gas Conservation (Natural Resources and Conservation)	Governor	1/1/1997
Mr. George Galuska, Billings		
Qualifications (if required): represents oil and gas industry		
Ms. Judy Peland, Shelby	Governor	1/1/1997
Qualifications (if required): represents public at large		
Mr. Stanley Lund, Reserve	Governor	1/1/1997
Qualifications (if required): represents public at large		
Mr. David Ballard, Billings	Governor	1/1/1997
Qualifications (if required): represents oil and gas industry		
Board of Pardons (Corrections and Human Services)		
Ms. Mary Jo Fox, Billings	Governor	1/1/1997
Qualifications (if required): auxiliary member		
Ms. Julene P. Kennerly, Browning	Governor	1/2/1997
Qualifications (if required): has knowledge of Native American issues		
Mr. John G. Thomas, Helena	Governor	1/2/1997
Qualifications (if required): none specified		
Board of Passenger Tramway Safety (Commerce)		
Mr. Kevin Taylor, Marysville	Governor	1/1/1997
Qualifications (if required): ski area operator		
Mrs. Helen Nelson, Kalispell	Governor	1/1/1997
Qualifications (if required): skiing public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

Board/current position holder	Appointed by	Term end
Board of Personnel Appeals (Labor and Industry)		
Mr. Brad Talcott, Great Falls	Governor	1/1/1997
Qualifications (if required): represents general labor-management		
Mr. Steven R. Henry, Billings	Governor	1/1/1997
Qualifications (if required): represents labor		
Mr. Thomas Schneider, Helena	Governor	1/1/1997
Qualifications (if required): represents labor		
Board of Physical Therapy Examiners (Commerce)		
Mr. John Delano, Helena	Governor	1/1/1997
Qualifications (if required): public member		
Dr. Allen Weinert, Jr., Helena	Governor	1/1/1997
Qualifications (if required): medical doctor		
Ms. Christine Jensen, Clinton	Governor	1/1/1997
Qualifications (if required): public member		
Board of Public Education (Education)		
Mr. Ronald N. Fernellius, Missoula	Governor	1/1/1997
Qualifications (if required): resident of the Western Congressional District		
Board of Regents of Higher Education (Education)		
Mr. Kermit R. Schwanke, Missoula	Governor	2/1/1997
Qualifications (if required): Republican from Western Congressional District		
Board of Respiratory Care Practitioners (Commerce)		
Mr. Paul A. Bergman, Miles City	Governor	1/1/1997
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Respiratory Care Practitioners (Commerce) Cont.		
Ms. Iris L. Bungay, Cut Bank	Governor	1/1/1997
Qualifications (if required): respiratory care practitioner		
Mr. John H. Gildersleeve, Helena	Governor	1/1/1997
Qualifications (if required): respiratory care practitioner		
Board of Science and Technology Development (Commerce)		
Mr. Loren Smith, Great Falls	Governor	1/1/1997
Qualifications (if required): public sector representative		
Board of Social Work Examiners and Professional Counselors (Commerce)		
Mr. C. James Armstrong, Fort Harrison	Governor	1/1/1997
Qualifications (if required): licensed professional social worker		
Mr. Ervin Booth, Roundup	Governor	1/1/1997
Qualifications (if required): licensed professional counselor		
Ms. Mary Meis, Conrad	Governor	1/1/1997
Qualifications (if required): licensed professional social worker		
Mr. Patrick Wolberd, Billings	Governor	1/1/1997
Qualifications (if required): licensed social worker		
Capitol Advisory Council (Administration)		
Mr. Paul Putz, Vermillion	Director	1/25/1997
Qualifications (if required): none specified		
Children's Trust Fund Board (Family Services)		
Ms. Gail Flack, Hardin	Governor	1/1/1997
Qualifications (if required): public member		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Children's Trust Fund Board (Family Services) Cont. Ms. Karen Ortmann, Glasgow Qualifications (if required): public member	Governor	1/1/1997
Coal Board (Commerce) Mr. Roger Knapp, Hysham Qualifications (if required): resides in impact area	Governor	1/1/1997
Mr. Alan Evans, Roundup Qualifications (if required): resides in impact area	Governor	1/1/1997
Mr. Gerald Feda, Glasgow Qualifications (if required): public member	Governor	1/1/1997
Commission for Human Rights (Labor and Industry) Ms. Evelyn Stevenson, Pablo Qualifications (if required): attorney	Governor	1/1/1997
Ms. S. Jane Lopp, Kalispell Qualifications (if required): public member	Governor	1/1/1997
Ms. Gloria "Patt" Pattison Etchart, Glasgow Qualifications (if required): public member	Governor	1/1/1997
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services) Ms. Joyce Curtis, Choteau Qualifications (if required): represents Region II	Governor	1/1/1997
Mr. Thomas Price, Eureka Qualifications (if required): represents Region V	Governor	1/1/1997

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

Board/current position holder	Appointed by	Term end
Developmental Disabilities Planning and Advisory Council (Social and Rehabilitation Services) Cont.		
Mr. Kenneth J. Kronebusch, Conrad	Governor	1/1/1997
Qualifications (if required): none specified		
Mr. Kenneth Kaline, Ashland	Governor	1/1/1997
Qualifications (if required): Native American with disabled family member		
Representative Roger Somerville, Lakeside	Governor	1/1/1997
Qualifications (if required): state representative		
Mr. Peyton Terry, Glasgow	Governor	1/1/1997
Qualifications (if required): represents Region I		
Mr. Bob Anderson, Helena	Governor	1/1/1997
Qualifications (if required): represents Region III and a consumer		
Mr. James W. Royan, Missoula	Governor	1/1/1997
Qualifications (if required): represents Region III and a consumer		
Ms. Florence Massey, Billings	Governor	1/1/1997
Qualifications (if required): represents Region III and a consumer		
Mr. Cary Lund, Helena	Governor	1/1/1997
Qualifications (if required): represents Region III and a consumer		
Mr. Randy Cochran, Billings	Governor	1/1/1997
Qualifications (if required): represents Region III and a consumer		
Ms. Mary Lynn Donnelly, Helena	Governor	1/1/1997
Qualifications (if required): represents Region III and a consumer		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>Fish, Wildlife, and Parks Commission</u> (Fish, Wildlife, and Parks) Mr. Charles R. Decker, Libby Qualifications (if required): represents District I	Governor	1/1/1997
Mr. Stanley F. Meyer, Great Falls Qualifications (if required): represents District III	Governor	1/1/1997
Mr. David Simpson, Hardin Qualifications (if required): represents District V	Governor	1/1/1997
<u>Hard Rock Mining Impact Board</u> (Commerce) Ms. Carol Kienenberger, Malta Qualifications (if required): represents major financial institution in Montana	Governor	1/1/1997
Mr. Dick Heineman, Wibaux Qualifications (if required): county commissioner	Governor	1/1/1997
Mr. James McCauley, Boulder Qualifications (if required): public member residing in an impact area	Governor	1/1/1997
Mr. Roger W. Kornder, Lincoln Qualifications (if required): represents major financial institution in Montana	Governor	1/1/1997
<u>Judicial Nomination Commission</u> (Justice) Mr. C. David Bliss, Conrad Qualifications (if required): lay member	Governor	1/1/1997
<u>Milk Control Board</u> (Commerce) Ms. Dixie S. Hertel, Moore Qualifications (if required): Republican from Congressional District 2	Governor	1/1/1997
Mr. Milton "Swede" Olson, Whitewater Qualifications (if required): Republican from Congressional District 2	Governor	1/1/1997

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Milk Control Board (Commerce) Cont. Mr. Jesse Russell Gleason, Fairfield Qualifications (if required): Republican from Congressional District 2	Governor	1/1/1997
Montana Arts Council (Education) Ms. Beth Collier, Shelby Qualifications (if required): public member	Governor	2/1/1997
Mr. John B. Dudis, Kalispell Qualifications (if required): public member	Governor	2/1/1997
Mr. James M. Haughey, Billings Qualifications (if required): public member	Governor	2/1/1997
Ms. Carol Novotne, Fort Harrison Qualifications (if required): none specified	Governor	2/1/1997
Ms. Carol Brenden, Scooby Qualifications (if required): public member	Governor	2/1/1997
Montana Boating Advisory Council (Fish, Wildlife, and Parks) Mr. Tim Crawford, Helena Qualifications (if required): none specified	Director	1/1/1997
Ms. Diane Brandt, Glasgow Qualifications (if required): none specified	Director	1/1/1997
Mr. Dave Seyfert, Kalispell Qualifications (if required): none specified	Director	1/1/1997
Montana Health Facility Authority Board (Commerce) Ms. Gayle Carpenter, Helena Qualifications (if required): public member	Governor	1/1/1997

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Health Facility Authority Board (Commerce) Cont.		
Mr. Michael P. Varone, Helena Qualifications (if required): expert in banking	Governor	1/1/1997
Ms. Joyce Asay, Forsyth		
Qualifications (if required): expert in hospital administration	Governor	1/1/1997
Dr. Amos R. Little, Jr., Helena		
Qualifications (if required): public member	Governor	1/1/1997
Montana Highway Commission (Transportation)		
Mr. Thom R. Forseth, Billings Qualifications (if required): Independent from District V	Governor	1/1/1997
Ms. Patricia Abelin, Bozeman		
Qualifications (if required): Republican from District 2	Governor	1/1/1997
Mr. Wally R. Bell, Helena		
Qualifications (if required): Republican from District 3	Governor	1/1/1997
Montana Medicaid Advisory Council (Social and Rehabilitation Services)		
Mr. Hank Hudson, Helena Qualifications (if required): none specified	Director	1/31/1997
Ms. Dorinda Orrell, Belgrade		
Qualifications (if required): none specified	Director	1/31/1997
Mr. Fred Patten, Helena		
Qualifications (if required): none specified	Director	1/31/1997
Mr. Dale Taliaferro, Helena		
Qualifications (if required): none specified	Director	1/31/1997

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Medicaid Advisory Council (Social and Rehabilitation Services) Cont.		
Ms. Stephanie Nelson, Bozeman	Director	1/31/1997
Qualifications (if required): none specified		
Ms. Nancy Ellery, Helena	Director	1/31/1997
Qualifications (if required): none specified		
Mr. Erich Merdinger, Helena	Director	1/31/1997
Qualifications (if required): none specified		
Ms. Dot Thiel, Great Falls	Director	1/31/1997
Qualifications (if required): none specified		
Dr. Bill Peters, Bozeman	Director	1/31/1997
Qualifications (if required): none specified		
Mr. Paul Peterson, Missoula	Director	1/31/1997
Qualifications (if required): none specified		
Mr. Larry Robinson, Ronan	Director	1/31/1997
Qualifications (if required): none specified		
Montana State Lottery Commission (Commerce)		
Ms. Becky Erickson, Glasgow	Governor	1/1/1997
Qualifications (if required): public member		
Sheriff Cliff Brophy, Columbus	Governor	1/1/1997
Qualifications (if required): law enforcement officer		
Science and Technology Development Board (Commerce)		
Mr. Will Brooke, Bozeman	Governor	1/1/1997
Qualifications (if required): from private sector and an attorney		

VACANCIES ON BOARDS AND COUNCILS -- January 1, 1997 through March 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Social and Rehabilitation Appeals Board (Social and Rehabilitation Services)		
Ms. Gloria Paladichuk, Sidney	Governor	1/1/1997
Qualifications (if required): public member		
State Tax Appeal Board (Administration)		
Mr. Gregory Thorquist, Billings	Governor	3/1/1997
Qualifications (if required): public member		
Tax Policy Task Force (Revenue)		
Ms. Sue Olson, Roundup	Governor	1/1/1997
Qualifications (if required): public member		
Representative Jerry L. Driscoll, Billings		
Qualifications (if required): public member	Governor	1/1/1997
Ms. Susan Good, Great Falls		
Qualifications (if required): public member	Governor	1/1/1997
Ms. Candace Torgerson, Helena		
Qualifications (if required): public member	Governor	1/1/1997
Mr. Dennis Burr, Helena		
Qualifications (if required): public member	Governor	1/1/1997
Ms. Delores Storm, Forsyth		
Qualifications (if required): public member	Governor	1/1/1997
Mr. Bill Chapman, Cut Bank		
Qualifications (if required): public member	Governor	1/1/1997
Mr. Jerry Pederson, Butte		
Qualifications (if required): public member	Governor	1/1/1997