

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 19

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 The Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

| | | |
|-------------------------------------|---|--------------------------|
| In the matter of the proposed |) | NOTICE OF PUBLIC HEARING |
| amendment of ARM 10.54.5010 through |) | ON PROPOSED AMENDMENT |
| 10.54.5013, 10.54.5020 through |) | |
| 10.54.5023, 10.54.5030 through |) | |
| 10.54.5033, 10.54.5040 through |) | |
| 10.54.5043, 10.54.5050 through |) | |
| 10.54.5053, 10.54.5060 through |) | |
| 10.54.5063, and 10.54.5087 through |) | |
| 10.54.5098 relating to science |) | |
| content standards and performance |) | |
| descriptors |) | |

TO: All Concerned Persons

1. On October 31, 2006, at 9:00 a.m. a public hearing will be held in the conference room of the Office of the Commissioner of Higher Education, 46 North Last Chance Gulch, Helena, Montana, to consider the amendment of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on October 17, 2006, to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

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

10.54.5010 SCIENCE CONTENT STANDARD 1 (1) To satisfy the requirements of science content standard 1, a student must, through the inquiry process, demonstrate the ability ~~be able~~ to design, conduct, evaluate, and communicate results and reasonable conclusions of scientific investigations.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5011 BENCHMARK FOR SCIENCE CONTENT STANDARD 1 FOR END OF GRADE 4 (1) The benchmark for science content standard 1 at the end of grade 4 is that the student will ~~the ability to~~:

(a) ~~plan, design, and safely conduct a scientific investigation with identified variables when given a testable question~~ develop the abilities necessary to safely conduct scientific inquiry, including (a step-by-step sequence is not implied):

- (i) asking questions about objects, events, and organisms in the environment; and
- (ii) planning and conducting simple investigations;
- (b) select and accurately use appropriate tools, including technology, to measure standard international or metric units, process, and analyze results of a make measurements (including metric units) and represent results of basic scientific investigations;
- (c) represent, use data to describe and communicate, and provide supporting evidence the results of scientific investigations;
- (d) describe relationships among parts of a familiar system (e.g., digestive system, simple machines) and identify and record changes and patterns of changes in the system use models that illustrate simple concepts and compare those models to the actual phenomenon;
- (e) construct models that illustrate simple concepts and compare those models to what they represent identify a valid test in an investigation; and
- (f) communicate results from a controlled experiment that are reproducible identify how observations of nature form an essential base of knowledge among the Montana American Indians.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5012 BENCHMARK FOR SCIENCE CONTENT STANDARD 1 FOR END OF GRADE 8 (1) The benchmark for science content standard 1 at the end of grade 8 is the ability to that the student will:

- (a) identify a question, determine relevant variables and a control, formulate a testable hypothesis, control and manipulate variables, devise and safely conduct experiments, predict outcomes, and compare and analyze results plan and predict the outcome of an investigation, safely conduct a scientific investigation, and compare and analyze data;
- (b) select and accurately use appropriate equipment and tools including technology to make measurements standard international or (in metric units), gather, process, and analyze data from a scientific investigations;
- (c) review, communicate, and defend results of investigations, and question results of investigations if different from predicted including considering alternative explanations;
- (d) analyze the processes, parts and sub-systems of familiar systems (e.g., electrical circuits, bacteria), and infer cause and effect relationships among components of the system;
- (e) create models to illustrate scientific concepts and use the model to predict change (e.g., computer simulation, a stream table, and graphic representation); and
- (e) identify strengths and weakness in an investigation design; and
- (f) distinguish between controlled and uncontrolled experiments by consistency of results compare how observations of nature form an essential base of knowledge among the Montana American Indians.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5013 BENCHMARK FOR SCIENCE CONTENT STANDARD 1 UPON GRADUATION (1) The benchmark for science content standard 1 upon graduation is the ability to that the student will:

(a) ~~identify a testable question~~ generate a question, identify dependent and independent variables, formulate a testable, multiple hypotheses, based on prior scientific knowledge, identify dependent and independent variables, plan an investigation, predict its outcome, safely conduct the scientific experiment investigations, and collect and analyze data;

(b) ~~select and use appropriate means for representing, communicating, and defending results of investigations and scientific and technological arguments tools, including technology, to make measurements (in metric units), gather, process and analyze data from scientific investigations~~ using appropriate mathematical analysis, error analysis, and graphical representation;

(c) ~~question conclusions with insufficient supporting evidence, and recognize that the results of a scientific investigation are always open to revision by further experiments~~ review evidence, communicate and defend results, and recognize that the results of a scientific investigation are always open to revision by further investigations (e.g., through graphical representation or charts);

(d) ~~analyze and apply the concepts of change and equilibrium in a variety of systems (e.g., geochemical systems, global climate) observations and explain with scientific understanding to develop a plausible model (e.g., atom and expanding universe);~~

(e) ~~compare observations of the real world to observations of a constructed model~~ identify strengths, weaknesses, and assess the validity of the experimental design of an investigation through analysis and evaluation; and

(f) ~~investigate and evaluate science studies and identify strengths and weaknesses in experimental design~~ explain how observations of nature form an essential base of knowledge among the Montana American Indians.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5020 SCIENCE CONTENT STANDARD 2 (1) To satisfy the requirements of science content standard 2, a student must, through the inquiry process, be able to demonstrate knowledge of properties, forms, changes, and interactions of physical and chemical systems.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5021 BENCHMARK FOR SCIENCE CONTENT STANDARD 2 FOR END OF GRADE 4 (1) The benchmark for science content standard 2 at the end of grade 4 is the ability to that the student will:

(a) ~~examine, describe, compare, and classify tangible objects in terms of common physical properties;~~

~~(b) create mixtures and separate them based on different physical properties (e.g., salt and sand, iron filings and soil, oil and water);~~

~~(b) examine, measure, describe, compare, and classify objects in terms of common physical properties;~~

~~(c) identify the basic characteristics of light, heat, motion, magnetism, electricity, and sound;~~

~~(e) (d) model and explain that matter exists as solids, liquids, and gases and can change from one form to the another;~~

~~(d) identify and predict what changes and what remains unchanged when matter experiences an external influence;~~

~~(e) identify that the position of an object can be described by its location relative to another object and its motions described and measured by external forces acting upon it;~~

~~(e) (f) identify, build, and describe mechanical systems and the forces acting within those systems; (e.g., simple and complex machines); and~~

~~(f) describe the basic characteristics of light, heat, magnetism, and sound.~~

~~(g) observe, measure, and manipulate forms of energy, sound, light, heat, electrical, and magnetic.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5022 BENCHMARK FOR SCIENCE CONTENT STANDARD 2 FOR END OF GRADE 8 (1) The benchmark for science content standard 2 at the end of grade 8 is ~~the ability to~~ that the student will:

~~(a) examine, describe, compare, and classify objects and substances based on common physical properties and simple chemical properties;~~

~~(b) classify, describe, and manipulate the physical models of matter in terms of elements, and compounds, pure substances and mixtures, and atoms, and molecules;~~

~~(b) examine, describe, compare, and classify objects and substances based on common physical properties and simple chemical properties;~~

~~(c) model and explain that states of matter, solids, liquids, and gases, are dependent upon the quantity of energy present in the system describe energy and compare and contrast the energy transformations and the characteristics of light, heat, motion, magnetism, electricity, sound, and mechanical waves;~~

~~(d) identify and predict what will change and what will remain unchanged model and explain the states of matter are dependent upon the quantity of energy present in the system and describe what will change and what will remain unchanged at the particulate level when matter experiences an external force or energy change;~~

~~(e) identify, build, describe, measure, and analyze mechanical systems (e.g., simple and complex machines) describe and explain the motion of an object in terms of its position, direction, and speed as well as the forces acting upon it; and~~

~~(f) define energy and compare and contrast the characteristics of light, heat, motion, magnetism, electricity, sound, and mechanical waves. identify, build, describe, measure, and analyze mechanical systems (e.g., simple and complex~~

compound machines) and describe the forces acting within those systems; and
(g) give examples and describe how energy is transferred and conserved
(e.g., electric to light and heat [light bulb], chemical to mechanical [fuel to
propulsion]).

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5023 BENCHMARK FOR SCIENCE CONTENT STANDARD 2 UPON
GRADUATION (1) The benchmark for science content standard 2 upon graduation
is the ability to that the student will:

(a) ~~classify and predict chemical and physical properties of matter (e.g.,~~
electrical charge, current, pH) describe the structure of atoms, including knowledge
of:

(i) subatomic particles and their relative masses, charges, and locations
within the atom;

(ii) the electrical and nuclear forces that hold the atom together;

(iii) fission and fusion; and

(iv) radioactive decay;

(b) ~~describe and explain physical interactions of matter using conceptual~~
models (e.g., conservation laws of matter, particle model for gaseous behavior)
explain how the particulate-level structure and properties of matter affect its
macroscopic properties, including the effective of:

(i) valence electrons on the chemical properties of elements and the resulting
periodic trends in these properties;

(ii) chemical bonding;

(iii) molecular geometry and intermolecular forces;

(iv) kinetic molecular theory on phases of matter; and

(v) carbon-carbon atom bonding on biomolecules;

(c) ~~identify, measure, calculate, and analyze quantitative and qualitative~~
relationships associated with matter and energy transfer or transformation
describe the major features associated with chemical reactions, including:

(i) giving examples of reactions important to industry and living organism;

(ii) energy changes associated with chemical changes;

(iii) classes of chemical reactions;

(iv) rates of reactions; and

(v) the role of catalysts;

(d) ~~describe and predict chemical reactions and physical interaction of matter~~
using words and symbolic equations
identify, measure, calculate, and analyze
relationships associated with matter and energy transfer or transformations and the
associated conservation of mass;

(e) ~~identify the four fundamental forces (gravity, magnetic, weak nuclear~~
force, and strong nuclear force) of nature and describe the impact of each on matter;
and
explain the interactions between motions and forces, including:

(i) the laws of motion; and

(ii) an understanding of the gravitational and electromagnetic forces;

(f) ~~identify, describe, and explain physical and chemical changes involving~~

~~the conservation of matter and energy and entropy in a closed system.~~ explain how energy is stored, transferred, and transformed, including:

- (i) the conservation of energy;
- (ii) kinetic and potential energy and energy contained by a field;
- (iii) heat energy and atomic and molecular motion; and
- (iv) energy tends to change from concentrated to diffuse; and
- (g) describe how energy and matter interact, including:
 - (i) waves;
 - (ii) the electromagnetic spectrum;
 - (iii) quantization of energy; and
 - (iv) insulators and conductors.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5030 SCIENCE CONTENT STANDARD 3 (1) To satisfy the requirements of science content standard 3, ~~a students,~~ through the inquiry process, ~~must be able to~~ demonstrate knowledge of characteristics, structures and function of living things, the process and diversity of life, and how living organisms interact with each other and their environment.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5031 BENCHMARK FOR SCIENCE CONTENT STANDARD 3 FOR END OF GRADE 4 (1) The benchmark for science content standard 3 at the end of grade 4 is ~~the ability to~~ that students will:

- (a) identify that plants and animals have structures and systems ~~which~~ that serve different functions for growth, survival, and reproduction;
- (b) identify, ~~and describe basic requirements of energy needed and~~ measure, and describe basic requirements of energy and nutritional needs for ~~each human body system~~ an organism;
- (c) ~~develop~~ describe and use models that trace the life cycles of different plants and animals and discuss how they differ from species to species;
- (d) explain cause and effect relationships in ~~between living systems and non-living~~ and living components within ecosystems ~~and explain individual response to the changes in the environment including identifying differences between inherited,~~ instinctual, and learned behaviors; and
- (e) create and use a classification system to group a variety of plants and animals according to their similarities and differences.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5032 BENCHMARK FOR SCIENCE CONTENT STANDARD 3 FOR END OF GRADE 8 (1) The benchmark for science content standard 3 at the end of grade 8 is ~~the ability to~~ that the student will:

(a) compare the structure and function of prokaryotic cells (bacteria) and eukaryotic cells (plant, animal, etc.) including the levels of organization of the structure and function, particularly with humans;

(b) explain how organisms and systems of organisms obtain and use energy resources to maintain stable conditions ~~and how they respond to stimuli~~ (e.g., food webs, photosynthesis, respiration);

(c) communicate the differences in the reproductive processes of a variety of plants and animals using the principles of genetic modeling (e.g., Punet squares);

(d) investigate and explain the interdependent nature of ~~biological systems~~ populations and communities in the environment and describe how they are affected by human interaction; and species in these populations adapt by evolving; and

(e) create and use a basic classification scheme to identify ~~local~~ plants and animals.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5033 BENCHMARK FOR SCIENCE CONTENT STANDARD 3 UPON GRADUATION (1) The benchmark for science content standard 3 upon graduation ~~is the ability to~~ that the student will:

(a) investigate and use appropriate technology to demonstrate that all cells have common features ~~as well as~~ including differences that determine function and that they are composed of common building blocks (e.g., proteins, carbohydrates, nucleic acids, and lipids);

(b) describe and explain the complex processes involved in energy use in cell maintenance, growth, repair, and development;

(c) model the structure of DNA; and protein synthesis; ~~and~~ discuss the molecular basis of heredity; and explain how it contributes to the diversity of life;

(d) predict and model the interaction of biotic and abiotic factors, ~~which limit that affect~~ populations through {natural selection} and explain how this contributes to the change evolution of a species over time ~~(evolution)~~; and

(e) generate and apply a biological classification schemes to infer and discuss the degree of ~~species~~ divergence between ~~using~~ local ecosystems.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5040 SCIENCE CONTENT STANDARD 4 (1) To satisfy the requirements of science content standard 4, a students must, through the inquiry process, be able to demonstrate knowledge of the composition, structures, processes, and interactions of earth's systems and other objects in space.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5041 BENCHMARK FOR SCIENCE CONTENT STANDARD 4 FOR END OF GRADE 4 (1) The benchmark for science content standard 4 at the end

of grade 4 is ~~the ability to~~ that the student will:

- (a) describe and give examples of earth's changing features;
- (b) describe and measure the physical properties of earth's basic materials (e.g., including soil, rocks, water, and gases) and the resources they provide;
- (c) investigate fossils and make inferences about life, the plants, animals, and the environment ~~long ago~~ at that time;
- (d) observe and describe the water cycle and the local weather and demonstrate how weather conditions are measured;
- (e) identify seasons and explain the difference between weather and climate; ~~and~~
- (f) ~~describe~~ identify objects (e.g., moon, stars, and meteors) in the sky and their patterns of movement and explain that light and heat come from a star called the sun; ~~and~~
- (g) identify technology and methods used for space exploration (e.g., star parties, space shuttles, and telescopes).

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5042 BENCHMARK FOR SCIENCE CONTENT STANDARD 4 FOR END OF GRADE 8 (1) The benchmark for science content standard 4 at the end of grade 8 is ~~the ability to~~ that the student will:

- (a) model and explain the internal structure of the earth and describe the formation and composition of earth's external features in terms of the rock cycle and plate tectonics and constructive and destructive forces;
- (b) differentiate between rocks types and mineral types and classify ~~rocks~~ both by how they are formed and the utilization by humans;
- (c) ~~explain scientific theories about the origin and evolution of the earth by describing how fossils are used as evidence of climatic change over time~~ use fossils to describe the geological timeline;
- (d) describe the water cycle, the composition and structure of the atmosphere, and the impact of oceans on large scale weather patterns;
- (e) describe and model the motion and tilt of earth in relation to the sun, and explain the concepts of day, night, seasons, year, and climatic changes; ~~and~~
- (f) describe the earth, moon, planets, and other objects in space in terms of size, force of gravity, structure, and movement in relation to the sun; ~~and~~
- (g) identify scientific theories about the origin and evolution of the earth and solar system.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5043 BENCHMARK FOR SCIENCE CONTENT STANDARD 4 UPON GRADUATION (1) The benchmark for science content standard 4 upon graduation is ~~the ability to~~ that the student will:

- (a) ~~use~~ understand the theory of plate tectonics ~~to~~ and how it explains the interrelationship ~~among~~ between earthquakes, volcanoes, and sea floor spreading;

(b) identify and classify rocks and minerals based on physical and chemical properties and the utilization by humans (e.g., natural resources and building materials);

(c) ~~relate how evidence from advanced technology applied to scientific investigations (e.g., large telescopes, space-borne observatories) has dramatically impacted our understanding of the origin, size, and evolution of the universe~~ explain scientific theories about how fossils are used as evidence of changes over time;

(d) collect and analyze local, and regional, ~~and global~~ weather-related data in order to make inferences and predictions about weather patterns; explain factors influencing global weather and climate; and describe the impact on earth of fluctuations in weather and climate (e.g., drought, surface and ground water, and glacier instability);

(e) explain the impact of terrestrial, solar, oceanic, and atmospheric conditions on global climatic patterns; ~~and~~

(f) describe the origin, location, and evolution of stars and their planetary systems related in respect to the solar system, the Milky Way galaxy, the local galactic group, and the universe; ~~and~~

(g) relate how evidence from advanced technology applied to scientific investigations (e.g., large telescopes and space borne observatories) has dramatically impacted our understanding of the origin, size, and evolution of the universe.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5050 SCIENCE CONTENT STANDARD 5 (1) To satisfy the requirements of science content standard 5, a students must, through the inquiry process, be able to understand how scientific knowledge and technological developments impact communities, cultures, and societies.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5051 BENCHMARK FOR SCIENCE CONTENT STANDARD 5 FOR END OF GRADE 4 (1) The benchmark for science content standard 5 at the end of grade 4 is ~~the ability to~~ that the student will:

(a) ~~give~~ describe and discuss examples of how people use science and technology;

(b) describe a scientific or technological innovation that impacts communities, cultures, and societies;

(b) (c) ~~model~~ simulate scientific collaboration by sharing and communicating ideas and solutions in a variety of cooperative settings identify and describe problems;

(e) (d) ~~use current~~ scientific knowledge to make inferences and propose solutions for local simple environmental problems (e.g., recycling, waste management); and

(d) ~~identify a scientific or technological innovation that benefits the~~

community.

(e) identify how the knowledge of science and technology influenced the development of the Montana American Indian cultures.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5052 BENCHMARK FOR SCIENCE CONTENT STANDARD 5 FOR END OF GRADE 8 (1) The benchmark for science content standard 5 at the end of grade 8 is ~~the ability to~~ that the student will:

~~(a) identify~~ describe the specific fields of ~~scientific endeavor and related science and technology as they relate to~~ occupations within those fields;

~~(b) apply scientific knowledge and process skills to understand issues and everyday events;~~

~~(b) (c) model~~ simulate collaborative problem solving and give examples of how scientific knowledge and technology are is shared, ~~critiqued, and scrutinized by with~~ other scientists and the public;

~~(c) (d) use scientific knowledge to investigate local problems and/or issues and their proposed solutions or products that address a need, which considers variables (e.g., environmental risks); and~~ evaluate those solutions while considering environmental impacts; and

~~(d) apply scientific knowledge and process skills to understand issues and everyday events.~~

(e) describe how the knowledge of science and technology influenced the development of the Montana American Indian cultures.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5053 BENCHMARK FOR SCIENCE CONTENT STANDARD 5 UPON GRADUATION (1) The benchmark for science content standard 5 upon graduation is ~~the ability to~~ that the student will:

~~(a) identify and describe~~ predict how key factors (e.g., technology, competitiveness, and world events) ~~that~~ affect the development and acceptance of scientific thought;

~~(b) give examples of scientific innovation challenging commonly held perceptions;~~

~~(b) (c) evaluate model~~ the ongoing, collaborative scientific process ~~of by gathering and evaluating information (e.g., assess evidence for and against theories, look for patterns, devise and retest different models)~~ critiquing information;

~~(c) (d) analyze benefits, limitations, costs, consequences, and ethics involved in using scientific and technological innovations (e.g., biotechnology and environmental issues); to make reasoned decisions; and~~

~~(d) give examples of scientific innovation challenging commonly held perceptions.~~

(e) explain how the knowledge of science and technology applies to contemporary Montana American Indian communities (e.g., natural resources

development, management, and conservation).

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5060 SCIENCE CONTENT STANDARD 6 (1) To satisfy the requirements of science content standard 6, a students must ~~be able to~~ understand historical developments in science and technology.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5061 BENCHMARK FOR SCIENCE CONTENT STANDARD 6 FOR END OF GRADE 4 (1) The benchmark for science content standard 6 at the end of grade 4 is ~~the ability to~~ that the student will:

(a) give historical examples of scientific and technological contributions to ~~society; and~~ communities, cultures, and societies, including Montana American Indian examples;

(b) describe how scientific inquiry has produced much knowledge about the world ~~and a variety of contributions toward understanding events and phenomenon within the universe; and~~

(c) describe science as a human endeavor and an ongoing process.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5062 BENCHMARK FOR SCIENCE CONTENT STANDARD 6 FOR END OF GRADE 8 (1) The benchmark for science content standard 6 at the end of grade 8 is ~~the ability to~~ that the student will:

(a) ~~trace developments that demonstrate scientific knowledge is subject to change as new evidence becomes available; and~~ give examples of scientific discoveries and describe the interrelationship between technological advances and scientific understanding, including Montana American Indian examples;

(b) identify major milestones in science that have impacted science, technology, and society; ~~and~~

(c) describe and explain science as a human endeavor and an on-going process.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5063 BENCHMARK FOR SCIENCE CONTENT STANDARD 6 UPON GRADUATION (1) The benchmark for science content standard 6 upon graduation is ~~the ability to~~ that the student will:

(a) ~~give examples of scientific discoveries and describe the interrelationship between technological advances and scientific understanding; and~~ analyze and illustrate the historical impact of scientific and technological advances, including

Montana American Indian examples:

~~(b) analyze and illustrate the historical impact of scientific and technological advances.~~ trace developments that demonstrate scientific knowledge is subject to change as new evidence becomes available; and

~~(c) describe, explain, and analyze science as a human endeavor and an on-going process.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5087 ADVANCED SCIENCE PERFORMANCE STANDARDS
DESCRIPTORS FOR END OF GRADE 4 (1) A fourth-grade student at the

advanced level in science demonstrates superior performance. He/she:

~~(a) conducts simple experiments and identifies the variables safely~~ completes a simple investigation by asking questions, using appropriate tools and with identified variables, identifies relations and communicates results;

~~(b) accurately identifies cause and effect relationships and clearly communicates these observations~~ selects and accurately uses tools for measurement of solids, liquids, and gases, identifying properties of each state of matter and describes and models characteristics of and changes within physical and mechanical systems;

~~(c) consistently and accurately selects and uses appropriate tools for measurement of tangible objects~~ identifies multiple attributes of biotic (living) and abiotic (nonliving) objects, including classification based on similarities and differences, and describes and models structures, functions, and processes of biotic (living) and abiotic (nonliving) systems;

~~(d) identifies and describes specific properties of each state of matter~~ describes and explains the details of earth's physical features and cycles;

~~(e) recognizes multiple attributes of living things and tangible objects and classifies objects based on subtle similarities and differences~~ discusses interactions between technology, science, and society;

~~(f) describes and models structures, functions, and processes of living systems~~ independently reads scientific information in the news and is able to discuss the possible impact on local problems;

~~(g) thoroughly describes and creatively models the details of earth's features and cycles;~~

~~(h) describes and models characteristics of and changes within physical and mechanical systems;~~

~~(i) independently explores scientific exploration in the news and discusses the possible impacts of past, present, and future scientific exploration on humans and other life; and~~

~~(j) thoughtfully discusses~~ identifies multiple attributes of the historical significance of scientists and discusses the impacts of their discoveries on humans today; and

(h) identifies multiple attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5088 PROFICIENT SCIENCE PERFORMANCE STANDARDS
DESCRIPTORS FOR END OF GRADE 4 (1) A fourth-grade student at the

proficient level in science demonstrates solid academic performance. He/she:

(a) ~~with direction, safely~~ completes a simple ~~experiment and identifies the manipulated variable, with assistance~~ investigation by asking questions with identified variables, uses appropriate tools, and communicates results;

(b) ~~identifies cause and effect relationships and communicates these observations;~~

(c) ~~accurately~~ selects and uses tools for simple measurement of ~~tangible objects~~ solids, liquids, and gases, identifying properties of each state of matter and describes and models characteristics of and changes within basic physical and mechanical systems;

(c) identifies attributes of biotic (living) things and abiotic (nonliving) objects, including classification based on similarities and differences, basic structure, function, and processes of each system;

(d) ~~identifies and describes properties of each state of matter;~~

(e) ~~recognizes attributes of living things and tangible objects and accurately classifies objects based on similarities and differences;~~

(f) ~~describes structures, functions, and processes of living systems;~~

(g) ~~identifies and accurately illustrates earth's features, locating several observable changes of those features;~~

(e) identifies interactions among technology, science, and society;

(f) discusses scientific information related to current events and local problems;

(h) ~~describes characteristics of and changes within basic physical and mechanical systems; and~~

(i) (g) ~~shows interest in scientific exploration in the media and discusses the possible impacts of past, present, and future scientific exploration on humans, identifying the visible~~ identifies attributes of the historical significance of scientists and identifies the impacts of their discoveries on humans today; and

(h) identifies attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5089 NEARING-PROFICIENCY SCIENCE PERFORMANCE
STANDARDS DESCRIPTORS FOR END OF GRADE 4 (1) A fourth-grade student at the nearing-proficiency level in science demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in science. He/she:

(a) ~~completes a simple experiment, with specific direction, and sometimes identifies the manipulated variable~~ identifies and describes a simple investigation, and with step-by-step direction, given the appropriate tools, identifies and describes a simple, safe investigation;

~~(b) describes an observable change, but has difficulty identifying cause and effect relationships with direction, effectively uses tools for simple measurement of solids, liquids, and gases, naming some properties of each state of matter and names components of basic physical and mechanical systems;~~

~~(c) sometimes selects the appropriate tool and, with assistance, effectively uses devices for simple measurement of solids, liquids, and gases, naming properties of each state of matter with direction, identifies some of biotic (living) and abiotic (nonliving) objects, groups objects based on common attributes, provides basic descriptions of structure, function, and processes of a system;~~

~~(d) recognizes basic attributes of living things and tangible objects and classifies objects based on two or more common attributes with direction, identifies some and describes earth's features and recognizes simple observable changes of those features;~~

~~(e) sometimes describes structures, functions, and processes of living systems with direction, identifies some interactions among technology, science, and society;~~

~~(f) names and describes earth's features, and recognizes some observable changes of those features with direction, discusses how science plays a role in current events and local problems;~~

~~(g) names components of basic physical and mechanical systems with direction, identifies some of the historical significance of scientists, and with direction, identifies the impacts of their discoveries on humans today; and~~

~~(h) has some interest in scientific exploration in the media; and~~

~~(i) has difficulty relating historical significance of scientists and the impacts of their discoveries on humans today with direction, identifies some attributes of Montana American Indian contributions to science knowledge.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5090 NOVICE SCIENCE PERFORMANCE STANDARDS

DESCRIPTORS FOR END OF GRADE 4 (1) A fourth-grade student at the novice level in science is beginning to attain the prerequisite knowledge and skills that are fundamental in science. He/she:

~~(a) has difficulty completing a simple experiment and has limited understanding of the concept of variables with direction, identifies and describes a safe, simple investigation with identified variables;~~

~~(b) seldom describes an observable change, and rarely identifies cause and effect relationships with direction, identifies and uses tools for simple measurement of solids, liquids, and gases, and with direction, identifies basic components of basic physical and mechanical systems;~~

~~(c) seldom selects the appropriate tool and, even with assistance, has difficulty using devices for simple measurement of solids, liquids, and gases with direction, identifies basic attributes of biotic (living) and abiotic (nonliving) objects, and groups objects based on common attributes;~~

~~(d) has difficulty understanding the states of matter concept with direction, identifies basic features of the earth and identifies fundamental changes of those~~

features;

~~(e) sometimes recognizes concrete attributes of living things and tangible objects, and groups objects based on two or more common attributes~~ with direction, identifies how basic scientific inquiry can blend current events and local issues;

~~(f) gives limited descriptions of the structures, functions, and processes of living systems~~ with direction, identifies how science plays a role in current events and local problems;

~~(g) names and, with assistance, describes earth's features and recognizes some observable changes of those features~~ with direction, identifies the basic historical significance of a prominent scientist and, with direction, identifies the impact of his or her discoveries on humans today; and

~~(h) sometimes names components of basic physical and mechanical systems;~~

~~(i) shows little interest in scientific exploration in the media; and~~

~~(j) seldom relates historical significance of scientists and the impacts of their discoveries on humans today~~ with direction, identifies basic attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5091 ADVANCED SCIENCE PERFORMANCE STANDARDS
DESCRIPTORS FOR END OF GRADE 8 (1) An eighth-grade student at the advanced level in science demonstrates superior performance. He/she:

(a) ~~independently formulates and communicates~~ generates testable questions, ~~and~~ safely constructs a plan for a controlled ~~experiment~~ investigation, makes logical inferences based on observations, accurately interprets data by identifying the strengths and weaknesses in an investigation design, and communicates results;

~~(b) makes accurate inferences based on observations and data and creatively illustrates how scientific knowledge changes as new evidence and understandings are learned~~ uses physical, mental, theoretical, and mathematical models to investigate individually generated problems and/or questions;

~~(c) uses supporting details to thoughtfully and thoroughly explain the physical world~~ organizes, classifies, and describes interactions of the biotic (living) and abiotic (nonliving) parts of the biosphere as well as the natural history of interactions of life on earth and uses these skills to solve related novel (to the student) problems;

~~(d) predicts reasonable outcomes of changes within a closed system and makes logical connections to events in everyday life~~ describes, explains, and models the processes that occur in the lithosphere, hydrosphere, and atmosphere of the earth and the universe;

~~(e) independently and confidently identifies and classifies organisms using common classification schemes~~ analyzes and communicates connections and interactions among technology, science, and society by applying scientific inquiry;

~~(f) thoroughly describes the interdependence of life and the environment, and how changes affect this interrelationship~~ makes informed decisions about scientific and social issues based on observations, data, analysis, and knowledge of the

natural world and effectively communicates those decisions to others;

~~(g) accurately observes, uses, and interprets physical, theoretical, and mathematical models to effectively demonstrate and communicate knowledge and understanding~~ independently identifies and describes examples of how science and technology are the results of human activity throughout history and independently seeks new information that connects past to present; and

~~(h) effectively describes and identifies some examples of how science and technology are the results of human activity throughout history; and~~

~~(i) independently seeks new information, connects past to present, and is curious about scientific discovery and its significance~~ describes and explains multiple attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5092 PROFICIENT SCIENCE PERFORMANCE STANDARDS
DESCRIPTORS FOR END OF GRADE 8 (1) An eighth-grade student at the proficient level in science demonstrates solid academic performance. He/she:

~~(a) often formulates~~ identifies and communicates testable questions, and follows a plan for a controlled experiment safely plans and conducts experimental investigations, and communicates results;

~~(b) makes logical inferences based on observations and accurately interprets data, providing reasonable examples of how scientific knowledge changes as new evidence and understandings are learned~~ given supporting detail, describes the physical world through the application of simple chemical reactions, chemical formulas, physical, theoretical, and mathematical models;

~~(c) describes the physical world, with supporting detail, showing an emerging understanding of changes within a closed system~~ identifies and classifies biotic (living) things and abiotic (nonliving) objects through the application of common classification schemes, identifies the interdependence of life and the environment, and explains how characteristics of living things change because of the environment;

~~(d) identifies and classifies organisms, and has a rudimentary understanding of common classification schemes~~ describes and explains the structure and function of the earth's lithosphere, hydrosphere, and atmosphere and the universe;

~~(e) recognizes the interdependence of life and the environment and explains how characteristics of living things change because of the environment~~ describes connections and interactions among technology, science, and society by applying scientific inquiry;

~~(f) has an emerging understanding of physical, theoretical, and mathematical models~~ describes scientific information related to current events and the impact on local problems;

~~(g) describes and identifies local examples of how science and technology are the results of human activity throughout history~~ independently identifies and describes examples of how science and technology are the results of human activity throughout history and, with direction, seeks new information that connects past to present; and

~~(h) is often curious about new information and connects past to present~~

describes and explains attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5093 NEARING-PROFICIENCY SCIENCE PERFORMANCE STANDARDS DESCRIPTORS FOR END OF GRADE 8 (1) An eighth-grade student at the nearing-proficiency level in science demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in science.

He/she:

(a) ~~sometimes formulates and~~ with step-by-step direction, identifies and communicates testable questions and, ~~with assistance, completes a plan for a controlled experiment~~ safely plans a controlled investigation, making simple inferences based on observations and interpretation of data;

(b) ~~has difficulty making reasonable inferences, seldom using or interpreting observations or data accurately~~ gives explanations describing the physical world through the use of simple chemical reactions, chemical formulas, physical laws, and physical models;

(c) ~~provides concrete examples of how scientific knowledge has changed~~ describes interactions of the biotic (living) and abiotic (nonliving) parts of the biosphere, uses common classification schemes, and lists examples of the interdependence of life and the environment;

(d) ~~gives concrete explanations to describe the physical world~~ describes the basic structure and function of the earth's lithosphere, hydrosphere, and atmosphere and the universe;

(e) ~~shows a limited understanding of changes within a closed system with direction,~~ describes connections and interactions among technology, science, and society by applying scientific inquiry;

(f) ~~often identifies organisms, but is less sure when describing common classification schemes~~ expresses how current events impact local problems and, with prompting, can discuss scientific information that affects these problems;

(g) ~~provides a limited explanation of the interdependence of life and the environment~~ with direction, identifies and describes examples of how science and technology are the results of human activity throughout history and, with direction, seeks new information that connects past to present; and

(h) ~~has an emerging understanding of physical models used to illustrate;~~

(i) ~~describes, with assistance, how science and technology are the results of human activity throughout history; and~~

(j) ~~is sometimes curious about new information, but seldom seeks it~~ describes attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5094 NOVICE SCIENCE PERFORMANCE STANDARDS

DESCRIPTORS FOR END OF GRADE 8 (1) An eighth-grade student at the novice level in science is beginning to attain the prerequisite knowledge and skills that are fundamental in science. He/she:

~~(a) seldom formulates or communicates~~ identifies and describes a testable questions, and requires direct instruction to complete a plans for a safely controlled experiment investigation, and makes simple observations;

~~(b) has difficulty understanding inferences, observations, and data with~~ direction, describes the physical world, identifies simple chemical reactions, chemical formulas, and demonstrates a limited understanding of physical models;

~~(c) seldom provides examples of how scientific knowledge has changed with~~ direction, describes some basic interactions of the biotic (living) and abiotic (nonliving) parts of the biosphere and, with direction, provides basic descriptions of structure and function;

~~(d) gives concrete explanations of the physical world, but seldom describes changes within a closed system with direction, identifies and describes the basic function and structure of the earth's lithosphere, hydrosphere, and atmosphere and the universe;~~

~~(e) identifies organisms, but has difficulty defining common classification schemes with direction, identifies connections and interactions between technology, science, and society;~~

~~(f) is unable to explain the interdependence of life and the environment with direct instruction, can discuss basic scientific information in current events and how it impacts local problems;~~

~~(g) sometimes uses models to describe a science concept;~~

~~(h) seldom makes the connection that~~ with direction, identifies and describes examples of how science and technology are the results of human activity throughout history; and

~~(i) (h) seldom expresses interest in, or seeks out new information with~~ direction, describes basic attributes of Montana American Indian contributions to science knowledge.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5095 ADVANCED SCIENCE PERFORMANCE STANDARDS
DESCRIPTORS UPON GRADUATION (1) A graduating student at the advanced level in science demonstrates superior performance. He/she:

~~(a) independently plans, conducts, and interprets experimental investigations and communicates results, articulating and supporting inferences that relate to real world applications in physical, life, and earth sciences~~ formulates testable questions, safely constructs a plan, makes logical inferences, interprets data by identifying the strengths and weaknesses, communicates results, and presents another investigation that more accurately assesses the topic of study;

~~(b) consistently recognizes the interconnections within and outside science, making thoughtful inferences about explorations and experiments~~ creates and uses physical, mental, theoretical, and mathematical models to investigate individually generated problems and/or questions about physical and chemical phenomena;

~~(c) effectively uses appropriate technology to investigate individually generated problems and/or questions about scientific phenomena when doing physical, theoretical, and mathematical modeling~~ creates and uses physical, mental, theoretical, and mathematical models to investigate individually generated problems and/or questions about the biotic (living) and abiotic (nonliving) parts of the biosphere as well as the natural history of interactions of life on earth and uses these skills to solve related, novel (to the student) problems;

~~(d) adeptly uses inquiry skills to organize, classify, and clearly and thoroughly describe interactions of the biotic and abiotic components of the natural history of life on earth~~ creates and uses physical, mental, theoretical, and mathematical models to investigate individually generated problems and/or questions about the processes that occur in the lithosphere, hydrosphere, and atmosphere of the earth and the universe;

~~(e) clearly describes and analyzes connections and interactions between and among technology, science, and society, applying scientific inquiry and technology skills to comprehend results obtained~~ analyzes and evaluates connections and interactions between technology, science, and society by applying scientific inquiry;

~~(f) questions validity of scientific endeavors, past and present; and discriminately compares scientific and social issues based on observations, data, analysis, and knowledge of the natural world and effectively communicates those decisions to others;~~

~~(g) makes informed decisions about scientific and social issues based on observations, data, and knowledge of the natural world~~ identifies the positive and negative impacts of past, present, and future technological and scientific advances and gives possible solutions that may minimize the negative impacts on the global community; and

~~(h) explains and analyzes multiple attributes of Montana American Indian contributions to science knowledge and the application and use of technology.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5096 PROFICIENT SCIENCE PERFORMANCE STANDARDS

DESCRIPTORS UPON GRADUATION (1) A graduating student at the proficient level in science demonstrates solid academic performance. He/she:

~~(a) often plans and conducts experimental investigations and communicates results that infer real world applications in physical, life, and earth sciences~~ generates testable questions, safely constructs a plan for a controlled investigation, makes logical inferences based on observations, accurately interprets data by identifying the strengths and weaknesses in an investigation design, and communicates results;

~~(b) recognizes interconnections within and outside science, and often makes inferences about explorations and experiments~~ uses physical, mental, theoretical, and mathematical models to investigate individually generated problems and/or questions about physical and chemical phenomena;

~~(c) often identifies and constructs models depicting the properties of matter in the physical world using appropriate technology, tools, and skills to investigate~~

individually generated problems and/or questions about scientific phenomena organizes, classifies, and describes interactions of the biotic (living) and abiotic (nonliving) parts of the biosphere as well as the natural history of interactions of life on earth and uses these skills to solve related, novel (to the student) problems;

(d) organizes and classifies living and nonliving things using common classification schemes, and represents, models, and/or discusses the interactions of the biotic and abiotic components of the earth describes, explains, and models the processes that occur in the lithosphere, hydrosphere, and atmosphere of the earth and the universe;

(e) describes connections and interactions between and among technology, science, and society, applying scientific inquiry and technology skills to comprehend results obtained analyzes and communicates connections and interactions among technology, science, and society by applying scientific inquiry;

(f) clearly articulates the importance of science and the historical significance to question the validity of scientific endeavor, past and present; and makes informed decisions about scientific and social issues based on observations, data, analysis, and knowledge of the natural world and effectively communicates those decisions to others;

(g) often makes informed decisions about scientific and social issues based on observations, data, and knowledge of the natural world. identifies the positive and negative impacts of past, present, and future technological and scientific advances and, with direction, gives possible solutions that may minimize the negative impacts on the global community; and

(h) explains and analyzes attributes of Montana American Indian contributions to science knowledge and the application and use of technology.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5097 NEARING-PROFICIENCY SCIENCE PERFORMANCE STANDARDS DESCRIPTORS UPON GRADUATION (1) A graduating student at the nearing-proficiency level in science demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency in science. He/she:

(a) with step-by-step direction, safely conducts and communicates the results from simple experimental investigations, sometimes inferring real world applications;

(b) recognizes interconnections within and outside science and sometimes makes inferences about explorations and experiments identifies and constructs physical, mental, and mathematical models depicting the properties of matter in the physical world to investigate teacher-guided problems and/or questions about scientific phenomena;

(c) identifies and, with assistance, constructs models depicting the properties of matter in the physical world uses models to investigate problems and/or questions about the biotic (living) and abiotic (nonliving) parts of the biosphere as well as the natural history of the interactions of life on earth;

(d) uses limited skills with technology to investigate teacher-guided problems and/or questions about scientific phenomena with direction, describes, explains, and models the processes that occur in the lithosphere, hydrosphere, and atmosphere of

the earth and the universe;

~~(e) organizes and sometimes classifies living and nonliving things using common classification schemes~~ identifies and describes connections and interactions among technology, science, and society by applying scientific inquiry;

~~(f) identifies, with assistance, and models and discusses the interactions of the biotic and abiotic components of the earth~~ using scientific inquiry, partially communicates interactions of science, technology, and society;

~~(g) occasionally identifies some earth system processes (e.g., water cycle, rock cycle, weather, lunar patterns, solar system), but needs guidance to make inferences about the processes of earth systems based upon direct and indirect evidence;~~ identifies the positive and negative impacts of past, present, and future technological and scientific advances; and

~~(h) sometimes communicates connections and interactions between and among technology, science, and society;~~ explains attributes of Montana American Indian contributions to science knowledge and the application and use of technology.

~~(i) sometimes defines the importance of science and its historical importance, but is generally accepting of the validity of scientific endeavor; and~~

~~(j) sometimes formulates a decision about scientific and social issues based on observations, data, and knowledge of the natural world.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

10.54.5098 NOVICE SCIENCE PERFORMANCE STANDARDS

DESCRIPTORS UPON GRADUATION (1) A graduating student at the novice level in science is beginning to attain the prerequisite knowledge and skills that are fundamental in science. He/she:

~~(a) has difficulty conducting and communicating the results from~~ identifies, describes, and conducts a simple experimental investigation, ~~seldom inferring and~~ identifies a variable and makes real world applications;

~~(b) sometimes recognizes interconnections within and outside science, but struggles to make inferences about explorations and experiments;~~

~~(c) makes simple predictions based upon knowledge~~ with direction, identifies and uses models depicting the properties of matter in the physical world;

~~(c) with direction, uses physical models to investigate problems and/or questions about the biotic (living) and abiotic (nonliving) parts of the biosphere and describes some factors which may cause the extinction of a species;~~

~~(d) selects and uses appropriate technology, with assistance, to investigate teacher-generated problems or questions~~ with direction, describes and explains processes that occur in the lithosphere, hydrosphere, and atmosphere of the earth and the universe;

~~(e) rarely recognizes common classification schemes or relates interactions of the biotic and abiotic components in the environment;~~

~~(f) seldom identifies earth processes (e.g., water cycle, rock cycle, weather systems, lunar patterns);~~

~~(g) identifies, but inconsistently communicates connections and interactions~~

~~between and among technology, science, and society by applying scientific inquiry;~~
~~(f) identifies, but inconsistently communicates, interactions of science,~~
~~technology, and their effect on society;~~
~~(g) with direction, identifies the positive and negative impacts of past,~~
~~present, and future technological and scientific advances; and~~
~~(h) has difficulty defining the importance of science and its historical~~
~~significance;~~
~~(i) seldom questions the validity of scientific endeavor, past and present; and~~
~~(j) seldom makes informed decisions about issues based on observations~~
~~and knowledge of the natural world.~~ with direction, explains attributes of Montana
American Indian contributions to science knowledge and the application and use of
technology.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, 20-3-106, 20-7-101, MCA

4. Statement of Reasonable Necessity: The Board of Public Education finds that it is reasonable and necessary to amend the science content standards and performance descriptors because the board has determined that to stay consistent with the legislative intent of Senate Bill 152 of the 2005 legislative session it must review and make contemporary amendments to its standards. The Legislature recognizes the need to reassess educational needs on a cyclical basis and the board recognizes that its standards represent the minimum standards that are the basis upon which a quality system is built and maintained and strives to conform to a five year review cycle for every chapter of accreditation.

5. Pursuant to the agreement between the Board of Public Education and the Legislature, the board anticipates no implementation costs but shall request and report in its adoption notice any cost estimates received from districts during the hearing.

6. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on November 2, 2006.

7. Steve Meloy has been designated to preside over and conduct the hearing.

8. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding content standards and performance descriptors or other school related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena,

Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@bpe.montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Dr. Kirk Miller
Dr. Kirk Miller, Chairperson
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State September 25, 2006.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

| | | |
|--|---|--------------------------|
| In the matter of the proposed |) | NOTICE OF PUBLIC HEARING |
| adoption of New Rule I, amendment |) | ON PROPOSED ADOPTION, |
| of ARM 10.58.102 through 10.58.104, |) | AMENDMENT, AND REPEAL |
| 10.58.210, 10.58.304 through |) | |
| 10.58.309, 10.58.501 through |) | |
| 10.58.503, 10.58.505, 10.58.507 |) | |
| through 10.58.528, 10.58.601 through |) | |
| 10.58.603, 10.58.707, 10.58.801, |) | |
| 10.58.802, and the repeal of |) | |
| 10.58.201 through 10.58.204, |) | |
| 10.58.208, 10.58.409, 10.58.410, |) | |
| 10.58.701, and 10.58.704, rules relating |) | |
| to educator preparation programs |) | |

TO: All Concerned Persons

1. On November 16, 2006 at 9:00 a.m. a public hearing will be held in the conference room at the Office of the Commissioner of Higher Education, 46 North Last Chance Gulch, Helena, Montana, to consider the adoption, amendment, and repeal of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on November 2, 2006 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. The proposed new rule provides as follows:

NEW RULE I SUPERVISORS, SCHOOL PRINCIPALS,
SUPERINTENDENTS, AND CURRICULUM DIRECTORS (1) The program
requires that successful candidates:

(a) facilitate the development, articulation, implementation, and stewardship of a school or district vision of learning supported by the school community in order to promote the success of all students;

(b) demonstrate the knowledge and ability to:

(i) develop a vision;

(ii) articulate a vision;

(iii) implement a vision;

(iv) steward a vision; and

(v) promote community involvement in the vision;

(c) promote a positive school culture, provide an effective instructional

program, apply best practice to student learning, and design comprehensive professional growth plans for staff in order to promote the success of all students;

(d) manage the organization, operations, and resources in a way that promotes a safe, efficient, and effective learning environment in order to promote the success of all students;

(e) collaborate with families and other community members, respond to diverse community interests and needs, including Montana American Indian communities, and mobilize community resources in order to promote the success of all students;

(f) act with integrity, fairness, and in an ethical manner in order to promote the success of all students;

(g) understand, respond to, and influence the larger political, social, economic, legal, and cultural context in order to promote the success of all students; and

(h) complete an internship experience that provides significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and school district personnel for graduate credit.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

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

10.58.102 PROCESS LEADING TO APPROVAL ACCREDITATION OF PROFESSIONAL EDUCATOR PREPARATION PROGRAMS EDUCATION UNITS

(1) The Board of Public Education shall adopt ~~clear~~ procedures for implementing the process of ~~approving~~ accrediting professional educator preparation ~~programs~~ education units.

(2) ~~The process leading to approval of professional educator preparation programs shall be carried out by visiting teams appointed by the Office of Public Instruction, under procedures established by~~ shall implement the Board of Public Education's procedures by conducting accreditation reviews. ~~These team members shall be broadly representative of the educational community.~~

(a) ~~Visiting team members shall be appointed from a listing of qualified and instructed members of the education community.~~ The Office of Public Instruction shall establish a cadre of qualified educators to serve on review teams.

(i) Team members shall be recommended from higher education and public schools by administrators, supervisors, professional organizations, and educational boards and agencies.

(ii) ~~Those accepted for training as team~~ Team members shall have a minimum of five years of teaching or professional education experience.

(b) ~~Preparation of educators for serving on visiting teams shall be administered by the~~ The Office of Public Instruction and shall involve instruction to include constitutional and statutory authority of the Board of Public Education, basis

~~for state approval and national accreditation, origin and content of state program standards, practical experience at interpreting and applying standards and information on visiting team review procedures~~ administer work sessions to prepare educators for serving on review teams. Work sessions shall include instruction in constitutional and statutory authority of the Board of Public Education, requirements for state and national accreditation, history and content of state standards, practical experience at applying standards, and information on the review procedures.

(c) Performance of team members shall be evaluated by the team chairperson, in conjunction with the Office of Public Instruction coordinator, ~~and shall be used in determination of future participation as members of visitation teams.~~

(d) Team chairs or members shall not be assigned to serve in the review of institutions where a conflict of interest may interfere with the integrity of the review.

(3) Members of the Board of Public Education shall be invited to participate as observers at each unit's program review.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.103 VISITATIONS (1) ~~All professional educator preparation programs education units shall be visited for approval~~ host an accreditation review every seven years or on an adjusted schedule based upon coordination with national accreditation or upon request of an institution or the Board of Public Education.

(2) Joint visitations and cooperation with other accrediting agencies will be encouraged.

(3) A review by the National Council for Accreditation of Teacher Education (NCATE) of the same material covered in subchapters 2, 3, 4 and 6 may be accepted in lieu of the state review.

(4) ~~Institutions~~ Units are required to engage in an ongoing self-study of professional educator preparation programs.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.104 APPROVED ACCREDITED PROGRAMS (1) ~~The Office of Public Instruction shall issue lists of institutions whose programs have met~~ report to the public the professional education unit's meeting the Board of Public Education's standards for professional educator preparation.

(2) Pursuant to 20-4-121, MCA, ~~these lists~~ the report shall also include all ~~programs accredited by professional education units and the corresponding regional and national accreditation agencies, with an identification of the accreditation agency.~~ The report shall include the initial and expiration dates of all accredited programs.

(a) ~~Each institution~~ professional education unit shall annually provide ~~give~~ this information pursuant to (2) to the Office of Public Instruction ~~no later than December 1 of each year. Lists shall indicate the programs approved and the initial and expiration dates of such approval.~~

(b) ~~These lists~~ The report shall be ~~made available~~ accessible to institutions,

school personnel offices, counselors, and ~~others~~ the general public within the state, and to other state education agencies, and shall be posted on the web sites of the Office of Public Instruction and Board of Public Education upon request and as exchanges with education agencies in other states.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.210 CONCEPTUAL FRAMEWORK(S) (1) Each unit shall operate from the basis of a well-defined conceptual framework(s). A conceptual framework(s) establishes the shared vision for a unit's efforts in preparing educators to work in P-12 schools. It provides direction for programs, courses, teaching, candidate performance, scholarship, service, and unit accountability. The conceptual framework(s) distinguishes among the graduates of one institution from those of another.

(a) Faculty members in the unit are expected to collaborate with members of their professional community in developing a conceptual framework(s) that establishes the vision for the unit and its programs. At its discretion, the unit may operate with a single framework for all programs or a different framework for each or some of its programs.

(b) The conceptual framework(s) provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation.

(c) It makes explicit the professional commitments and dispositions that support it, including the commitment to acquire and use knowledge on behalf of P-12 students.

(d) It reflects the unit's commitment to diversity, including the unit's commitment to serving American Indians and implementing Indian Education for All, 20-1-501, MCA, and the preparation of educators who help all students learn.

(e) It reflects the unit's commitment to the integration of technology to enhance candidate and student learning.

(f) The conceptual framework(s) also provides a context for aligning professional and state standards with candidate proficiencies expected by the unit and programs for the preparation of educators.

(g) The conceptual framework shall incorporate 20-25-104 and 20-25-603, MCA, and address additional Montana state statutes as required.

(2) The conceptual framework(s) provides the following structural elements:

(a) the mission of the institution and unit;

(b) the unit's philosophy, purposes, professional commitments, and dispositions;

(c) knowledge bases including theories, research, the wisdom of practice, and education policies;

(d) performance expectations for candidates, aligning them with professional, state, and institutional standards; and

(e) the system by which candidate performance is regularly assessed.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.304 CANDIDATE KNOWLEDGE, SKILLS, AND DISPOSITIONS

(1) Candidates preparing to work in schools as teachers or other professional school personnel know and demonstrate the content, pedagogical, and professional knowledge, skills, and dispositions necessary to help all students learn. Assessments indicate that candidates meet professional, state, and institutional standards.

(a) Teacher candidates know the subject matter that they plan to teach and can explain important principles and concepts delineated in professional, state, and institutional standards.

(b) Candidates for other professional school roles know their fields and can explain principles and concepts delineated in professional, state, and institutional standards.

(c) Teacher candidates have a broad knowledge of instructional strategies that draw upon content and pedagogical knowledge and skills delineated in professional, state, and institutional standards to help all students learn. They facilitate student learning of the subject matter through presentation of the content in clear and meaningful ways and through the integration of technology.

(d) Teacher candidates can apply their professional and pedagogical knowledge and skills delineated in professional, state, and institutional standards to facilitate learning.

(e) Candidates for other professional school roles have an adequate understanding of the professional knowledge expected in their fields and delineated in professional, state, and institutional standards. They know their students, families, and communities, use current research to inform their practices, use technology in their practices, and support student learning through their professional services.

(f) Candidates are familiar with professional dispositions delineated in professional, state, and institutional standards. They model these dispositions in their work with students, families, and communities.

(g) Teacher candidates focus on student learning as shown in their assessment of student learning, use of assessments in instruction, and development of meaningful learning experiences for students based on their developmental levels and prior experiences.

(h) Candidates for other professional school roles are able to create positive environments for student learning. They understand and build upon the developmental levels of students with whom they work, the diversity of students, families, and communities, and the policy contexts within which they work.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.305 ASSESSMENT SYSTEM AND UNIT EVALUATION

(1) The unit has an assessment system that collects and analyzes data on the applicant qualifications, the candidate and graduate performance, and unit operations to evaluate and improve the unit and its programs. The unit assessment system

includes all elements of the "rigorous state test" for recommendation for initial licensure. Candidate content knowledge and information from the test is provided to the Office of Public Instruction annually.

(a) The unit has developed an assessment system with its professional community that reflects the conceptual framework(s) and professional and state standards. The unit's system includes a comprehensive and integrated set of evaluation measures that are used to monitor candidate performance and manage and improve operations and programs. Decisions about candidate performance are based on multiple assessments made at admission into programs, at appropriate transition points, and at program completion. Assessments used to determine admission, continuation in, and completion of programs, are predictors of candidate success. The unit takes effective steps to eliminate sources of bias in performance assessments and works to establish the fairness, accuracy, and consistency of its assessment procedures.

(b) The unit maintains an assessment system that provides regular and comprehensive information on applicant qualifications, candidate proficiencies, competence of graduates, unit operations, and program quality. Using multiple assessments from internal and external sources, the unit collects data from applicants, candidates, recent graduates, faculty, and other members of the professional community. The unit maintains a record of formal candidate complaints and documentation of their resolution. These data are regularly and systematically compiled, summarized, and analyzed to improve candidate performance, program quality, and unit operations. The unit maintains its assessment system through the use of information technologies.

(c) The unit regularly and systematically uses data, including candidate and graduate performance information, to evaluate the efficacy of its courses, programs, and clinical experiences. The unit analyzes program evaluation and performance assessment data to initiate changes where indicated. Candidate and faculty assessment data are regularly shared with candidates and faculty respectively, to help them reflect on their performance and improve it.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.306 FIELD EXPERIENCES AND CLINICAL PRACTICES (1) The unit and its school partners design, implement, and evaluate field experiences and clinical practice so that teacher candidates and other school personnel develop and demonstrate the knowledge, skills, and dispositions necessary to help all students learn.

(a) The unit, its school partners, and other members of the professional community design, deliver, and evaluate field experiences and clinical practice to help candidates develop their knowledge, skills, and dispositions. The unit and its school partners jointly determine the specific placement of student teachers and interns for other professional roles to provide appropriate experiences.

(b) Field experiences facilitate candidates' development as professional educators by providing opportunities for candidates to observe in schools and other agencies, tutor students, assist teachers or other school personnel, attend school

board meetings, and participate in education-related community events prior to clinical practice. Both field experiences and clinical practice reflect the unit's conceptual framework(s) and help candidates continue to develop the content, professional, and pedagogical knowledge, skills, and dispositions delineated in standards. Clinical practice allows candidates to use information technology to support teaching and learning. Clinical practice is sufficiently extensive and intensive for candidates to demonstrate proficiencies in the professional roles for which they are preparing. Criteria for clinical faculty are clear and known to all of the involved parties. Clinical faculty are accomplished school professionals. Clinical faculty provide regular and continuing support for student teachers and other interns through such processes as observations, conferencing, group discussion, e-mail, and the use of other technology.

(c) Entry and exit criteria exist for candidates in clinical practice.

Assessments used in clinical practice are linked to candidate competencies delineated in professional, state, and institutional standards. Multiple assessment strategies are used to evaluate candidates' performance and effect on student learning. Candidates, school faculty, and college or university faculty jointly conduct assessments of candidate performance throughout clinical practice. Both field experiences and clinical practice allow time for reflection and include feedback from peers and clinical faculty. Field experiences and clinical practice provide opportunities for candidates to develop and demonstrate knowledge, skills, and dispositions for helping all students learn. All candidates participate in field experiences or clinical practice that include students with exceptionalities and students from diverse ethnic, racial, gender, and socioeconomic groups.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.307 DIVERSITY (1) The unit designs, implements, and evaluates curriculum and experiences for candidates to acquire and apply the knowledge, skills, and dispositions necessary to help all students learn. The unit explicitly recognizes the importance of implementing 20-1-501, MCA, by providing experiences that ensure that all school personnel have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, and an understanding of, and appreciation for, the American Indian people. These experiences include working with diverse higher education and school faculty, diverse candidates, and diverse students in P K-12 schools.

(a) The unit clearly articulates the proficiencies that program, curriculum, and accompanying field experiences are designed to help candidates understand the importance of diversity in teaching and learning. Candidates learn to develop and teach lessons that incorporate diversity and develop a classroom and school climate that values diversity. Candidates become aware of different teaching and learning styles shaped by cultural influences and are able to adapt instruction and services appropriately for all students, including students with exceptionalities. They demonstrate dispositions that value fairness and learning by all students. Assessments of candidate proficiencies provide data on the ability to help all students learn. Candidates' assessment data are used to provide feedback to

candidates for improving their knowledge, skills, and dispositions.

(b) Candidates interact in classroom settings on campus and in schools with professional education faculty, faculty from other units, and school faculty from diverse ethnic, racial, and gender groups. Faculty with whom candidates work in professional education classes and clinical practice have knowledge and experiences related to preparing candidates to work with students from diverse cultural backgrounds, including students with exceptionalities. The affirmation of the values of diversity is shown through good-faith efforts made to increase or maintain faculty diversity.

(c) Candidates interact and work with candidates from diverse ethnic, racial, gender, and socioeconomic groups in professional education courses on campus and in schools. Candidates from diverse ethnic, racial, gender, and socioeconomic groups work together on committees and education projects related to education and the content areas. The affirmation of the values of diversity is shown through good-faith efforts made to increase or maintain candidate diversity.

(d) Field experiences or clinical practice in settings with exceptional populations and students from different ethnic, racial, gender, and socioeconomic groups are designed for candidates to develop and practice their knowledge, skills, and dispositions for working with all students. Feedback from peers and supervisors helps candidates reflect on their ability to help all students learn.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.308 FACULTY QUALIFICATIONS, PERFORMANCE, AND DEVELOPMENT (1) Faculty are qualified and model best professional practices in scholarship, service, and teaching, including the assessment of their own effectiveness as related to candidate performance; they also collaborate with colleagues in the disciplines and schools. The unit systematically evaluates faculty performance and facilitates professional development.

(a) Professional education faculty at the institution have earned doctorates or exceptional expertise that qualifies them for their assignments. School faculty are licensed in the fields that they teach or supervise, but often do not hold the doctorate. Clinical faculty from higher education have contemporary professional experiences in school settings at the levels that they supervise.

(b) Faculties have a thorough understanding of the content they teach. Teaching by professional education faculty reflects the unit's conceptual framework and their research, theories, and current developments in their fields and teaching. Faculty value candidates' learning and assess candidate performance. Their teaching encourages candidates' development of reflection, critical thinking, problem solving, and professional dispositions. Faculty use a variety of instructional strategies that reflect an understanding of different learning styles. They integrate diversity and technology throughout their teaching. They assess their own effectiveness as teachers, including the positive effects they have on candidates' learning and performance.

(c) Professional education faculty demonstrate scholarly work in their fields of specialization, including where appropriate, scholarly work related to the education

of Montana American Indians. They are engaged in different types of scholarly work, based in part, on the missions of their institutions.

(d) Professional education faculty provide service to the college or university, school, and broader communities in ways that are consistent with the institution and unit's mission. They are actively involved with the professional world of practice in P-12 schools. They are actively involved in professional associations. They provide education-related services at the local, state, national, or international levels.

(e) Professional education faculty collaborate regularly and systematically with colleagues in P-12 settings, faculty in other college or university units, and members of the broader professional community to improve teaching, candidate learning, and the preparation of educators.

(f) The unit conducts systematic and comprehensive evaluations of faculty teaching performance to enhance the competence and intellectual vitality of the professional education faculty. Evaluations of professional education faculty are used to improve teaching, scholarship, and service of the unit faculty.

(g) Based upon needs identified in faculty evaluations, the unit provides opportunities for faculty to develop new knowledge and skills, especially as they relate to conceptual framework(s) and performance assessments.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.309 UNIT GOVERNANCE AND RESOURCES (1) The unit has the leadership, authority, budget, personnel, facilities, and resources, including information technology resources, for the preparation of candidates to meet professional, state, and institutional standards.

(a) The unit has the leadership and authority to plan, deliver, and operate coherent programs of study. The unit effectively manages or coordinates all programs so that their candidates are prepared to meet standards. The unit's recruiting and admission practices are described clearly and consistently in publications and catalogs. Academic calendars, catalogs, publications, grading policies, and advertising are accurate and current. The unit ensures that candidates have access to student services, such as timely advising and counseling. Faculty involved in the preparation of education, P-12 practitioners, and other members of the professional community participate in program design, implementation, and evaluation of the unit and its programs. The unit provides a mechanism and facilitates collaboration between unit faculty and faculty in other units of the institution involved in the preparation of professional educators.

(b) The unit receives sufficient budgetary allocations at least proportional to other units on campus or to similar units at other campuses to provide programs that prepare candidates to meet standards. The budget adequately supports on-campus and clinical work essential for preparation of professional educators.

(c) Workload policies, including on-line course delivery, allow faculty members to be effectively engaged in teaching, scholarship, assessment, advisement, collaborative work in K-12 schools, and service. Faculty loads for teaching on campus and on-line generally do not exceed 12 hours for undergraduate teaching and nine hours for graduate teaching. Supervision of clinical practice does

not generally exceed 18 candidates for each full-time equivalent faculty member. The unit makes appropriate use of full-time, part-time, and clinical faculty, as well as graduate assistants, so that program coherence and integrity are assured. The unit provides an adequate number of support personnel so that programs can prepare candidates to meet standards. The unit provides adequate resources and opportunities for professional development of faculty, including training in the use of technology.

(d) The unit has adequate campus and school facilities to support candidates in meeting standards. The facilities support faculty and candidates' use of information technology in instruction.

(e) The unit allocates resources across programs to prepare candidates to meet standards for their fields. It provides adequate resources to develop and implement the unit's assessment plan. The unit has adequate information technology resources to support faculty and candidates. Faculty and candidates have access both to sufficient and current library and curricular resources and electronic information.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.501 GENERAL REQUIREMENTS (1) In the belief that all children deserve the opportunity to learn rigorous content and achieve high standards, all programs for the preparation of candidates for specific endorsement areas shall assure the preparing teacher: All programs require that successful candidates:

(a) demonstrate understanding of and ability to integrate knowledge of the history, cultural heritage, and contemporary status of American Indians and tribes in Montana;

(a)(b) understands demonstrate understanding of the central concepts, tools of inquiry, and structure of the discipline(s) he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students;

(b)(c) understands how children demonstrate understanding of how students learn and develop, and can provide learning opportunities that support their intellectual, social, and personal development;

(c)(d) understands demonstrate knowledge of how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners, including American Indian learners;

(e) demonstrate understanding of personal cultural and socioeconomic biases and teaching style differences that affect one's teaching;

(d)(f) understands and uses utilize a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills;

(e)(g) uses an demonstrate understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation;

(f)(h) uses demonstrate knowledge of effective verbal, nonverbal, and media, and electronic communication techniques to foster teach the strategies of active

inquiry, collaboration, and supportive interaction in the classroom;

~~(g)~~ (i) plans instruction based on knowledge of subject matter, students, the community, and curriculum goals, and appropriate use of current and emerging technologies;

~~(h)~~ (j) understands and uses formal and informal demonstrate assessment strategies, to ensure the continuous intellectual, social, and physical development of the learner tools, and practices to plan and evaluate effective instruction;

~~(i)~~ emulates the reflective practitioner who continually evaluates the effects of his or her choices and actions on others (students, families, and other professionals in the learning community), and who actively seeks out opportunities to grow professionally;

~~(k)~~ demonstrate continued growth in knowledge related to a particular subject area and the teaching of it;

~~(j)~~ (l) fosters demonstrate knowledge of strategies to build relationships with school colleagues, families, and agencies in the larger community to support students' learning and well-being; and

~~(k)~~ understands the importance of contextual and experiential learning to the success of students and is capable of demonstrating connections between academic learning and the skills required in the present and future workforce.

~~(m)~~ demonstrate the ability to foster contextual and experiential learning and to build connections between academic learning and the skills required in the present and future workforce.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.502 AGRICULTURAL EDUCATION (1) Candidates for agricultural education teacher ~~certification~~ endorsement shall have one year (2000 hours) of practical farm or agricultural-related experience within five years prior to completion of the program.

~~(2) All candidates for agricultural education teacher certification shall demonstrate competence in the following areas. The candidate for agricultural education teacher:~~ The program requires that successful candidates:

(a) demonstrates essential skills and knowledge including the scientific/technical, safety, and career information in the following areas:

(i) agricultural, natural, and environmental resource science;

(ii) agricultural business management and entrepreneurship;

(iii) horticultural science;

(iv) animal science;

(v) crop science;

(vi) soil science;

(vii) food science;

(viii) agriculture mechanical technology;

(ix) biotechnology; and

(x) ~~computer~~ technology applications in agriculture;

(b) demonstrates a philosophy of vocational education, which reflects the unique student/community and industry interaction and includes the biological,

physical, and applied sciences, personal leadership, and school-to-career components ~~which comprise of~~ a comprehensive agricultural education program;

(c) demonstrate competence in the developments of a comprehensive instructional program based on identified agriculture industry demographic and technological advances, including American Indian agricultural contributions, while recognizing the social, economic, and demographic diversity of the community in conjunction with a partnership of students, community, business, industry, tribes, families, and an appointed advisory committee;

(d) ~~develops as an integral part of the agricultural education program and the agriculture education student organization, future farmers of America (FFA),~~ demonstrate the development of personal and leadership competencies such as (e.g., citizenship, personal development, goal setting, parliamentary procedure, and teamwork);

(e) demonstrates the ~~necessary~~ skills and abilities to implement and manage student supervised agricultural experience programs including:

- (i) accounting practices;
- (ii) career experiences;
- (iii) entrepreneurial activities;
- (iv) student portfolio development;
- (v) on-site instruction; and
- (vi) job-related skills;

(f) demonstrates the ~~necessary~~ skills and abilities to develop, utilize, and manage dedicated educational facilities with current and emerging equipment, resources, library, media, and electronic technology, and maintain a safe environment during classroom, laboratory, leadership, and supervised agricultural experiences (facilities are related to instructional areas mentioned in (1) ~~above~~);

(g) ~~is able to develop and~~ demonstrate the scientific process ~~as part of~~ critical thinking and problem-solving effort in the preparation of research experiences in the classroom, laboratory, greenhouse, leadership, and supervised agricultural experiences; and

(h) demonstrate research-based strategies to meets the diverse learning needs of all students by applying and integrating the state's learning goals, agricultural workplace competencies, and essential academic learning requirements in program implementation and assessment, including 20-1-501, MCA.

~~(3) A listing of essential indicators for each sub-standard and specified methods of performance assessment will be developed and available for self-monitoring and program review, and as student information on program expectations. This process may result in individual candidate portfolios which demonstrate the level of individual success and, cumulatively, to demonstrate the success of the preparation program.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.503 ART K-12 (1) ~~For the prospective teacher the~~ The program shall requires that successful candidates:

(a) develop competence and a working vocabulary in ~~the~~ following:

(i) art production through developing the ability to present imaginative and original ideas and feelings by creating images in a concentration of one or more of the visual art forms;

(ii) art history and heritage through developing the ability to understand and appreciate works of art from different cultures, places, and times, to include Montana American Indians;

(iii) art criticism through developing the ability to analyze and evaluate the structure and significance of works of art and to make reasoned interpretations and judgments about their meaning; and

~~(iv) aesthetics, through developing the ability to perceive and understand through subjective explorations of the nature and experience of art, which allows one to formulate informed opinions and to articulate them using appropriate vocabulary; including sensory perception, and the study of the nature and experience of the arts;~~

~~(b) develop in the studio setting the ability to produce original and expressive art forms in two- and three-dimensional media, which may include but not be limited to ceramics, drawing, fibers, graphics communication, jewelry, metalwork, multimedia, painting, photography, printmaking, sculpture, and woodworking; use technology as a tool of expression, research, and assessment;~~

~~(c) develop the understanding and skills needed to make use of new and emerging technologies in relationship to the study and production of art;~~

~~(d) comprehend and recognize appropriately use copyright and patent laws in relation to original art works and reproductions;~~

~~(e)(d) provide the understanding of and the ability to develop sequential visual arts curricula with a mission and scope that assures student development and competence in a variety of media;~~

~~(f)(e) acquire demonstrate an understanding of:~~

~~(i) the stages of graphic development as it relates to art curriculum, and ensuring that the scope and sequence of the curriculum is age appropriate;~~

~~(ii) the necessity of creating an environment of empathy, tolerance, and emotional safety in the art classroom;~~

~~(iii) the health and safety aspects of studio work, including materials, tools, equipment, classroom design, and procedures; and~~

~~(ii) (iv) budgeting and purchasing; and~~

~~(v) censorship issues and their complexity;~~

~~(g)(f) acquire an understanding of and ability to develop and use appropriate assessment strategies for assessing evaluating student progress and accomplishments in the visual arts, such as portfolio review, interviews, group and individual performance tasks, and research and writing about aesthetics, criticism, art heritage and art production as aligned to the Montana standards for visual arts, as well as other standards where the arts are integrated with technology and the content areas;~~

~~(h)(g) understand and connect art with other disciplines; and~~

~~(i)(h) develop the ability to advise and encourage students about higher education and career opportunities related to the study and production of art and art related fields. introduce career opportunities in art and art related fields, and encourage and advise students about postsecondary options.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.505 BUSINESS AND INFORMATION TECHNOLOGY EDUCATION

~~(1) The business and information technology education program shall provide the prospective teacher with the ability to~~ requires that successful candidates:

~~(a) understand and use~~ demonstrate a variety of collaborative efforts to enhance the curricula including, but not limited to, advisory committees, business partnerships, tech prep, school to work, applied academics, technology integration, career planning, cooperative education, and curriculum integration, and Indian Education for All (20-1-501, MCA);

~~(b) organize and advise a vocational student organization such as DECA, an association of marketing students, or Business Professionals of America (BPA);~~

~~(c) promote and model the lifelong business learner by involvement in a variety of professional activities;~~

~~(d) communicate to all publics and understand the use of follow-up studies of graduates for the purpose of curriculum development and enhancement;~~

~~(e) facilitate the learning of constantly changing subject matter in a dynamic learning environment with diverse students;~~

~~(f) assess student progress to alter and enhance the learning environment to optimize student success;~~

~~(b)~~ demonstrate the development of personal and leadership competencies (e.g., citizenship, personal development, goal setting, parliamentary procedure, and teamwork);

~~(g)(c)~~ understand demonstrate and apply the philosophy and objectives of career and technical education;

~~(h)~~ (d) demonstrate effective classroom management techniques and modify the curriculum to meet a variety of student needs;

~~(i) present and apply the principles and procedures of operating systems management, network management, system maintenance and troubleshooting;~~

~~(j)~~ (e) identify the methods for selection and application of the tools of technology ~~as they relate~~ relating to personal and business decision making;

~~(k)~~ (f) demonstrate and apply the use of current and emerging technologies used by business, industry, and education;

~~(l)(g)~~ understand, use, and present the demonstrate basic concepts of effective oral and written communications ~~including development of effective listening skills and selection of proper media of business communications;~~

~~(m)(h)~~ understand and present demonstrate ethical and social responsibilities related to business and the legal framework for personal, business, and social interactions;

~~(n)(i)~~ identify and present demonstrate the skills needed to successfully obtain and maintain employment;

~~(o)(j)~~ identify careers and opportunities in business and related occupational fields;

~~(k)~~ and assess the student interests, aptitudes, personal qualities, and other information necessary for students to make informed career choices;

- ~~(p) complete a related occupational experience or internship in education;~~
- ~~(q)(l) understand and present demonstrate effective techniques for managing employees work stations, personnel relations, and the budgeting of time and resources;~~
- ~~(r)(m) identify and apply marketing and merchandising concepts, and management fundamentals;~~
- ~~(s)(n) develop the ability to organize, manage, and synthesize information to make wise business decisions;~~
- ~~(t)(o) understand and present effective demonstrate techniques for business problem solving;~~
- ~~(u)(p) identify and apply interpersonal, teamwork, and leadership skills necessary to successfully function in multicultural business and social settings;~~
- ~~(v)(q) facilitate conduct research activities in domestic and international business;~~
- ~~(w) present and apply the principles of the United States economic system and its role in the global economy;~~
- ~~(x) understand and present the basics of a free enterprise system, as well as other economic systems;~~
- ~~(y) understand and apply analytical tools needed to make informed personal and societal decisions regarding short-term and long-term economic issues;~~
- (r) demonstrate and apply principles of economics, free enterprise, and global economies;
- ~~(z) (s) present demonstrate and apply the basic concepts of personal consumer-economic finance skills, social and government responsibility, and business practices;~~
- ~~(aa)(t) understand and present demonstrate the role of entrepreneurship in our economy economies and the process of starting and maintaining a business;~~
- ~~(ab)(u) understand and present demonstrate accounting procedures to make decisions about planning, organizing, and allocating resources; and~~
- ~~(ac) apply the appropriate mathematical functions to solve a variety of business problems; and~~
- ~~(ad)(v) present demonstrate the different functional areas of business as interrelated parts rather than distinct and separate entities.~~

AUTH: 20-2-114, 20-2-121(4), MCA

IMP: 20-1-501, 20-2-121, 20-4-120(4), MCA

10.58.507 DRAMA THEATRE (1) For the prospective drama teacher the program shall provide a structural framework which demonstrates: The program requires that successful candidates:

- ~~(a) explicit goals, procedures and rationales in an identifiable program for prospective drama teachers; demonstrate the ability to create curriculum, instruction, and assessment for K-12 students in a school theatre program to make students aware of the process of artistic creation, from creating and performing to responding;~~
- ~~(b) articulation demonstrate knowledge of program goals, procedures, and rationales to faculty, students, and administrators; for a school theatre program;~~
- ~~(c) the effort to integrate on-campus content and methods and field~~

~~experiences throughout the program; integrate activities with outside performances utilizing the latest methods of theatre practice and appreciation; and~~

~~(d) the modeling of pedagogy and attitudes which reflect current research on the theory and practice of teaching drama theatre.~~

~~(2) The program shall provide an academic strand which includes:~~
Candidates demonstrate understanding and knowledge of:

~~(a) knowledge of theater theatre as a social and aesthetic experience and a reflection of culture, including Montana American Indian cultures, a broad view of the history of theater theatre and acquaintance with representative plays of past and present;~~

~~(b) knowledge of the relationship between the actor, the literature, and the audience, including the actor's ability to assess personal growth; and~~

~~(c) an understanding of the educational function of theater theatre in the school setting, helping students develop life skills and better understand themselves, others, and the world.~~

~~(3) Teacher-candidates will be provided shall have experience with performance, in order to develop:~~

~~(a) the ability to direct/supervise a theatrical production/activity with artistic integrity, including supervision of appropriate selections (being mindful of community standards), analysis, casting, rehearsal, and performance, and supervision;~~

~~(b) the ability to manage/supervise the technical requirements of a theatrical production/activity by effectively planning and executing scenery, lights, make-up, sound, properties, costumes, and special effects, promotion and publicity; and~~

~~(c) the ability to use production/ or activity as a measurement/evaluations for projecting of current and future goals and objectives; and~~

~~(d) the ability to manage, promote and publicize an activity or production.~~

~~(4) Preparing teachers develop the ability to Candidates interact with the community, in order to as a resource person who:~~

~~(a) serve as a school's resource person contributes in the development of facilities;~~

~~(b) supervises preparation of classroom projects, assembly programs, or any activity in which that involves elements of theatre theater are central;~~

~~(b) (c) assists planning comprehensive theater theatre and/or other fine arts curriculum including video/film; and~~

~~(e) (d) promote an appreciation of advocates in their school and the larger community for theatre theater instruction and performances; and,~~

~~(d) build a commitment to professional growth.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.508 ELEMENTARY (1) ~~Candidates for elementary teacher certification shall demonstrate the following knowledge and skills~~ The program requires that successful candidates:

~~(a) Development, learning and motivation knowledge and skills shall be demonstrated by candidates who know, understand, demonstrate knowledge and understanding and use the major concepts, principles, theories, and research~~

related to the development of children and young adolescents to construct learning opportunities that support individual students' development, acquisition of knowledge, and motivation;

(b) ~~Curriculum knowledge and skills shall be demonstrated by candidates who know, understand, demonstrate knowledge and understanding~~ and use the central concepts as outlined in Montana's student content and performance standards, tools of inquiry, and structures of content for students across grades K-8 and can engage students in meaningful learning experiences that develop students' competence in subject matter and skills for various developmental levels. Candidates shall:

(i) demonstrate a high level of competence in the use of English language arts and ~~they know, understand, demonstrate knowledge, understanding,~~ and use concepts from reading, language, literature, and child development to teach reading, writing, speaking, listening, and thinking skills, and to help students successfully apply their developing skills to many different situations, materials, and ideas;

(ii) ~~know, understand, demonstrate knowledge and understanding of~~ and use the fundamental concepts in the subject matter of science, including physical, life, and earth, and space sciences, as well as concepts in science and technology, science in personal and social perspectives, the history and nature of science, including American Indian scientific contributions, the unifying concepts of science, and the inquiry processes scientists use in discovery of new knowledge to build a base for scientific literacy;

(iii) ~~know, understand, demonstrate knowledge and understanding of~~ and use the major concepts, procedures, and reasoning processes of mathematics that define number systems and number sense, geometry, measurement, statistics and probability, and algebra, in order to foster student understanding and use of patterns, quantities, and spatial relationships that can represent phenomena, solve problems, and deal with data;

(iv) ~~know, understand, demonstrate knowledge and understanding of~~ and use the major concepts and modes of inquiry from the social studies, the integrated study of history, government, geography, economics, and an understanding of the social sciences (such as e.g., anthropology, archaeology, ~~economics, political science,~~ psychology, and sociology), and other related areas (such as e.g., humanities, law, philosophy, religion, mathematics, science, and technology), to promote students' abilities to make informed decisions as citizens of a culturally diverse democratic society and interdependent world, including meeting the requirements of 20-1-501, MCA;

(v) ~~know, understand, demonstrate knowledge and understanding of~~ and use ~~as appropriate to their own understanding and skills~~ the content, functions, and achievements of dance, music, theater, and the several visual arts as primary media for communication, inquiry, and insight among students;

(vi) ~~know, understand, demonstrate knowledge and understanding of~~ and use the comprehensive nature of students' physical, mental, and social well-being to create opportunities for student development and practice of skills that contribute to health enhancement; and

(vii) ~~know, understand, demonstrate knowledge and understanding of~~ and use interdisciplinary connections to integrate subject matter contents, employing

inclusive ideas and issues that engage students' ideas, interests, concerns, and experiences;

~~(c) Instructional knowledge and skills shall be demonstrated by candidates able to plan and implement instruction based on knowledge of individual students, learning theory, subject matter, curricular goals, and community.~~ Candidates:

(i) demonstrate their understanding of how students differ in their development and approaches to learning, and create instructional opportunities that are adapted to diverse learners;

(ii) demonstrate their understanding of and use a variety of teaching routines and strategies that encourage students' development of critical thinking, problem solving, and performance skills;

(iii) ~~use their~~ apply knowledge and understanding of individual and group motivation and behavior among students to ~~foster~~ develop active engagement in learning, self motivation, and positive interaction and to create supportive learning environments; and

(iv) ~~use their~~ apply knowledge and understanding of effective verbal, nonverbal, and media communication techniques to ~~foster~~ develop inquiry, collaboration, and supportive interaction;

~~(d) Assessment knowledge and skills shall be demonstrated by candidates who know, understand,~~ demonstrate knowledge and understanding of and use formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social-emotional, and physical development of each student.

~~(e) Professionalism knowledge and skills shall be demonstrated by candidates who understand and exhibit practices and behaviors of a professional educator.~~ Candidates:

(i) ~~are aware of and reflect on their practice in light of research on teaching and resources available for professional learning; they continually evaluate the effects of their professional decisions and actions, revising practices appropriately and actively seeking out opportunities to grow professionally;~~

(ii) ~~know the importance of establishing and maintaining a positive collaborative relationship with families to promote the intellectual, social-emotional, and physical growth of children; and~~

(iii) ~~foster relationships with school colleagues and others in the community to develop an infrastructure of support for students' learning and well-being.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.509 ENGLISH/LANGUAGE ARTS (1) For the prospective English/language arts teacher ~~The program shall provide a structural framework which demonstrates~~ requires that successful candidates:

(a) explicit goals, procedures and rationales in an identifiable program apply theory and practice of English/language arts throughout program preparation and performance requirements;

(b) articulation of program goals, procedures and rationales to faculty, students and administrators demonstrate skills and strategies used in creating an inclusive and supportive learning environment in which all students engage in

learning;

(c) program-wide integration of content and methods on-campus and in field experiences; and demonstrate the implementation of instruction and assessment that assist students in developing skills and habits in critical thinking;

(d) modeling by both English and education instructors of effective pedagogy and attitudes and use of classroom methods which reflect and apply knowledge of current research regarding the theory and practice of teaching English/language arts. make connections between the English/language arts curriculum and developments in culture, society, and education;

(e) engage their students in activities that demonstrate the role of the arts, humanities, and other content areas in English/language arts; and

(f) demonstrate understanding of legal and ethical issues in English/language arts such as freedom of expression and censorship.

(2) In addition, the program shall provide understandings of English/language arts content, including:

(a) language, acquired through knowledge and application of:

(i) the developmental processes by which individuals acquire, understand and use language;

(ii) the history, structure and purpose, as well as the nonverbal, symbolic and semantic systems of language;

(iii) the linguistic, rhetorical and stylistic concepts that influence the substance and structure of oral and written discourse;

(iv) the concept of grammar as the paradigm of varying linguistic schools of thought; e.g., structuralism, transformational/generative grammar, cognitive linguistics; and

(v) dialects and levels of usage; i.e., the influence of social, regional, economic, and cultural factors on language variations and use;

(b) literature, acquired through knowledge and application of:

(i) varied approaches to stimulating student responses to literature, including nonprint media, through speaking, writing, acting, and producing visual arts, film and print media (such as posters, dioramas, videotapes, hypercard stacks);

(ii) a broad selection of multi-cultural contemporary and traditional literature which includes adolescent literature, literature of various genres, minority literature, literature by women and nonprint media; and

(iii) varied approaches to critical literary theory, including classical and contemporary ways to respond to, discuss, understand and evaluate literature, including nonprint media;

(c) the reading process, acquired through knowledge and application of:

(i) ways readers adjust strategy to purpose, including reading for pleasure, for information and for insight into values and conflicts;

(ii) strategies readers can use to discover meaning and monitor their own comprehension, the role of prior knowledge, the various modes of thought; i.e., metacognition;

(iii) linguistic and cognitive bases of reading;

(iv) levels of comprehension, such as literal, interpretive, creative; and

(v) direct instruction, modeling and functional reading;

(d) the writing process, acquired through knowledge and application of:

- ~~(i) ways student writers select a topic, generate and organize ideas and choose language appropriate to the writing purpose;~~
- ~~(ii) direct instruction (about organizational patterns, mechanics, language structures, usage, etc.), modeling (teachers as writers and processes of professional writers), and conferencing (careful questioning of individual students about writing to help them focus and write well);~~
- ~~(iii) various formats (such as narration, exposition, letter, poem, journal, etc.) for a variety of purposes and audiences;~~
- ~~(iv) the linguistic, rhetorical and stylistic concepts that influence the substance and structure of written discourse;~~
- ~~(v) revision strategies which improve the development of ideas and content, organization, and voice in their own and others' writing;~~
- ~~(vi) editing techniques, which improve word choice, sentence fluency, conventions (e.g., grammar, capitalization, punctuation, usage, spelling, paragraphing) and enhance readability in their own and others' writing;~~
- ~~(vii) evaluation which allows students and teachers to identify, assess, and interpret student progress in writing for a variety of contexts and purposes; and~~
- ~~(viii) publish and/or share their own writing through student publications, computer networks, symposiums, and other displays;~~
- ~~(e) different forms of oral discourse, acquired through knowledge and application of:~~
 - ~~(i) the composing process to practice, model and help students speak in various situations, including platform speaking, small group communication and media communication (e.g., teleconferencing, taping, broadcasting);~~
 - ~~(ii) the linguistic, rhetorical and stylistic concepts that influence the substance and structure of spoken discourse;~~
 - ~~(iii) practicing, demonstrating, and helping students prepare for argumentation, persuasion and oral interpretation;~~
 - ~~(iv) the listening process, including sensing, interpreting, evaluating, and reacting for various purposes;~~
 - ~~(v) strategies for dealing with external and internal barriers to effective listening; and~~
 - ~~(vi) nonverbal communication;~~
- ~~(f) nonprint media, acquired through knowledge and application of:~~
 - ~~(i) the nature, function and structure of nonprint and nonverbal media and their relationships to print media; and~~
 - ~~(ii) the composing process in various media and for various purposes and audiences through modeling and helping students;~~
- ~~(g) thinking skills, acquired through knowledge and application of:~~
 - ~~(i) methods of gathering, analyzing and presenting information;~~
 - ~~(ii) logical and creative thinking and problem solving skills for a variety of situations;~~
 - ~~(iii) methods of helping students evaluate facts, images, inferences, implications, and judgments;~~
 - ~~(iv) the decision-making and reasoning processes; and~~
 - ~~(v) writing as a generative process.~~
- ~~(3) The program shall provide a pedagogy for English/language arts, which~~

includes:

- ~~(a) instructional planning and delivery, with practice in:~~
 - ~~(i) selecting, designing, organizing and employing objectives, strategies and materials for the English/language arts program;~~
 - ~~(ii) incorporating research findings into the instructional program and curriculum;~~
 - ~~(iii) communicating the philosophy and goals of the English/language arts curriculum to students, parents, lay audiences and other educators;~~
 - ~~(iv) designing contexts in which students have a purpose for creating, improving, and evaluating their own and others' communication;~~
 - ~~(v) formulating questions and learning to help students formulate questions at varying levels of abstraction to elicit personal responses as well as facts and inferences;~~
 - ~~(vi) organizing students for effective whole class, small group and individual work;~~
 - ~~(vii) using a variety of instructional strategies, materials, and technology appropriate to students; cultures, gender and learning styles; and~~
 - ~~(viii) developing strategies and processes for encouraging and implementing writing across the curriculum;~~
- ~~(b) knowledge of and experience with assessment, including practice in:~~
 - ~~(i) designing or selecting assessment methods appropriate for instructional and curricular decisions;~~
 - ~~(ii) preparing and using varied assessment methods and procedures appropriately to match curriculum and levels of thinking;~~
 - ~~(iii) communicating assessment results to students, parents, lay audiences and other educators;~~
 - ~~(iv) learning how to help students develop self-assessment methods; and~~
 - ~~(v) responding specifically and constructively to a student's oral and written discourse.~~
- ~~(4) Preparation programs shall develop positive attitudes for English/language arts which:~~
 - ~~(a) demonstrate a concern for students, including:~~
 - ~~(i) a recognition that all students are worthy of a teacher's attention;~~
 - ~~(ii) a desire to use the English/language arts curriculum to help students become familiar with and tolerant of diverse peoples and cultures;~~
 - ~~(iii) a respect for the language, dialect and heritage of each student;~~
 - ~~(iv) a desire to help students grow by encouraging creative and responsible uses of language;~~
 - ~~(v) a willingness to adapt objectives, methods and materials for instruction to match students' needs;~~
 - ~~(vi) a willingness to respond critically to different media and to encourage students to do the same; and~~
 - ~~(vii) an understanding of and appreciation for freedom of expression, particularly as it affects the rights and responsibilities of students;~~
 - ~~(b) demonstrate a commitment to professionalism, including:~~
 - ~~(i) continued professional growth in the teaching of English/language arts;~~
 - ~~(ii) pride in the teaching of English/language arts;~~

- ~~(iii) dedication to life-long practice in communication;~~
- ~~(iv) recognition of the value of professional collaboration;~~
- ~~(v) willingness to make informed, reflective decisions on current issues of professional concern;~~
- ~~(vi) sensitivity to the impact that events and developments in the world outside the school may have on teachers, their colleagues, their students and the English/language arts curriculum; and~~
- ~~(vii) dedication to interaction with colleagues, both in teaching and administration, which reflects an understanding of and compliance with important ethical standards.~~

~~(5) Each program shall provide field-based experiences in which students:~~

- ~~(a) observe and participate in language arts classrooms at elementary, middle, and high school levels with qualified teachers prior to student teaching;~~
- ~~(b) are able to achieve the program objectives through teaching experience in an English/language arts classroom supervised by a qualified teacher and a university/college supervisor during student teaching; and~~
- ~~(c) are meaningfully exposed to the rigors of teaching, yet allowed reasonable time for reflection, self-evaluation, and interaction with colleagues.~~

(2) Candidates are knowledgeable about language, oral discourse, reading processes, writing processes, literature, print and non print media, and technology, research theory and findings. Candidates demonstrate:

- (a) knowledge of and skills in the use of the English language;
- (b) knowledge of and skills in the use of oral discourse;
- (c) knowledge of and skills in the use of reading processes;
- (d) knowledge of and skills in writing processes;
- (e) knowledge of and skills in using an extensive range of literature, including works by Montana American Indians;
- (f) knowledge of and skills in the use of print and non print media and technology in contemporary culture;
- (g) knowledge of research theory and findings in English/language arts; and
- (h) the disposition and skills needed to integrate knowledge of English/language arts, students, and teaching.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.510 STUDENTS WITH DISABILITIES EXCEPTIONAL CHILDREN K-12 (1) The following standard pertains to programs for preparing teachers of ~~students with disabilities—early intervention through grade 12. This standard, applicable to all areas of special education, is designed to prepare an individual to provide a range of educational services for students with disabilities. This standard refers to students who have cognitive delay, hearing impairment, deafness, speech/language impairment, visual impairment, emotional disturbance, orthopedic impairment, other health impairments, learning disability, deaf-blindness, child with disability, autism, and/or traumatic brain injury. The standard represents a common set of expectations across all areas for the preparation of teachers serving students with disabilities. The program shall require demonstrated competence in the~~

following areas requires that successful candidates:

(a) ~~to demonstrate an understanding of the philosophical, historical, and legal foundations of special education;~~ students will exhibit an understanding of:

(b) demonstrate an understanding of the similarities and differences in human development, knowledge of characteristics of learners of all ages and the educational, cultural, and environmental implications of characteristics of various exceptionalities, including implications for Montana American Indian learners;

(c) demonstrate knowledge of exceptional conditions and the impact of learners' academic and social abilities, attitudes, interests, values, beliefs, and cultures on instruction and career development, including the impact on Montana American Indians;

(d) demonstrate the ability to effectively collaborate with families, other educators, related service providers, and personnel from community agencies in culturally responsive ways, and promote and advocate the learning and well-being of individuals with exceptional learning needs;

(e) create learning environments for individuals with exceptional learning needs that foster positive social interactions, cultural understanding, safety, emotional well-being, and active engagement;

(f) demonstrate knowledge and understanding of typical and atypical language development and the ways in which exceptional conditions interact with an individual's experience with and use of language, and demonstrate knowledge and use of individualized strategies to enhance language development and teach communication skills;

(g) demonstrate knowledge of and apply research-based instructional strategies to individualize learning, and to plan, develop, implement, modify, and evaluate curriculum;

(h) demonstrate knowledge of multiple types of assessment information for educational decisions; demonstrate knowledge of legal policies, ethical principles of measurement and assessment related to referral, eligibility, program planning, instruction, and placement for individuals with exceptional learning needs, and understand measurement theory and practices for addressing issues of validity, reliability, norms, bias, and interpretation of assessment results;

(i) demonstrate knowledge of individualized decision making and instruction and develop individualized instructional plans integrating general and special education learning expectations;

(j) demonstrate understanding of personal, cultural, and socioeconomic biases and how teaching style differences affect one's teaching; and

(k) demonstrate understanding of ethical and professional practices.

~~(i) national, state, and local laws, administrative policies, and procedures affecting persons with disabilities. Students will be able to:~~

~~(A) describe major components of the Individuals with Disabilities Education Act (IDEA);~~

~~(B) describe major components of Section 504 of the Rehabilitation Act and The Americans with Disabilities Act (ADA);~~

~~(C) demonstrate use of the Montana Special Education Reference Manual (MSERM) and Montana Technical Assistance Documents as resources to identify accurate policy and procedure information; and~~

- ~~(D) use state forms in the special education process.~~
- ~~(ii) models, theories, and philosophies that provide the basis for past and current special education practice. Students will be able to:~~
 - ~~(A) demonstrate knowledge of basic models and theories in the major disability areas;~~
 - ~~(B) describe the past and current philosophical issues in special education;~~
 - ~~(C) describe the historical treatment of persons with disabilities;~~
 - ~~(D) describe the impact of culture on identification and services to persons with disabilities; and~~
 - ~~(E) articulate personal philosophy of special education including its relationship to/with general education.~~
- ~~(b) In characteristics of learners of all ages, students will exhibit an understanding of:~~
 - ~~(i) characteristics of exceptionalities and their effects on students' abilities to learn. Students will be able to:~~
 - ~~(A) identify the 13 legal categories and other recognized categories (i.e., ADHD and FAE/FAS) of disability and identification criteria for each category at both the federal and state levels;~~
 - ~~(B) recognize individual variations within each major disability category;~~
 - ~~(C) demonstrate knowledge of typical and atypical development of children; and~~
 - ~~(D) describe the educational impact of major types of disabilities so that appropriate supports and accommodations can be provided.~~
 - ~~(ii) characteristics and effects on learning and life of the child and the family including environment, cultural, linguistic, socioeconomic, medical and health, gender, and other factors. Students will be able to:~~
 - ~~(A) discuss multiple external factors that will influence individual student's life and learning;~~
 - ~~(B) discuss the concept and the impact of intra-individual differences on individual student's life and learning; and~~
 - ~~(C) describe the effects of various medications on the educational, cognitive, physical, social, and emotional behavior of individuals with exceptionalities.~~
- ~~(c) In assessment, evaluation and program development:~~
 - ~~(i) students will exhibit an understanding of the evaluation/eligibility process. Students will be able to:~~
 - ~~(A) describe the steps of the evaluation/eligibility process;~~
 - ~~(B) demonstrate knowledge of routine screening procedures;~~
 - ~~(C) describe the purpose, roles and strategies generated through the pre-referral and referral process;~~
 - ~~(D) demonstrate familiarity with the forms used in the evaluation/eligibility process;~~
 - ~~(E) demonstrate an understanding of the multidisciplinary team concept;~~
 - ~~(F) demonstrate the understanding and ability to coordinate yearly and three-year evaluations; and~~
 - ~~(G) create and maintain student records.~~
 - ~~(ii) students will develop, select, administer and interpret formal and informal assessment techniques and instruments. Students will be able to:~~

~~(A) describe strengths and limitations of the most commonly used assessment tools across the disability categories;~~

~~(B) select, use and interpret various formal and informal assessment instruments and results (e.g., grade scores versus standard scores, percentile, ranks, age/grade equivalents and stanines);~~

~~(C) implement a functional assessment and curriculum based assessment;~~

~~(D) describe the discriminatory and ethical issues surrounding assessment;~~

~~(E) conduct a family/home environment and person-centered assessment;~~

~~(F) gather background information regarding academic, medical and family history;~~

~~(G) gather and compile relevant information from the student, family and others that reflects their interests and goals for post-school employment and/or education;~~

~~(H) use one of many available methods to determine parent priorities for their child's education as part of the assessment and program planning process; and~~

~~(I) demonstrate an understanding of assessments used in general education.~~

~~(iii) students will convert assessment information into appropriate educational program plan and placement recommendation. Students will be able to:~~

~~(A) demonstrate an understanding of the continuum of service options and the legal requirement for placement in the least restrictive environment;~~

~~(B) demonstrate ability to translate assessment data into implications for educational programming and placement;~~

~~(C) demonstrate ability to translate assessment data into an individualized educational program (IEP) including adaptations needed to support students in the least restrictive environment;~~

~~(D) develop present level of performance, long term goals, and short term objectives as part of the development of an IEP;~~

~~(E) assess progress in all areas, being able to:~~

~~(I) develop data collection processes;~~

~~(II) display and communicate data; and~~

~~(III) use data for decision making;~~

~~(F) develop a transition plan that insures that school activities focus on identified post-school goals;~~

~~(G) develop short term objectives that include conditions, observable behavior, criteria for success, evaluation procedures and schedules; and~~

~~(H) use a variety of ways to monitor progress in the IEP.~~

~~(d) For curriculum and instructional methods, students will:~~

~~(i) identify, evaluate, select, adapt and use curriculum materials to develop motor, cognitive, academic, social, language, affective, vocational, and functional life skills for individual students based on their needs. Students will be able to select, develop and use a variety of curricula for meeting the needs of students with diverse abilities;~~

~~(ii) be able to work as a partner with general education teachers to support students with identified disabilities in general education classrooms to the maximum extent possible. Students will be able to:~~

~~(A) collaborate with the general education teacher to plan instruction for the regular classroom in a way that allows for instruction to be differentiated to~~

accommodate students with diverse needs;

~~(B) collaborate with the general education teacher to co-teach appropriate subjects and lessons of the general education curriculum, ensuring that the needs of students with disabilities are being met;~~

~~(C) provide information to the general education teacher about adaptations and modifications that are needed on an ongoing basis by individual students with disabilities; and~~

~~(D) collaborate with the general education teacher to ensure that the progress of students with disabilities is evaluated.~~

~~(iii) demonstrate an ability to translate the IEP into daily lesson planning;~~

~~(iv) demonstrate an awareness of and ability to use and provide access to assistive technology;~~

~~(v) demonstrate an understanding of facilitating major educational transitions from preschool to adult life.~~

~~(e) In planning and managing the teaching and learning environment, students will:~~

~~(i) demonstrate competence in individual and group management techniques using techniques based upon humanistic, behavioral, and cognitive psychological theories;~~

~~(ii) demonstrate ability to effectively structure education activities that involve heterogeneous groups of students;~~

~~(iii) demonstrate ability to establish and maintain physically and psychologically safe and healthy learning environments that promote development and learning, value diversity and encourage self-advocacy and increased independence;~~

~~(iv) use strategies to coordinate, plan, supervise, and monitor the work of paraprofessionals, volunteers, parents, peer tutors and other related service providers to support the needs of students with disabilities in a variety of school and non-school settings;~~

~~(v) demonstrate an awareness of and ability to use technological advances to facilitate accessing information, record keeping, and instruction;~~

~~(vi) be able to design, structure and manage daily classroom routines, including transition time, effectively for students, other staff, and the general classroom; and~~

~~(vii) utilize structured and non-structured approaches to create opportunities for students with disabilities to interact with their typical peers in respected, age-appropriate roles and activities.~~

~~(f) In supporting students with challenging behaviors, students will:~~

~~(i) describe a variety of psychological perspectives of individual student behaviors;~~

~~(ii) demonstrate an understanding of the applicable laws, rules and regulations, procedural safeguards and ethical concerns when addressing the behaviors of individuals with exceptional needs;~~

~~(iii) demonstrate ability to identify, evaluate, select, adapt, and use a variety of techniques to prevent problem behavior and promote appropriate student behavior (e.g., social skills, modifying learning environments, cognitive strategies, behavior techniques including reinforcement strategies);~~

- ~~(iv) be able to write behavioral objectives and positive behavior intervention plans for individual students. Students will be able to:~~
 - ~~(A) conduct a functional behavior assessment;~~
 - ~~(B) write positive behavior intervention plans; and~~
 - ~~(C) maintain necessary documentation.~~
- ~~(v) demonstrate competence in using strategies for crisis prevention/intervention;~~
- ~~(vi) demonstrate an understanding of attitudes and behaviors that positively or negatively influence behavior of individuals with exceptional learning needs; and~~
- ~~(vii) describe the importance of considering cultural and family diversity in addressing student behaviors.~~
 - ~~(g) In communication and collaborative partnerships, students will:~~
 - ~~(i) demonstrate competence in the ability to work ethically and constructively with school personnel. Students will be able to:~~
 - ~~(A) utilize a variety of models for collaboration and co-teaching in classroom settings;~~
 - ~~(B) demonstrate competence in identifying, selecting, accessing and using school and community resources;~~
 - ~~(C) work collaboratively with administrators, general education teachers, paraeducators, volunteers, peer tutors and other related service providers in the classroom; and~~
 - ~~(D) collaborate with general classroom teachers and other school and community personnel in integrating students into various learning environments.~~
 - ~~(ii) demonstrate competence in the ability to work ethically and constructively with parents and families of children. Students will be able to:~~
 - ~~(A) demonstrate an understanding and sensitivity to concerns of parents of individuals with exceptional learning needs;~~
 - ~~(B) demonstrate an ability to be responsive to familial and cultural differences;~~
 - ~~(C) encourage and assist families to become active participants in the educational team; and~~
 - ~~(D) provide parents with a variety of options for communication and involvement that respects their individual priorities and circumstances.~~
 - ~~(iii) demonstrate competence in the ability to work ethically and constructively with community agency personnel;~~
 - ~~(iv) demonstrate a knowledge and understanding of ethical practices for confidential communication to others about individuals with exceptional learning needs;~~
 - ~~(v) demonstrate competence in oral and written communication with parents, families, and other professionals;~~
 - ~~(vi) demonstrate understanding of rights to privacy, confidentiality, and respect for differences among all persons interacting with individuals with disabilities; and~~
 - ~~(vii) identify the various community agencies and adult service providers that may play a role in providing supports for a student with a disability and his/her family.~~
 - ~~(h) In professional and ethical practices, students will:~~

- ~~(i) demonstrate an understanding of personal cultural biases and teaching style differences that affect one's teaching;~~
- ~~(ii) describe the importance of the teacher serving as a role model;~~
- ~~(iii) develop skills to be advocates for students and families;~~
- ~~(iv) model life-long habits to stay current in the field through accessing current literature and research;~~
- ~~(v) be able to recognize signs of emotional distress, child abuse, and neglect in students and follow legal procedures for reporting known or suspected abuse or neglect to appropriate authorities;~~
- ~~(vi) be able to recognize the impact of diversity in all its forms;~~
- ~~(vii) participate actively in professional organizations and adhere to a professional code of ethical conduct;~~
- ~~(viii) be able to comply with local, state, provincial and federal monitoring and evaluation requirements;~~
- ~~(ix) use copyrighted educational materials in an ethical manner; and~~
- ~~(x) describe the various roles that teachers may have as part of a school-wide change or reform initiative.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.511 SECOND WORLD LANGUAGES (1) ~~For the prospective teacher seeking endorsement to teach any second language, preparation shall be in a specific language program leading to teacher preparation and shall provide~~ The program requires that successful candidates:

- (a) ~~study in~~ demonstrate knowledge of phonology, grammar and composition, linguistics (applied to the specific language or applied to second language study as a whole), literature, and culture;
- (b) demonstrate sufficient listening comprehension to understand most routine social conventions, conversations on school or work requirements, and discussion on concrete topics related to particular interests and special fields of competence;
- (c) ~~the~~ demonstrate oral proficiency to satisfy most work requirements, and show some ability to communicate on concrete topics relating to particular interests and special fields of competence;
- (d) ~~the ability to read with~~ demonstrate reading comprehension for factual information in non-technical prose, ~~as well as~~ and concrete topics related to special interests; ₁ read for information and description; ₁ follow a sequence of events and react to that information; ₁ and separate main ideas and details in material written for the general public;
- (e) demonstrate the ability to write about most common topics with some precision and in some detail; ₁ write detailed resumes and summaries; ₁ take accurate notes; ₁ write social and informal business correspondence; ₁ describe and narrate personal experiences; ₁ explain simple points of view in prose discourse; ₁ and write about concrete topics relating to particular interests and special fields of competence;
- (f) demonstrate a working social and professional competence in cultural

skills (reflecting the international character of present-day economic ties among countries), including:

~~(i) the ability to participate in social situations and those within one's vocation;~~
~~(ii) handle unfamiliar situations with ease and sensitivity, including those involving common taboos or other controversial subjects; and~~

~~(iii) comprehend most nonverbal responses, including some culture-related humor;~~

~~(g) the opportunity to contact~~ demonstrate knowledge of and strategies to build connections with native cultures either on the campus or in an organized period of study in the native culture of the second (target), language;

~~(h) an awareness~~ demonstrate understanding of language as an essential element of culture, an understanding of the principal ways in which the target language culture differs from the first language culture, first-hand knowledge of literary masterpieces, and ~~acquaintance with~~ the geography, history, art, and social customs of major lands in which the language is dominant;

~~(i) demonstrate and apply~~ an understanding of the differences between the phonological, grammatical, and semantic systems of the second language and those of English and the ability to apply this understanding to modern second language teaching;

~~(j) a~~ demonstrate knowledge of the present-day objectives of second language teaching as communication, an understanding of the methods and techniques for attaining these objectives, and the ability to evaluate the professional literature of second language teaching;

~~(k) a~~ demonstrate knowledge of the use of special techniques, such as educational media, the internet and electronic mail, and the relation of second language study to other curricular areas; and

~~(l) a demonstration~~ demonstrate knowledge of language proficiency in the target language resulting from the achievement of an appropriate score (at a specific level determined by the degree granting college or university) on an internationally recognized proficiency examination;

~~(m) (2) The classical language program requires that successful candidates:~~

~~(a) demonstrate knowledge and understanding of preparation of teachers of classical languages through adherence to the preceding standards;~~

~~(b) demonstrate knowledge and understanding of the specific classical language; and~~

~~(c) demonstrate knowledge and application of the specific classical language's with special emphasis on appreciation of the language and gaining control of its sounds, structure, and vocabulary rather than on conversational objectives;~~

~~(n) (3) The Native American language program requires that successful candidates demonstrate the knowledge of and competence in~~ for Native American languages competence in the language as attested by the appropriate tribal authority; and

~~(o) (4) The for ESL (English as a second language) candidates, a required two-year program~~ requires that successful candidates:

~~(a) demonstrate, or the equivalent experience, learning a second language to include~~ knowledge of the linguistic structure of the language and features of a the

culture which uses the native language;

(b) demonstrate knowledge of and use of instructional strategies, methods, and skills for teaching English as a second language; and

(c) demonstrate successful completion of a two-year program, or the equivalent experience, in learning a second language.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.512 GUIDANCE AND SCHOOL COUNSELING K-12 (1) ~~For the prospective counselor~~ The program shall provide requires that successful candidates:

(a) ~~the completion of a master's degree in counseling or equivalent~~ demonstrate knowledge of the history, current trends, philosophy, current and emerging computer technology, and professional activities related to the practice of professional school counseling K-12;

(b) ~~evidence that careful screening throughout the program is employed to assure that persons have demonstrated competence as student advocates in consulting with students, teachers, administrators, parents and agencies~~ demonstrate competence in developing relationships with service agencies such as community, public, private, medical, employment, and educational agencies for referral and collaborative service delivery to promote student success;

(c) ~~opportunities to understand the history, philosophy, theories, trends, organization, time management, and professional activities related to the practice of school counseling K-12~~ demonstrate competence in the use of theories of individual and family development and transitions across the life span, theories of learning and personality development, and human behavior including developmental crises, exceptionality, addictive behavior, psychopathology, and environmental factors that affect both normal and abnormal behavior;

(d) ~~opportunities to demonstrate competence in developing relationships with community, public, private, medical, employment, and educational agencies and other services for referral and collaborative service delivery~~ demonstrate knowledge of educational philosophies, curriculum development, school organization, and management to facilitate student success in the areas of academic, career, and personal/social development;

(e) ~~opportunities to understand individual growth and development across the life-span within family and social environments including theories of learning and personality development, human behavior (understanding of developmental crises, disability, addictive behavior, psychopathology and environmental factors that affect both normal and abnormal behavior)~~ demonstrate knowledge of the role of ethnic and cultural heritage, nationality, socioeconomic status, family structure, age, gender, sexual orientation, religious and spiritual beliefs, occupation, physical and mental status, and equity issues in school counseling, including Montana American Indians;

(f) ~~opportunities to understand basic educational philosophies, curriculum development, and school organization and management~~ demonstrate competence in the coordination of school counseling program components and understand how

they are integrated within the school community in collaboration with the efforts of other educators and agencies;

~~(g) opportunities to understand and appreciate sociocultural, demographic, and lifestyle diversity that include attitudes and behavior based on such factors as age, race, religious preference, physical disability, sexual orientation, ethnicity and culture, family patterns, socioeconomic status and intellectual ability;~~

~~(h) opportunities to understand the coordination of counseling program components as they relate to the total school community in coordination efforts with various individuals and agencies, methods of integrating the guidance curriculum into the total school curriculum, using guidance and counseling activities to enhance a positive school climate, and developing methods of planning and presenting guidance-related educational programs for school personnel and parents;~~

~~(i) opportunities to demonstrate competence in elementary, middle, and secondary high school counseling in the following areas:~~

~~(i) planning, designing, implementation, administration, and evaluation of a comprehensive and developmental school counseling curricula and programs;~~

~~(ii) principles of appraisal and interpretation of appraising and interpreting interviews, history taking, observations, and formal assessments (e.g., intelligence, aptitude, and interest, achievement, and personality tests);~~

~~(iii) assisting students in developing personal, social, educational, and life career planning and decision-making skills promoting student success using developmental approaches to assist all students and parents at points of educational transition (e.g., home to elementary school, elementary to middle to high school, high school to postsecondary education and career options);~~

~~(iv) utilizing a variety of developmentally appropriate intervention strategies in individual, family, and group counseling including the design, implementation and application of developmental, preventive, remedial and adjustment strategies and services;~~

~~(v) consultation consulting with educators, families family members, and others professionals regarding assessment and intervention to enhance students' the physical, academic, social, cognitive, psychological, cognitive, and physical functioning social development of all students;~~

~~(vi) utilizing drug and alcohol prevention/ and intervention programs that address issues such as drugs and alcohol, conflict/anger/violence management, violence prevention/intervention, suicide, eating disorders, child abuse and neglect, teenage pregnancy, human sexuality, family relations, grief/separation/loss, student childhood depression and suicide, school drop-outs, gender equity, grief/separation/loss issues, and crisis intervention management; and~~

~~(vii) performance, evaluation, and use of managing, using, analyzing, and presenting educational research, performance, and evaluation data (e.g., standardized test scores, grades, retention, and placement);~~

~~(viii) acquiring new knowledge and skills, and refining existing skills through professional renewal (i.e., self-reflection, continuing education, and professional development); and~~

~~(ix) acquiring knowledge of special education laws, rules, and regulations and demonstrated competence in the knowledge of developmental and educational issues of exceptional students and their families;~~

~~(j) opportunities to gain knowledge of special education rules and regulations and demonstrated competence in the knowledge of special needs and developmental issues of exceptional students and their families;~~

~~(k) (h) opportunities to gain demonstrate knowledge of, and apply the state and federal laws (state and federal), and school accreditation standards, including those laws and regulations policies, and legislation that affect student placement, follow-up and program planning, as well as the ethical issues related to the school counseling field, specifically the ethical standards of the American School Counselor Association (ASCA);~~

~~(l) (i) opportunities to demonstrate competence in the knowledge of policies, laws, legislation, ethical issues that affect school counseling and knowledge of the ethical standards and guidelines of the American School Counseling Association (ASCA) national standards for student development (academic, career, and personal/social developmental domains) and demonstrate competence integrating the national standards throughout the school counseling program;~~

~~(m) opportunities to demonstrate competence in career counseling, including career development theories and decision-making models; information resources (career, avocational, and labor market); computer-based information systems; interrelationships among work, family, and other life roles; assessment instruments; career and educational placement, follow-up and evaluation;~~

~~(n) (j) opportunities to complete a successfully complete a supervised counseling practicum and internship experience, which include including observation, and practice, and performance of counseling and the other professional skills related to professional duties of a school counselor counseling with the following requirements:~~

~~(i) The counseling practicum must total a minimum of 100 hours, including which includes 40 hours of supervised direct client contact offering counseling services; service to students providing individual counseling and group work.~~

~~(ii) The counseling practicum must be supervised a minimum of one hour per week in an individual supervision session and one and one-half hours per week in a group supervision session by graduate a program faculty member or a supervisor under the supervision of a program faculty member.;~~

~~(iii) The internship is begun after the successful completion of a counseling practicum and must consist of a minimum of 600 hours in a school or school-related setting.;~~

~~(iv) The internship must include 240 hours of supervised direct client contact offering counseling services; and service to students performing a variety of school counseling activities related to a school counseling program that may include delivering guidance curriculum (classroom teaching), student planning (academic, career, or personal/social), responsive services (counseling and referral), and system support (management and consultation).~~

~~(v) The internship must be supervised a minimum of one hour per week in an individual supervision session (provided by a site supervisor) and one and one-half hours per week in a group supervision sessions by a master's degree school counselor or graduate (provided by a program faculty member).~~

~~(vi) Each regular or adjunct program faculty member who provides individual or group practicum and/or internship supervision must have a doctoral degree and/or~~

appropriate clinical preparation, preferably from an accredited counselor education program, relevant professional experience and demonstrated competence in counseling, and relevant training and supervision experience.

(vii) Site supervisors must have a minimum of a master's degree in counseling or a related profession with equivalent qualifications, including appropriate certifications and/or licenses, a minimum of two years of experience as a school counselor, and knowledge of the program's expectations, requirements, and evaluation procedures for trainees.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.513 HEALTH (1) For the prospective teacher the program shall provide a broad understanding of basic knowledge and understanding of the concepts that promote comprehensive health, the benefits of leading a healthy lifestyle and health enhancement and shall further provide The program requires that successful candidates:

(a) utilize health-related data about the social and cultural environments inclusive of Montana Indian tribes, growth and development factors, needs, and interests of students;

(b) distinguish between behaviors that foster and those that hinder well-being;

(c) determine health education needs based on observed and obtained data;

(d) recruit school and community representatives to support and assist in program planning;

(e) develop a logical scope and sequence plan for a health education program that includes a display of functional knowledge of health concepts related to alcohol and other drugs, injury prevention, nutrition, physical activity, sexual health, tobacco, mental health, personal and consumer health, and community and environmental health;

(f) formulate appropriate and measurable learner objectives;

(g) design educational strategies consistent with specified learner objectives;

(h) analyze factors affecting the successful implementation of health education and coordinated school health programs;

(i) select resources and media best suited to implement program plans for diverse learners. Resources and media must meet the guidelines set for Indian Education for All (20-1-501, MCA);

(j) demonstrate competence in delivering planned programs;

(k) evaluate educational programs, adjusting objectives and instructional strategies as necessary;

(l) plan to assess student achievement of program objectives;

(m) implement evaluation plans;

(n) interpret results of program evaluation and examine implications of evaluation findings of future program planning;

(o) develop a plan for coordinating health education with other components of a school health program;

(p) demonstrate the dispositions and skills to facilitate cooperation among

health educators, other teachers, and appropriate school staff;

(q) formulate strategies of collaboration among health educators in all settings;

(r) design professional development programs for teachers, other school personnel, community members, and other interested individuals;

(s) utilize health information retrieval systems effectively, i.e., current and emerging technologies;

(t) establish effective and appropriate consultative relationships with those requesting assistance in solving health-related problems;

(u) synthesize reliable health data and respond to requests for health information;

(v) select effective educational resource materials for dissemination;

(w) interpret concepts, purposes, and theories of health education;

(x) predict the impact of societal value systems on health education programs;

(y) select a variety of communication methods and techniques in providing health information; and

(z) develop communication between health care providers and consumers.

~~(a) the ability to advocate for, plan, organize, assess and implement a comprehensive school health education program including:~~

~~(i) the school health curriculum, including goals and objectives based on content standards and planned learner activities integrated with related disciplines, to include:~~

~~(A) personal health and principles of health-related physical fitness;~~

~~(B) accident prevention and safety;~~

~~(C) nutrition;~~

~~(D) community health;~~

~~(E) consumer health;~~

~~(F) family life education and human sexuality;~~

~~(G) chronic and communicable disease prevention including HIV/AIDS prevention;~~

~~(H) alcohol, tobacco and other drugs;~~

~~(I) mental and emotional health;~~

~~(J) environmental health; and~~

~~(K) student assessment based on performance standards and program evaluation which includes consideration of content standards and student achievement;~~

~~(ii) school health services, healthy school environment, health promotion for staff, food services and social climate;~~

~~(b) knowledge and skills related to health concepts including:~~

~~(i) the interrelationship of the physical, emotional, social, and intellectual dimensions of growth and development;~~

~~(ii) the many topical areas included in the health curriculum and the relationship to total health;~~

~~(iii) the educational, motivational, and organizational strategies used to involve staff in health promotion and wellness; and~~

~~(iv) ethical issues surrounding individual and family health decision-making;~~

~~(c) knowledge and skills to teach prevention and intervention strategies, including but not limited to:~~

- ~~(i) basic communication and counseling skills;~~
- ~~(ii) assertiveness;~~
- ~~(iii) building self-esteem and self-concept;~~
- ~~(iv) stress management;~~
- ~~(v) conflict resolution;~~
- ~~(vi) critical thinking and decision making;~~
- ~~(vii) identification of obstacles to learning and referral; and~~
- ~~(viii) risk factors, protective factors and resiliency.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.514 FAMILY AND CONSUMER SCIENCES (1) The program shall provide opportunities for the prospective teacher to develop the knowledge, skills, attitudes, and behaviors needed for preparing grades 5-12 students to requires that successful candidates:

(a) analyze family, community, and work interrelationships, investigate career paths, examine family and consumer sciences careers, and apply career decision making and transitional processes;

(b) use resources responsibly to address the diverse needs and goals of individuals, families, and communities in family and consumer sciences areas such as resource management, consumer economics, financial literacy, living environments, and textiles and apparel;

(c) apply principles of human development, interpersonal relationships, and family to strengthen individuals and families across the life span in contents such as parenting, care giving, and the workplace;

(d) apply principles of nutrition, food, and wellness practices that enhance individual and family well being across the life span, and address related concerns in a global society;

(e) develop, justify, and implement curricula that address perennial and evolving family, career, and community issues, reflect the integrative nature of family and consumer sciences, and integrate core academic areas;

(f) create and implement a safe, supportive learning environment that shows sensitivity to diverse needs, values, and characteristics of students, families, and communities, including American Indians (20-1-501, MCA);

(g) demonstrate ethical professional practice based on the history and philosophy of family and consumer sciences and career and technical education through civic engagement, advocacy, and ongoing professional development;

(h) assess, evaluate, and improve student learning and programs in family and consumer sciences using appropriate criteria, standards, and processes; and

(i) integrate leadership strategies into the program to develop students' academic growth, application of family and consumer sciences content, leadership, service learning, and career development.

~~(a) address problems regarding the impact of society on diverse family, community and work interaction and environments;~~

- ~~(b) appreciate human worth across the lifespan and accept responsibility for one's successes and failures in family and work life;~~
- ~~(c) analyze the multiplicity of factors involved in selection, use, and care of clothing and textiles for personal and family needs;~~
- ~~(d) manage resources and make decisions to meet the developmental needs of individuals and families with regard to the shelter, safety, nurturing, and environmental aspects of housing and technology/equipment;~~
- ~~(e) promote optimal nutrition and wellness across the lifespan through practical experiences with selecting, planning, preparing, serving and allocating resources for meals and building endurance, strength, and flexibility activities into the schedules of individuals and families which reflect their culture, as well as the variety provided through other cultures;~~
- ~~(f) function effectively throughout the lifecycle as providers and consumers of goods and services related to individuals and families in the home and workplace;~~
- ~~(g) demonstrate responsible actions and decision-making as leaders in family, community and work settings through the use of family, career and community leaders of America (FCCLA) as a youth leadership development structure and process; and~~
- ~~(h) exhibit strategies for balancing personal, home, family and work life through exploration of careers and development of skills for seeking and maintaining employment.~~
- ~~(2) The program shall provide opportunities for the prospective teacher to develop the knowledge, skills, attitudes, and behaviors to:~~
 - ~~(a) plan, develop, teach, supervise and evaluate programs in family and consumer sciences education;~~
 - ~~(b) apply a variety of teaching strategies to integrate academics and reinforce workplace competencies experiences through the involvement of community agencies/businesses/ parents in the curriculum; and~~
 - ~~(c) apply family and consumer sciences education to daily life with respect to the study of social, behavioral and natural sciences.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.515 INDUSTRIAL/TECHNOLOGY EDUCATION (1) ~~For the prospective teacher the~~ The program shall requires that successful candidates:

~~(a) provide~~ demonstrate knowledge of a curriculum and curriculum design ~~that is consistent with current national and Montana standards, including for curricular design and:~~

~~(i) be based on a sound mission statement with stated goals and objectives that reflect the intent of industrial/technology education programs, as guided by national professional organizations;~~

~~(ii) will be consistent with Montana school accreditation standards~~

~~(iii) will consider local school standards and curricula as are expressed through advisory input from the public school sector;~~

~~(iv) follow an organized set of concepts, processes, and systems that are technological in nature; and~~

~~(v) will be reflected in curricular design, course outlines, instructional strategies and evaluation of student work;~~

~~(iii) content orientated toward technology education (TE) or industrial technology (IT);~~

~~(b) be based on a published philosophical statement and defined set of concepts, which will include appropriate objectives and competencies. Such statements shall be known to students as they matriculate into the program; demonstrate knowledge of content area(s) in which the candidate teaches, including:~~

~~(c) be based on content selected for relevance to the public school curriculum. Content may be orientated toward technology education (TE) or industrial technology (IT), providing that orientation is consistent with the stated program philosophy;~~

~~(d) require appropriate studies in the content area(s) in which the graduate will teach, including:~~

~~(i) fundamental knowledge about the development of technology, its effects on people, the environment, and society;~~

~~(ii) information about industry's organization, personnel systems, techniques, resources, products, and social impacts;~~

~~(iii) instructional content drawn from the following content organizers:~~

~~(A) communication technology, which includes information-related technology that uses resources to transfer information and to extend human potential;~~

~~(B) (iv) construction technology, which includes physical-related technology that uses resources to build structures or construct work on site;~~

~~(C) (v) manufacturing technology, which includes physical-related technology using resources to extract and convert raw/recycled materials into industrial and consumer goods;~~

~~(D) (vi) transportation technology, which includes physical-related technology using transportation technologies to maintain contact and exchange among individuals and societal units through the movement of material, goods, and people; and~~

~~(E) other organizers as stated in program design;~~

~~(iv) (vii) identification of a level and scope of entry level skills in the use of tools, instruments, and machines necessary for successful teaching;~~

~~(v) (c) emphasis on demonstrate knowledge of quality workmanship;~~

~~(vi) (d) assistance to students in developing develop insight and understanding in the application of technological concepts, processes, and systems;~~

~~(vii) (e) development of and demonstrate skills in utilizing tools, materials, machines, processes, and technical concepts relative to content organizers, safely and efficiently;~~

~~(viii) (f) help for students to develop demonstrate skills, creative abilities, and positive self-concepts, and individual potentials relating to technology;~~

~~(ix) (g) demonstrate problem-solving and decision-making abilities involving human and material resources and technological processes and systems;~~

~~(x) (h) demonstrate activity-oriented laboratory instruction that reinforces abstract concepts with concrete experiences;~~

~~(xi) emphasis on "know-how" and "ability-to-do" in carrying out technology~~

activities;

~~(xii)~~ (i) demonstrate knowledge and skills regarding how technological systems function, and the attitudes to evaluate those systems;

~~(xiii)~~ (j) demonstrate knowledge of the ability of students to understand past, present, or and future technological systems by applying knowledge and skills developed in the study of other systems;

~~(xiv)~~ (k) the ability to apply and use other areas of content knowledge (e.g., mathematics, science, history) to technology and its use in solving to solve individual and social problems;

~~(xv) information on the relationship between technology education and vocational education and its role in providing middle and high school students with career awareness and exploratory activities that enhance success in advanced specialized courses; and~~

~~(xvi) manipulative skills development of value to the individual students;~~

~~(e) provide courses and experiences so that the graduate can perform the following tasks in developing, managing, and evaluating an industrial/technology education program in schools:~~

~~(i) develop a strategic plan that includes a mission statement, rationale for updating, goals and objectives, action steps, and a program evaluation strategy;~~

~~(ii) focus instruction on the technological systems of communication, construction, manufacturing, transportation and other content organizers around which the program may be based;~~

~~(l) introduce career opportunities in industrial/technology and related fields and encourage and advise students about postsecondary options;~~

~~(iii)~~ (m) structure an demonstrate knowledge of educational environments in the classroom and laboratory that enhances student learning;

~~(iv)~~ (n) select and apply appropriate instructional strategies for individual and group instruction;

~~(v)~~ (o) successfully provide all elements of demonstrate knowledge of and apply laboratory management skills (e.g., maintaining inventory, filing, requisitioning equipment and materials, maintenance, and budgeting);

~~(vi)~~ (p) develop and use lesson plans, and organize materials and present psychomotor, affective, and cognitive instruction to meet the learning needs of students;

~~(vii) establish student expectations, and develop and implement a behavior policy;~~

~~(viii) establish and maintain a student organization within the program, such as skillsUSA-VICA or Technology Students Association (TSA);~~

~~(q) develop and implement classroom management consistent with school policy;~~

~~(r) demonstrate the development of personal and leadership competencies (e.g., citizenship, personal development, goal setting, parliamentary procedure, and teamwork);~~

~~(ix)~~ (s) promote and articulate industrial/technology education to internal and external school and community publics;

~~(x)~~ (t) develop and coordinate an external advisory committee for the program;

- ~~(xi) establish a professional development plan for continued personal growth;~~
- ~~(xii) identify program standards, with reference to state and national norms, and use the standards to evaluate and improve the program;~~
- ~~(xiii) function as a committed participant in professional activities both as a contributor and recipient;~~
- ~~(xiv)~~ (u) demonstrate knowledge of how to gain access to services and financial resources available from state and federal agencies, and operate within applicable laws and regulations governing education;
- ~~(xv)~~ (v) develops students' abilities to search, access, retrieve, synthesize, and apply information; and
- ~~(xvi)~~ (w) provide opportunities for students with work-related experience useful for employment entry after graduation.

AUTH: 20--2-114, MCA

IMP: 20-2-121, MCA

10.58.516 JOURNALISM (1) ~~For the prospective teacher the~~ The program shall provide a structural framework which demonstrates requires that successful candidates:

- ~~(a) explicit goals, procedures and rationales in an identifiable program for prospective journalism teachers;~~
- ~~(b) articulation of program goals, procedures and rationales to faculty, students, and administrators;~~
- ~~(c) the effort to integrate on-campus content and methods and field experiences throughout the program; and~~
- ~~(d) the modeling of pedagogy and attitudes which reflect and apply knowledge of current research on the theory and practice of teaching journalism.~~
- (2) ~~The program shall provide understanding of journalism as a subject, including:~~
 - (a) demonstrate knowledge of and apply press law, particularly as it affects the rights and responsibilities of student journalists;
 - (b) demonstrate knowledge of and apply the history, technological development, and impacts of the mass media;
 - (c) demonstrate knowledge of the functions of the news media in a democratic society;
 - (d) demonstrate knowledge of the organizational structure of the news media;
 - (e) demonstrate knowledge of styles and purposes of journalistic forms, including news, features, columns, and editorials; ~~and~~
 - (f) demonstrate knowledge of and apply the concepts of accuracy, fairness, objectivity, and comprehensiveness in news reporting;
 - (g) demonstrate knowledge of and apply journalism ethics;
- ~~(3) Opportunities in both print and nonprint formats shall be provided for the prospective teacher to practice, model, and help students to use a composition process which involves:~~
 - ~~(a)~~ (h) demonstrate knowledge of precomposition strategies, including generating sources, determining angle, interviewing, and researching;

- ~~(b) (i) demonstrate knowledge of and apply skills in using multiple drafts, using conferences, and self-assessment as guides for revision and editing; and~~
- ~~(c) (j) demonstrate a variety of publishing/production methods;:~~
- ~~(4) The program provides opportunities in both print and nonprint formats for the prospective teacher to practice, model, and help students to:~~
 - ~~(a) (k) evaluate the effectiveness of a variety demonstrate knowledge of and apply methods of effective evaluation of journalistic forms, including advertisements;~~
 - ~~(b) (l) demonstrate knowledge of and apply strategies to organize staffs and demonstrate skills in leadership and group dynamics; and~~
 - ~~(c) (m) demonstrate knowledge of and apply use sound business practices for advertising, sales, consumer relations, bookkeeping, and circulation;:~~
- ~~(5) There shall be provided a pedagogy for journalism which includes practice in:~~
 - ~~(a) (n) demonstrate knowledge of the purposes and characteristics of sound strategies in instructional planning and delivery; including:~~
 - ~~(i) (o) create effective journalism programs by demonstrating sound practices in selecting, designing, organizing, and employing objectives, strategies, and materials for journalism programs;~~
 - ~~(ii) (p) create engaging learning environments by organizing students for effective whole class, small group, and individual work; and~~
 - ~~(iii) (q) integrate using a variety of instructional strategies, materials, and technology technologies appropriate to the breadth of journalism content and the individual needs of students;~~
 - ~~(b) (r) selecting, preparing, using, and evaluating varied assessment methods and procedures; and~~
 - ~~(c) (s) communicating all components of curriculum and instruction to students, parents, lay audiences, and other educators; and~~
 - ~~(t) create an inclusive and supportive learning environment in which all students can engage in learning.~~
- ~~(6) The program shall develop positive attitudes for teaching journalism, including:~~
 - ~~(a) a concern for students, as demonstrated by:~~
 - ~~(i) a respect for the heritages and goals of all students;~~
 - ~~(ii) a desire to use the journalism curriculum to encourage students to be well-informed, critical consumers and citizens;~~
 - ~~(iii) a desire to help students develop the ability to use language creatively and responsibly; and,~~
 - ~~(iv) a willingness to match objectives, methods and materials to individual student needs;~~
 - ~~(b) a commitment to professionalism, as demonstrated by:~~
 - ~~(i) continued professional growth in the teaching of journalism;~~
 - ~~(ii) a willingness to respond critically to all the different media and to encourage students to respond critically;~~
 - ~~(iii) an understanding of and an appreciation for freedom of expression, particularly as it affects the rights and responsibilities of students;~~
 - ~~(iv) collaboration with other journalists and other teachers; and,~~
 - ~~(v) awareness of career opportunities in journalism and the preparation~~

required for such careers.

AUTH: 20-2-112, MCA

IMP: 20-2-121, MCA

10.58.517 LIBRARY MEDIA K-12 (1) The program designed to produce a library media specialist, whose aim is to provide students with skills which are basic components of lifelong, independent learning, shall provide requires that successful candidates:

(a) instruction in educational partnerships to include: demonstrate planning, implementing, teaching, and evaluating an integrated instructional program in information literacy, including working collaboratively with students and certified and support staff in the development of K-12 curriculum that promotes information literacy to prepare independent, lifelong learners, including the implementation of Indian Education for All, 20-1-501, MCA;

(b) demonstrate the ability to manage the library facility to meet school district goals and exhibit professional best practices through policy development, budgeting, needs assessment, market analysis, technical skills, and collaboration with students, faculty, and administrators. Candidates demonstrate competency in library program administration including strategic planning from which budgets, funding, facilities, equipment, and public relations are exhibited and professional standards met;

(c) manage library collections through evaluation, selection, acquisition, and organization of library materials for staff, faculty, and diverse learners, including American Indian learners;

(d) demonstrate knowledge of acquisitions and technical services and the policies and procedures that govern these services; and

(e) use emerging information technologies and explain their impact on the K-12 library media program.

(i) ~~lessons in the collaborative design and development of a curriculum in which information literacy becomes a coherent thread across all subjects and grade levels. Information literacy means:~~

(A) ~~the ability to access information efficiently and effectively, including the ability to:~~

~~(I) discern the need for relevant information;~~

~~(II) identify potential sources; and~~

~~(III) develop and use strategies for locating information in a variety of resources;~~

(B) ~~the ability to evaluate information critically and competently, including the ability to:~~

~~(I) select information appropriate to the task at hand;~~

~~(II) distinguish among fact, point of view, and opinion; and~~

~~(III) select information appropriately;~~

(C) ~~the ability to use information accurately and creatively, including the ability to:~~

~~(I) organize and synthesize information;~~

~~(II) use information in problem solving; and~~

~~(III) communicate new knowledge and information in meaningful, appropriate and creative ways; and~~

~~(ii) instruction in how to work collaboratively with administrators and teachers to develop and implement programs and units;~~

~~(b) instruction in administration of the library media center including:~~

~~(i) how to evaluate library media programs and procedures according to state, regional and national guidelines;~~

~~(ii) how to assess needs and set goals, objectives and priorities while supporting the mission of the school;~~

~~(iii) how to engage in comprehensive and collaborative long range, strategic planning from which budgets are formulated, and funding proposals and programs are developed;~~

~~(iv) how to establish and implement policies and procedures;~~

~~(v) how to interpret and advocate the program through public relations;~~

~~(vi) how to develop job descriptions and organization charts;~~

~~(vii) how to develop plans for supervision and training of personnel;~~

~~(viii) how to use various computer applications and other technology for management of the library media center, including electronic circulation and cataloging programs;~~

~~(ix) how to plan use of facilities and equipment;~~

~~(x) how to create a climate in the library media center which is conducive to a positive attitude toward questioning and active learning;~~

~~(xi) how to keep current with curricular and technological advances, research, trends and issues as they apply to learning and teaching in a school setting;~~

~~(xii) an understanding of the roles and functions of professional organizations, and local, state and federal agencies;~~

~~(xiii) familiarity with laws, regulations and guidelines pertinent to library media programs such as those concerning copyright, confidentiality and intellectual freedom;~~

~~(xiv) familiarity with American library association documents such as the code of ethics and the library bill of rights, with its various interpretations;~~

~~(xv) a broad knowledge of curriculum contents, development and evaluation in K-12 settings; and~~

~~(xvi) meaningful participation in a supervised internship experience comparable in length and emphasis to the student teaching experience;~~

~~(c) instruction in information sources and services including:~~

~~(i) reference interviews, reference works and uses;~~

~~(ii) literature for children and young adults;~~

~~(iii) community resources, networks and resource sharing;~~

~~(iv) electronic resources, including internet, databases and CD ROMs to locate and retrieve information;~~

~~(v) how to operate, maintain and do minor repair of audio, projection, video and computer equipment which is commonly used in schools; and~~

~~(vi) production of basic non-print media;~~

~~(d) instruction in selection, acquisition and organization of resources and media including the use of:~~

- ~~(i) evaluative selection aids including standard and current review sources for print/nonprint media and equipment;~~
- ~~(ii) acquisition resources such as publishers, jobbers, producers, and vendors;~~
- ~~(iii) standardized library procedures including cataloging, indexing, processing and managing records;~~
- ~~(iv) basic principles of collection development and maintenance;~~
- ~~(v) local and state networking for the purpose of resource sharing to include interlibrary loans, cooperative collections and catalog development, and electronic resources and networks; and~~
- ~~(vi) traditional and electronic ordering procedures;~~
- ~~(e) instruction in educational leadership to include:~~
 - ~~(i) promoting development of curriculum which shows the relationship between information-based learning and skills students need for the future;~~
 - ~~(ii) planning and implementing professional development activities for teachers designed to increase awareness, familiarity and integration of various educational resources, both traditional and electronic;~~
 - ~~(iii) identifying legislation and policy at the local, state and national levels that affect the school library media program and taking appropriate and professional action; and~~
 - ~~(iv) communicating effectively with other colleagues, faculty, staff, administrators, parents, students, and the general public to develop and promote a library media program which effectively promotes information literacy.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.518 MATHEMATICS (1) ~~For the prospective teacher t~~The program shall requires that successful candidates:

- (a) include experiences in which they: demonstrate knowledge and understanding of and apply the process of mathematical problem solving;
- (b) reason, construct, and evaluate mathematical arguments and develop an appreciation for mathematical rigor and inquiry;
- (c) communicate mathematical thinking orally and in writing to peers, faculty, and others;
- (d) recognize, use, and make connections between and among mathematical ideas and in contexts outside mathematics to build mathematical understanding;
- (e) use varied representations of mathematical ideas to support and deepen students' mathematical understanding;
- (f) appropriately use current and emerging technology as an essential tool for teaching and learning mathematics; and
- (g) support a positive disposition toward mathematical processes and mathematical learning;
- (2) demonstrate knowledge of how students learn mathematics and of the pedagogical knowledge specific to mathematics teaching and learning;
- (3) demonstrate content knowledge in:
 - (a) numbers and operations by demonstrating computational proficiency,

including a conceptual understanding of numbers, ways of representing number relations among number and number systems, and meanings of operations;

(b) algebra by demonstrating knowledge of relationships among quantities including functions, ways of representing mathematical relationships, and the analysis of change;

(c) geometries by using spatial visualization and geometric modeling to explore and analyze geometric shapes, structures, and their properties;

(d) calculus by demonstrating a conceptual understanding of limit, continuity, differentiation, and integration and a thorough background in the techniques and application of the calculus;

(e) discrete mathematics by applying the fundamental ideas of discrete mathematics in the formulation and solution of problems;

(f) data analysis, statistics, and probability by demonstrating an understanding of concepts and practices related to data analysis, statistics, and probability; and

(g) measurement by applying and using measurement concepts and tools.

~~(i) become confident in their ability to construct mathematical ideas, exercise mathematical reasoning: inductive and deductive;~~

~~(ii) use various strategies to solve problems;~~

~~(iii) explore the connections that exist within mathematics and between mathematics and other disciplines;~~

~~(iv) develop skills in written, visual and oral communication of mathematical concepts and technical information;~~

~~(v) construct, interpret, test and revise models used in solving real-world problems;~~

~~(vi) explore the dynamic nature of mathematics throughout history and its increasingly significant role in social, cultural and economic development;~~

~~(vii) use multiple means of oral, written and visual assessment that are representative of instructional materials and strategies;~~

~~(viii) create a learning environment that provides and structures the time necessary to explore sound mathematics, grapple with significant ideas and problems, and take intellectual risks;~~

~~(ix) experience and apply the integrated and hands-on applications of appropriate technology specific to each of the standards areas;~~

~~(x) use theoretical and empirical techniques to explore definitions, conjectures and theorems; and~~

~~(xi) recognize the study of patterns as an underlying fundamental theme in mathematics;~~

~~(b) include number concepts and properties experiences in which they:~~

~~(i) explore and discuss the properties, relations and applications of real and complex numbers in diverse settings;~~

~~(ii) study development of the major concepts of number-theory ideas and their applications;~~

~~(iii) use physical materials and models to explore fundamental properties of number systems (naturals, integers, rational, reals); and~~

~~(iv) use estimation and mental arithmetic, calculators, computers, paper-and-pencil algorithms and manipulative materials in solving a wide variety of problems;~~

- ~~(c) include algebra and algebraic structures experiences in which learners:~~
 - ~~(i) examine the theoretical underpinnings of algebra;~~
 - ~~(ii) develop an ability to reason with and about algebraic representations;~~
 - ~~(iii) develop formal algebraic structures through patterning and other informal methods;~~
 - ~~(iv) make and test conjectures using algebraic methods;~~
 - ~~(v) use algebra to represent and reason about real-world problems;~~
 - ~~(vi) explore the connections between algebra and other subjects; and~~
 - ~~(vii) use concrete examples to explore algebraic structures;~~
- ~~(d) include geometry experiences in which they:~~
 - ~~(i) explore the development and properties of Euclidean, transformational and non-Euclidean geometries;~~
 - ~~(ii) develop geometric concepts, both synthetically and algebraically;~~
 - ~~(iii) compare different axiomatic systems;~~
 - ~~(iv) explore spatial relationships;~~
 - ~~(v) make and test conjectures supported by exploration;~~
 - ~~(vi) construct proofs of mathematical statements; and~~
 - ~~(vii) explore the use of geometry as a tool for modeling real-world problems;~~
- ~~(e) include functions utilizing appropriate technology in which they:~~
 - ~~(i) use the concept and language of function in the study of mathematics and the sciences to describe and model change;~~
 - ~~(ii) represent functions as symbolic expressions, verbal descriptions, tables and graphs and move from one representation to another;~~
 - ~~(iii) investigate and discuss a variety of functions in areas such as mathematics, business and the physical, biological, behavioral and social sciences; and~~
 - ~~(iv) compare properties of discrete and piece-wise continuous functions;~~
- ~~(f) provide probability, statistics and data analysis experiences in which they:~~
 - ~~(i) collect, display, analyze and interpret sample data in a variety of real world contexts;~~
 - ~~(ii) use experimental and theoretical probabilities as appropriate to formulate and solve problems involving uncertainty;~~
 - ~~(iii) explore and investigate the role of estimation and probability in statistical analysis;~~
 - ~~(iv) analyze and critique the inappropriate use of statistics; and~~
 - ~~(v) formulate convincing arguments and make inferences and informed decisions based on statistical methods;~~
- ~~(g) provide continuous process experiences in which they:~~
 - ~~(i) use properties and techniques of calculus to model phenomena in diverse settings;~~
 - ~~(ii) investigate the phenomenon of change as a limiting process;~~
 - ~~(iii) explore both intuitively and theoretically the concepts of limit, continuity, differentiation, integration and other continuous processes; and~~
 - ~~(iv) become familiar with the use of calculators with graphics capabilities and computer algebra systems.~~
- ~~(h) provide discrete processes experiences in which they:~~
 - ~~(i) investigate a variety of real world problem contexts which lead to diverse~~

discrete mathematical models;

~~(ii) develop and use a variety of counting techniques and counting arguments and their applications;~~

~~(iii) gain experience in algorithmic and recursive thinking and develop skills in using algorithms and iterative and recursive techniques in solving problems;~~

~~(iv) deal with issues of computational efficiency and complexity; and~~

~~(v) construct concrete examples of finite sequences and extend the ideas to infinite sequences and series;~~

~~(i) include experiences with other advanced mathematical structures (e.g., linear algebra, differential equations) in which they:~~

~~(i) use and investigate mathematical structures which arise in the mathematical modeling of problems from real world context to explore and solve the problems;~~

~~(ii) investigate different observed patterns and properties that can be represented by the same mathematical structures;~~

~~(iii) explore the processes involved in building new structures from given structures; and~~

~~(iv) explore theoretical aspects of these mathematical structures.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.519 MUSIC K-12 (1) For the prospective teacher {The program shall requires that successful candidates:

(a) produce the knowledge, skills and abilities related to curriculum and program administration to enable the candidate to are competent, proficient musicians that:

~~(i) develop sequential music curriculum with a scope and sequence articulated that assures pupil development and competence;~~

~~(ii) apply current methodologies to the development of materials appropriate to various levels of elementary, middle and secondary music education;~~

~~(iii) formulate and articulate a philosophy on music education which may serve as a basis for implementing a K-12 music program;~~

~~(iv) develop and use appropriate strategies for assessing student progress and accomplishments in learning music, such as performance portfolio, reviews, critical analyses, group and individual performance tasks and research exercises;~~

~~(v) plan music performances and productions;~~

~~(vi) effectively use promotion, publicity and public relations to develop community understanding and confidence in the music education program;~~

~~(vii) (i) advise and encourage students about higher education and career opportunities related to the study and performance of music and music related fields; and~~

~~(viii) (ii) demonstrate an appreciation for the role technology plays in contemporary music education-, such as music writing programs, music theory/skills programs, keyboard/midi and recording technology;~~

~~(b) produce candidates prepared in performing and demonstrating music skills including:~~

- ~~(i) (iii) are proficient~~ proficiency on keyboard and fretted instruments in order to use the instruments for demonstration and ~~accompaniment~~ rehearsal;
- ~~(ii) (iv) individual performance ability to perform solo and small to large ensemble repertoire at a high artistic level;~~
- ~~(iii) (v) the ability to perform in both vocal and instrumental ensembles;~~
- ~~(iv) (vi) demonstration of~~ demonstrate competence in performing and teaching voice, winds, string₁ and percussion instruments in order to conduct choral and instrumental ensembles;
- ~~(v) skill at guiding various vocal and instrumental laboratory experiences; and~~
- ~~(vi) the ability to develop and use the child's singing voice in elementary music education.~~
- ~~(c) produce candidates capable of demonstrating skills in composition and improvisation to include:~~
 - ~~(i) the ability to guide elementary and secondary students into creative and/or improvisational experiences and performances; and~~
 - ~~(ii) (vii) sufficient knowledge to select and adapt (arrange and/or transpose) music from a variety of sources to meet the needs and proficiencies of school performing for ensembles and classroom situations.;~~
- ~~(d) produce candidates proficient in reading and notating music to include:~~
 - ~~(i) (viii) demonstrate~~ a comprehensive knowledge of musical notation and language; and
 - ~~(ii) (ix) demonstrate~~ a comprehensive knowledge and skill in conducting, and score reading ~~and rehearsal techniques~~ for choral and instrumental ensembles.;
- ~~(e) produce candidates prepared in musical analysis and evaluation to include:~~
 - ~~(i) (x) demonstrate~~ aural perception to distinguish tonal and temporal relationships;
 - ~~(ii) (xi) demonstrate~~ an understanding of the materials elements of music, including melody, harmony, rhythm, tempo, dynamics, form₁ and style;
 - ~~(iii) the ability to use the materials of music in aural and visual analysis;~~
 - ~~(xii) aurally and visually analyze music in terms of musical elements;~~
 - ~~(iv) knowledge to select appropriate solo/ensemble literature to be used in general music, vocal/choral and instrumental classes at the elementary, middle and secondary levels; and~~
 - ~~(v) (xiii) demonstrate knowledge an awareness of skill in the use of current and diverse music technologies and an understanding of acoustics and the physics of sound.;~~
- ~~(f) produce candidates capable of relating music to history, culture and other disciplines to include:~~
 - ~~(i) (xiv) the ability to stylistically identify and place music in an historical period;~~
 - ~~(ii) (xv) demonstrate~~ knowledge and appreciation of past and present world music of Montana's cultures and world cultures and especially Montana American Indians;
 - ~~(iii) (xvi) demonstrate~~ knowledge of the ~~historical~~ relationship of music to other performing and visual arts;
 - ~~(iv) (xvii) demonstrate~~ an understanding of the aesthetic, philosophical₁ and

psychological aspects of music, and music's contribution to the individual and society; and

(v) (xviii) demonstrate knowledge of the relationship of music to other disciplines outside the arts;

(b) demonstrate knowledge and understanding of how children learn and develop with regard to music instruction;

(c) demonstrate understanding of the diversity of their students with regard to learning styles, backgrounds, and abilities, including American Indian cultures pursuant to 20-1-501, MCA;

(d) use a variety of instructional strategies to develop students' critical thinking, problem solving, and performance skills;

(e) structure appropriate learning environments for K-12 music instruction;

(f) use effective verbal, nonverbal, and media communication techniques to develop music learning;

(g) plan instruction based on their musical knowledge, their students, school, the community, and curriculum goals;

(h) demonstrate understanding and use varied assessment strategies to evaluate and ensure continuous musical development of students;

(i) evaluate the effects of their choices and actions on others;

(j) seek opportunities to grow professionally; and

(k) develop relationships with colleagues, parents, and community members to support student learning.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.520 PHYSICAL EDUCATION AND HEALTH K-12 (1) For the prospective teacher ~~The program shall provide a broad understanding of the concepts that promote comprehensive health, the benefits of leading a healthy lifestyle and the health enhancement program and further shall~~ requires that successful candidates:

~~(a) provide competence for the delivery and evaluation of planned learning activities which are developmental, sequential, and are based on content standards in the areas of:~~ identify critical elements of motor skill performance and combine motor skills into appropriate sequences for the purpose of improving learning;

(b) demonstrate competent motor skill performance in a variety of physical activities;

(c) describe performance concepts and strategies related to skillful movement and physical activity (e.g., fitness principles, game tactics, and skill improvement principles);

(d) describe and apply bioscience (anatomical, physiological, biomechanical) and psychological concepts to skillful movement, physical activity, and fitness;

(e) demonstrate knowledge and understanding of approved state and national content standards, current law including Indian Education for All (20-1-501, MCA), and local program goals as related to physical education;

(f) identify, select, and implement appropriate learning/practice opportunities based on developmental needs, expected progression, level of readiness,

understanding the student, the learning environment, and the task;

(g) identify, select, and implement appropriate instruction, services and resources that are responsive to students' strengths and/or weaknesses, multiple needs, learning styles, and prior experiences (e.g., personal, family, community, and cultural inclusive of Montana's Indian tribes);

(h) use organizational and managerial skills to create efficient active and equitable learning experiences;

(i) use a variety of developmentally appropriate practices (e.g., content selection, instructional formats, use of music, and appropriate incentives/rewards) to motivate school age students to participate in physical activity inside and outside of the school;

(j) use strategies to help students demonstrate responsible personal and social behaviors (e.g., mutual respect, support for others, safety, and cooperation) that promote positive relationships and a productive learning environment;

(k) develop and apply an effective classroom management plan;

(l) describe and demonstrate effective communication skills;

(m) describe and implement strategies to enhance communication among students in physical activity settings;

(n) identify, develop, and implement appropriate program and instructional goals based on short and long term goals that are linked to student needs;

(o) design and implement learning experiences that are safe, appropriate, relevant, and based on principles of effective instruction;

(p) provide learning experiences that allow students to integrate knowledge and skills from multiple subject areas;

(q) select and implement instructional strategies for reading and writing within the content area;

(r) develop and apply direct and indirect instructional formats to facilitate student learning (e.g., ask questions, pose scenarios, facilitate factual recall, promote problem solving, and critical thinking);

(s) demonstrate knowledge of components of various types of assessment, describe their appropriate and inappropriate use, and address issues of validity, reliability, and bias;

(t) demonstrate knowledge and apply assessment techniques to assess student performance, provide feedback, and communicate student progress (i.e., for both formative and summative purposes);

(u) interpret and use performance data to make informed curricular and instructional decisions;

(v) evaluate personal instructional performance (e.g., description of teaching, justification of the teaching performance, critique of the teaching performance, the setting of teaching goals, and implementation of change);

(w) construct a plan for continued professional growth based on the assessment of personal teaching performance and school-based needs;

(x) design, develop, and implement student learning activities that integrate information technology;

(y) use technologies to communicate, network, locate resources, and enhance continuing professional development;

(z) demonstrate strategies to become an advocate in the school and

community to promote a variety of health-enhancing opportunities:

(aa) participate in the professional health education and physical education community (e.g., school, district, state, and national) and within the broader education field;

(ab) identify, seek, and utilize community resources to promote health enhancing opportunities; and

(ac) establish productive relationships with parents/guardians and school colleagues to support student growth and well being.

~~(i) personal health and fitness, including:~~

~~(A) emotional and mental health;~~

~~(B) the physical, social and emotional dimensions of alcohol, tobacco and other drug use;~~

~~(C) the physical and emotional aspects of human sexuality;~~

~~(D) chronic and communicable diseases, including HIV and STDs, body defenses, and disease prevention;~~

~~(E) consumer health and the role of critical thinking and decision-making to enhance health;~~

~~(F) the study of human anatomy and physiology, exercise physiology, movement and exercise analysis and the principles involved in learning and developing motor skills and fitness;~~

~~(G) nutrition, including weight control, food fads, diet supplements and eating disorders;~~

~~(H) understanding the principles and components of health-related physical fitness; and~~

~~(I) cultural and gender issues including discrimination, and harassment;~~

~~(ii) societal issues, including:~~

~~(A) community and environmental health;~~

~~(B) chronic and communicable diseases and disease prevention;~~

~~(C) consumer health education;~~

~~(D) medical ethical issues; and~~

~~(E) health problems that may be of special significance to a specific gender or culture;~~

~~(b) provide knowledge and skills to teach prevention and intervention strategies, including risk and protective factors and the building of self-esteem and resiliency;~~

~~(c) provide an exposure to a variety of movement forms in the psychomotor domain including:~~

~~(i) fundamental manipulative, locomotor, nonlocomotor, motor skills and exercises;~~

~~(ii) movement exploration and tumbling;~~

~~(iii) individual and dual lifetime sports;~~

~~(iv) lead-up games, team sports and games;~~

~~(v) mass games and activities;~~

~~(vi) rhythms and dance;~~

~~(vii) outdoor education; and~~

~~(viii) American Indian and other ethnic games and activities;~~

~~(d) provide knowledge and skill in organizing, planning, administering and~~

evaluating the total health enhancement curriculum including:

- ~~(i) the relationship of health enhancement to the total curriculum;~~
- ~~(ii) maintenance of facilities, including the selection, purchase and care of equipment and supplies;~~
- ~~(iii) organization and administration of intramural, recreational, and interscholastic programs;~~
- ~~(iv) good communication skills in advocating for the importance of the health enhancement curriculum to other school personnel, parents, community agencies and public;~~
- ~~(v) aspects of liability; and~~
- ~~(vi) student assessment and program evaluation;~~
- ~~(e) provide competence in working with students with disabilities including:~~
 - ~~(i) administration of programs;~~
 - ~~(ii) identification of common physical and mental disabilities; and~~
 - ~~(iii) prescription of adapted programs specific to individual disabilities;~~
- ~~(f) relate the importance and appropriate use of language arts skills to the health enhancement program;~~
- ~~(g) provide knowledge of principles, standards and procedures of safety including:~~
 - ~~(i) required certification in first aid and CPR; and~~
 - ~~(ii) safety education, including outdoor, water, home and traffic.~~

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.521 READING SPECIALISTS K-12 (1) ~~For the prospective reading specialist~~ The program shall provide in-depth level of understanding, knowledge and application of ~~requires that successful candidates:~~

~~(a) a planned sequence of study to include but not limited to:~~ demonstrate knowledge of the foundations of reading and writing processes and instruction, including:

(i) knowledge of a wide range of evidence-based reading research and histories of reading;

(ii) knowledge of a philosophy of reading instruction which recognizes the importance of teaching reading and writing as processes;

(iii) knowledge of reading components (e.g., phonemic awareness, word identification and phonics, vocabulary and background knowledge, fluency, comprehension strategies, and motivation), and how these are integrated in fluent reading and the writing process;

(iv) an understanding and recognition of the distinct and unique cultural heritage of American Indians; and

(v) appropriate use of educational technology in the reading program;

(b) demonstrate knowledge and understanding of individual, cultural, linguistic, and ethnic diversity in the teaching process;

(c) demonstrate instructional practices, approaches, methods, and curriculum materials to support reading and writing instruction;

(d) demonstrate assessment tools and practices to plan and evaluate

effective reading instruction; and

(e) integrate foundational knowledge and use instructional practices, approaches and methods, curriculum materials, and assessments to monitor and evaluate the reading program and student learning.

~~(i) a philosophy of reading instruction which recognizes the importance of teaching reading and writing as processes rather than discrete series of skills or unrelated activities/exercises (i.e., a dynamic integration between reader's existing knowledge, the text and the context of the reading/writing situation);~~

~~(ii) sensitivity to individual differences and the information the reader brings to the reading experience (i.e., prior knowledge, metacognitive abilities, aptitudes, attitudes, self-concept, language development and motivation);~~

~~(iii) recognition of the need to plan instruction based on the reading and literacy strengths of individual learners rather than on emphasizing weaknesses;~~

~~(iv) a wide variety of genre integrated into the curriculum, including quality literature and the diversity of expository materials appropriate to the age and developmental levels of learners; and~~

~~(v) research on reading which includes a range of methodologies (e.g., ethnographic, descriptive, experimental and historical);~~

~~(b) understanding of the nature of the learner and the learning process with specific applications to reading:~~

~~(i) knowledge of the importance of embedding effective reading instruction within a meaningful context (i.e., the development of content and knowledge) for the purposes of completing specific authentic tasks, for personal growth, and for pleasure;~~

~~(ii) recognizes the developmental process of reading acquisition including:~~

~~(A) emerging literacy (knowledge of association of oral language to written language);~~

~~(B) knowledge of textual conventions (i.e., phonic knowledge, story structure, etc.);~~

~~(C) fluent integration of text information and reader knowledge; and~~

~~(D) strategic reading (i.e., how to control reading purposes and personal strategies such as metacognition, reflection, critical literacy);~~

~~(c) techniques in reading instruction and skills to diagnose reading problems that include:~~

~~(i) knowledge of current perspectives about the nature and purposes of reading and research-based approaches to reading instruction;~~

~~(ii) understanding and sensitivity to individual differences among learners and how these differences influence reading (e.g., prior knowledge and experience, cultural and ethnic diversity, different opportunities for learning);~~

~~(iii) assisting students to self-reflect, to monitor, and to gradually assume greater responsibility of their reading;~~

~~(iv) understanding the interactive nature and multiple causes of reading difficulties in learning;~~

~~(v) knowledge of strategies to help students monitor, apply, and comprehend word recognition strategies and learn and apply reading comprehension strategies in the content area; and~~

~~(vi) providing services in effective settings to students in reading/learning~~

disability, special education of local, state or federal compensatory programs;

~~(d) instructional materials that:~~

~~(i) are designed, selected, modified and evaluated to reflect established curriculum goals and learner outcomes, current research, the interest, motivation and needs of individual learners; and~~

~~(ii) incorporate appropriate educational technology;~~

~~(e) a supervised practicum with elementary and secondary school learners in developmental, corrective and accelerated reading instruction that provides:~~

~~(i) knowledge of instructional techniques which facilitate direct instruction and model the "what, when, why, where and how" to use reading strategies with narrative and expository texts; and~~

~~(ii) modeling teacher questioning strategies, and modeling teacher and student initiated questions;~~

~~(f) studies, experiences, and activities in language arts which increase knowledge and skill related to:~~

~~(i) creating a literate environment that fosters interest and growth in all aspects of literacy, including reading, writing, listening, speaking and thinking;~~

~~(ii) the value of reading aloud to learners;~~

~~(iii) student opportunities to understand various purposes and functions for reading/writing, to view reading/writing as relevant to themselves, to write and have their writing responded to in a positive way;~~

~~(iv) an understanding of environmental factors that can influence student performance on measures of reading achievement;~~

~~(v) recognition and appreciation of the role and value of language and dialect in the reading and learning process; and~~

~~(vi) parent involvement in cooperative efforts to help students with reading development;~~

~~(g) the organization, management, and evaluation of staff development programs which:~~

~~(i) include ongoing training, assisting teachers with instruction, promoting and modeling flexible application of effective instructional strategies;~~

~~(ii) engender collegiality with other literacy professionals through regular conversations, discussions, and consultations about learners, literacy theory, and instruction;~~

~~(iii) promote and facilitate teacher and classroom-based research; and~~

~~(iv) understand and use multiple indicators of professional growth;~~

~~(h) development, management, and evaluation of researched-based effective reading/literacy approaches that:~~

~~(i) recognize the importance of implementing reading/literacy programs designed to meet the needs of readers and writers;~~

~~(ii) involve parents in cooperative efforts to help students with reading development;~~

~~(iii) help students use technology, print and non-print media effectively;~~

~~(iv) recognize the importance of time for the reading of extended text for authentic purposes;~~

~~(v) encourage higher-order skills through activities that encourage reflective and critical thinking, problem-solving and decision-making which are integrated~~

across the curriculum;

~~(vi) provide alternative instructional opportunities based on student needs, learning styles, rates of progress, interests and strategies for effective instruction;~~

~~(vii) include a variety of assessment practices to improve student learning and motivation; and~~

~~(viii) provide opportunities for creative responses to text;~~

~~(i) the integration of the reading/writing process with all content areas through collaboration with teachers, other specialists, administrators, support personnel, parents and others by:~~

~~(i) providing leadership in the area of reading and literacy in cooperation with professionals;~~

~~(ii) serving as a resource in the area of reading and literacy education for teachers, administrators, parents and the community;~~

~~(iii) involving parents in cooperative efforts to help students with reading and literacy development; and~~

~~(iv) communicating information and translating latest research about programs and data about reading to the media, policy makers, and the general public;~~

~~(j) on-going assessment practices that:~~

~~(i) reflect the complex nature of reading, writing, language and thinking;~~

~~(ii) include high-quality text, a variety of genre and a range of authentic literacy tasks;~~

~~(iii) involve multiple indicators of learner progress which align instruction and learning and assess learner attitudes;~~

~~(iv) include appropriate applications of research-based and innovative assessment approaches; and~~

~~(v) provide for teacher and student self-reflection;~~

~~(k) professional literacy organizations which provide information, research and resources to the reading professional (i.e., international reading association, state and local reading organizations).-~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.522 SCIENCE (1) The broadfield major shall include a concentration in one of the endorsable disciplines that is coupled with balanced study in three other endorsable science disciplines. Science disciplines selected shall adhere to a scope and sequence approach which ensures a thorough grounding in the basic philosophy, theory, concepts and skill associated with the National Science Education Standards. Curricula leading to a certificate in a science area must meet (2), generally, and (3) through (8), specifically. science program ensures that successful candidates follow the subject-major/minor program of study or the broadfield major program of study. Subject-major/minor teaching endorsement programs are limited to biology, earth science, chemistry, and physics. The broadfield major includes a concentration in one of the endorsable disciplines, coupled with balanced study in three other endorsable science disciplines. Science disciplines selected adhere to a scope and sequence which ensures a thorough

grounding in the basic philosophy, theory, concepts, and skills associated with Montana and national K-12 content standards.

(2) ~~Common standards for the program shall provide~~ The science endorsement requires that successful candidates:

(a) ~~demonstrate~~ a thorough preparation in understanding of inquiry-based learning in more than one of across the sciences. This preparation shall includes:

(i) both breadth and depth of knowledge in science, including recent significant changes in the field, as reflected by the National Science Education Standards national standards;

(ii) competency in basic mathematics, statistics, and current and emerging technological applications including computer applications to science teaching; and

(iii) preparation and experience in environmental science, including Montana American Indian traditional relationships to the environment; and

(iv) methods to engage in inquiry in a variety of ways;

(b) ~~the experience through demonstrate~~ knowledge and skills in the methods of guided and facilitated learning in order to interpret and communicate science research to others;

(c) ~~apply~~ instructional strategies which models learning environments with extended time, appropriate space, and resources with equipment and technology typically found in the contemporary secondary classroom;

(d) ~~an demonstrate~~ understanding and experience of how to develop and maintain the highest levels of safety in classrooms, stockrooms, laboratories, and other areas related to instruction in science;

(e) ~~experiences in demonstrate~~ knowledge of formative and summative assessment techniques which model a variety of authentic and equitable assessment strategies that ensure the continuous intellectual, social, and personal development of the learner in all aspects of science; and

(f) ~~apply and evaluate~~ models of interdisciplinary approaches to provide experiences in understanding science; which model an interdisciplinary approach.

(g) articulate a well-defined rationale for instructional goals, materials, and actions in relation to state and national education standards and student achievement.

(3) ~~The physical science program shall~~ candidate for an endorsement in earth science has the following knowledge and skills, including:

(a) ~~provide~~ conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change, constancy, measurement, evolution and equilibrium, form and function;

(b) ~~engage prospective teachers regularly and effectively in~~ exploration and inquiry learning as tools in investigating in all aspects of the natural environment, and knows how to apply and teach these methods when instructing students;

(c) ~~require~~ systematic and quantitative study of the fundamental topics in chemistry and physics earth science interrelated and illustrated with descriptive and historical perspectives, as well as the applications of physical earth science in society;

(d) conceptual understanding of astronomy, geology, paleontology, meteorology, and oceanography, and their relations with each other;

(e) conceptual understanding of biology, chemistry, or physics, emphasizing

the interrelationships among the sciences and their relations to earth science:

~~(d) (f) require study in~~ conceptual understanding of mathematics, including a working knowledge of calculus trigonometry and statistics;

~~(e) provide opportunities to study the interaction of chemistry and physics with technology in contemporary health, ethical, and human issues;~~

~~(f) require course work in biology or earth science, emphasizing the interrelationships among the sciences and their relationships to physical science; and~~

~~(g) conceptual understanding of ethical and human implications of such contemporary issues as the impact of technologies on earth systems;~~

~~(g) (h) require experience in designing, developing, and evaluating field, demonstration, and laboratory instructional activities, and in using special skills and techniques with equipment, technologies, and facilities, and chemicals which support and enhance curricula and instruction in the physical sciences. earth science and especially techniques and strategies for using the local environment as a teaching/learning laboratory; and~~

~~(i) facilitating classroom discourse through questioning, reflecting on, and critically analyzing ideas, leading students toward a deeper understanding of the inquiry process itself and especially using questions to define problems and potential solutions.~~

~~(4) The earth science program shall~~ candidate for an endorsement in biology demonstrates the following knowledge and skills, including:

~~(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;~~

~~(b) engage prospective teachers regularly and effectively in exploration and inquiry learning as tools in investigating in all aspects of the natural environment and knows how to apply and teach these methods when instructing students;~~

~~(c) require systematic and quantitative study of the fundamental topics in earth science, interrelated and illustrated with descriptive and historical perspectives, as well as the applications of earth science in society conceptual understanding of living organisms, ethical laboratory and field studies promoting investigation inquiry, applications of biology in social and historical perspectives, and the use of experimental methods;~~

~~(d) require course work in astronomy, geology, paleontology, meteorology, and oceanography, and their relationships with each other conceptual understanding of zoology, botany, physiology, genetics, ecology, microbiology, cell biology/biochemistry, and evolution, and their relationships with each other, including the processes and diversity of life;~~

~~(e) require course work in biology, chemistry, or physics, emphasizing the interrelationships among the sciences and their relationships to earth science;~~

~~(f) require study in~~ conceptual understanding of mathematics including a working knowledge of trigonometry probability and statistics;

~~(f) conceptual understanding of physics, chemistry, or earth science emphasizing the interrelationships among the sciences;~~

~~(g) provide opportunities to study the ethical and human implications of such contemporary issues as the impact of technologies on the lithosphere, atmosphere, hydrosphere, and biosphere; and conceptual understanding of the relationships~~

between biology and molecular genetics and the impacts of biotechnology upon humans and their environment including ethical and legal implications;

~~(h) include experiences in designing, developing, and evaluating field, demonstration, and laboratory instructional activities, and in using special skills and techniques with equipment, and facilities, and specimens which support and enhance curricula and instruction in earth science. Techniques and strategies for using the local environment as a teaching/learning laboratory must be emphasized. biology; and~~

(i) facilitating classroom discourse through questioning, reflecting on, and critically analyzing ideas, leading students toward a deeper understanding of the inquiry process itself, and especially using questions to define problems and potential solutions.

(5) The biology program shall candidate for an endorsement in chemistry demonstrates the following knowledge and skills, including:

~~(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;~~

~~(b) engages prospective teachers regularly and effectively in exploration and inquiry as tools in investigating in all aspects of the natural environment and knows how to apply and teach these methods when instructing students;~~

~~(c) include study and experiences emphasizing living organisms including laboratory and field studies promoting investigation, inquiry, applications of biology in social and historical perspectives, and the use of experimental methods systemic and quantitative study of the fundamental topics of chemistry, interrelated and illustrated with descriptive and historical perspectives, as well as the applications of chemistry in society;~~

~~(d) include course work in zoology, botany, physiology, genetics, ecology, microbiology, cell biology/biochemistry, and evolution, and their relationships with each other conceptual understanding of organic, inorganic, analytical, physical, and biochemistry, and their relationships with each other;~~

(e) conceptual understanding of physics, biology, or earth science emphasizing the interrelationships among the sciences;

~~(e) (f) include study in conceptual understanding of mathematics including a working knowledge of probability and statistics calculus;~~

~~(f) include course work in physics, chemistry or earth science emphasizing the interrelationships among the sciences;~~

~~(g) provide opportunities to study the relationships between biology and molecular genetics and the impacts of biology/technology upon humans and their environment including ethical implications; and~~

~~(h) provide experiences in designing, developing, and evaluating field, demonstration, and laboratory instructional activities, and in using special skills and techniques with equipment, facilities, and specimens which support and enhance curricula and instruction in biology.~~

~~(6) The chemistry program shall:~~

~~(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;~~

- ~~(b) engage prospective teachers regularly and effectively in exploration and inquiry in all aspects of the natural environment;~~
- ~~(c) include systematic and quantitative study of the fundamental topics in chemistry, interrelated and illustrated with descriptive and historical perspectives, as well as the applications of chemistry in society;~~
- ~~(d) include course work in organic, inorganic, analytical, physical, and biochemistry, and their relationships with each other;~~
- ~~(e) include course work in physics, biology, or earth science emphasizing the interrelationships among the sciences;~~
- ~~(f) include study in mathematics, including a working knowledge of calculus;~~
- ~~(g) provide opportunities to study the conceptual understanding of the interaction of chemistry and technology in contemporary health, ethical, legal, and human issues (e.g., the effects of synthetic molecules and food additives on life systems and the disposal of toxic chemical wastes); and~~
- ~~(h) provide experiences in designing, developing, and evaluating field, demonstration, and laboratory instructional activities, and in using special skills and techniques with equipment, technologies, facilities, and chemicals which support and enhance curricula and instruction in chemistry; and~~
- ~~(i) facilitating classroom discourse through questioning, reflecting on, and critically analyzing ideas, leading students toward a deeper understanding of the inquiry process itself and especially using questions to define problems and potential solutions.~~

~~(7)~~ (6) The physics program shall candidate for an endorsement in physics demonstrates the following knowledge and skills, including:

- ~~(a) provide conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;~~
- ~~(b) engage prospective teachers regularly and effectively in exploration and inquiry learning as tools in investigating all aspects of the natural environment, and knows how to apply and teach these methods when instructing students;~~
- ~~(c) include systematic and quantitative study of the fundamental topics in physics, interrelated and illustrated with descriptive and historical perspectives, as well as the applications of physics in society;~~
- ~~(d) include course work in conceptual understanding of classical mechanics, electricity and magnetism, heat and thermodynamics, waves, optics, atomic and nuclear physics, radiation and radioactivity, relativity, quantum mechanics, and other fields of modern physics, and their relationships with each other;~~
- ~~(e) include course work in conceptual understanding of biology, chemistry, or earth science emphasizing interrelationships among the sciences;~~
- ~~(f) require study in conceptual understanding of mathematics, including an introduction to differential equations calculus;~~
- ~~(g) provide opportunities to study the conceptual understanding of interaction of physics and technology in contemporary health, ethical, legal, and human issues (e.g., power plant siting silting and waste disposal, long-range energy policies, and the effects of radiation on living systems); and~~
- ~~(h) provide experiences in designing, developing, and evaluating field, demonstration, and laboratory instructional activities, and in using special skills and~~

techniques with equipment, technologies, and facilities which support and enhance curricula and instruction in physics; and

(i) facilitating classroom discourse through questions, reflecting on, and critically analyzing ideas leading students toward a deeper understanding of the inquiry process itself, especially using questions to define problems and potential solutions.

~~(8)~~ (7) The candidate for an endorsement in broadfield science program shall demonstrates the following knowledge and skills, including:

(a) ~~provide~~ conceptual understanding in the unifying concepts and processes of systems order and organization, evidence models and explanation, change constancy, measurement, evolution and equilibrium, form and function;

(b) ~~engage prospective teachers regularly and effectively in~~ exploration and inquiry learning as tools in investigating all aspects of the natural environment and knows how to apply and teach these methods when instructing students;

(c) ~~require~~ systematic and quantitative study of the fundamental topics in biology, chemistry, physics, and earth science including descriptive and historical perspectives, as well as the applications of these sciences in society;

(d) ~~include~~ study and experiences emphasizing interrelationships among all the sciences, as well as between the sciences and other areas of study such as mathematics;

(e) ~~include the study of~~ conceptual understanding of mathematics, including a working knowledge of calculus and statistics;

(f) ~~emphasize~~ conceptual understanding of the relationships ~~between among science, technologies, and the study of environmental education and technology and the impacts of science and technology upon humans and the environment;~~

(g) ~~provide experiences in~~ designing, developing, and evaluating field, demonstration, and laboratory instructional activities, and in using special skills and techniques with equipment, technologies, facilities, ~~chemicals~~, and specimens which support and enhance curricula and instruction in all sciences including laboratory and field studies that promote investigation and inquiry, and the use of experimental methods;

(h) ~~require preparation in the~~ conceptual understanding of earth sciences including course work in astronomy, geology, paleontology, meteorology and oceanography, and their relationships with each other;

(i) ~~require preparation in~~ conceptual understanding of biology including course work in zoology, botany, physiology, genetics, ecology, microbiology, cell biology/biochemistry, and evolution, and their relationships with each other. This preparation must include study and experiences emphasizing living organisms;

(j) ~~require preparation in~~ conceptual understanding of chemistry including course work in organic, inorganic, analytical, physical and biochemistry and their relationships with each other; and

(k) ~~require preparation in~~ conceptual understanding of physics including course work in classical mechanics, electricity- and magnetism, heat and thermodynamics, waves, optics, atomic and nuclear physics, radiation and radioactivity, relativity, ~~and~~ quantum mechanics, and other fields of modern physics and their relationships with each other; and

(l) facilitating classroom discourse through questioning, reflecting on, and

critically analyzing ideas, leading students toward a deeper understanding of the inquiry process itself, and especially, using questions to define problems and potential solutions.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.523 SOCIAL STUDIES (1) ~~For the prospective social studies teacher the program ensures that successful candidates may follow the subject-major/minor pattern program of study or the broadfield major pattern program of study.~~ Subject-major/minor teaching endorsement programs are limited to history, government, economics, geography, government, history, psychology, and/or sociology. The "broadfield" social studies teaching endorsement shall include ~~course work~~ a concentration in history and government and ~~at least one additional field of study course work~~ chosen from economics, geography, psychology, and/or sociology. The social studies disciplines adhere to a thorough grounding in the basic philosophy, theory, concepts, and skills associated with Montana and national standards.

~~(a) (2) For the prospective teacher in each identified area the program shall:~~
The social studies endorsement requires that successful candidates:

(a) demonstrate a thorough understanding of inquiry-based learning across the social studies;

(b) demonstrate understanding of and ability to integrate into curriculum knowledge of the history, cultural heritage, and contemporary status of American Indians and tribes in Montana;

(c) demonstrate knowledge and skills in the methods of guided and facilitated learning in order to interpret and communicate social studies concepts and research to others;

(d) apply instructional strategies which model learning environments with extended time, appropriate space, resources, and emerging technology found in the contemporary secondary classroom;

(e) demonstrate knowledge of formative and summative assessment techniques that model a variety of authentic and equitable assessment strategies to ensure the continuous intellectual, social, and personal development of the learner in all aspects of social studies;

(f) apply and evaluate models of interdisciplinary approaches to provide experiences in understanding social studies; and

(g) articulate a well-defined rationale for instructional goals, materials, and actions in relation to state and national social studies standards and student achievement.

~~(i) require completion of a course dealing specifically with the social studies curriculum and with a wide range of methods and resources for the instruction of that curriculum to middle and high school students;~~

~~(ii) require completion of multiple clinical experiences that begin early in the professional program and culminate in a student teaching experience lasting at least 10 weeks and supervised by qualified professionals; and~~

~~(iii) provide instruction by faculty in all components of the program with~~

expertise in their fields of specialization.

~~(b) The broadfield social studies endorsement program shall require completion of a minimum of:~~

~~(i) 24 semester credits in history;~~

~~(ii) 15 semester credits in government; and~~

~~(iii) 12 semester credits in one of the following areas of study:~~

~~(A) economics;~~

~~(B) geography;~~

~~(C) psychology; or~~

~~(D) sociology.~~

~~(e) (3) The economics endorsement program shall require~~ systematic study of that successful candidates demonstrate knowledge of:

~~(i) (a)~~ economic theory;

~~(ii) (b)~~ the basic economic problems confronting societies and the examination of the ways in which economic systems seek to resolve the three basic economic problems of choice (i.e., determining what, how, and for whom to produce) that are created by scarcity and environmental impact;

~~(iii) (c)~~ the basic economic goals for society, including freedom of choice, ethical action, efficiency, equity, full employment, price stability, growth, and security;

~~(iv) (d)~~ the nature of comparative economic systems, including:

~~(A) (i)~~ the organization and importance of the international economic system;

~~(B) (ii)~~ the distribution of wealth and resources on a global scale;

~~(C) (iii)~~ the struggle of the "developing nations" to attain economic independence and a better standard of living for their citizens;

~~(D) (iv)~~ the role of the transnational corporation in changing rules of exchange; and

~~(E) (v)~~ the influence of political events on the international economic order.

~~(d) (4) The geography endorsement program shall require~~ that successful candidates demonstrate knowledge ~~systematic study of:~~

~~(i) (a)~~ the geographic themes of location (absolute and relative), place (physical and human characteristics), human-environment interaction (relationships within places), movement (of people, goods, and ideas), and regions (how they form and change);

~~(ii) (b)~~ physical geography including solid earth, atmosphere, oceans, landforms, soils, and biogeography;

~~(iii) (c)~~ human geography, including cultural, social, historical, political, and economic concerns; and

~~(iv) (d)~~ the use of maps and other tools of geographical investigation or presentation to process information from a spatial perspective.

~~(e) (5) The government endorsement program shall require~~ that successful candidates demonstrate knowledge ~~systematic study of:~~

~~(i) (a)~~ the nature of individual dignity, popular sovereignty, political power, and political authority;

~~(ii) (b)~~ American democracy as a form of government based on federalism, separation of powers, checks and balances, civil rights and liberties, elected representation, and popular participation;

~~(iii) (c)~~ the organization, powers, and politics of the national, state, tribal, and

local units of American government;

~~(iv)~~ (d) the role of public opinion, elections, interest groups, and political leaders in building compromise and policy making;

~~(v)~~ (e) the American political system compared with forms of government and politics of other countries of the world and of American Indian tribes; and

~~(vi)~~ (f) the nature of international relations and the principles and organizations that are used to mediate multinational conflict and achieve multinational order.

~~(f)~~ (6) The history endorsement program ~~shall~~ requires that successful candidates demonstrate knowledge systematic study of:

~~(i)~~ (a) U.S. history, including the history of the many peoples who have contributed to the development of North America;

(b) the history of diverse civilizations throughout the world;

(c) the origin, development, and ramifications of present local, tribal, national, and world affairs;

~~(ii)~~ (d) the skills of chronological thinking, analysis of evidence, and interpretation of the historical record; ~~and~~

~~(iii)~~ (e) the cultural, economic, political, scientific/technological, and social activity of humans in the analysis of contemporary issues and problems; and

(f) the history, cultural heritage, political development, and contemporary status of American Indians and tribes in Montana.

~~(g)~~ (7) The psychology endorsement program ~~shall~~ requires that successful candidates demonstrate knowledge the systematic study of:

~~(i)~~ (a) the basic psychological theories including developmental, personality, learning, motivation, cognition, biological/physiological, social behavior, and psychological disorders;

~~(ii)~~ (b) the applying of the processes of scientific inquiry and descriptive statistics to questions concerning human behavior;

~~(iii)~~ (c) the behaviors which are most effective in coping with stresses in life and in improving interpersonal relationships;

~~(iv)~~ (d) human development in terms of physiological, social, and environmental influences throughout the lifespan; and

~~(v)~~ (e) the theories and factors which contribute to psychological dysfunction of individuals and families.

~~(h)~~ (8) The sociology endorsement program ~~shall~~ requires that successful candidates demonstrate knowledge systematic study of:

~~(i)~~ (a) the basic structure and history of the world's social systems;

~~(ii)~~ (b) the factors which hold groups together or which change and weaken them;

~~(iii)~~ (c) the application of knowledge and techniques to practical problems in the every day world of individuals, groups, organizations, and government; and

~~(iv)~~ (d) the importance of cultural diversity in contemporary society.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.524 COMMUNICATION (1) ~~For the prospective educator in the field~~

of interpersonal and/or speech communication, ~~t~~The program shall requires that successful candidates:

- ~~(a) Provide a structural framework which demonstrates:~~
 - ~~(i) explicit goals, procedures and rationales in an identifiable program for prospective communication teachers;~~
 - ~~(ii) articulation of program goals, procedures and rationales to faculty, students, and administrators;~~
 - ~~(iii) the effort to integrate on-campus content and methods and field experiences in appropriate K-12 classrooms throughout the program; and~~
 - ~~(iv) the modeling of pedagogy and attitudes which reflect and apply knowledge of current research on the theory and practice of teaching communication;~~
- ~~(b) Provide~~ demonstrate understanding of and performance proficiency with respect to the following areas proficiently in:
 - ~~(i) the composing process, including research, organization, and context development;~~
 - ~~(ii) theory of human communication~~ including:
 - (A) symbolic development;
 - (B) transference of meaning, both cognitively and affectively;
 - (C) nonverbal communication; and
 - (D) language, including social and cultural factors affecting language use;
 - ~~(iii) context (practices) of human communication, including the following:~~
 - (A) public speaking;
 - (B) rhetoric;
 - (C) argumentation;
 - (D) persuasion;
 - (E) oral interpretation;
 - (F) interpersonal, small group, organizational communication;
 - (G) cross-cultural communication, including Montana American Indians;
 - (H) mass media and society; and
 - (I) listening;
 - ~~(iv) diagnostic techniques, progress assessment, and prescriptions for improving students' formal and informal communication skills;~~
- ~~(b) demonstrate knowledge of curriculum, lesson planning, and instructional strategies for interpersonal communication;~~
- ~~(c) Provide a pedagogy for interpersonal communication, which includes:~~
 - ~~(i) selecting, designing, organizing and employing objectives, effective instructional strategies, and resources for a communication program;~~
 - ~~(ii) the ability to organize, develop, and administer co-curricular programs which direct student experiences in performance events; and~~
 - ~~(iii) designing or selecting appropriate assessment methods and helping students assess others and themselves;~~
- ~~(d) Develop~~ demonstrate positive attitudes for teaching communication and demonstrate knowledge and understanding of students', including:
 - ~~(i) a concern for students;~~
 - ~~(ii) commitment to professional growth; and~~
 - ~~(iii) awareness of pupil social and cultural backgrounds affecting symbolic~~

cognition.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.525 TRADES AND INDUSTRY (1) ~~For the prospective teacher t~~The program ~~shall provide~~ requires that successful candidates:

(a) a demonstrate knowledge of curriculum that considers current design and implementation practices from the following sources:

- (i) national professional organizations;
- (ii) Montana school accreditation standards;
- (iii) local public school standards and curricula;
- (iv) industrial standards; and
- (v) advisory boards of industrial leaders; and

~~(vi) reflected in~~ knowledge of curricular design, course outline, instructional strategies and evaluation of student work;

(b) demonstrate knowledge/competency in courses in applied mathematics, science, communication, and related areas in general education components to provide depth and breadth of content; and

(c) ~~appropriate studies~~ demonstrate knowledge/competency in the areas in which the graduate he/she will teach including:

- (i) safety in the work place;
- (ii) fundamental knowledge about technology and its application to trades and industry;

(iii) information about industry's organization, personnel systems, techniques, resources, products, and social impacts;

(iv) ~~skills in developing and using trades and industry youth organizations as a means of promoting positive personal traits and teaching leadership skills~~ the development of personal and leadership competencies (e.g., citizenship, personal development, goal setting, parliamentary procedure, and teamwork);

(v) specific training in the safe use of equipment in each trade and industry area studied;

(vi) ~~awareness in cooperation with the private sector~~ in forming partnerships, advisory boards, job shadowing, and involving the trades and industry world into the curriculum;

(vii) ~~provide for the~~ planning, maintenance, and management of laboratory facilities;

(viii) provide gender equitable, culturally sensitive opportunities;

(ix) ~~prepare~~ preparing students for post-secondary education, depending on personal goals; and

(x) ~~an awareness of~~ the rules and regulations dealing with vocational certification, education, and funding;

(d) demonstrate knowledge of educational environments in the classroom and laboratory that enhance student learning;

(e) select and apply appropriate instructional strategies for individual and group instruction;

(f) demonstrate knowledge of and apply laboratory management skills (e.g.,

maintaining inventory, filing, requisitioning equipment and materials, maintenance, and budgeting);

(g) develop and use lesson plans, and organize materials to meet the learning needs of students;

(h) develop and implement classroom management consistent with school policy;

(i) articulate trades and industries education to school and community publics;

(j) demonstrate continued growth by assessing growth needs based on research-based instructional practices, knowledge, and dispositions, and plan and carry out needed professional development, especially in relation to local school goals; and

(k) apply a wide range of assessment tools and practices, including technology-based assessment tools;

(i) apply a variety of assessment practices to improve student learning and motivation;

(ii) apply multiple indicators of learning progress which align instruction and learning and which assess learner attitudes;

(iii) appropriately apply evidenced-based and innovative assessment approaches;

(iv) utilize and monitor teacher and student self-reflection; and

(v) communicate results of assessments to specific individuals (e.g., students, parents, caregivers, colleagues, administrators, policymakers, policy officials, community, etc.).

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.526 TRAFFIC EDUCATION (1) ~~For the prospective teacher t~~The program ~~shall~~ requires that successful candidates:

(a) ~~provide~~ demonstrate an understanding of the state requirements for approval of a traffic education program, i.e., school and teacher, student age, scheduling, program length, and liability;

(b) ~~provide~~ demonstrate an understanding of the state requirements to be eligible as an approved teacher of traffic education, i.e., ~~teaching certificate~~ educator license, driver's license, driving record, and specific coursework;

(c) ~~provide~~ demonstrate an understanding of the state requirements regarding vehicle usage, i.e., required and recommended equipment, maintenance, identification, vehicle use and restrictions, licensing, and insuring;

(d) ~~provide~~ demonstrate an understanding of the general administrative procedures and policies required for conducting an approved traffic education program, i.e., approval and reimbursement forms;

(e) ~~develop an understanding~~ demonstrate knowledge of the driver licensing process and the responsibilities associated with having that license;

(f) ~~provide for~~ demonstrate a working knowledge and administration of the cooperative driver testing program leading to instructor certification;

(g) ~~provide for~~ demonstrate a working knowledge of perceptual and physical

screening techniques;

(h) ~~develop~~ demonstrate an understanding of the Uniform Vehicle Code, motor vehicle laws of Montana, and due process;

(i) ~~develop~~ demonstrate an understanding of the consequences resulting from violations, i.e., driving record, loss of driving privilege, higher insurance premiums, license retesting;

(j) ~~develop~~ demonstrate the ability to effectively assist students in examining and clarifying their beliefs, attitudes, and values as they relate to general safety;

(k) ~~develop an awareness~~ demonstrate an understanding of the importance of positive attitudes toward safe driving, i.e., mental, social, and physical tasks performed through a decision-making process;

(l) ~~develop~~ demonstrate an understanding of the safe interaction of all elements of the highway transportation system, i.e., pedestrians, bicyclists, passengers, motorcyclists, drivers, vehicles, and roadways;

(m) ~~develop~~ demonstrate an understanding of the responsibilities of vehicle ownership, i.e., basic mechanical operation, maintenance, and insuring;

(n) ~~develop~~ demonstrate an understanding of vehicle dynamics as they relate to operator control and the effects of occupant restraint systems;

(o) ~~provide for the study~~ demonstrate an understanding of current traffic education issues, i.e., parent involvement, zone control, reference points, aggressive driving, and graduated driver licensing;

(p) ~~provide~~ acquire opportunities for student teaching experiences in classroom and behind-the-wheel situations with novice driving students under the direct supervision of a qualified teacher;

(q) ~~develop an awareness of the need to provide a variety of appropriate driving experiences enhanced through an assortment of teaching and learning methods~~ design educational strategies for appropriate driving experiences for diverse learners;

(r) ~~provide opportunities to demonstrate sequential~~ develop a logical scope and sequence plan for training driving skills in the repeated safe operation of a motor vehicle, i.e., controlled but varied situations and environments;

(s) ~~provide~~ demonstrate knowledge, application, and evaluation of specific student competencies, i.e., vehicle control, roadway markings, maneuvers, intersections, and highways;

(t) ~~develop an awareness~~ demonstrate an understanding of specific competencies as defined by recognized agencies and organizations, i.e., Office of Public Instruction, and American Driver and Traffic Safety Education Association;

(u) ~~provide for the study of~~ design educational strategies for visual perceptual skill development, i.e., zone control, IPDE process, Smith system, and defensive driving principles;

(v) ~~provide opportunities to experience and~~ develop demonstrate an understanding of driving skills required to successfully handle adverse and emergency situations;

(w) ~~provide for the study~~ demonstrate an understanding of accident facts, causation, and current crash avoidance and injury prevention strategies;

(x) ~~provide for the study of~~ develop a logical scope and sequence plan for a traffic education program that includes the physiological and psychological

influences of alcohol and drug abuse as they relate to use of the highway transportation system;

~~(y) provide skills and techniques and strategies to integrate traffic education into the K-12 curriculum;~~

~~(z) (y) develop demonstrate skills and techniques, and provide using~~ potential equipment, to assist learning for students with special needs;

~~(aa) (z) develop demonstrate~~ an understanding of techniques and strategies to integrate traffic education into the K-12 curriculum;

~~(ab) (aa) develop the ability to~~ identify and implement teaching trends and materials which will help assure continued program enhancement;

~~(ae) (ab) develop demonstrate~~ an understanding of, and provide tools for, student and program assessment; and

~~(ad) (ac) provide demonstrate an understanding of~~ current information on appropriate resources and how to establish an effective traffic education support network; and

~~(ae) encourage professional growth through continuing education and involvement in appropriate professional organizations.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.527 AREAS OF PERMISSIVE SPECIAL COMPETENCY

(1) Programs designed for teachers who hold a regular Montana teaching certificate and desire skills in a non-endorsement field to appear on the teaching certificate shall:

(a) meet the standards for the area of permissive special competency as approved by the Board of Public Education and outlined below; and

(b) when specified, have laboratory experiences under the jurisdiction of the preparing institution.

(2) Programs must include a minimum of 20 semester (30 quarter) credits of preparation.

(3) Permissive special competency programs for early childhood are limited to an "add-on" to elementary endorsement. This may be offered as a minor to elementary education or as an approved program for the addition of early childhood education, and is designed for prospective teachers of children ages eight and under. ~~The program shall provide coursework and experience in the following areas:~~

(4) The early childhood permissive special competency program requires that successful candidates:

(a) Regarding demonstrate knowledge of child development and learning; ~~programs prepare early childhood professionals who:~~

(b) develop relationships that involve family and community in children's learning;

(c) observe, document, and assess learning to support young children and families;

(d) demonstrate knowledge of early childhood education and apply effective instructional strategies, including:

(i) knowing, understanding, and using positive relationships and supportive

interactions;

(ii) knowing, understanding, and using a wide array of appropriate, effective approaches, strategies, and tools for early education;

(iii) knowing and understanding the importance, central concepts, inquiry tools, and structures of content areas or academic disciplines;

(iv) using their own knowledge and other resources to design, implement, and evaluate meaningful, challenging curriculum that promotes comprehensive developmental and learning outcomes; and

(v) meeting the unique needs of every child, including children with disabilities, children with different socio-economic backgrounds, and children from diverse cultural heritages, with a focus on American Indians.

~~(i) demonstrate understanding of the conditions that affect children's development and learning including risk factors, developmental variations, and developmental patterns of specific disabilities;~~

~~(ii) create and modify environments and experiences to meet the individual needs of all children including children with disabilities, developmental delays, and special abilities;~~

~~(iii) affirm and respect the differences in all children including culturally and linguistically diverse children, support home language preservation, and promote anti-bias approaches through the creation of learning environments and experiences;~~

~~(iv) describe influences on children's development and learning including socio-cultural and political contexts, economic backgrounds, sex roles, parenting styles, siblings, birth order, temperament, child care, schooling, prenatal variables, and recognize that children are best understood in the contexts of family, culture, and community; and~~

~~(v) articulate an understanding of developmental stages processes, theories of development and learning and their implications for developmentally appropriate practice.~~

~~(b) Regarding ability to establish and maintain physically and psychologically safe and healthy learning environments for children, programs prepare early childhood professionals who:~~

~~(i) provide basic health, nutrition and safety management procedures for infants, toddlers, and young children as well as basic health and safety management and procedures regarding childhood illness and communicable disease;~~

~~(ii) provide appropriate health appraisals and referral procedures to appropriate community health and social services when necessary;~~

~~(iii) identify hazards, assess risks, and provide appropriate corrective steps in early childhood settings;~~

~~(iv) assist young children in developing decision-making and interpersonal skills to promote good health and personal safety;~~

~~(v) demonstrate an understanding of the influence of the physical setting, schedule, routines and transitions on children and use these experiences to promote children's development and learning;~~

~~(vi) demonstrate an understanding of the developmental consequences of stress and trauma, protective factors and resilience, and the development of mental health and the importance of supportive relationships; and~~

~~(vii) recognize signs of emotional distress, child abuse, and neglect in young children and understand their responsibility and the procedures for reporting known or suspected abuse or neglect to appropriate authorities.~~

~~(c) Regarding curriculum development and implementation, programs prepare early childhood professionals who:~~

~~(i) develop and implement an integrated curriculum based upon themes, topics and projects that are relevant, meaningful and conceptually sound and which take into account culturally valued content and children's home environment;~~

~~(ii) integrate multicultural/anti-bias themes, literature, and experiences in all curriculum areas;~~

~~(iii) use developmentally appropriate methods that include play, open-ended questioning, group discussion, problem solving, cooperative learning, and inquiry experiences to help young children in problem-solving, decision making, and to become independent learners and develop intellectual curiosity;~~

~~(iv) create and manage a learning environment that emphasizes direct experience, active manipulation of concrete materials, child choice and decision-making, exploration of the environment and interaction with others;~~

~~(v) demonstrate current knowledge of and ability to develop and implement meaningful, integrated learning experiences, using the central concepts and tools of inquiry in curriculum and content areas including language and literacy, mathematics, science, health, safety, nutrition, social studies, art, music, technology, drama and movement; and~~

~~(vi) plan and implement developmentally appropriate curriculum and instructional practices based on knowledge of individual children, the community, and state and national curriculum standards.~~

~~(d) Regarding guidance, programs prepare early childhood professionals who:~~

~~(i) exhibit knowledge of indirect guidance techniques and their effect upon children including appropriate scheduling, room arrangement, activities, materials, and transitions;~~

~~(ii) modifying situations to prevent problems and modeling appropriate behavior;~~

~~(iii) use direct group and individual guidance techniques with an emphasis on children learning and gaining in self-discipline, e.g., messages, reflecting feelings, natural and logical consequences, redirection, and problem solving; and~~

~~(iv) establish a pro-social environment which is characterized by mutual trust, respect, and cooperation and which encourages interpersonal problem solving, development of self-control and enhancement of self-esteem.~~

~~(e) Regarding assessment and evaluation, programs prepare early childhood professionals who:~~

~~(i) use informal and formal assessment strategies as an on-going integral part of planning and individualizing curriculum and teaching practices, such as:~~

~~(A) observe, record and assess young children's development and learning and engage children in self-assessment for the purpose of planning appropriate programs, environments, and interactions and adapting for individual differences;~~

~~(B) develop and use authentic, performance-based assessments of children's learning to assist in planning and to communicate with children and~~

parents;

~~(C) participate and assist other professionals in conducting family-centered assessments; and~~

~~(D) communicate assessment results and integrate assessment results from others as an active participant in the development and implementation of individualized education plan (IEP) and individual family service plan (IFSP) goals for children with special developmental and learning needs;~~

~~(ii) develop and use formative and summative program evaluation to ensure comprehensive quality of the total environment for children, families and the community.~~

~~(f) Regarding disabilities, programs prepare early childhood professionals who:~~

~~(i) adapt strategies and environments to meet the specific needs of all children including those with disabilities, developmental delays, or special abilities;~~

~~(ii) participate in and assist other professionals in family-centered assessments and in developing and implementing individualized service and educational plans for young children;~~

~~(iii) articulate the rationale for early intervention services; and~~

~~(iv) identify available community services for the young child and their family.~~

~~(g) Regarding families and community relations, programs prepare early childhood professionals who:~~

~~(i) explain to parents and other concerned individuals the fundamentals of child growth and development and learning;~~

~~(ii) articulate the rationale for developmentally appropriate education programs for young children and the need for community support for such programs;~~

~~(iii) identify services that provide information and support for families and children and the role of related disciplines in supporting young children and their families;~~

~~(iv) explain roles of parents as primary caregivers and informal teachers of young children, understand the importance of parents' expectations for their children, and acknowledge the collaborative role of parents and teachers in early childhood programs;~~

~~(v) apply family systems theory, knowledge of the dynamics, roles and relationships within families and communities;~~

~~(vi) demonstrate sensitivity to differences in family structures and social and cultural backgrounds; and~~

~~(vii) establish and maintain positive, collaborative relationships with families, such as:~~

~~(A) respect parents' choices and goals for children and communicate effectively with parents about curriculum and children's progress;~~

~~(B) involve families in assessing and planning for individual children, including children with disabilities, developmental delays, or special abilities; and~~

~~(C) support parents in making decisions related to their child's development and parenting.~~

~~(h) Regarding professionalism, programs prepare early childhood professionals who:~~

~~(i) reflect on their practice, articulate a philosophy and rationale for decisions,~~

~~continually self-assess and evaluate the effects of their choices and actions on others (young children, parents, and other professionals) as a basis for program planning and modification and continuing professional development;~~

~~(ii) interpret historical, philosophical, and social foundations of early childhood education and their effect on current practices and future trends;~~

~~(iii) demonstrate an understanding of conditions of children, families, and professionals; current issues and trends; legal issues; and legislation and other public policies affecting children, families, and programs for young children and the early childhood profession;~~

~~(iv) work collaboratively with professionals (including volunteers) to maintain a safe and developmentally appropriate environment;~~

~~(v) serve as advocates on behalf of young children and their families, improved quality of programs and services for young children, and enhanced professional status and working conditions for early childhood educators;~~

~~(vi) demonstrate awareness of and commitment to the profession's code of ethical conduct;~~

~~(vii) demonstrate an understanding of basic principles of administration, organization, and operation of early childhood programs including supervision of staff and volunteers and program evaluation; and~~

~~(viii) actively seek out opportunities to grow professionally by locating and using appropriate professional literature, organizations, resources, and experiences to inform and improve practice.~~

~~(i) Regarding field experiences and professional internships, programs prepare early childhood professionals who:~~

~~(i) observe and participate under the supervision of qualified professionals in a variety of exemplary settings in which young children are served (such as public and private centers, schools, and community agencies);~~

~~(ii) work effectively over time with children of diverse ages (infants, toddlers, preschoolers, or primary school-aged), with children with diverse abilities, with children reflecting culturally and linguistically diverse family systems;~~

~~(iii) demonstrate the ability to work effectively during full-time (usually at least 300 clock hours supervised student teaching) and/or practice experiences in at least two different exemplary settings, serving children of two different age groups (infant/toddler, preprimary, or primary age) and with varying abilities; and~~

~~(iv) analyze and evaluate field experiences, including supervised experience in working with parents, and supervised experience in working with interdisciplinary teams of professionals.~~

~~(4) (5) For permissive special competency standards for gifted students K-12 the program shall prepare the prospective teacher to serve the educational needs of gifted (high ability/high potential) students by providing: The gifted and talented permissive special competency program requires that successful candidates:~~

~~(a) demonstrate Kknowledge of the characteristics of gifted students and an understanding of how to utilize appropriate tests and other documentation to formally identify gifted students;~~

~~(b) demonstrate Kknowledge of the curriculum needs that result from the characteristics of individual gifted students and an understanding of how to apply the appropriate curriculum strategies to vary the pace, breadth, and depth of the~~

curriculum through acceleration; differentiation of the content, process and product; and subject enrichment;

(c) demonstrate knowledge of the unique learning styles of gifted learners and an understanding of how to apply that knowledge to modify the learning environment and activities to match the style(s) of the individual student;

(d) demonstrate knowledge of how the social/emotional characteristics of gifted children create different needs that may impact the school and family and an understanding of how to apply appropriate strategies to minimize negative impacts upon the ability of the gifted student to learn;

(e) demonstrate knowledge of the need for gifted students to be challenged by participation with their mental peers, and an understanding of how to meet that need by providing a variety of options in the learning environment;

(f) demonstrate knowledge of how the school environment and characteristics of gifted students cause some high ability/high potential students to achieve at levels far below their potentials and an understanding of how to apply appropriate interventions; and

(g) demonstrate knowledge of the nature of, and need for, team approaches and an understanding of how to effectively apply these strategies in order to provide the best possible school climate and total curriculum services for gifted students.

(6) The technology in education permissive special competency program requires that successful candidates:

(a) demonstrate knowledge of operations and concepts necessary for effective use of technology and infusion into teaching and learning;

(b) demonstrate planning and learning environment design, knowledge, and skills, including:

(i) the identification and design of developmentally appropriate learning opportunities that apply technology enhanced instructional strategies to support the diverse needs of students;

(ii) the application of best practices based on current research when planning and managing learning environments and experiences;

(iii) the identification and location of technology resources and evaluation of them for effectiveness and suitability;

(iv) the planning and implementation of strategies to manage student learning in multiple technology-enhanced classroom environments; and

(v) the planning and implementing of strategies to manage student learning in distance, online, and technology-delivered learning environments;

(c) demonstrate technology-enhanced teaching, learning, and curriculum knowledge and skills by:

(i) facilitating technology-enhanced experiences that incorporate Montana content and performance standards as appropriate;

(ii) using technology to support learner-centered instructional strategies that address the diverse needs of students, including Montana American Indians;

(iii) applying technology to enhance students' critical, creative, and futures thinking;

(iv) managing student learning activities in multiple technology-enhanced classroom environments; and

- (v) managing student learning activities in distance, online, and technology delivered learning environments;
- (d) demonstrate assessment and evaluation knowledge and skills by:
 - (i) applying technology to assess student learning of subject matter using a variety of appropriate assessment techniques;
 - (ii) using technology resources to collect and analyze data, interpret results, and communicate findings to improve instructional practice and maximize student learning; and
 - (iii) using data from a variety of sources to make informed decisions to align learning objectives, instructional activities, technology use and assessment procedures to enhance learning;
- (e) demonstrate knowledge and skills and apply effective strategies for teaching social, ethical, legal, and human issues related to technology use;
 - (i) identifying, classifying, and recommending adaptive/assistive hardware and software for students and teachers with diverse needs and assisting in procurement and implementation;
 - (ii) selecting and applying appropriate technology resources to promote healthy use of technology;
- (f) select and apply appropriate technology resources to address cultural and language diversity, including Montana American Indians;
- (g) demonstrate knowledge in developing systemic planning, procedures, and policies;
- (h) demonstrate knowledge and skills in the development of leadership and visioning by:
 - (i) applying strategies for, and knowledge of, issues related to the change process in education and effective schooling practices;
 - (ii) assisting in the development and evaluation of district technology project planning, funding, and implementation; and
 - (iii) successfully completing integrated, supervised, and field-based professional experiences with accomplished technology facilitators and directors.

AUTH: 20-2-114, MCA

IMP: 20-1-501, 20-2-121, MCA

10.58.528 COMPUTER SCIENCE (1) A computer science teaching endorsement prepares an instructor to teach courses where computers, and related forms of technology, are the object(s) and focus of instruction. Computer science teachers must be prepared to teach computer science, including programming and literacy courses, and be prepared to adapt to the rapid changes in the field of computing; therefore, for the prospective teacher the program shall: The program requires that successful candidates:

- (a) include demonstrate knowledge of computer science prerequisites consistent with, and substantially beyond, that which a classroom teacher may be expected to teach;
- (b) include demonstrate knowledge of algorithm design, analysis, and implementation in a programming language, and data structures, and abstract data types covering:

- (i) problem solving techniques and strategies;
- (ii) algorithm design methodologies;
- (iii) algorithm verification;
- (iv) algorithm analysis;
- (v) data structures and abstract data types;
- (vi) at least two programming languages, including object-oriented programming and/or other current programming trends; and
- (vii) program testing;
- (c) ~~provide a cohesive introduction to~~ demonstrate knowledge of the major subject areas of the discipline of computer science, including:
 - (i) algorithms and data structures;
 - (ii) programming languages;
 - (iii) architecture and machine-dependent programming;
 - (iv) numerical and symbolic computing;
 - (v) operating systems and networks;
 - (vi) software methodology and engineering;
 - (vii) database and information retrieval;
 - (viii) artificial intelligence and robotics; and
 - (ix) human-computer interaction;
- (d) ~~provide a broad~~ demonstrate knowledge and development of computer science through of:
 - (i) team software development; and
 - (ii) ~~demonstrated~~ personal written and oral communication skills;
- (e) ~~develop a functional awareness~~ demonstrate knowledge of computing issues, including:
 - (i) the history of computing;
 - (ii) current trends and future directions in computing;
 - (iii) career opportunities in computing;
 - (iv) ethical and moral obligations in the use of computer hardware and software;
 - (v) impacts of computing on society;
 - (vi) practical, hands-on experience with widespread software applications, including:
 - (A) productivity tools;
 - (B) communications and networking;
 - (C) multimedia/authoring tools;
 - (D) instructional software; and
 - (E) operating systems software;
 - (f) ~~equip teachers to~~ deal with computing issues unique to the classroom, including:
 - (i) computer hardware and software management such as hardware setup, software installation, and user and network level hardware and software troubleshooting and maintenance;
 - (ii) available availability and use of resources such as journals, sources of computer hardware and software, relevant conference titles, and professional organizations;
 - (iii) a continual study of effective pedagogical uses of computers as a means

to stay updated;

(iv) hands-on use of hardware, software, and operating systems common in schools;

(v) advanced placement (AP) course development; and other online/ electronic class formats; and

(vi) ~~include~~ trends and innovations in computing curricula; and

(g) apply assessment tools and practices that range from individual and group tests, to individual and group informal classroom assessment and strategies, including technology-based assessment tools.

AUTH: 20-4-102, MCA

IMP: 20-4-103, MCA

10.58.601 PROGRAM PLANNING AND DEVELOPMENT (1) An advanced program is required to designate a single, designated administrative unit shall be responsible for assuring the quality of post-baccalaureate programs in education. This The administrative unit shall:

(a) ~~share aspects of this responsibility with~~ establishes appropriate units or governance and committees structures;

(b) ~~see that the responsibility is~~ adheres to the conceptual framework which is unified, specific, widely understood, and generally accessible;

(c) ~~make~~ establishes clear provisions operating systems for communication, cooperation, and program coordination within institutions ~~operating several programs;~~

(d) provides information about program objectives, unique and cooperative provisions, and ~~the means of~~ program evaluation; and

(e) makes information and data on program evaluation accessible.

(2) Those institutions professional education units offering both undergraduate and graduate programs shall be consistent in the programs' philosophy, principles, and objectives.

(3) The institutions professional education unit shall be responsible for designing programs ~~within the meaning and scope of teacher education objectives and within~~ that meet the professional educator program standards and the guidelines of its governing board.

(4) The Board of Public Education is ~~responsible for stimulating the development of program objectives and for evolving and carrying out appropriate procedures for teacher certification~~ authorized to establish program and unit standards procedures for educator licensure and endorsement.

(5) All advanced programs shall include the following:

(a) publication of specific program objectives and course of study outlines that show how those objectives can be achieved. When two or more related objectives are served within one broad program, the provisions for achieving each shall be made clear;

(b) ~~provisions for maintaining~~ maintenance of quality and depth of scholarship appropriate to the program objectives;

(c) a breadth of coverage that enables the preparing teacher to develop supporting and related skills and insights in addition to a major emphasis;

(d) ~~program~~ support from adequate staff, equipment, special facilities, including library, and any other general institutional support that maximizes the quality of each program;

(e) ~~a program of~~ supervised practical experience in curricula designed to develop initial competence in teaching or in an area of education specialization. This program shall develop skill in and serve as a basis for evaluating the preparing teacher's performance and recommending appropriate certification licensure and/or master's degree. Adequate time for both on-and off-campus experiences shall be provided to permit adaptation to individual student backgrounds and objectives; and

(f) clear processes for evaluating and recommending graduate students (with reference to their special competencies in terms of specific program objectives) for certification licensure.

(6) The institutions' operating controls shall guarantee the integrity of each program and shall include:

(a) an advisory system for advanced study programs which:

(i) reflects attention to individual student potential;₁

(ii) uses all instructional resources;₁ and

(iii) recognizes the rapid growth of knowledge;

(b) selective admission and retention procedures to maintain quality students in each program;

(c) student evaluation and degree requirements to support the admission and selective retention procedures as well as maintain harmony with program objectives that are beyond general institutional requirements;

(d) program evaluation procedures to assure continued professional appraisal and improvement;

(e) residence requirements academically appropriate to the applicable program objectives; and

(f) internal provisions to give evidence of harmony between objectives and prerequisites, to the effect that they form a consistent and interrelated whole.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.602 TEACHING AREAS: ADVANCED PROGRAMS (1) Admission to such programs shall be open to persons who already hold a ~~regular teaching certificate~~ Class 2 standard license in a teaching field. The emphasis, in both content and rigor, should be on advanced study in that field.

(2) Learning procedures shall be appropriate to the competence of the students and their growing knowledge in the area of specialization.

(3) The content of special area programs and/or professional education shall provide:

(a) breadth in the field;

(b) the detailed study of one or more specialized aspects of the field; and

(c) access to new research and developments.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.603 ASSESSMENT OF ADVANCED PROGRAMS (1) Advanced programs shall meet or exceed standards of performance equivalent to those established for national professional education accreditation for candidate competence and program quality. Experienced ~~teachers~~ educators in graduate programs ~~should~~ shall build upon and extend their prior knowledge and experiences to improve student learning in classrooms and their own teaching.

(a) They further develop their knowledge, skills, and dispositions to meet standards equivalent to the propositions of the National Board for Professional Teaching Standards for the advanced certification of teachers.

(b) ~~These candidates should demonstrate:~~ The advanced program requires that successful candidates:

- (i) ~~their~~ demonstrate commitment to students and their learning;
- (ii) ~~their~~ demonstrate content knowledge and ability to facilitate students' learning the content;
- (iii) ~~their ability to manage plan, and monitor, and evaluate~~ student learning;
- (iv) demonstrate their ability to think systematically about their practice and learn from experience; and
- (v) demonstrate their involvement as members of learning communities.

(2) Candidates preparing to work in schools as computing specialists, educational communications and technology specialists, curriculum and instruction specialists, principals, reading specialists or supervisors, school administrators, school counselors, school media specialists, school psychologists, school superintendents, and other professional school roles are expected to demonstrate the knowledge, skills, and dispositions necessary to meet professional, state, and institutional standards.

(a) Candidates in these graduate programs also develop their ability to apply, in their professional roles, research, research methods, and knowledge of learning and practices that support learning.

(3) Candidates preparing for support roles in schools (e.g., educational leaders, reading specialists, school psychologists, and school library media specialists) demonstrate the knowledge, dispositions, and performance identified by the profession and reflected in national and state standards and assessments for the field.

(a) These candidates are aware of the scope and purposes of the assessments used by the unit and its programs, as well as how, when, and against what criteria, their knowledge and skills are evaluated throughout their preparation.

(b) The unit uses multiple assessments to determine what candidates know and are able to do.

(c) It develops and assesses performance in well-planned and sequenced field experiences and in clinical practice where knowledge, disposition, skills, and effect on student learning are observed and evaluated.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.707 SCHOOL PSYCHOLOGISTS (1) ~~As a specialty within the profession of psychology, school psychology is founded in respect for the dignity and~~

worth of each individual and in a commitment to furthered understanding of human behavior for the purpose of promoting human welfare. The program requires that successful candidates:

(a) demonstrate an understanding of the articulated training philosophy, mission statement, goals, and objectives;

(b) demonstrate knowledge of the unique history of American Indians as it relates to education, social and emotional development, and academic skills;

(c) demonstrate knowledge of these domains in the field of school psychology:

(i) data-based decision-making and accountability;

(ii) consultation and collaboration;

(iii) effective instruction and development of cognitive/academic skills;

(iv) socialization and development of life skills;

(v) student diversity in development and learning;

(vi) school and systems organization, policy development, and climate;

(vii) prevention, crisis intervention, and mental health;

(viii) home/school/community collaboration;

(ix) research and program evaluation;

(x) school psychology practice and development; and

(xi) information technology;

(d) demonstrate knowledge and understanding of:

(i) orientation to the educational process;

(ii) assessment for intervention;

(iii) direct intervention; and

(iv) indirect intervention.

(2) practica experiences shall be distinct from and occur prior to the internship;

(a) practica occur at time(s), are in settings, and are of sufficient length to be appropriate to the specific training objectives of the program;

(b) there is a direct and obvious relationship between practica experiences and the objectives for which the practica are intended;

(c) practica experiences occur under conditions of supervision appropriate to the specific training objectives of the program;

(d) practica experiences are provided appropriate recognition through the awarding of academic credit;

(e) practica experiences occur with university involvement appropriate to the specific training objectives of the program;

(f) the quality of practica experiences is systematically evaluated in a manner consistent with the specific training objectives of the program;

(g) practica experiences are conducted in accordance with current legal-ethical standards for the profession;

(h) the program shall require successful candidates to demonstrate knowledge of the roles, responsibilities, and functions of other pupil service personnel, including the operation of interdisciplinary teams; and

(i) the program shall require successful candidates to demonstrate knowledge of available school and community resources.

(3) The comprehensive internship is the culminating experience in school

psychology graduate preparation. The successful school psychologist candidates:

(a) demonstrate, under supervision, their ability to integrate knowledge and skills in providing a broad range of school psychological services. The internship experience:

(i) is provided at or near the end of the formal training period;

(ii) is designed according to a written plan that provides the student opportunities to gain experience in the delivery of a broad range of school psychological services;

(iii) occurs in a setting appropriate to the specific training objectives of the program;

(iv) is provided appropriate recognition through the awarding of academic credit;

(v) occurs under conditions of appropriate supervision. Field-based internship supervisors hold a valid credential as a school psychologist for that portion of the internship that is in a school setting. That portion of the internship, which appropriately may be in a non school setting, requires supervision by an appropriately credentialed psychologist;

(vi) is supervised. Field-based internship supervisors are responsible for no more than two interns at any given time. University internship supervisors are responsible for no more than 12 interns at any given time;

(vii) is based on a positive working relationship and represents a collaborative effort between the university program and field-based supervisors to provide an effective learning experience for the student. University internship supervisors provide at least one on-site contact per semester with each intern and supervisor;

(viii) is a provision for participation in continuing professional development activities;

(ix) is systematically evaluated for quality in a manner consistent with the specific training objectives of the program;

(x) is conducted in a manner consistent with the current legal-ethical standards of the profession; and

(xi) occurs on a full-time basis over a period of one academic year, or on a half-time basis over a period of two consecutive academic years. At least 600 hours of the internship are completed in a school setting;

(b) complete a field-based internship supervised, on average, at least two hours per week of direct supervision for each intern;

(c) accept an internship placement that provides appropriate support for the internship experience including:

(i) a written agreement specifying the period of appointment and any terms of compensation;

(ii) a schedule of appointments, expense reimbursement, a safe and secure work environment, adequate office space, and support services consistent with that afforded agency school psychologists;

(iii) provision for participation in continuing professional development activities;

(iv) release time for internship supervision; and

(v) a commitment to the internship as a diversified training experience.

(4) School psychology training programs employ systematic, valid evaluation of candidates, coursework, practica, internship, faculty, supervisors, and resources and use the resulting information to monitor and improve program quality. School psychology graduate programs shall:

(a) establish and maintain an accountability program to assess the knowledge and capabilities of school psychology candidates and of the impact that interns and graduates have on services to children, youth, families, and other consumers;

(b) incorporate different sources of process and performance information (e.g., instructional evaluation, performance portfolios, field supervisor evaluations, systematic valid procedures are used to evaluate and improve the quality of the program, candidate/graduate performance on licensing/certification examinations, and alumni follow-ups), as appropriate, to evaluate and improve components of the program;

(c) apply specific published criteria, both objective and qualitative, for the assessment and admission of candidates to the program at each level and for candidate retention and progression in the program. The criteria address the academic and professional competencies, as well as the professional work characteristics needed for effective practice as a school psychologist (including respect for human diversity, communication skills, effective interpersonal relations, ethical responsibility, adaptability, and initiative/dependability);

(d) employ a systematic process that ensures that all students possess the knowledge and professional expertise to collaborate with families and school and community based professionals in designing, implementing, and evaluating interventions that effectively respond to the educational and mental health needs of children and youth;

(e) limit the number of credit hours acquired through courses, seminars, and other learning experiences not open exclusively to graduate students to no more than one-third of the student's program;

(f) exclude credit requirements for undergraduate study, study that is remedial, or study which is designed to remove deficiencies in meeting requirements for program admission; and

(g) include a full-time continuous residency or an alternate planned experience for all students. Programs allowing alternate planned experiences as a substitute for full-time residency must demonstrate how those experiences are equivalent to experiences commonly associated with residency requirements.

(5) The standards for specialist-level programs shall follow those described by the National Association of School Psychologists:

(a) specialist-level programs consist of a minimum of three years of full-time study or the equivalent at the graduate level;

(b) the program shall include at least 60 graduate semester hours or the equivalent, at least 54 hours of which are exclusive of credit for the supervised internship experience;

(c) institutional documentation of program completion shall be provided; and

(d) specialist level programs include a minimum of one academic year of supervised internship experience consisting of a minimum of 1200 clock hours.

(6) The standards for doctoral programs shall follow those described by the

National Association of School Psychologists. Doctoral programs provide greater depth in multiple domains of school psychology training and practice as specified in these standards:

(a) doctoral programs consist of a minimum of four years of full-time study or the equivalent at the graduate level;

(b) the program shall include a minimum of 90 graduate semester hours or the equivalent, at least 78 of which are exclusive of credit for the doctoral supervised internship experience and any terminal doctoral project (e.g., dissertation) and shall culminate in institutional documentation; and

(c) the program shall include a minimum of one academic year of doctoral supervised internship experience consisting of a minimum of 1500 clock hours.

~~(a) A commitment to understanding and responsiveness to human diversity is articulated and practiced throughout all aspects of the program, including admissions, faculty, coursework, practica and internship experiences.~~

~~(b) The program fosters a commitment to enhancing the strengths of critical socialization institutions such as families and schools through the delivery of school psychological services that are sensitive to the unique needs of systems and organizations, as well as effective in promoting mental health and the acquisition of competencies.~~

~~(2) The essential knowledge base for the professional practice of school psychology encompasses psychological foundations, educational foundations, interventions and problem solving, statistics and research methodologies, and professional school psychology.~~

~~(a) The program employs a systematic process that ensures that all students have a foundation in the knowledge base for the discipline of psychology. That knowledge base shall include:~~

- ~~(i) biological bases of behavior;~~
- ~~(ii) human learning;~~
- ~~(iii) social and cultural bases of behavior;~~
- ~~(iv) child and adolescent development; and~~
- ~~(v) individual differences.~~

~~(b) The program employs a systematic process that ensures that all students have a foundation in the knowledge base for education. That knowledge base shall include:~~

- ~~(i) instructional design; and~~
- ~~(ii) organization and operation of schools.~~

~~(c) The program employs a systematic process that ensures that all students possess the knowledge and professional expertise to collaborate with families and school and community-based professionals in designing, implementing, and evaluating interventions that effectively respond to the educational and mental health needs of children and youth. Areas of knowledge and practice shall include:~~

- ~~(i) assessment;~~
- ~~(ii) direct interventions, both individual and group; and~~
- ~~(iii) indirect interventions.~~

~~(d) The program employs a systematic process that ensures that all students are competent consumers of research and new knowledge, and are able to use diverse methodologies to evaluate professional practices and/or programs. That~~

knowledge base shall include:

- ~~(i) research and evaluation methods;~~
- ~~(ii) statistics; and~~
- ~~(iii) measurement.~~

~~(e) The program employs a systematic process that ensures that all students have a knowledge base specific to the professional specialty of school psychology.~~

~~That knowledge base shall include:~~

- ~~(i) history and foundations of school psychology;~~
- ~~(ii) legal and ethical issues;~~
- ~~(iii) professional issues and standards;~~
- ~~(iv) alternative models for the delivery of school psychological services;~~
- ~~(v) emergent technologies; and~~
- ~~(vi) roles and functions of the school psychologist.~~

~~(3) Practica are an essential component in the professional preparation of school psychologists. The program provides a sequence of closely supervised practica experiences through which students practice and are evaluated regarding their mastery of distinct skills consistent with the goals and objectives of the program.~~

~~(a) Practica experiences shall include:~~

- ~~(i) orientation to the educational process;~~
- ~~(ii) assessment for intervention;~~
- ~~(iii) direct intervention; and~~
- ~~(iv) indirect intervention.~~

~~(b) Practica experiences shall be distinct from and occur prior to the internship;~~

~~(c) Practica occur at time(s), are in settings, and are of sufficient length to be appropriate to the specific training objectives of the program;~~

~~(d) There is a direct and obvious relationship between practica experiences and the objectives for which the practica are intended;~~

~~(e) Practica experiences occur under conditions of supervision appropriate to the specific training objectives of the program;~~

~~(f) Practica experiences are provided appropriate recognition through the awarding of academic credit;~~

~~(g) Practica experiences occur with university involvement appropriate to the specific training objectives of the program;~~

~~(h) The quality of practica experiences is systematically evaluated in a manner consistent with the specific training objectives of the program;~~

~~(i) Practica experiences are conducted in accordance with current legal-ethical standards for the profession;~~

~~(j) The practica shall acquaint students with roles, responsibilities, and functions of other pupil service personnel, including the operation of interdisciplinary teams; and~~

~~(k) Practica experiences shall familiarize students with available school and community resources.~~

~~(4) The internship is the culminating experience in school psychology graduate preparation. A comprehensive internship experience is provided through which all students are required to demonstrate, under supervision, their ability to~~

integrate knowledge and skills in providing a broad range of school psychological services. The internship experience reflects the following characteristics:

- ~~(a) The internship experience is provided at or near the end of the formal training period;~~
- ~~(b) The internship experience occurs on a full-time basis over a period of one academic year, or on a half-time basis over a period of two consecutive academic years;~~
- ~~(c) The internship experience is designed according to a written plan that provides the student opportunities to gain experience in the delivery of a broad range of school psychological services;~~
- ~~(d) The internship experience occurs in a setting appropriate to the specific training objectives of the program;~~
- ~~(e) The internship experience is provided appropriate recognition through the awarding of academic credit;~~
- ~~(f) The internship experience occurs under conditions of appropriate supervision. Field-based internship supervisors hold a valid credential as a school psychologist for that portion of the internship that is in a school setting. That portion of the internship, which appropriately may be in a non-school setting, requires supervision by an appropriately credentialed psychologist;~~
- ~~(g) Field-based internship supervisors are responsible for no more than two interns at any given time. University internship supervisors are responsible for no more than 12 interns at any given time;~~
- ~~(h) Field-based internship supervisors provide, on average, at least two hours per week of direct supervision for each intern;~~
- ~~(i) The internship is based on a positive working relationship and represents a collaborative effort between the university program and field-based supervisors to provide an effective learning experience for the student. University internship supervisors provide at least one on-site contact per semester with each intern and supervisor;~~
- ~~(j) The internship placement agency provides appropriate support for the internship experience including:~~
 - ~~(i) a written contractual agreement specifying the period of appointment and the terms of compensation;~~
 - ~~(ii) a schedule of appointment consistent with that of agency school psychologists;~~
 - ~~(iii) provision for participation in continuing professional development activities;~~
 - ~~(iv) expense reimbursement consistent with policies pertaining to agency school psychologists;~~
 - ~~(v) an appropriate work environment including adequate supplies, materials, secretarial services, and office space;~~
 - ~~(vi) release time for internship supervisors; and~~
 - ~~(vii) a commitment to the internship as a training experience.~~
- ~~(k) The quality of the internship experience is systematically evaluated in a manner consistent with the specific training objectives of the program; and~~
- ~~(l) The internship experience is conducted in a manner consistent with the current legal-ethical standards of the profession.~~

~~(5) Systematic evaluation of coursework, practica, internship experiences, faculty, supervisors, and institutional resources is essential to monitoring and improving program quality.~~

~~(a) Systematic evaluation procedures are used to ensure the integrity and quality of the program. Different sources of information are used, as appropriate, to evaluate components of the program.~~

~~(b) The program employs a systematic process to ensure that all students, prior to the conclusion of the internship experience, are able to integrate domains of knowledge and applied professional skills in delivering a comprehensive range of services that result in measurable positive changes regarding the educational and mental health needs of children and youth.~~

~~(c) The program systematically collects, analyzes, and interprets process and performance evaluation data; results are used to improve the program.~~

~~(6) The following program level and structural requirements apply to both doctoral and specialist-level programs:~~

~~(a) The program shall limit the number of credit hours acquired through courses, seminars, and other learning experiences not open exclusively to graduate students to no more than one-third of the student's program;~~

~~(b) Program requirements exclude credit for undergraduate study, study that is remedial, or study which is designed to remove deficiencies in meeting requirements for program admission;~~

~~(c) A full-time continuous residency or an alternate planned experience is required for all students. Programs allowing alternate planned experiences as a substitute for full-time residency must demonstrate how those experiences are equivalent to experiences commonly associated with residency requirements; and~~

~~(d) The program shall provide an active continuing professional development program for practicing school psychologists.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.801 TYPES OF PROGRAMS (1) New, innovative, and experimental programs include but are not necessarily limited to the following:

~~(a) new approaches:~~ programs designed to develop new approaches, new arrangements, and/or new contexts for the preparation of school personnel;

~~(b) new positions:~~ programs designed to prepare school personnel for new types of positions that are emerging in modern education;

~~(c) special needs:~~ programs designed to meet the special needs of particular segments of society; and

~~(d) specific curricular areas:~~ programs designed for specific curricular areas for which recognized standards have not yet been developed.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.58.802 STANDARDS FOR APPROVAL (1) The ~~institution~~ unit shall provide a clear statement justifying the request for the approval of ~~an~~ a new,

innovative, or experimental or innovative program. That statement shall include the program's assumptions, rationale, and objectives.

(2) Each program shall:

(a) be based on a statement of the purpose and objectives of teaching in this area and upon a well-formulated statement of the nature of the public school program that is needed to accomplish these objectives. These statements shall:

(i) be prepared cooperatively by the agencies concerned with teacher education;

(ii) be based on analyses of current practices and trends in this field of the public school curriculum; and

(iii) be available in writing;

(b) include ~~a clear statement~~ articulation of the competencies teachers need in this area. This statement of competencies shall:

(i) include attitudes, knowledge, understanding, skills, and the degrees of expertise teachers need;

(ii) be based on the program's statement of objectives outlined in ~~subsection (2)(a) above~~; and

(iii) be available in writing;

(c) include a description of the process used to prepare personnel;

(d) develop provisions for keeping records of the students' progress in the program;

(e) make arrangements for systematic and scheduled program ~~review~~ evaluation by both the ~~institution unit~~ and the Office of Public Instruction;

(f) be supported by identifiable human and physical resources that will be available throughout the duration of the program. Any resources not under the control of the institution shall be outlined and confirmed by the Board of Public Education;

(g) include a timetable setting forth:

(i) the program's beginning and ending dates;

(ii) the sequence of activities that will occur;

(iii) selection and schedules of intervals for competency and program evaluations; and

(iv) the approximate dates for submitting periodic program reports to the appropriate institutional officials and to the Superintendent of Public Instruction; and

(h) ensure that program evaluations have definite provisions for performance criteria and follow-up at specified intervals. The evaluations shall:

(i) be guided by a plan that defines and specifies the kinds of evidence that will be gathered and reported;

(ii) give information that identifies areas in the program that need strengthening; and

(iii) be used to suggest new directions for program development.

(3) The preparing institution shall be responsible for the administration of the program. Within this responsibility it shall establish and designate the appropriate division, school, college, or department within the institution to act on all matters relating to such program, according to general institutional policies.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

5. The rules proposed for repeal are as follows.

ARM 10.58.201 on page 10-859 of the Administrative Rules of Montana
ARM 10.58.202 on page 10-859 of the Administrative Rules of Montana
ARM 10.58.203 on page 10-861 of the Administrative Rules of Montana
ARM 10.58.204 on page 10-862 of the Administrative Rules of Montana
ARM 10.58.208 on page 10-864 of the Administrative Rules of Montana
ARM 10.58.409 on page 10-870 of the Administrative Rules of Montana
ARM 10.58.410 on page 10-870 of the Administrative Rules of Montana
ARM 10.58.701 on page 10-917 of the Administrative Rules of Montana
ARM 10.58.704 on page 10-918 of the Administrative Rules of Montana

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

6. Statement of Reasonable Necessity: The Board of Public Education finds that it is reasonable and necessary to adopt, amend, and repeal the rules pertaining to educator preparation programs because the board is charged to provide for reasonable training and experience requirements pursuant to 20-4-102, MCA. The board recognizes the need to reassess educational needs on a cyclical basis and recognizes that its standards represent the minimum standards that are the basis upon which a quality educator preparation system is built and maintained and strives to conform to a seven year review cycle for the rules pertaining to educator preparation programs.

7. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on November 16, 2006.

8. Steve Meloy has been designated to preside over and conduct the hearing.

9. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding educator preparation programs or other school related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@bpe.montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Diane Fladmo
Diane Fladmo, Chairperson
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State September 25, 2006.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

| | | |
|---|---|-----------------------------|
| In the matter of the amendment of ARM |) | NOTICE OF PUBLIC HEARING ON |
| 17.74.502, 17.74.503, and 17.74.507 |) | PROPOSED AMENDMENT |
| pertaining to incorporation by reference of |) | |
| current federal regulations into the |) | (METHAMPHETAMINE CLEANUP |
| methamphetamine cleanup rules and |) | PROGRAM) |
| clearance sampling |) | |

TO: All Concerned Persons

1. On November 17, 2006, at 1:00 p.m., a public hearing will be held in Room 35 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m., November 13, 2006, to advise us of the nature of the accommodation that you need. Please contact Robert A. Martin, Waste and Underground Tank Management Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-4194; fax (406) 444-1374; or e-mail rmartin@mt.gov.

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

17.74.502 INCORPORATION BY REFERENCE -- PUBLICATION DATES

(1) remains the same.

(a) a federal regulation, the reference is to the July 1, ~~2005~~ 2006, edition of the Code of Federal Regulations (CFR); or

(b) remains the same.

AUTH: 75-10-1303, 75-10-1304, MCA

IMP: 75-10-1303, 75-10-1304, MCA

17.74.503 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the department adopts and incorporates by reference the following:

~~(a) 40 CFR Part 261, Identification and Listing of Hazardous Waste;~~

(b) through (d) remain the same, but are renumbered (a) through (c).

(2) remains the same.

AUTH: 75-10-1303, 75-10-1304, MCA

IMP: 75-10-1303, 75-10-1304, MCA

17.74.507 PERFORMANCE STANDARDS (1) through (1)(b) remain the

same.

- (c) perform all work in accordance with the approved work plan; ~~and~~
 - (d) station on site, at all times decontamination work is being performed, a contractor-employed certified supervisor to oversee the project; and
 - (e) have final clearance sampling conducted by an independent contractor who is not employed by the contractor described in (1), and who is certified by the department pursuant to this subchapter to perform that work.
- (2) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department intends to annually update ARM 17.74.502, which identifies the edition of the Code of Federal Regulations (CFR) that is incorporated by reference in the methamphetamine cleanup program rules, adopted in 2006. The incorporation by reference process is accomplished by amending the CFR publication date specified in ARM 17.74.502(1)(a). The amendment to ARM 17.74.502(1)(a) would allow the department to follow the most recent edition of federal regulations, and thus maintain conformity with federal regulations. The federal regulation referenced in the methamphetamine cleanup program rules is the hazardous waste operations and emergency response (HAZWOPER) training regulation codified at 29 CFR 1910.120.

The department is proposing the deletion of ARM 17.74.503(1)(a) because 40 CFR 261 is not referenced in the methamphetamine cleanup program rules. The inclusion of ARM 17.74.503(1)(a) was due to an oversight that occurred in propounding the various draft editions of the rules.

The department is proposing the addition of ARM 17.74.507(1)(e) which would require a clandestine methamphetamine lab (CML) contractor to have an independent CML contractor conduct clearance sampling. Because of the potential for a conflict of interest, the department believes it is not appropriate for a CML contractor to conduct clearance sampling for his or her own project.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Robert A. Martin, Waste and Underground Tank Management Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-4194; fax (406) 444-1374; or e-mail to rmartin@mt.gov, no later than November 24, 2006. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Jane Amdahl, attorney, has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name and mailing address of the person to receive notices and specifies that the person

wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Legal Unit, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to ejohnson@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

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

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ David Rusoff

DAVID RUSOFF

Rule Reviewer

/s/ Richard H. Opper

Richard H. Opper, Director

Certified to the Secretary of State, September 25, 2006.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

| | | |
|---|---|-----------------------------|
| In the matter of the amendment of ARM |) | NOTICE OF PUBLIC HEARING ON |
| 17.53.105 pertaining to incorporation by |) | PROPOSED AMENDMENT |
| reference of current federal regulations into |) | |
| the hazardous waste program |) | (HAZARDOUS WASTE) |

TO: All Concerned Persons

1. On November 8, 2006, at 10:30 a.m., a public hearing will be held in Room 35 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., October 30, 2006, to advise us of the nature of the accommodation that you need. Please contact Robert A. Martin, Waste and Underground Tank Management Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-4194; fax (406) 444-1374; or e-mail rmartin@mt.gov.

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

17.53.105 INCORPORATION BY REFERENCE (1) and (2) remain the same.

(3) References in this chapter that incorporate 40 CFR 60, 61, 63, 124, 260 through 266, 268, 270, 273, or 279 refer to the version of that publication revised as of July 1, ~~2004~~ 2006. References in this chapter to 40 CFR 124, 260 through 266, 268, 270, 273, or 279 that incorporate publications refer to the version of the publication as specified at 40 CFR 260.11. Provisions within 40 CFR 60, 61, and 63 that are referenced in 40 CFR 124, 260 through 266, 268, 270, 273, or 279 are also incorporated by reference.

(a) For the purposes of this chapter, the department adopts and incorporates by reference the final rules published in the Federal Register at 71 FR 40254 on July 14, 2006, "Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations," to be codified at 40 CFR parts 260, 261, 262, 264, 265, 266, 267, 268, 270, 271, 273, and 279.

(b) For the purposes of this chapter, the department adopts and incorporates by reference the final rules published at 71 FR 42927 on July 28, 2006, "Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes," to be codified at 40 CFR parts 260, 261, and 271. The final rules published at 71 FR 42927, as incorporated by reference in this rule, become effective on January 29, 2007.

(4) through (7) remain the same.

AUTH: 75-10-405, MCA

IMP: 75-10-405, MCA

REASON: Annually, the department updates ARM 17.53.105 which incorporates by reference the Code of Federal Regulations (CFR). The incorporation by reference process is accomplished by amending the CFR publication date specified in ARM 17.53.105(3). The amendment to ARM 17.53.105(3) would allow the department to follow the most recent edition of federal regulations, and thus maintain comity with EPA, to preserve program authorization.

In a July 14, 2006, Federal Register notice (71 FR 40254), the Environmental Protection Agency (EPA) corrected errors in the CFR for the hazardous waste and used oil regulations resulting from printing omissions, typographical errors, misspellings, and citations to paragraphs. The department is incorporating by reference into the hazardous waste program rules the corrections as provided in 71 FR 40254 because these corrections will not be codified in the CFR until July 1, 2007. These final rules do not create any new regulatory requirements.

In a July 28, 2006, Federal Register notice (71 FR 42927), EPA amended its regulations to streamline management requirements for recycling of used cathode ray tubes (CRT) and glass removed from CRTs. The amendments conditionally exclude these materials from the RCRA definition of solid waste if certain conditions are met. This rule is intended to encourage recycling and reuse of used CRTs and CRT glass. The department is incorporating by reference into the hazardous waste program rules the final rules as provided in 71 FR 42927 because these regulations will not be codified in the CFR until July 1, 2007, and to ensure timely conformity with other states that have adopted similar regulations.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Robert A. Martin, Waste and Underground Tank Management Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; by fax (406) 444-1374; or by e-mail to rmartin@mt.gov, no later than November 15, 2006. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Keith Christie, attorney, has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater

treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Legal Unit, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to ejohnson@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

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

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ David Rusoff
DAVID RUSOFF
Rule Reviewer

/s/ Richard H. Oppen
Richard H. Oppen, Director

Certified to the Secretary of State, September 25, 2006.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.74.350, 17.74.352, 17.74.356, and)
17.74.357 pertaining to incorporation by)
reference of current federal regulations into)
the asbestos control program, definitions,)
asbestos project control measures, and)
clearing asbestos projects)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

(ASBESTOS CONTROL)

TO: All Concerned Persons

1. On November 15, 2006, at 10:30 a.m., a public hearing will be held in Room 35 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., November 6, 2006, to advise us of the nature of the accommodation that you need. Please contact Robert A. Martin, Waste and Underground Tank Management Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-4194; fax (406) 444-1374; or e-mail rmartin@mt.gov.

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

17.74.350 INCORPORATION BY REFERENCE -- PUBLICATION DATES

(1) remains the same.

(a) a federal regulation, the reference is to the July 1, ~~2005~~ 2006, edition of the Code of Federal Regulations (CFR);

(b) and (c) remain the same.

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

17.74.352 DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) through (4) remain the same.

(5) "Asbestos project" has the meaning given in 75-2-502(3), MCA. "Pipe," as the term is used in this definition and ~~75-2-503(3)~~ 75-2-502(3), MCA, includes any coating or wrap made of regulated asbestos-containing material that partially or wholly covers the inner or outer surface of the pipe.

(6) through (21) remain the same.

(22) "Equipment room (change room)" means a contaminated room located

within the ~~contamination~~ decontamination area that is supplied with impermeable bags or containers for the disposal of contaminated protective clothing and equipment.

(23) through (36) remain the same.

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

17.74.356 ASBESTOS PROJECT CONTROL MEASURES (1) An asbestos project contractor/supervisor shall be physically present at all times at the work site ~~where~~ when regulated work is being conducted on an asbestos project ~~is being conducted~~. The asbestos project contractor/supervisor shall be accessible to all asbestos project workers.

(2) and (3) remain the same.

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

17.74.357 CLEARING ASBESTOS PROJECTS (1) At the conclusion of any asbestos project conducted in a facility, the owner of the facility or the owner's designee shall sample and analyze the air to ensure that the indoor concentration of airborne fibers in a non-occupational setting for each of five samples is less than or equal to 0.01 fibers per cubic centimeter of air or 70 structures per square millimeter of filter. Clearance sampling is not required if an asbestos project in a facility has occurred immediately prior to demolition of the entire facility, and the facility is not reoccupied prior to demolition. The five air samples must be taken in accordance with the Montana Asbestos Work Practices and Procedures Manual.

(2) remains the same.

AUTH: 75-2-503, MCA

IMP: 75-2-503, MCA

REASON: Annually, the department updates ARM 17.74.350 which incorporates by reference the Code of Federal Regulations (CFR). The incorporation by reference process is accomplished by amending the CFR publication date specified in ARM 17.74.350(1)(a). The amendment to ARM 17.74.350(1)(a) would allow the department to follow the most recent edition of federal regulations, and thus maintain comity with EPA, to preserve program authorization.

The department is proposing to correct a citation in ARM 17.74.352(5), and a typographical error in ARM 17.74.352(22). The incorrect citation and typographical error were inadvertent drafting errors.

The revisions to ARM 17.74.356(1) and 17.74.357(1) are necessary to clarify the rules, but do not change the meanings.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be

submitted to Robert A. Martin, Waste and Underground Tank Management Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-4194; fax (406) 444-1374; or e-mail to rmartin@mt.gov, no later than November 22, 2006. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Jane Amdahl, attorney, has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Legal Unit, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to ejohnson@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

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

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ David Rusoff

DAVID RUSOFF
Rule Reviewer

/s/ Richard H. Opper

Richard H. Opper, Director

Certified to the Secretary of State, September 25, 2006.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

| | |
|--|-----------------------------|
| In the matter of the amendment of ARM) | NOTICE OF PUBLIC HEARING ON |
| 17.30.617 and 17.30.638 pertaining to) | PROPOSED AMENDMENT |
| outstanding resource water designation) | |
| for the Gallatin River) | (WATER QUALITY) |

TO: All Concerned Persons

1. On October 25, 2006, at 3:00 p.m., the Board of Environmental Review will hold a public hearing at the Gallatin Gateway Inn, 76405 Gallatin Road, Gallatin Gateway, Montana to consider the proposed amendment of the above-stated rules.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., October 18, 2006, to advise us of the nature of the accommodation that you need. Please contact the board secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or e-mail ber@mt.gov.

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

17.30.617 OUTSTANDING RESOURCE WATERS -- DESIGNATION

(1) remains the same.

(2) The mainstem Gallatin River from the Yellowstone National Park boundary to the confluence of Spanish Creek as of [the effective date of legislation approving the ORW designation] is an ORW.

AUTH: 75-5-301, 75-5-316, MCA
IMP: 75-5-316, MCA

REASON: The board is proposing to amend ARM 17.30.617 to designate the mainstem Gallatin River from the Yellowstone National Park boundary to the confluence of Spanish Creek as an Outstanding Resource Water (ORW).

The board received a petition from American Wildlands in December 2001 requesting the board to initiate rulemaking to designate the mainstem Gallatin River from the Yellowstone National Park boundary to the confluence of Spanish Creek as an Outstanding Resource Water (ORW).

At the March 2002 meeting the board received comment on the petition and directed the Department of Environmental Quality to prepare an environmental impact study (EIS) addressing the petition. The draft EIS was released for public comment on September 8, 2006, and a final EIS and Record of Decision (ROD) will be prepared following the close of the comment period.

The petitioned segment of the Gallatin River meets the following criteria from

75-5-316(4), MCA: "(c) the presence of an outstanding recreational fishery in the waters;" and "(f) other factors that indicate outstanding environmental or economic values not specifically mentioned in this section (4)."

The Gallatin River is known nationally as an outstanding recreational fishery. This reputation brings in anglers from out of state as well as Montana and contributes to the economy by supporting direct and indirect employment.

The proposed rulemaking is necessary because the increased protection afforded by outstanding resource water designation will protect the Gallatin River from continuing development causing increases in nutrient loads to the Gallatin River and some tributaries. Increasing nutrients will affect the fishery and the economic benefits of recreational fishing.

The proposed designation of the petitioned segment of the Gallatin River is necessary because there is no other effective process available to achieve this protection permanently. Current Administrative Rules of Montana and Title 75, Chapter 5, MCA, allow new and increased point source discharges to the river that meet the board's rules for "non significant" changes in water quality and also allow authorizations to degrade water quality. The ORW designation would not allow new or increased point source that result in permanent changes in water quality, including permanent changes that are considered "non significant" under the Board's rules.

The designation of the Gallatin River as an ORW as proposed is contingent upon concurring action by the Legislature.

17.30.638 OUTSTANDING RESOURCE WATERS -- PROHIBITIONS

(1) Any new or increased point source discharge that would result in a permanent change in water quality of an ORW is prohibited. This prohibition does not apply to new or increased point source discharges to an ORW if the point source discharge was approved, authorized, licensed, or permitted by the department or local government body prior to the effective date of the ORW designation.

(2) Any new or increased source discharging to ground water that has a direct hydrologic connection to an ORW is prohibited if the discharge, either by itself or after taking into consideration cumulative effects of other sources that are subject to the prohibitions of the ORW designation, would result in a permanent, measurable change in the water quality of the ORW. This prohibition does not apply to new or increased sources with a direct hydrologic connection to an ORW if the source was approved, authorized, licensed, or permitted by the department or local government body prior to the effective date of the ORW designation.

AUTH: 75-5-301, 75-5-316, MCA

IMP: 75-5-316, MCA

REASON: The board is proposing to amend ARM 17.30.638 to add a new section clarifying that discharges to ground water with a direct hydrologic connection to an ORW are within the statutory mandate prohibiting any permanent change in the water quality of an ORW resulting from point source discharges. See 75-5-316, MCA.

The board is proposing to add language to existing section (1) and proposed

section (2) to clarify that existing point sources or ground water sources that will result in discharges to an ORW, which have been approved, authorized, licensed, or permitted by the department prior to the effective date of the ORW's designation, are not subject to the prohibitions in the statute against causing permanent changes in the water quality of an ORW.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to the board secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to ber@mt.gov, no later than November 2, 2006. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. The board will preside over and conduct the hearing.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; openpit mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the board secretary at Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; e-mailed to ber@mt.gov; or may be made by completing a request form at any rules hearing held by the board.

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

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North

Rule Reviewer

BY: /s/ Joseph W. Russell
JOSEPH W. RUSSELL, M.P.H.,
Chairman

Certified to the Secretary of State, September 25, 2006.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

| | |
|---|--------------------------|
| In the matter of the proposed adoption of) | NOTICE OF PUBLIC HEARING |
| NEW RULE I-frequency of reporting by) | ON PROPOSED ADOPTION |
| approved accounting systems; and the) | AND AMENDMENT |
| proposed amendment of ARM) | |
| 23.16.1802, 23.16.1822, and 23.16.1827) | |
| concerning definitions, letters of) | |
| withdrawal, and record keeping) | |
| requirements) | |

TO: All Concerned Persons

1. On October 26, 2006, at 10:00 a.m., the Montana Department of Justice will hold a public hearing in the conference room at the Gambling Control Division, 2550 Prospect Avenue, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on October 19, 2006, to advise us of the nature of the accommodation that you need. Please contact Rick Ask, Gambling Control Division, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; (406) 444-1971; Fax (406) 444-9157; Montana Relay Service 711; or e-mail rask@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I REPORTING FREQUENCY FOR APPROVED AUTOMATED ACCOUNTING SYSTEMS – EXCEPTIONS (1) Tier I systems shall transmit the information required by ARM 23.16.2105 in 7 day reporting intervals.

(2) Tier II systems shall transmit the information required by ARM 23.16.2105 at either 7 day or 14 day reporting intervals. The election of a specific reporting interval shall be made by the machine owner or a designated representative on the application to utilize an approved automated accounting system (form 34). Route operators shall notify the division of their election of reporting intervals, or change of election of reporting intervals, on form 34(a).

(3) A machine owner or a designated representative who fails to timely transmit the required information will receive a notice from the department identifying the reporting failure. Prior to the next reporting interval, the machine owner or a designated representative must respond to the department notice with a statement explaining the reason for the reporting failure.

(4) When the explanation for the reporting failure does not demonstrate the inability of the machine owner or a designated representative to physically access the machine in order to meet the reporting interval, or when multiple reporting

failures demonstrate an inability to physically access the machine, the department may require more frequent reporting intervals, require longer periods of record retention, or take any action authorized under ARM 23.5.136(1)(b).

AUTH: 23-5-621, MCA
IMP: 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: Amendments to ARM 23.5.621 in the 2005 Legislature gave the department rulemaking authority to “prescribe the frequency of reports for approved systems and to provide exceptions for geographically isolated video gambling operators.” The department believes that 7 days is the most common interval used by route operators for updating accounting and video gambling machine meter readings, but recognizes that some operators access some locations every 14 days. Therefore, the machine owner may elect either a 7 day or 14 day reporting interval per location. The rules also provide a method for route operators to change their election of reporting period.

The automated system will generate a notice to the machine owner when accounting information is not transmitted according to the elected reporting interval. A machine owner or a designated representative must respond to the notice with a statement explaining the reasons for the reporting failure. The division will evaluate the reason submitted for the reporting failure to determine whether the machine owner or a designated representative was unable to physically access a machine in order to report the accounting information.

Operators also have the option of using a tier I system that will automatically update reports each week. The department estimates that over the next few years, 50 to 75 route operators will utilize a tier II system. The proposed rules will not change the frequency with which route operators or operators need to collect cash and meter information from video gambling machines. The proposed reporting intervals should not have any fiscal impact on the machine owners or the department.

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

23.16.1802 DEFINITIONS (1) through (3) remain the same.

(4) "Designated representative" means a person designated on forms provided by the department to be a representative of the licensed machine owner or operator. This designation is made for the purposes of filing quarterly reporting documents, applying for permits, receiving of forms, etc. However, the permit holder or machine owner remains responsible for maintaining accurate records, filing reports in a timely manner, or paying machine taxes due.

(5) through (26) remain the same.

AUTH: 23-5-115, 23-5-621, MCA
IMP: 23-5-111, 23-5-112, 23-5-115, 23-5-151, 23-5-602, 23-5-603, 23-5-607, 23-5-610, 23-5-612, 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: Changes are required to clearly allow the party responsible for obtaining gambling permits, the location operator, to name a representative to perform that task. A location operator isn't always the machine owner. Most location operators lease machines from licensed route operators. This change is needed in order to allow the permitting of video gambling machines using the internet. This will likely affect 50 to 75 route operators and should decrease costs and time in obtaining video gambling machine permits.

23.16.1822 PERMIT NOT TRANSFERABLE (1) through (5) remain the same.

(6) A completed Letter of Withdrawal (LOW) must be submitted to the department when a permitted machine is removed from play and the premises prior to the renewal deadline of each year, June 30. The LOW must be submitted no later than ten days from the date the machine is removed from play. A LOW form is available upon request from the department. The LOW is not complete unless it is dated and signed by the licensee or a designated representative, and contains all of the information and attachments required by the department. Except as provided in (8), the provisions of this rule do not apply to a machine temporarily removed from play for repair service.

(7) through (9) remain the same.

AUTH: 23-5-115, 23-5-621, MCA

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

RATIONALE AND JUSTIFICATION: This change is required to clearly allow a licensee's designated representative to file letters of withdrawal. This change is needed in order to allow the permitting and withdrawal of video gambling machines using the internet. This will likely affect 50 to 75 route operators and should decrease costs and time in obtaining video gambling machine permits.

23.16.1827 RECORD KEEPING REQUIREMENTS (1) remains the same.

(2) ~~The r~~Records to be maintained by machine owners continuing to file reports and maintain records manually and those using tier II automated accounting and reporting systems must include:

(a) through (e) remain the same.

(3) Machine owners using tier I accounting and reporting systems must maintain the following records:

(a) a correct lifetime audit ticket as provided for by department rules, which must include progressive accounting data if applicable. The lifetime audit ticket must be printed for each machine at least once every 7 days; and

(b) the exact copy of all printed ticket vouchers and audit tickets, i.e., the duplicate audit tape(s) created at the time each audit or payout ticket is printed.

~~(3)(4) The m~~Machine owner's records required by this rule must be maintained in the state of Montana by the machine owner or his representative for a minimum of 12 full quarters from the previous quarterly report due date. the following periods:

(a) machine owners who continue to file reports and maintain records manually must retain those records a minimum of 12 full quarters from the previous quarterly report due date;

(b) machine owners using a tier I system must maintain records for a period of four quarters; and

(c) machine owners using a tier II system must maintain records for a period of eight quarters.

(4) and (5) remain the same but are renumbered (5) and (6).

AUTH: 23-5-115, 23-5-605, 23-5-621, MCA

IMP: 23-5-115, 23-5-136, 23-5-605, 23-5-610, 23-5-628, 23-5-637,
MCA

RATIONALE AND JUSTIFICATION: One of the stated purposes of the automated accounting and reporting system (23-5-637, MCA) is to reduce record keeping burdens. Under this rule, the period that records need to be preserved is reduced to four quarters for machine owners who utilize a tier I system. Fewer data points are captured when the reporting is less frequent, which increases the risk for errors and takes longer for errors to be detected. Therefore, machine owners using a tier II system must retain their records for eight quarters, while those who report quarterly must continue to maintain their records for a period of 12 quarters. Machine owners who utilize approved accounting systems should see record keeping and storage expenses reduced substantially. The division estimates that 500 to 1,000 machine owners will utilize approved systems over the next few years.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Rick Ask, Gambling Control Division, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; Fax (406) 444-9157; or e-mail rask@mt.gov, and must be received no later than November 2, 2006.

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

7. The Department of Justice maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices of rules regarding the Crime Control Division, the Central Services Division, the Forensic Sciences Division, the Gambling Control Division, the Highway Patrol Division, the Law Enforcement Academy, the Division of Criminal Investigation, the Legal Services Division, the Consumer Protection Division, the Motor Vehicle Division, the Justice Information Systems Division, or any combination thereof. Such written request may be mailed or delivered to Rick Ask, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; Fax (406) 444-9157; or e-mail rask@mt.gov, or may be made by completing a request form at any rules hearing held by the Department of Justice.

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

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

/s/ Jon Ellingson
JON ELLINGSON
Rule Reviewer

Certified to the Secretary of State September 25, 2006.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the proposed amendments) NOTICE OF PROPOSED
of ARM 23.17.101, and 23.17.103 through) AMENDMENTS
23.17.108, regarding MLEA attendance,)
23.17.311 through 23.17.314, and 23.17.316,) NO PUBLIC HEARING
regarding MLEA performance criteria) CONTEMPLATED

TO: All Concerned Persons

1. On November 6, 2006, the Montana Department of Justice proposes to amend the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on October 30, 2006, to advise us of the nature of the accommodation that you need. Please contact Jon Ellingson, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail jellingson@mt.gov.

3. The rules as proposed to be amended provide as follows, matter to be added underlined, matter to be deleted is interlined:

23.17.101 REQUIREMENTS FOR SWORN PEACE OFFICERS AND PUBLIC SAFETY OFFICERS TO ATTEND BASIC PROGRAMS (1) An applicant to attend MLEA basic programs must be employed by a law enforcement or public safety agency within the state of Montana as a peace officer, ~~detention officer, or a reserve officer, as defined in 7-32-303, MCA; 44-4-302(3), MCA; and 7-32-201(5), MCA.~~ or public safety officer. For purposes of this rule:

(a) a peace officer is defined by 7-32-303(1), 61-10-154(5), and 61-12-201, MCA;

(b) a reserve officer is defined by 7-32-201(5), MCA; and

(c) a public safety officer shall mean the following (which are defined in 7-4-2901, 7-4-2904, 7-4-2905, 7-31-203, 41-5-1701 through 41-5-1706, 44-4-302 through 44-4-305, and 46-23-1003 through 46-23-1005, MCA):

(i) a detention officer;

(ii) a corrections officer;

(iii) a juvenile detention officer;

(iv) a juvenile corrections officer;

(v) a public safety communications officer;

(vi) a detention center administrator;

(vii) a juvenile probation officer;

(viii) a juvenile parole officer;

(ix) an adult probation and parole officer;

- (x) a misdemeanor probation officer;
- (xi) county coroners; or
- (xii) deputy county coroners.

(2) ~~Applicants will~~ Each law enforcement officer basic course applicant shall first be required to pass a physical fitness test developed by the department. An applicant who has passed the test shall be accepted on a first come, first served basis. If the specific course roster that an applicant applies to attend has been filled, the applicant will be placed on a waiting list for that course and also placed on the roster for the next available course. To meet statewide needs, the academy administrator may adjust the placement of applicants to certain course rosters.

(3) Reserve officers, ~~or detention officers~~ peace officers, or public safety officers who apply to attend ~~the peace officer basic courses~~ must meet the qualifications and requirements for preservice applicants.

AUTH: 44-10-202, MCA
IMP: 44-10-301, MCA

REASON: This amendment broadens and clarifies who may attend the basic program at the Montana Law Enforcement Academy. The existing rule was adopted when the academy only trained law enforcement officers. The academy now trains a wide range of public safety officers. This amendment is necessary to accurately reflect the broader mission of the academy. In order to prevent unreasonable attrition, to prevent injury during participation, and to successfully complete performance-based training at the academy, each law enforcement officer basic course applicant needs to take and pass a physical fitness test before admission.

23.17.103 PEACE OFFICER BASIC COURSE ATTENDANCE

REQUIREMENTS FOR PRESERVICE APPLICANTS (1) Preservice applicants are persons not employed as full-time or part-time bona fide ~~law enforcement~~ peace officers and public safety officers. Preservice applicants shall be selected to attend the MLEA basic course based on their ability to meet minimum qualifications. This includes successfully completing the pretest screening, a written and physical ability test, and posttest screening. Successful applicants will be ranked in accordance with ARM 23.17.107. Scheduled attendance by the successful applicants to the basic course will be by order of rank from the applicant list and by course availability. Preservice applicants scheduled to attend the basic course shall receive reporting instructions and other information from the academy administrator. ~~Qualified pre-service applicants to the basic course are not qualified to be accepted into any other basic programs presented at the law enforcement academy.~~

AUTH: 44-10-202, MCA
IMP: 44-10-301, MCA

REASON: This amendment defines the requirements for preservice applicants to the MLEA basic course in a manner consistent with the proposed amendment to ARM 23.17.101. The existing rule was adopted when the program was limited to

law enforcement officers. The amendment defines "preservice" applicants in a manner consistent with the proposed amendments to ARM 23.17.101.

23.17.104 MINIMUM QUALIFICATIONS FOR TESTING AND PRETEST SCREENING (1) Preservice applicants must meet the minimum qualifications for peace officers or public safety officers as stated in 7-32-303, MCA, with the following exceptions:

(a) through (2) remain the same.

(3) Upon receiving an application and prior to acceptance, the academy will conduct a criminal history and preemployment records check. ~~before the applicant is tested.~~

AUTH: 44-10-202, MCA

IMP: 44-10-301, MCA

REASON: This amendment specifically adds a criminal history and preemployment records check to be conducted prior to acceptance by the MLEA. It is more efficient to conduct the criminal history and preemployment background check after the applicant has been tested and found to meet the minimum qualifications for admission. The current rule requires these background checks to be conducted of each applicant as soon as the application is submitted and before a determination is made that the applicant meets the minimum qualifications for admission.

23.17.105 TESTING PROCEDURES (1) remains the same.

(2) The preservice applicant tests shall consist of ~~the P.O.S.T. J-2 multi-jurisdictional peace officer selection test, the P.O.S.T. R-2 law enforcement officer reading skill examination, the P.O.S.T. W-2 multi-jurisdictional peace officer writing skills examination and the P.O.S.T. Montana law enforcement physical ability test~~ a written examination that measures general aptitudes, reading, and writing skills. A copy of the test used will be filed annually with POST.

AUTH: 44-10-202, MCA

IMP: 44-10-301, MCA

REASON: This amendment broadens the ability of the MLEA to use the examinations that the administration feels are best suited to test applicants. The examinations listed in the current rule are over 20 years old. The academy needs to have the ability to use the best testing procedures that are currently available.

23.17.106 POSTTEST SCREENING PROCEDURES (1) and (2) remain the same.

(3) The academy administrator or designee shall conduct criminal history, prior employment, and character and background checks on each applicant selected for posttest screening.

(4) An oral interview board shall be created consisting of the academy administrator, ~~the basic programs bureau chief,~~ or designee, a representative of a

county sheriff's department office, a representative of a municipal police department, and a member of the general public.

(a) An alternate representative of a county sheriff's department office, representative of a municipal police department, and a member of the general public will also be appointed to serve whenever a representative person is unable to attend an interview. All appointments to the board shall be made by the academy administrator and confirmed by the POST advisory council.

(5) through (7) remain the same.

AUTH: 44-10-202, MCA

IMP: 44-10-202, MCA

REASON: This amendment allows the administrator to designate another individual to serve for the administrator on the oral interview board. The responsibilities of the academy administrator will often prevent him/her from conducting the background checks on each individual applicant. The administrator needs to be able to designate another to perform these tasks. Similarly, the administrator cannot always participate in an oral review board. When he/she cannot, another person needs to be designated by the administrator to serve in that capacity.

23.17.107 RANKING OF PRESERVICE APPLICANTS FOR ELIGIBILITY TO ATTEND THE BASIC COURSE (1) Preservice applicants who pass the ~~J-2, R-2, W-2~~ written tests shall be ranked according to the sum total of the ~~three~~ scores achieved in ~~these the~~ tests and this score shall be converted to a percentage of the total possible score ~~on all three tests of 207. Total possible percentage points will be~~ 100.

(2) through (5) remain the same.

(6) This ranking is meant only to qualify the applicants for attending the MLEA basic course and is not meant to qualify these individuals for employment as peace officers or public safety officers.

AUTH: 44-10-202, MCA

IMP: 44-10-301, MCA

REASON: This amendment is necessary to provide consistency with the proposed amendments to ARM 23.17.101 and 23.17.105.

23.17.108 PROCEDURES FOR REGISTRATION, ATTENDANCE, AND FEES FOR PRESERVICE APPLICANTS (1) through (5) remain the same.

(6) A \$2,000 tuition fee, together with payment for meals, and room, necessary uniforms, equipment, and supplies, will be required from each preservice applicant to be paid in full by the first day of the basic course session to be attended. Proof of tuition subsidies, grants, or scholarships will be accepted in lieu of cash payment.

(7) through (9) remain the same.

AUTH: 44-10-202, MCA

IMP: 44-10-202, 44-10-301, MCA

REASON: This amendment allows the collection of payment for lodging and equipment by the first day of the basic course to be attended. The current rule does not expressly allow for the collection of equipment and room fees by the first day of the basic course. The amendment allows for the collection of these fees and is necessary for the efficient management of the costs of operating the academy.

23.17.311 STUDENT ACADEMIC PERFORMANCE REQUIREMENTS FOR THE BASIC COURSE (1) A student must achieve a final grade score of 75% of a ~~the total possible 100% as required by ARM 23.14.413 to pass the course. The total possible score is based on the following criteria:~~ points that can be accumulated for all graded examinations, exercises, and assignments.

- ~~(a) weekly spelling exams, 10% of final grade;~~
- ~~(b) notebook grade, 10% of final grade;~~
- ~~(c) other exams, 10% of final grade;~~
- ~~(d) mid-term exam, 30% of final grade;~~
- ~~(e) final exam, 40% of final grade.~~

(2) The total accumulative points possible for each basic course shall be filed with the POST advisory council in conjunction with the annual review of the curriculums as prescribed in ARM 23.14.416(3).

AUTH: 44-10-202, MCA

IMP: 44-10-202, MCA

REASON: This amendment gives the administration of the MLEA greater flexibility in weighting the components used in determining the final grade of a student. This amendment is necessary to allow the academy to modernize its testing procedures to reflect current methodologies in testing and evaluating its students.

23.17.312 OTHER STUDENT PERFORMANCE MEASURES (1) remains the same.

(a) the scores ~~will not~~ may be part of the final grade, ~~but will~~ and can be used to establish class ranking of the student;

(b) and (c) remain the same.

(2) Performance evaluations will be conducted on a ~~weekly~~ regular basis by the academy administrator or their designee. Performance evaluations will be summarized orally and in writing and will be based upon the following behavioral categories:

(a) through (4) remain the same.

(a) a total of three "needs to improve" evaluations in any one specific category or a total of any two "not acceptable" evaluations will result in a corrective action plan, or could result in immediate dismissal from the basic course by the academy administrator.

(5) A copy of the written summary of a student's performance evaluation will be provided to the student ~~each week,~~ and to the student's agency administrator

when applicable, and to any potential employer who inquires. A copy will be kept on file in the student's record maintained by the academy administrator.

AUTH: 44-10-202, MCA
IMP: 44-10-202, MCA

REASON: This amendment gives the administration greater flexibility in evaluating other student performance measures and defining appropriate consequences. The administration needs the discretion to include other performance measures beside the final grade to accurately determine class rank. Performance evaluations cannot efficiently be conducted on a weekly basis and the amendment allows the evaluations to be conducted on a regular basis as determined by the administration. The academy administrator cannot fulfill his/her other responsibilities and personally conduct regularly performance evaluations. The amendment allows the administrator to designate another to conduct this testing. The existing rule requires one set response to deficient performance under section (4)(a). If the individual circumstances warrant it, the administrator needs additional flexibility to devise a corrective plan that is short of immediate dismissal.

23.17.313 MLEA FIREARMS PERFORMANCE REQUIREMENTS FOR THE LAW ENFORCEMENT OFFICER BASIC COURSE (1) A student must achieve a ~~qualification passing score of not less than eighty (80) percent of a possible 100 percent~~ in the MLEA firearms ~~qualification training~~ course.

(2) The total accumulative points possible for the firearms training course shall be filed with the POST advisory council in conjunction with the annual review of the curriculums as prescribed in ARM 23.14.416(3).

AUTH: 44-10-202, MCA
IMP: 44-10-202, MCA

REASON: This amendment provides the administration with greater flexibility in determining a passing score in the MLEA firearms training course. The administration needs this flexibility to enable it to modify and update firearm proficiency tests to reflect the best current testing methods.

23.17.314 PHYSICAL PERFORMANCE REQUIREMENTS FOR THE LAW ENFORCEMENT OFFICER BASIC COURSE (1) remains the same.

(2) A student may request a substitution for any of the above physical tests, but before any substitution is granted, the request will be reviewed by the academy ~~and the POST advisory council~~ administrator. The student may be asked to provide medical records documenting the need for the substitution, and these medical records may be submitted for review by a physician designated by the academy before any request for substitution is granted.

(3) A ~~manual document~~ document detailing fitness ~~standards requirements~~, academy expectations, and student preparation procedures will be furnished to all students who register for the basic course.

(4) Student performance will be measured at the following times during and/or before the basic course: These testing times may consist of the following:

(a) entry fitness assessment during week one test within 40 days of the start of the basic course;

(b) midterm fitness assessment during week five test; and

(c) final fitness assessment during week ten test.

(5) Students who arrive at the academy with an injury or condition that prevents them from attempting the entry any of the prescribed fitness assessment tests will not be allowed to complete the basic course.

(6) At the midterm and final prescribed fitness assessments tests, the student must pass every physical test, by placing in the fortieth (40th) percentile of the national norms as defined by the institute of aerobics research, Dallas, Texas. At the midterm and final fitness assessments, meeting the required levels of performance as prescribed by administrative policy. Students who fail to meet 40th percentile the required performance standards levels will be given one opportunity for retest in all four physical tests within ten business days of the posted date of failure. Failure to pass the prescribed physical fitness test may result in expulsion or termination from the basic course.

(7) All basic course students must successfully complete the midterm fitness assessment. Students who fail to perform to 40th percentile performance standards during the midterm fitness assessment expelled or terminated due to failure of the physical fitness tests may will be dropped from the basic course session and may be required to reapply to complete a future session of the entire ten-week course. Students who fail to perform to 40th percentile performance standards during the midterm fitness assessment will be notified that they may be allowed to return to the academy within six months to complete only the remaining five weeks of training if:

(a) the student reapplies to complete the last five weeks of basic course training before the end of the original basic course session;

(b) the student's agency training officer meets with the academy administrator to discuss fitness performance and other aspects of student performance during the first half of the basic course;

(c) the academy and the affected agency negotiate and develop a plan to manage the student's fitness performance problems, keep the student's initial basic training updated, match the portions of the curriculum that are missed to those that will be taken, account for any increased costs which will arise as a result of the student's return and schedule attendance in accordance with the current basic course waiting list; and

(d) the student completes the academy midterm fitness assessment to 40th percentile performance standards immediately upon return to the last half of the basic course.

(8) Students who fail to complete the midterm fitness assessment because of an injury or an illness which occurs during the basic course may be allowed to continue in the basic course subject to:

(a) compliance with all reporting guidelines as detailed in the student handbook;

(b) a case-by-case review of the circumstances surrounding the incident during which an injury occurred; and

~~(c) medical review completed by a physician approved by the academy.~~

~~(9) (8) All basic course students must successfully complete the final fitness assessment test in order to complete the basic course and attend graduation. Students who successfully complete the midterm fitness assessment but fail the final fitness assessment test will be given one opportunity for retest within six months of the course completion date ten business days of the posted date of failure. Failure to successfully complete a retest within six months ten business days of the posted date of failure or failure to meet the fitness requirements upon reentry of the next successive basic course, will require reapplication and completion of the entire ten-week basic course.~~

~~(10) When an injury occurs subject to the guidelines noted in ARM 23.17.314(8), students who have completed either the entry fitness assessment or the midterm fitness assessment to 40th percentile performance standards but who do not attempt the final fitness assessment because of the injury will be allowed to attend graduation but will not be issued a diploma and will be required to return for a retest within six months. Injured students who never complete any fitness assessment to 40th percentile performance standards will not be allowed to attend graduation but may be allowed to retest within six months.~~

AUTH: 44-10-102, 44-10-202, MCA

IMP: 44-10-102, 44-10-202, MCA

REASON: This amendment provides greater flexibility to the administration in determining and using the tests that will best evaluate the physical performance of the students. The existing fitness standards focus on requirements for employment. The proposed amendments will allow the academy to develop individualized performance measures that are based on the training requirements at the academy. The administration needs the greater flexibility provided by the amendments to deal with individual students and circumstances on a case-by-case basis in an effort to retain some students who would otherwise have been terminated or expelled under the existing rules. The administration also needs the ability provided by the amendments to develop and revise from time to time the grade that will be considered a passing grade on the physical fitness tests.

23.17.316 BASIC COURSE ACHIEVEMENT AWARDS (1) remains the same.

(2) Additional awards may be presented, when authorized by the academy administrator, for recognition of excellence or outstanding performance.

AUTH: 44-10-202, MCA

IMP: 44-10-202, MCA

REASON: This amendment allows the administration to make awards in addition to those specifically listed when the circumstances justify it. The existing awards listed in the rules do not encompass all of the categories that merit recognition at the academy. The amendment is needed to allow the administrator to make awards in addition to those specifically provided by the current rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed amendments in writing to Jon Ellingson, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401, fax (406) 444-3549; or e-mail jellingson@mt.gov, and must be received no later than November 2, 2006.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Jon Ellingson, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401, fax (406) 444-3549; or e-mail jellingson@mt.gov. A written request for hearing must be received no later than November 2, 2006.

6. 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(s); from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25 persons.

7. The Department of Justice maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices of rules regarding the Board of Crime Control, Consumer Protection, Crime Lab, Fire Prevention/Investigation, Forensic Science Division, Gambling Control Division, Highway Patrol Division, Law Enforcement Academy, Law Enforcement Services, Motor Carriers, and Motor Vehicle Division, or any combination thereof. Such written request may be mailed or delivered to Jon Ellingson, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401, faxed to the office at (406) 444-3549, ATTN: Jon Ellingson, e-mailed to jellingson@mt.gov, or may be made by completing a request form at any rules hearing held by the Department of Justice.

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

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

/s/ Jon Ellingson
JON ELLINGSON
Rule Reviewer

Certified to the Secretary of State September 25, 2006.

BEFORE THE BOARD OF PERSONNEL APPEALS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed adoption) NOTICE OF PUBLIC HEARING
of NEW RULE I, related to summary) ON PROPOSED ADOPTION
judgment practice and procedure)

TO: All Concerned Persons

1. On November 3, 2006, at 1:00 p.m., the Department of Labor and Industry (department) will hold a public hearing to be held in the first floor conference room (room 104) of the Walt Sullivan Building, 1327 Lockey Ave., Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on October 27, 2006, to advise us of the nature of the accommodation that you need. Please contact the Labor Standards Bureau, Employment Relations Division, Department of Labor and Industry, Attn: Tonya McCormack, P.O. Box 6518, Helena, MT 59604-6518; telephone (406) 444-1376; fax (406) 444-7071; TDD (406) 444-5549; or e-mail tmccormack@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I MOTIONS FOR SUMMARY JUDGMENT (1) Any party may move, with or without supporting affidavits, for summary judgment in the party's favor upon all or some of the contested issues in any proceeding that comes before the board. A motion for summary judgment may be granted if the motion, affidavits, and other documentation show that there is no genuine issue as to any material fact and one party is entitled to a favorable decision as a matter of law.

(2) A grievant is entitled to a hearing on a motion for summary judgment. If the summary judgment motion is dispositive of all contested issues, a hearing held pursuant to this rule satisfies the statutory right to a hearing for:

(a) Department of Transportation personnel who bring a grievance pursuant to Title 2, chapter 18, part 10, MCA; and

(b) Department of Fish, Wildlife, and Parks personnel who bring a grievance pursuant to 87-1-205, MCA.

AUTH: 2-4-201, 39-31-104, MCA

IMP: 2-18-1001, 2-18-1011, 2-18-1012, 87-1-205, MCA

REASON: The Board of Personnel Appeals (the board) has determined that the adoption of NEW RULE I, allowing for summary judgment practice, is reasonably necessary to avoid lengthy hearings in those cases where the available evidence indicates that there is no genuine issue as to any material fact and one party is

entitled to judgment as a matter of law. The board has recently been presented with matters where it appears that a motion for summary judgment would have provided the parties with an efficient way to resolve their dispute.

The board recognizes that under the statutory provisions being implemented by the rule, employees of the Department of Transportation and the Department of Fish, Wildlife, and Parks are entitled to a hearing when they are aggrieved by a serious matter of their employment and they have exhausted all other administrative remedies. This right is absolute and can only be waived by the grievant. However, the board recognizes that a hearing on a summary judgment motion may be appropriate when the parties come to an agreement that no material facts are in dispute or when the grievant is given an opportunity for a hearing.

ARM 24.26.212 provides other pertinent details regarding timelines and procedures for motion practice, so it does not appear reasonably necessary to restate those in the proposed new rule.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Tonya McCormack, Bureau Chief, Labor Standards Bureau, Employment Relations Division, Department of Labor and Industry, P.O. Box 6518, Helena, Montana 59604-6518; by facsimile to (406) 444-7071; or by e-mail to tmccormack@mt.gov, and must be received no later than 5:00 p.m., November 13, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the department's web site at <http://dli.mt.gov/events/calendar.asp>, under the Calendar of Events, Administrative Rules Hearings Section. The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that a person's difficulties in sending an e-mail do not excuse late submission of comments.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Department of Labor and Industry administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1327 Lockett Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to

mcadwallader@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

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

8. The Hearings Bureau of the Centralized Services Division of the department has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER

Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 25, 2006

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.204.401 fee schedule,) ON PROPOSED AMENDMENT
24.204.404 limited permit holder fees,)
24.204.2101 continuing education,)
and 24.204.2301 unprofessional conduct)

TO: All Concerned Persons

1. On October 30, 2006, at 9:00 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists no later than 5:00 p.m., on October 25, 2006, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

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

24.204.401 FEE SCHEDULE (1) remains the same.

(a) Application fee - radiologic technologist (includes issuance
of temporary permit if requested) \$60

(b) through (d) remain the same.

AUTH: 37-1-131, 37-1-134, 37-14-202, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: The department finds and the board agrees it is reasonable and necessary for fiscal tracking to include the temporary permit fee with the radiologic technologist license fee to clarify that the total fee is \$90 (\$60 application fee and \$30 original certificate fee). Both the radiologic technologist license and the temporary permit are the same total fee. In accordance with ARM 24.204.404, if a radiologic technologist license applicant requests a temporary permit, the applicant pays \$70 for the temporary permit and an additional \$20 after successfully passing the American Registry of Radiologic Technologists (ARRT) exam in order to be licensed. This \$90 fee was in lieu of the \$90 application and certificate fee. The temporary permit fee language is found in ARM 24.204.404(5) and (6) which are

proposed to be deleted. Under the proposed amendments, a temporary permit can be issued to a radiologic technologist license applicant under the application fee if requested.

There is also reasonable necessity to amend the authority and implementing citations to the rule, while the rule is otherwise being amended, in order to correctly reflect the board's rulemaking authority and the statutes being implemented by the rule.

24.204.404 LIMITED PERMIT HOLDER FEES

(1) through (4) remain the same.

~~(5) Temporary permit~~ _____ 70

~~(6) A temporary permittee who applies for a full radiological technologist license shall pay only an additional \$20 for the full radiologic technologist license.~~

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

AUTH: 37-1-131, 37-1-134, 37-14-202, 37-14-306, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: It is reasonable and necessary to amend this rule by proposing to amend the catchphrase in order to clarify that these permit fees are applicable to limited permit holders. Sections (5) and (6) are proposed to be deleted from ARM 24.204.404 because radiologic technologist temporary permits are not applicable to limited permit holders.

There is no fiscal impact and no temporary permit requestor is impacted by these amendments because the fees charged are neither increasing or decreasing.

24.204.2101 CONTINUING EDUCATION (1) remains the same.

(2) Licensees who do not hold an American Registry of Radiologic Technologist (ARRT) credential are held to the same standard for continuing education requirements as an ARRT licensee and must report 12 hours of continuing education to the board annually with their renewal form. The ARRT continuing education requirements can be located at www.arrt.org.

(2) and (3) remain the same but are renumbered (3) and (4).

(4) (5) The permit holder shall maintain records and documentation of completion of continuing education activities such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, and book reviews.

(5) through (7) remain the same but are renumbered (6) through (8).

~~(8)~~ (9) Continuing education requirements may be met by retaking the limited permit general examination and receiving a passing score. They may also be met by passing an advanced level examination not previously passed and for which the individual is eligible (e.g., additional categories).

~~(9)~~ (10) The board shall accept any continuing education accrued by attending seminars, lectures, or courses directly related to the individual's field of practice or operation not already ~~herein~~ approved by one of the professional

organizations previously mentioned herein upon approval by the board. The sponsor or organization of any such continuing education may obtain board approved credit upon submission of information regarding the course content and participant evaluation procedures.

(10) and (10)(a) remain the same but are renumbered (11) and (11)(a).

(b) documentation must be maintained in the form of a book review written by the permittee noting the author, title, publisher, and publishing date of the book or article.

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

AUTH: 37-1-319, 37-14-202, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: It is reasonable and necessary to amend this rule because the board does not have a rule in place addressing licensees who do not hold the ARRT credential and therefore a rule is needed to require the same standard of continuing education that is required for the other licensees. The rule is proposed for further amendment in order to comply with current rulemaking punctuation requirements.

There is also reasonable necessity to amend the authority and implementing citations to the rule, while the rule is otherwise being amended, in order to correctly reflect the board's rulemaking authority and the statutes being implemented by the rule.

24.204.2301 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing 37-1-307, MCA, and in addition to the provisions of 37-1-316, MCA, "unprofessional conduct" is defined by this board to include, but not be limited to, the following:

~~(4)~~ (a) discrimination against a patient on the basis of age, sex, race, creed, social or economic status, handicap, personal attributes, or the nature of health problems;

(2) through (6) remain the same but are renumbered (b) through (f).

~~(7)~~ (g) failing to comply with the provision of Title 37, chapter 14, MCA, or any rule promulgated thereunder; and

(h) presenting a tampered or fraudulently produced American Registry of Radiologic Technologist (ARRT) pocket card and/or certificate for application or renewal purposes.

AUTH: 37-1-319, 37-14-202, MCA

IMP: 37-1-307, 37-1-316, MCA

REASON: It is reasonable and necessary to amend this rule because the board began receiving copies of tampered American Registry of Radiologic Technologists (ARRT) cards for application and renewal purposes, therefore the board has found reason to include this section as a provision of these unprofessional conduct rules. The rule is proposed for further amendment while the rule is otherwise being

amended in order to comply with current rulemaking format and punctuation requirements.

There is also reasonable necessity to amend the implementing citations to the rule, while the rule is otherwise being amended, in order to correctly reflect the statutes being implemented by the rule.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrts@mt.gov, and must be received no later than 5:00 p.m., November 8, 2006.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Radiologic Technologists administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdrts@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

8. A department attorney will be assigned to preside over and conduct this hearing.

BOARD OF RADIOLOGIC TECHNOLOGISTS
ANNE DELANEY, RT, CHAIRPERSON

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

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

Certified to the Secretary of State September 25, 2006

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

| | |
|---|----------------------------|
| In the matter of the proposed |) NOTICE OF PUBLIC HEARING |
| amendment of ARM 24.301.131, |) ON PROPOSED AMENDMENT |
| 24.301.138, 24.301.142, 24.301.146, |) AND ADOPTION |
| 24.301.154, 24.301.171, 24.301.172, |) |
| 24.301.173, 24.301.208, 24.301.301, |) |
| 24.301.602, 24.301.710, 24.301.714, |) |
| 24.301.717, 24.301.718, and 24.301.719, |) |
| and the proposed adoption of NEW |) |
| RULE I pertaining to building codes |) |

TO: All Concerned Persons

1. On November 1, 2006, at 10:00 a.m., a public hearing will be held in room B-07, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., October 25, 2006, to advise us of the nature of the accommodation that you need. Please contact Jim McGimpsey, 301 S. Park Avenue, P.O. Box 200517, Helena, Montana 59620-0517; telephone (406) 841-2009; facsimile (406) 841-2050; TTD (406) 841-0532; Montana Relay 1-800-253-4091; e-mail JMcGimpsey@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: A majority of the proposed changes in this rulemaking notice relate to updating the International Building Code (IBC) from the 2003 edition to the 2006 edition. The IBC is updated every three years, and takes into account new building materials and construction techniques. Each new edition also incorporates advances in safety standards pertinent to building construction. Montana's building code officials have historically updated the state's adopted code to correspond with the periodic changes to model building codes. Although the department incorporates by reference the IBC, it is modified by administrative rule to better suit Montana's unique construction requirements, to address issues not otherwise covered by the IBC, or to conform the IBC and related codes to specific requirements of Montana law.

The department also proposes to incorporate by reference other model codes, such as the International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Existing Building Code (IEBC), Uniform Plumbing Code (UPC), National Fire Protection Association Standard (NFPA), American Society of Mechanical Engineers (ASME) Safety Codes for Elevators, Escalators, Platform Lifts, and Stairway Chairlifts, and the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

Accordingly, the department concludes that there is reasonable necessity to amend these rules in order to maintain the public health, safety, and welfare by adopting, incorporating, and using the most recent editions of building regulations adopted by the department. Except where otherwise noted, this general statement of reasonable necessity is applicable to all rule actions proposed below. Where additional specific bases for a proposed action exist, the department will identify those reasons immediately following that rule. In addition, punctuation, earmarking, and citation of statutes and administrative rules are being amended throughout to comply with ARM formatting requirements.

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

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE (1) The Department of Labor and Industry, referred to as the department in this rule and all subsequent rules in ARM Title 24, chapter 301, adopts and incorporates by reference the International Building Code, ~~2003~~ 2006 Edition, referred to as the International Building Code or IBC, unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).

(2) The IBC is a nationally recognized model code setting forth minimum standards and requirements for building design, construction, alteration, and repair. The IBC also provides a framework for program administration.

(3) remains the same.

AUTH: 50-60-203, MCA

IMP: 50-60-203, MCA

24.301.138 CALCULATION OF FEES (1) ~~IBC~~ International Building Code (IBC) Section 108.2, Schedule of Building Permit Fees, is modified for use by the department with the following additions:

(a) Permit fees. The fee for each building permit is established in Table 108.2.

(b) Plan review fees. When submittal documents are required, a plan review fee must be paid in addition to the building permit fee. The plan review fee is 35 percent of the building permit fee as established in Table 108.2. If only plan review services are provided, the plan review fee for such services shall be 50 percent of the combined plan review and building permit fee.

(c) and (2) remain the same.

(3) The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

(4) through (c) remain the same.

(d) When in unusual circumstances the valuation calculated by the use of the "Building Valuation Data" table, the design professional's estimated project cost, firm bids, or contract amounts are determined to be unreasonable for the nature of the project, the department reserves the right to base the building permit fee and plan review fee on the best valuation information it has available to it.

(5) and (6) remain the same.

(7) For projects involving replacement of existing building components, such as roof coverings, siding, and windows, the department may use the requested inspection fee rate in calculating and assessing an appropriate and reasonable fee for projects in which such factors as material costs cause the plan review ~~and~~ building permit fee to exceed the cost of the service the department provides.

(8) and Table 108.2 remain the same.

AUTH: 50-60-104, 50-60-203, MCA

IMP: 50-60-103, 50-60-104, 50-60-203, MCA

REASON: It is reasonably necessary to amend this rule and lessen customer confusion by clarifying which of several possible permit types is being specifically referenced. It is necessary to amend (7) to allow department inspectors to calculate inspection fees on projects where existing siding is replaced using the actual costs of the inspection, in lieu of using fees in table 108.2. The department concluded that it is more commensurate with the actual costs of this type of inspection and more equitable to the customer to calculate fees for siding replacement inspections in this manner.

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE
APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT
PROGRAM (1) remains the same.

(2) The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution in lieu of Section 113 of the International Building Code. When a person fails to submit required plans, obtain a permit, correct plans, or comply with an order of the department, the department, as authorized by 50-60-109, MCA, may bring civil action to enjoin the person from constructing or using the building.

(3) No plumbing, mechanical, or electrical permit will be issued for a building or structure under the jurisdiction of the department, until:

(a) through (6) remain the same.

(7) Subsection ~~440.3~~ 110.2 of the International Building Code is amended to read:

(a) "~~440.3~~ 110.2 Certificate of Occupancy issued. If the building official or his ~~the building official's~~ agent makes all the inspections of a building or structure required by Section 109, and finds it was constructed in accordance with the provisions of the state building code, the building official shall issue a certificate of occupancy, as referenced in 50-60-107, MCA, which shall contain the following:

(i) through (9) remain the same.

(10) Delete Chapter 32 in its entirety.

AUTH: 50-60-203, MCA

IMP: 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA

REASON: It is reasonable and necessary to amend (7) to correct a typographical error to an incorrect subsection of the IBC. It is necessary to add (10) and delete chapter 32 of the IBC from the adoption for state jurisdiction. The provisions in chapter 32 govern structure encroachment into the public right-of-way and such situations are typically handled by local zoning departments. It is therefore not state-enforced and is unnecessary for adoption by the department.

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS (1) through (6) remain the same.

(7) Subsection 105.1.1 is deleted and replaced with the following: "At the discretion of the building official, a single annual permit may be issued for multiple buildings owned by a single entity, located in a single geographic location, which require similar and repetitive repair, restoration, and maintenance work."

(8) and (9) remain the same.

(a) Subsection 312.1 is amended by addition of the following paragraph: "Riding arenas limited to occupant loads of 200 or less and used for boarding, breeding, and training of horses, horse shows and competitions, clinics and rider instruction, and open riding are considered agricultural buildings subject to the provisions of Appendix Chapter C, as amended. Uses such as rodeos, barn dances, craft and other non-livestock shows, conventions, and similar events which result in large numbers of spectators or occupants are not allowed in riding arenas classified as agricultural buildings."

(b) through (d) remain the same.

(10) In new or existing structures, the building official may allow the installation of noncode compliant equipment, facilities, or structural elements including, but not limited to, fire-extinguishing (sprinkler) systems or fire-resistive construction, which are not required by the building code, upon the finding that such installation does not negatively impact the overall compliance of the structure with the building code. Subsection 901.2, Fire Protection Systems, is modified by deleting the exception and replacing with the following: "Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection at the discretion of the building official."

(11) Subsection 903.3.5, Inadequate Water Supply, is amended by addition of the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, ~~1999~~ 2002 Edition (NFPA 13). Under such circumstances, water storage requirements may be modified by the building official. The modified design shall include sufficient storage on-site to operate 50 percent of the hydraulically remote area for the response time of the local fire department. This reduction shall not reduce the number of operating

sprinklers to less than four. Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula $T = 0.65 + 1.7D$, where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A 50 percent reduction in water storage is allowed. Density shall not be modified. All automatic fire sprinkler system designs and components shall be in storage for 50 percent of the sprinkler discharge requirements in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be monitored by an approved central station in accordance with NFPA 72, National Fire Alarm Code, ~~1999~~ 2002 edition."

(12) through (13) 3. remain the same.

"4. "The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146~~(36)~~."

(14) remains the same.

(15) Subsection ~~1016.4~~ 1017.1 is amended by addition of the following:

"Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

(16) through (18) remain the same.

(19) Subsection ~~2902.6, Public Facilities~~ 2902.4, Required Public Toilet Facilities, is deleted in its entirety.

~~(20) Subsection 3004.3, Area of Vents, is modified by adding the following: "When energy conservation requires that the vents be normally closed, automatic venting by actuation of an elevator lobby detector or power failure may be accepted. When hoistway pressurization is used, venting upon power failure may be accepted. In either case, a manual override shall be provided."~~

(21) through (24) remain the same but are renumbered (20) through (23).

~~(25)~~ (24) The building official may waive minor building code violations that do not constitute an imminent threat to property or to the health, safety, or welfare of any person.

(26) through (28) remain the same but are renumbered (25) through (27).

~~(29)~~ (28) A private storage structure is a building ~~used only~~:

(a) used for storage of personal effects of the owner only; and

(b) is not used for storage of items relating to any for profit or nonprofit venture which intends or contemplates any transfer or exchange of the stored items. ; and

(c) not used for storage of equipment, vehicles, materials, supplies, or products used in connection with a business.

(30) remains the same but is renumbered (29).

~~(31)~~ (30) Upon the effective date of new requirements, administrative rules, and/or adoption of new editions of model codes, any building or project for which a legal building permit has been issued shall not be required to meet the new requirements. If the building or project is subsequently altered or remodeled, the alteration or remodel shall be subject to the applicable requirements in effect at the time of permit issuance for the new work. On a case-by-case basis, the building official shall have the discretion to determine if the process for issuance of a legal permit was substantially complete enough to warrant the exemption of the project or building from the new requirements, rules, or code provisions.

(32) through (36) remain the same but are renumbered (31) through (35).

~~(37)~~ (36) Section 50-60-102~~(1)~~(a), MCA, exempts certain buildings from application of the state building codes. Provisions of the International Building Code shall not be applied in determining whether a building or structure is exempt from the state building codes. For example, fire walls as described in Section 705 of the International Building Code shall not be used to separate buildings otherwise covered by the state building codes into smaller buildings that would, if alone, be exempted by 50-60-102~~(1)~~(a), MCA.

~~(38)~~ (37) The exemptions in 50-60-102~~(1)~~(a), MCA, do not apply to any building used as or in conjunction with a hotel, motel, inn, motor court, guest or dude ranch, tourist home, public lodging house, youth camp, church camp, dormitory, youth living quarters, adult prerelease centers, bed and breakfast establishment, or other places where sleeping accommodations are furnished for a fee to a transient guest. "Transient guest" means a guest staying at one location for 30 days or less.

AUTH: 50-60-203, MCA

IMP: 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205, MCA

REASON: It is reasonably necessary to amend (15) and (19) to reflect formatting changes in the IBC resulting in different numbering and renaming of the referenced IBC subsections. Section (20) is being deleted as redundant and unnecessary as the provision is now found in the incorporated 2006 edition of the IBC. Section (28) is being amended to address applicant and customer confusion by clarifying that private storage structures are not those used for storage of business items or items relating to either for-profit or nonprofit ventures.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE

(1) The International Residential Code (IRC) is a nationally recognized model code setting forth minimum standards and requirements for detached one or two family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures. The IRC also provides a framework for program administration.

(2) The Department of Labor and Industry adopts and incorporates by reference the International Residential Code, ~~2003~~ 2006 Edition, referred to as the International Residential Code or IRC.

(3) Chapters 11 through ~~43~~ 42, inclusive, are deleted in their entirety.

(4) Subsection R301.6, Roof Load, is deleted and replaced with the following: "Snow loads shall be determined by the building official. In areas of the state outside of certified city, county, or town jurisdictions, the design snow load shall be based on the ground snow loads developed in "Snow Loads for Structural Design in Montana", ~~authored by F.F. Videon and J.P. Schilke, Civil & Agricultural Engineering Department, Montana State University, August 1989~~ 2004 revised edition. The minimum design roof snow load after allowed reductions shall be 30 psf unless justified by a Montana licensed design professional to the satisfaction of the building official. ~~Note: Other coefficients~~ Coefficients and factors other than those specified in the building code may be used when justified by a Montana licensed design professional to the satisfaction of the building official."

(5) Subsection R311.5.3.1, Riser Height, is amended to allow a maximum riser height of 8 1/4 inches.

(6) remains the same.

~~(7) Subsection R311.5.4, Landings for Stairways, is amended by adding an exception to read as follows: "Exception: A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs."~~

~~(8) Subsection R312.1, Guards Required, is amended in the first paragraph to read as follows: "Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads."~~

(9) through (11) remain the same but are renumbered (7) through (9).

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-201, 50-60-203, MCA

REASON: There exists reasonable necessity to amend (1) of this rule to clarify the IRC's applicability to dwellings of not more than three above-grade stories in height. This language has been changed in the current IRC and is being amended here to comply with those changes. Section (3) is being amended to include chapter 43 in the department's adoption of the IRC. The department had erroneously deleted chapter 43 which refers to other codebooks or standards that define how IRC

requirements should be followed. This omission of chapter 43 can cause problems when the IRC directs the user to a referenced standard not adopted by the department. Section (4) is being amended to coincide with the correct reference to this same publication found in ARM 24.301.146(16). It is reasonably necessary to amend (5) to correct a previous typographical error. Sections (7) and (8) are being deleted as redundant and unnecessary as these provisions are now found in the incorporated 2006 edition of the IRC.

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE (1) The Department of Labor and Industry adopts and incorporates by reference the International Existing Building Code (IEBC), 2003 2006 Edition, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

(a) through (4) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-103, 50-60-109, 50-60-201, MCA

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) The Department of Labor and Industry adopts and incorporates by reference the ~~international code council's~~ International Mechanical Code, 2003 2006 Edition, published by the International Code Council, ~~referred to as the International Mechanical Code~~, unless another edition is specifically stated, together with the following amendments:

(a) through (1)(e) remain the same.

(f) Subsection 506.3.3.1, Grease duct test, is amended as follows for use only by the department: "Prior to the use of concealment of any portion of a grease duct system, a leakage test shall be performed by the installer. Installer shall provide documentation to the department of satisfactory test results. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a lamp having a power rating of not less than 100 watts through the entire section of duct work to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A test shall be performed for the entire duct system, including the hood-to-duct connection. The ductwork shall be permitted to be tested in sections, provided that every joint is tested."

(f) remains the same but is renumbered (g).

(2) and (3) remain the same.

(4) The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and

maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

(5) and (6) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-303, MCA

REASON: It is reasonably necessary to amend (1)(f) to modify subsection 506.3.3.1 in the 2006 Edition of the International Mechanical Code (IMC). This subsection as found in the IMC requires that a building official witness the grease duct test. The department does not have sufficient inspection personnel to physically witness each test done in the department's jurisdiction. The subsection, as found in the 2006 IMC, has been left as is, for use by city, county, or town building departments, and is being amended here for use only by the department.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The Department of Labor and Industry adopts and incorporates by reference the ~~International Code Council's~~ International Fuel Gas Code, ~~2003~~ 2006 Edition, published by the International Code Council, referred to as the International Fuel Gas Code, unless another edition is specifically stated, together with the following amendments:

(a) remains the same.

(b) The permit fees for the fuel gas code are calculated the same way as provided in ARM 24.301.172(1)(e), and substituting the fuel gas system for the mechanical system. The inspection fees for the fuel gas code are the same as provided in ARM 24.301.172(1)(e).

(c) Section 108 of the International Fuel Gas Code will be left as is for use by certified cities, counties, and towns. The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution, in lieu of Section 108. When a person fails to submit required plans, obtain a permit, correct plans, or comply with an order of the department, the department will, as authorized by 50-60-109, MCA, seek injunctive relief.

(d) through (3) remain the same.

(4) The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

(5) and (6) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-303, MCA

24.301.208 AUDIT INCORPORATION BY REFERENCE OF INDEPENDENT ACCOUNTANT'S REPORTING FORMAT FOR APPLYING AGREED-UPON PROCEDURES DURING AUDITS OF CERTIFIED CITY, COUNTY, OR TOWN BUILDING CODE ENFORCEMENT PROGRAMS (1) The Department of Labor and

Industry adopts and incorporates by reference a document entitled: "Independent Accountant's Reporting Format for Applying Agreed-Upon Procedures During Audits of Certified City, County, or Town Building Code Enforcement Programs, 2006 Edition."

(2) For purposes of reporting direct charges against a building code enforcement program in an agreed-upon procedures audit, time and motion or cost allocation studies will not be acceptable as a basis to support direct charges.

(4) (3) A city, county, or town with a certified building code enforcement program that had a building code program reserve fund balance in the preceding fiscal year in excess of \$10,000 and had building permit revenues in the previous fiscal year of more than \$10,000 shall require its independent auditor, in conjunction with the audit required by 2-7-503, MCA, to perform agreed-upon procedures to determine whether the city, county, or town has complied with the financial related statutes and administrative rules relating to city, county, or town building code enforcement programs. The department may require cities, counties, and towns with certified building code enforcement programs which do not meet the above criteria to provide such an audit on a case-by-case basis so the department can ensure program functions are being properly performed as required by 50-60-302(2), MCA. The agreed-upon procedures engagement must be performed and reported in accordance with standards prescribed by the American Institute of Certified Public Accountants. The engagement must include, but is not limited to, procedures necessary to determine that all construction-related fees or charges imposed and collected by the city, county, or town building code enforcement program are used and accounted for as provided in 50-60-106(2)(f), MCA, and ARM 24.301.203. provide the information necessary to fully and accurately satisfy the reporting format adopted by reference in (1), as provided for in 50-60-106, MCA, and ARM 24.301.203. Use of this reporting format will become mandatory beginning on July 1, 2007, and will apply to any independent agreed-upon procedures audit performed after that date.

(4) A copy of the document identified in (1) may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517. Copies may also be obtained by facsimile request sent to Certified City Program at (406) 841-2050, by e-mail request sent to bsdbcb@state.mt.us, or by downloading the document from the department's web site at www.buildingcodes.mt.gov.

(2) and (3) remain the same but are renumbered (5) and (6).

AUTH: 50-60-203, 50-60-302, MCA

IMP: 50-60-302, MCA

REASON: The department determined it is reasonable and necessary to amend this rule and standardize the data that must be examined during the agreed-upon procedures audit, as mandated for certain certified Montana code enforcement programs. The department has concluded that the type of information provided to the department by the agreed-upon procedures engagements varies widely among certified programs across the state. Consequently, many of those jurisdictions do not include sufficient requirements to provide that data when they engage private

auditing firms to complete their agreed-upon procedures engagements. When the department receives incomplete agreed-upon procedures reports, additional time is needed to request further information, and the responding jurisdictions must also spend additional time or reengage the audit firms in order to provide it. By adopting a specific document to guide the agreed-upon procedures process, the department concluded that the audit process for certified code enforcement programs will become more efficient and economical for all participants.

The department has worked closely with the Local Government Services Bureau of the Department of Administration to develop the document proposed for adoption by reference in (1). This bureau is charged by law with reviewing audit reports of local governments throughout the state after statutorily mandated audits have been conducted by private auditing firms as required by 2-7-503, MCA. By involving this sister agency in developing the document to be adopted in (1), the department reasonably believes that both the auditing firms and the certified jurisdictions that engage them will benefit significantly through a clear understanding of the agreed-upon procedures and reporting requirements necessary to fully inform the department's review of agreed-upon procedures audits. The cost of the agreed-upon procedures engagement shall be paid by the city, county, or town, but may be considered a direct cost of the code enforcement program.

It is reasonable and necessary to no longer accept time and motion or cost allocation studies as acceptable bases in support of direct charges against building code enforcement programs' fee-based revenue. Following department review of audit reports based upon these kinds of studies, the department concluded that program costs cannot be adequately verified as justification for the fees being charged unless all direct charges are traceable to provision of various specific services to the certified programs. Since the use of figures obtained through time and motion or cost allocation studies makes it impossible to determine specifically what the program is paying for, the department's ability to supervise certified building code programs responsibly is also diminished and therefore, such studies will no longer be accepted in support of direct charges.

Once adopted, the department will not enforce this rule until July 1, 2007, the beginning of fiscal year 2008, and will apply to all independent audits performed for fiscal year 2007 and thereafter. The department concluded that allowing additional time to enforce this rule will provide sufficient time to affected certified jurisdictions to make necessary adjustments to their respective accounting procedures.

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The Department of Labor and Industry adopts and incorporates by reference the Uniform Plumbing Code, ~~2003~~ 2006 Edition, referred to as the Uniform Plumbing Code, unless another edition is specifically stated, together with the following appendix chapters and amendments:

(a) through (c) remain the same.

~~(d) Appendix H, Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors is adopted.~~

(e) remains the same but is renumbered (d).

~~(f)~~ (e) Subsections 102.3, 103.1, 103.2, 103.3, 103.4, 103.5, and 103.6 will be left as is for use by local governments (i.e., municipalities and counties) but will

not be used by the department and the state of Montana. For the purposes of enforcement by the department, these subsections are replaced with provisions of Title 50, chapter 60, part 5, MCA.

(i) through (iv) remain the same.

~~(g)~~ (f) Delete Table No. 1.1 - PLUMBING PERMIT FEES and replace with the following schedule:

| | |
|--|-------|
| -- <u>(i)</u> for issuing each permit | \$20* |
| -- <u>(ii)</u> for each plumbing fixture | 7 |
| -- <u>(iii)</u> water service - domestic or commercial | 7 |
| -- <u>(iv)</u> for each building sewer and each trailer park sewer | 11 |
| -- <u>(v)</u> storm drains and storm drainage | 7 |
| -- <u>(vi)</u> for each water heater | 7 |
| -- <u>(vii)</u> for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps | 7 |
| -- <u>(viii)</u> for installation, alteration, or repair of water piping and/or water treatment equipment | 7 |
| -- <u>(ix)</u> for repair or alteration of drainage or vent piping | 7 |
| -- <u>(x)</u> for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore | 7 |
| -- <u>(xi)</u> for vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping | |
| -- <u>(A)</u> one to four | 7 |
| -- <u>(B)</u> five or more, each | 2 |
| -- <u>(xii)</u> requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rate for these items) | 45 |
| -- <u>(xiii)</u> reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged) | 30 |
| -- <u>(xiv)</u> for each gas piping system of one to four outlets | 7 |
| -- <u>(xv)</u> for each gas piping system of five or more, per outlet | 2 |
| -- <u>(xvi)</u> for each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas | 50 |
| -- <u>(xvii)</u> for each additional medical gas piping inlet(s)/outlet(s) | 5 |

*except for replacement of water heaters.

~~(h)~~ (g) Section 218, Definition of Plumbing System, is amended to read:
"Includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, building drains and building sewers, including their respective joints and connections, devices, receptacles, and appurtenances within the property line of any premises, and includes water heaters and vents for the premises."

~~(f)~~ (h) Subsection 6-2 405.2, Prohibited Urinals, is amended by adding the following: "Exception: Nonwater supplied urinals may be installed and shall be maintained in accordance with manufacturer's installation instructions and required maintenance schedule. A properly sized drain, vent, and water supply line, permanently capped, shall be installed for future use in the event the owner decides or is ordered to replace the nonwater supplied urinal with a water supplied urinal."

~~(j)~~ (i) Table 4-1, Minimum Plumbing Facilities, is deleted and replaced with ARM 24.301.351, Minimum Required Plumbing Fixtures.

~~(k)~~ (j) Subsection 508.14, paragraph one is amended to read as follows: "Gas utilization equipment, or any equipment that generates a glow, spark, or flame, in residential garages and in adjacent spaces that open to the garage and are not part of the living space for a dwelling unit shall be installed so that all burners, burner-ignition devices, and heating elements are located not less than 18 ~~in.~~ inches (450 mm) above the floor unless listed as flammable vapor ignition resistant."

(l) remains the same but is renumbered (k).

~~(m) Subsection 603.4.4.1, is amended with the addition of the following language: Heat exchangers, in single family dwellings on their own private well, which utilize a nontoxic transfer fluid, may be of single wall construction.~~

(l) Subsection 603.1, Approval of Devices or Assemblies, is amended to read as follows: "Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction, so long as those standards are consistent with the intent of this code. All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. If found to be defective or inoperative, the device or assembly shall be repaired or replaced. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction."

~~(n)~~ (m) Subsection 603.4.44 10, is amended with the addition of the following language: "Boiler feed lines, in single family dwellings on their own private well, may be protected with a dual check valve with intermediate atmospheric vent when a nontoxic transfer fluid is utilized in the boiler."

~~(o)~~ (n) Subsection 604.1, Materials, is amended to read as follows:

(i) "Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials."

(ii) and (iii) remain the same.

~~(iv) PB, CPVC, PEX or PEX-AL PEX water pipe and tubing may be used for hot and cold water distribution systems within a building.~~

(v) remains the same but is renumbered (iv).

(v) Table 6-4 is amended to add the following: "PB is allowed for hot and cold water distribution."

(p) through (u) remain the same but are renumbered (o) through (t).

~~(v)~~ (u) Subsection 710.1, is amended to read as follows: Drainage piping serving fixtures which have flood level rims located below the elevation of "Where a

fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer serving such drainage piping may be protected from the backflow of sewage by installing an approved type backwater valve. Fixtures on floor levels above such elevation shall not discharge through the backwater valve."

(w) remains the same but is renumbered (v).

(w) Subsection 903.2.1 is amended to read as follows: "Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube Type L."

(x) through (ad) remain the same.

(ae) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted. In lieu of Chapter 13, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99C, Gas and Vacuum Systems, ~~2002~~ 2005 Edition, referred to as NFPA 99C, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99C is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99C may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) The purpose of this code is to provide minimum requirements and standards for plumbing installations for the protection of the public health, safety, and welfare. The Uniform Plumbing Code is a nationally recognized model code setting forth minimum standards and requirements for plumbing installations. A copy of the Uniform Plumbing Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, CA 91789.

AUTH: 50-60-203, 50-60-504, 50-60-508, MCA

IMP: 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA

REASON: It is reasonably necessary to make the following amendments to (1) of this rule:

- (d) is being deleted as the information is now included in the main body of chapter 10 of the adopted 2006 Edition of the Uniform Plumbing Code (UPC).
- (m) is being deleted because the 2006 UPC now allows the use of single wall heat exchangers in subsection 506.4.
- (l) is being added to this rule amending subsection 603.1 of the UPC. A portion of the text was deleted from this subsection to remove the annual testing requirement for backflow prevention devices and assemblies, as Montana does not have a backflow prevention testing law.
- (m) is being amended to reference the correct subsection in the 2006 UPC.
- (n)(iv) is being deleted as all of the piping types listed are now found in table

6-4 of the 2006 UPC except for PB. Subsection (n)(v) is being modified to add PB pipe to table 6-4 as it is not included in the 2006 Edition of the UPC.

-- (u) is being modified to include new wording as found in the 2006 edition of the UPC.

-- (w) is being added to address confusion regarding the usage of Type L copper piping. Type L copper pipe is a heavier than required pipe which holds up better in Montana's colder climate where piping has to be buried deeper than in many other states. Subsection (1)(r) allows for the use of Type L copper piping for underground drainage and this amendment will make the requirements consistent for using copper piping for underground vents.

24.301.602 INCORPORATION BY REFERENCE OF ELEVATOR CODE

(1) The Department of Labor and Industry, referred to as department, adopts and incorporates by reference:

(a) Safety Code for Elevators and Escalators, ASME A17.1 ~~2000~~ 2004, A17.1a-2005 Addenda, and ASMEA17.1S-2005 Supplement;

(b) Safety Code for Existing Elevators and Escalators, ASME A17.3 2002;

(c) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1-~~1999~~ 2003 and A18.1a-~~2001~~ Addenda; and

(d) ASME A17.1 ~~2000~~ 2004, Appendix N, Table N1, Recommended Inspection and Test Intervals in Months, for required testing intervals. This table is to be used for testing interval requirements only. Inspection intervals are to be performed as specified in 50-60-711, MCA.

(i) remains the same.

(2) The purpose of the elevator code is to provide safety standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of permanently installed hoisting and lowering mechanisms.

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

(v) cranes, derricks, hoist, hooks, jacks, and slings;

(vi) through (xi) remain the same.

(3) Inspection, code compliance, and enforcement of hoistway (shaft) standards is the responsibility of the appropriate authority having jurisdiction for inspection and enforcement of the building code.

(4) remains the same.

AUTH: 50-60-203, 50-60-705, 50-60-715, MCA

IMP: 50-60-201, 50-60-704, 50-60-705, 50-60-715, MCA

24.301.710 INCORPORATION BY REFERENCE OF BOILER AND PRESSURE VESSEL CODE (1) The Department of Labor and Industry, referred to as department in this and all subsequent rules, adopts and incorporates by reference ~~herein~~ the following sections of the American Society of Mechanical Engineers (ASME), Boiler and Pressure Vessel Code, ~~2004~~ 2004 Edition, referred to as Boiler and Pressure Vessel Code unless another edition is specifically stated:

(a) remains the same.

(b) Section II, Parts A, B, C, and D, Material Specifications;

(c) through (2) remain the same.

(3) The Boiler and Pressure Vessel Code and CSD-1 are nationally recognized codes setting forth minimum standards and requirements for the construction, operation, and safety of boilers. A copy of the Boiler and Pressure Vessel Code and CSD-1 may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

(4) The department adopts and incorporates by reference, the National Board of Boiler and Pressure Vessel Inspectors, National Board Inspection Code (NBIC), 2004 Edition.

(5) The NBIC is a nationally recognized inspection manual which establishes basic boiler safety inspection procedures. A copy of the NBIC may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183.

AUTH: 50-60-203, 50-74-101, MCA

IMP: 50-60-203, 50-74-101, MCA

REASON: Reasonable necessity exists to amend this rule to adopt the National Board Inspection Code (NBIC). The NBIC is already referenced in chapter 7 of the ASME Boiler Code and has been used by department inspectors since 2001. The department is now formally adopting this code simply to avoid any confusion. The purpose of the NBIC is to maintain the integrity of pressure retaining items after they have been placed into service by providing rules for inspection, repair, and alteration, thereby ensuring that these objects may continue to be safely used. The NBIC serves as a guide to department inspectors for use in conducting inspections.

24.301.714 FEES (1) remains the same.

| | |
|----------------------------------|---------------------------|
| (a) operating certificate | \$26 <u>31</u> |
| (b) internal inspection | 75 |
| (c) external inspection: | |
| (i) hot water heating and supply | 30 <u>35</u> |
| (ii) steam heating | 40 <u>50</u> |
| (iii) power boiler | 55 <u>70</u> |
| (d) special inspection | 50 per hour plus expenses |

(2) The owner and/or user of a boiler, inspected by a special boiler inspector and insured by an insurance company, shall, within ten days of receipt of notification from the department, remit the operating certificate fee, as outlined in (1)(a) ~~above~~, to obtain a boiler operating certificate from the department.

(3) and (4) remain the same.

(5) The fee schedule established in (1) ~~above~~ is repeated from 50-74-219, MCA, for the convenience of boiler owners and users.

AUTH: 50-60-203, 50-74-101, MCA

IMP: 50-60-203, 50-74-219, MCA

REASON: The 2005 Montana Legislature enacted Chapter 68, Laws of 2005 (House Bill 160), an act increasing boiler inspection and certification fees collected by the department. The bill was signed by the Governor and became effective on

March 24, 2005, and the increased fees are codified at 50-74-219, MCA. The fees shown in statute are repeated in this rule for the convenience of boiler owners and users. Therefore, it is reasonably necessary to amend this rule to remain consistent with the increased fees found in statute.

24.301.717 INSURANCE COMPANY TO PROVIDE WRITTEN NOTIFICATION TO THE DEPARTMENT OF CHANGE IN BOILER STATUS

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

(d) boiler with insurance suspended; or

(e) remains the same.

(2) The written notification of boiler status, referenced in (1) ~~above~~, shall be filed with the department within ~~30~~ 15 working days of the change in boiler status and shall include all applicable boiler information (boiler identification number or stamp, owner, location, operating certificate number, etc.).

(3) remains the same.

AUTH: 50-60-203, 50-74-101, MCA

IMP: 50-60-203, 50-74-202, MCA

REASON: It is reasonably necessary to amend this rule and require insurers to notify the department within 15 days of a change in a boiler's insured status. If the department is not timely notified when an insurer initiates or terminates boiler accounts, duplicate inspections may occur or required inspections may not be performed within the time mandated by law. Such inefficiencies and additional duplicate costs will be avoided by requiring more timely department notification.

24.301.718 BOILER INSPECTIONS (1) through (1)(e) remain the same.

(i) Boiler inspection reports shall be filed with the department within ~~30~~ 15 working days after inspection on forms acceptable to the department. Such report shall indicate the boiler has been approved for operation by ~~the~~ a special boiler inspector employed by the insurance company that insures the boiler.

(ii) The department may inspect any boiler, which is also inspected by a special boiler inspector employed by an insurance company. Whenever the department inspection confirms that the insurance company inspection report is substantially and materially incomplete, invalid, or unacceptable, the department may assess the insurance company the fee for a special inspection as imposed by ARM 24.301.714(1)(d).

AUTH: 50-60-203, 50-74-101, MCA

IMP: 50-60-203, 50-74-206, 50-74-209, MCA

REASON: It is reasonably necessary to amend this rule to ensure that department boiler inspection records are accurate. The department continuously reviews boiler inspection records to ascertain if they are inspected in a timely manner. If insurance inspectors do not submit timely inspection reports and the department's records show that a boiler is past due for inspection, a state boiler inspector will perform the inspection. The department is aware of instances when both the state and the

insurance inspectors inspected a boiler because the state had not yet received the insurance inspector's report. In these cases the customer was required to pay for both inspections, even though only one was required. By amending this rule to require insurance inspectors' submit reports within 15 days of inspection, the number of duplicate inspections will be reduced or eliminated.

24.301.719 ASSIGNMENT OF STATE IDENTIFICATION NUMBER

~~(1) At the time of the initial boiler inspection, the state boiler inspector or special boiler inspector will assign and apply to the boiler a state identification number as directed by the department.~~ Inspections of boilers without a state identification number shall be performed by either of the following methods:

(a) by the special boiler inspector who shall notify the appropriate state boiler inspector of the boiler location. The state boiler inspector shall assign a state identification number and may perform a formal inspection on that boiler. The state inspection will be billed to the customer as per 50-74-219, MCA. The special boiler inspector shall submit the initial inspection report to the state with statements of conditions or violations; or

(b) by the state boiler inspector who shall apply the state identification number and perform a formal inspection on that boiler. The state inspection will be billed to the customer as per 50-74-219, MCA.

(2) Each steel boiler will be stamped by the inspector, utilizing letters and figures not less than 5/16" inches in height and arranged as follows: MTB 00000.

(3) and (4) remain the same.

AUTH: 50-60-203, 50-74-101, MCA

IMP: 50-60-203, 50-74-102, 50-74-206, 50-74-219, MCA

REASON: It is reasonably necessary to amend this rule so that only the department assigns numbers to boilers in the state. Under current rule, all insurance inspectors are issued a series of numbers to use in numbering boilers not yet in the state boiler inspection records. Over the years there have been many instances of the same number being issued to two different boilers or the wrong number being reported by the insurance inspector for a particular boiler. By maintaining the numbering system exclusively within the department, the instance of improperly applied numbers will be reduced or eliminated. The department notes that most other western states maintain their numbering system in a similar manner. The department is implementing a quality control program to monitor initial inspections by special inspectors. Research shows that special inspectors inspect 48 percent of all boilers in Montana but cite less than 15 percent of boiler code violations. This rule will allow the department to more closely monitor the work of special inspectors and help ensure that boilers added to the inspection program are code compliant. The implementation cites are being amended to accurately reflect all statutes implemented through this rule.

5. The new rule proposed to be adopted provides as follows:

NEW RULE I DEFINITIONS For the purposes of this chapter, the following definitions shall apply:

(1) "State Electrical Code" means the edition of the National Electrical Code or any other model electrical code, which is adopted, and as it may be modified by the department for use as a construction standard in and by Montana's electrical industry.

AUTH: 50-60-603, MCA

IMP: 50-60-603, MCA

REASON: It is reasonably necessary to adopt the definition of "State Electrical Code" as defined by the State Electrical Board to ensure the department is consistent in its use of the term. Consistent use of the term will lessen confusion and inquiries among applicants and customers.

6. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Jim McGimpsey, Lead Supervisor, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, Montana 59620-0571, by facsimile to (406) 841-2050, or by e-mail to JMcGimpsey@mt.gov, and must be received no later than 5:00 p.m., November 13, 2006.

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

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding any specific topic or topics over which the department has rulemaking authority. Such written request may be delivered to Mark Cadwallader, 1327 Lockett St., room 412, Helena, Montana, mailed to Mark Cadwallader, P.O. Box 1728, Helena, MT 59624-1728, faxed to the office at (406) 444-1394, e-mailed to mcadwallader@mt.gov, or may be made by completing a request form at any rules hearing held by the Department of Labor and Industry.

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

10. The Department's Hearings Bureau has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

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

Certified to the Secretary of State September 25, 2006

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

| | | |
|--|---|---------------------|
| In the matter of the adoption of New |) | NOTICE OF PUBLIC |
| Rules I through XXX and the repeal of |) | HEARING ON PROPOSED |
| ARM 37.112.101, 37.112.105, |) | ADOPTION AND |
| 37.112.106, 37.112.107, 37.112.112, |) | REPEAL |
| 37.112.113, 37.112.114, 37.112.120, |) | |
| 37.112.122, 37.112.124, 37.112.126, |) | |
| 37.112.128, 37.112.130, 37.112.135, |) | |
| 37.112.136, 37.112.140, 37.112.143, |) | |
| and 37.112.146 pertaining to tattooing |) | |
| and body piercing |) | |

TO: All Interested Persons

1. On October 25, 2006, at 1:30 p.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed adoption and repeal of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice or provide reasonable accommodations at the public hearing site. If you need to request an accommodation, contact the department no later than 5:00 p.m. on October 18, 2006, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; e-mail dphhslegal@mt.gov.

2. The rules as proposed to be adopted provide as follows:

RULE I PURPOSE (1) The rules in this chapter pertain to tattooing and body piercing establishments under Title 50, Chapter 48, MCA, that are licensed by the Montana Department of Public Health and Human Services. Unless otherwise specified by the rules of the local health authority, the rules in this chapter do not apply to tattooing and body piercing establishments that are licensed solely by local boards of health pursuant to 50-48-203, MCA.

AUTH: 50-48-103, MCA

IMP: 50-48-103, 50-48-203, MCA

RULE II DEFINITIONS (1) "Aftercare instructions" means verbal and written instructions that the client should follow to prevent infection and promote healing of the skin after receiving a tattoo or body piercing.

(2) "Antiseptic" means a substance applied to the skin that kills or inhibits the

growth of disease-causing microorganisms.

(3) "Artist" means a tattooist or body piercer.

(4) "Aseptic technique" means a procedure that prevents contamination of any object or person.

(5) "Body piercer" means a person who engages in the practice of piercing as defined in 50-48-102, MCA.

(6) "Body piercing establishment" means any room, space, shop, or salon, including a temporary or mobile facility, where body piercing is practiced.

(7) "Client" means the person whose skin will be tattooed or pierced.

(8) "Contaminated" means the probable presence of disease-causing microorganisms.

(9) "Department" means the Department of Public Health and Human Services.

(10) "Disinfectant" means a substance or solution, registered with the United States Environmental Protection Agency (EPA), that kills or inactivates viruses and pathogenic microorganisms, but not necessarily their spores.

(11) "Ear lobe piercing" means the puncturing of the ear lobe, but not the ear cartilage, to create a permanent hole for cosmetic purposes.

(12) "Equipment" means all machinery, including fixtures, containers, vessels, instruments, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of an establishment.

(13) "Infectious waste" means the definition found in 75-10-1003, MCA.

(14) "Ink cup" means a small container for an individual portion of pigment which may be installed in a holder or palette, and in which a small amount of pigment is placed.

(15) "Instrument" means hand piece, needle, and any other tool that may come in contact with a client's body or be exposed to blood or body fluids during a tattooing or body piercing procedure.

(16) "Jewelry" means any ornament designed for insertion into a pierced area of a client.

(17) "Mobile establishment" means a facility where tattooing or body piercing or both is conducted, utilizing a wheeled vehicle for movement from place to place.

(18) "Operator" means any owner of an establishment or any person who is responsible for the establishment as well as the other artists working at the establishment, for the purpose of meeting the requirements of this chapter.

(19) "Permanent cosmetics", also known as permanent makeup or micropigmentation, means tattooing any part of the face for cosmetic purposes.

(20) "Physician" means a person licensed to practice medicine in Montana by the Montana Board of Medical Examiners under the Department of Labor and Industry.

(21) "Sanitization" means the effective treatment of surfaces of inanimate objects by a product registered by the EPA that provides a sufficient concentration of chemicals and enough time to reduce the bacterial count, including pathogens, to a safe level.

(22) "Sharps" means the definition found in 75-10-1003, MCA.

(23) "Single-use" means items that are intended to be used once then

discarded.

(24) "Sterilize" means to treat an object or surface with a procedure that kills or irreversibly inactivates all microorganisms, including bacteria, viruses, and pathogenic fungi, including their spores.

(25) "Tattoo establishment" means any room, space, shop, or salon, including a temporary or mobile facility, where tattooing is practiced.

(26) "Tattooist" means a person who engages in the practice of tattooing as defined in 50-48-102, MCA.

(27) "Temporary establishment" means a facility where either tattooing or body piercing or both are conducted for not more than 14 days at one location in a calendar year.

(28) "Universal precautions" means the current set of guidelines and controls published by the U.S. Centers for Disease Control and Prevention that includes specific recommendations for the use of protective equipment such as gloves, masks, or protective eye wear whenever contact with blood or body fluids containing blood is anticipated.

(29) "Work room" means a designated room or area in which either tattooing or body piercing takes place.

AUTH: 50-48-103, MCA

IMP: 50-48-102, 50-48-103, MCA

RULE III GENERAL FACILITY REQUIREMENTS (1) Work rooms, restrooms, handwashing facilities, waiting areas, and all establishment areas to which clients have access must be kept clean and free of garbage, litter, unnecessary articles, dust, dirt, and sources of airborne dust or fumes.

(2) Utility rooms, storage rooms, and all other auxiliary rooms separated from other areas of the establishment by closed doors must be in good repair and cleaned as often as necessary to prevent insect or rodent harborage, airborne dust, airborne hazardous chemicals, or other contaminants.

(3) All rooms in the establishment must be provided with an artificial light source equivalent to 20 foot-candles of light three feet off the floor, except as required for work rooms in [Rule VII(5)].

(4) An establishment may not be operated in any room or area used as living or sleeping quarters. An establishment must be separated from any living or sleeping quarters by solid self-closing doors.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE IV WATER SUPPLY (1) An adequate and potable supply of water must be provided.

(2) Before a license may be issued, an establishment using an individual, shared, or multiple user water supply must submit the following to the department or its designee:

(a) satisfactory coliform bacteria and nitrate test results as specified in ARM 37, chapter 38, subchapter 2; and

(b) the results of an onsite sanitary survey of the water supply system to detect sanitary deficiencies.

(3) A supplier of an individual, shared, or multiple user water supply shall conduct a coliform bacteria test of the system at least twice a year with one sample collected between April 1 through June 30 and the second sample collected between August 1 through October 31, and shall conduct a nitrate test of the system at least once every three years. Water tests must be analyzed at a certified laboratory. A supplier shall keep sampling result records for at least three years.

(4) A public water supply system must be constructed and operated in accordance to current applicable laws as regulated by the Montana Department of Environmental Quality.

(5) Nonpotable water sources must be marked "not for human consumption".

(6) Plumbing must be installed and maintained in a manner to prevent cross connections between the potable water supply and any nonpotable or questionable water supply or any source of pollution through which the potable water supply might become contaminated. The potable water system must be installed to preclude the possibility of backflow. A hose may not be attached to a faucet unless a backflow prevention device is installed.

(7) A water supply system is determined to have failed and requires treatment, replacement, repair, or disinfection, when the water supply becomes unsafe, when it exceeds the maximum contaminant levels specified in ARM Title 17, chapter 38, subchapter 2, or inadequate when it is found to be less than 20 psi measured at the extremity of the distribution line during the instantaneous peak usage.

(8) Extension, alteration, repair, or replacement of a water supply system or development of a new water supply system must be in accordance with all applicable state and local laws.

(9) Bottled and packaged potable water must be obtained from a licensed and approved source and shall be handled and stored in a way that protects it from contamination.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE V SEWAGE SYSTEM AND SOLID WASTE (1) An adequate and safe wastewater system must be provided for conveying, treating, and disposing of all sewage. Immediate measures must be taken to alleviate health and sanitation hazards caused by wastewater at the establishment when they occur.

(2) All sewage, including liquid waste, must be disposed of by a public sewage system approved by the Montana Department of Environmental Quality or by a sewage treatment and disposal system constructed and operated in accordance to applicable state and local laws. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by [Rule VIII] for temporary or mobile establishments.

(3) A wastewater system has failed and requires replacement or repair if any of the following conditions occur:

(a) the system fails to accept, treat, or dispose of wastewater as designed;

(b) effluent from the wastewater system contaminates a potable water supply or state waters; or

(c) the wastewater system is subjected to mechanical failure, including electrical outage, or collapse or breakage of a septic tank, lead line, or drainfield line.

(4) Extension, alteration, replacement, or repair of any wastewater system must be done in accordance with all applicable state and local laws.

(5) Mop water or soiled cleaning water may not be disposed of in any sink other than a mop or utility sink or a toilet.

(6) Solid waste must be collected, stored, and disposed of in a manner that does not create a sanitary nuisance and meets the requirements of [Rule XIV] for disposal of infectious waste. Solid waste must be removed from the premises at least weekly to a licensed solid waste disposal facility.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE VI TOILETS AND HANDWASHING FACILITIES (1) Each establishment must have a toilet and handwashing facility conveniently available to clients and artists during all hours of operation.

(2) The toilet room must be located within 200 feet by a normal pedestrian route of the work room and not more than one floor-to-floor flight of stairs.

(3) The toilet room must be vented to the outside, well lighted, and equipped with a self-closing door, toilet tissue, and waste receptacle.

(4) Floors, walls, and ceilings of the toilet room must be in good repair and in clean condition.

(5) Equipment and supplies used for either tattooing or body piercing or both must not be stored or used within the toilet room.

(6) The handwashing facility must be located either within the toilet room or within ten feet of the toilet room door.

(7) The handwashing sink must be provided with hot and cold running water by means of a mixing valve or combination faucet, except as provided in [Rule VIII(2)] for temporary or mobile establishments.

(8) Any self-dispensing, slow-closing, or metering faucet used must be designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet.

(9) Steam mixing valves are prohibited.

(10) Soap must be conveniently located to the hand sink.

(11) Single-use towels must be conveniently located for drying hands and a waste receptacle provided.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE VII WORK ROOM REQUIREMENTS (1) All tattooing and body piercing procedures must take place in the work room only.

(2) The work room must be separated by a barrier from the waiting area. The room does not need to have complete physical separation, but it must be

segregated by counters, self-closing doors, or other barriers so that clients or other employees may not enter the work room unless they open the barrier to gain access.

(3) The work room may not be used as a corridor for access to other rooms.

(4) Animals are not allowed in the work room, except for patrol dogs accompanying security or police officers and service animals such as guide dogs.

(5) The work room must have a minimum of 50 foot-candles of light measured at the level where the procedure is implemented. Spot lighting may be used to achieve this degree of illumination.

(6) The work room must have adequate ventilation. If heating ducts, vents, or air conditioners discharge into the work room, the intakes for such venting must be filtered, and the filters must be maintained to minimize airborne dust and insects.

(7) Openings to the outside must be protected by such means as self-closing doors, screened or closed windows, or air currents to protect against the entrance of insects, rodents, or other animals. Screening material must not be less than 16 mesh to the inch.

(8) The work rooms must have a handwashing facility unless there is handwashing facility outside the work room within ten feet of the work room door.

(a) If the handwashing facility is outside the work room, the work room door must be a two-way self-closing door.

(b) If controls for wrist or foot activation are not available, single service towels must be used for turning controls off after washing hands.

(c) The handwashing sink must be sanitized at least once each day while the establishment is in operation.

(d) The handwashing sink must be provided with hot and cold running water by means of a mixing valve or combination faucet, except as provided in [Rule VIII(2)] regarding temporary or mobile establishments.

(e) Any self-dispensing, slow-closing, or metering faucet used must be designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet.

(f) Steam mixing valves are prohibited.

(g) Soap must be conveniently located near the handwashing sink.

(h) Single-use towels must be conveniently located for drying hands.

(9) The work room must have a sufficient number of waste receptacles for the disposal of waste materials.

(a) Waste receptacles must be covered except while in use to prevent contamination of hands and gloves.

(b) Waste receptacles in the work room must be emptied daily.

(c) A dedicated container for the disposal of sharps and a dedicated container for other contaminated waste must be located in the work room in accordance with [Rule XIV] for disposal of infectious material.

(10) The work room must be maintained in a clean condition.

(11) The floor of the work room must be constructed of smooth and impervious materials and must be wet-mopped daily.

(12) Tobacco use, eating, or drinking is prohibited in the work room, except eating and drinking is allowed when needed for first aid purposes.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE VIII TEMPORARY OR MOBILE ESTABLISHMENT (1) A temporary or mobile establishment may be operated if:

(a) the operator submits to the department or its designee a written plan that demonstrates how the temporary or mobile establishment will meet the provisions of these rules, or will use alternatives that provide equivalent protection as provided by these rules; and

(b) the department or its designee issues written approval of the plan.

(2) A temporary or mobile establishment that cannot provide mechanically heated water may provide temperate water for hand washing as long as the water is provided in a system that is constructed and operated in accordance with applicable state and local laws for potable water.

(3) A temporary or mobile establishment that cannot meet [Rule V(1)] regarding sewage systems may use an acceptable portable toilet unit with final waste disposal that complies with applicable state and local laws.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE IX EQUIPMENT AND SUPPLIES (1) Equipment, tools, and jewelry must be clean, in sound condition, and free of rust. Sharp instruments and tools must not be dull. Defective needles may not be used.

(2) Single-use or disposal items must be used only once.

(3) Gloves that come into contact with a client must be single-use nonlatex examination gloves designed for medical or clinical use.

(4) A durable tray must be maintained in the work room for the placement of used articles which require cleaning and autoclaving.

(5) Single-use needles must be disposed of in a sharps disposal container that meets the requirements in [Rule XIV].

(6) Work tables, counter tops, and client contact surfaces must be:

(a) constructed of material that is easily cleanable, smooth, nonabsorbent, and corrosion-resistant; and

(b) cleaned and sanitized with a disinfectant between clients.

(7) The operator must maintain at all times enough sterile supplies, disinfectant, antiseptic, and gloves for three working days.

(8) Disinfectants, cleaning compounds, pesticides, and other chemicals must be stored in such a manner that prevents contamination of equipment, supplies, and work surfaces. Chemical containers must be clearly labeled with the common name of the material. Chemicals must be used in a manner consistent with the manufacturer's labeling.

(9) Instruments, supplies, and other materials that come into contact with the client must be stored in closed clean containers or clean cabinets.

(10) Tables, trays, and equipment may not be shared among artists serving different clients at the same time.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE X BLOOD-BORNE PATHOGEN EXPOSURE CONTROL (1) An establishment operator employing at least one artist shall meet the applicable requirements of 29 CFR 1910.1030, which provides standards for blood-borne pathogen exposure control as promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration. The department hereby adopts and incorporates by reference 29 CFR 1910.1030. Copies of 29 CFR 1910.1030 may be obtained by contacting the Montana Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XI STERILIZATION OF EQUIPMENT AND JEWELRY (1) All nondisposable instruments used for tattooing or body piercing that can come into contact with blood or body fluids must be individually wrapped and sterilized by an autoclave. All disposable instruments that come into contact with blood or body fluids must come from the supplier individually wrapped and sterile.

(2) All jewelry must be sterilized by at least one of the following methods:

(a) individually wrapped and autoclaved;

(b) come from the supplier individually wrapped and sterile; or

(c) be sterilized with a liquid chemical sterilant that has been approved for use by the U.S. Food and Drug Administration.

(3) Whenever an autoclave is used, the following requirements apply:

(a) Autoclave packaging and a testing indicator for verifying temperatures must be used each time.

(b) The autoclave must be allowed to run a complete cycle for 20 minutes at 15 pounds of pressure at a temperature of 250°F (121°C), or in accordance with the autoclave manufacturer's instructions.

(c) After autoclaving, the package must be dated and initialed by the artist. If the autoclaved instrument or jewelry is not used within six months of the sterilization date, or if the packaging is no longer intact, the article must be rewrapped and resterilized before use.

(d) Monthly biological monitoring must be conducted on the autoclave using standard spore units that are analyzed by a certified laboratory.

(e) Following sterilization, equipment, and jewelry must remain in the autoclave packaging.

(4) Sterile packages must be opened in full view of the client.

(5) Jewelry that is sterilized by a chemical sterilant must be immediately inserted into the client to prevent possible contamination.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XII CLEANING AND ULTRASONIC USE (1) All nondisposable

instruments used for tattooing and body piercing procedures must be cleaned thoroughly with an appropriate soap or detergent and rinsed completely with potable water.

(2) Each establishment must have at least a one-compartment sink with hot and cold running water for the cleaning of instruments. The sink must be of an adequate size to submerge the instruments being cleaned, except as provided in (3) of this rule.

(3) Establishments that use ultrasonic units with heating elements to clean their instruments are not required to have hot water at the cleaning sink, provided the heating elements can heat the cleaning solution and maintain the temperature according to the manufacturer's specifications.

(4) An ultrasonic cleaning unit must be used in accordance with the manufacturer's instructions. An ultrasonic cleaning unit does not satisfy the sterilization requirements in [Rule XI], with or without the addition of chemical sanitizers.

(5) If the artist uses the ultrasonic unit at the work station to rinse instruments, a single-use cup or single-use liner must be placed in the tank prior to use and changed between clients, unless the tank is autoclaved between clients. The used liner must be disposed of in accordance with [Rule XIV] regarding the disposal of contaminated waste.

(6) Cleaning, dusting, or vacuuming is prohibited during times when clients are being tattooed or pierced.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XIII SKIN PREPARATION, ASEPTIC TECHNIQUE AND AFTECARE

(1) Aftercare instructions appropriate for the tattooing or body piercing procedure that describe effective means of infection prevention must be provided to the client both verbally and in writing before every procedure.

(2) At all times during the tattooing or body piercing procedure, artists shall use sterile instruments as specified in [Rule XI] and aseptic techniques.

(3) Before and after performing the tattooing or body piercing procedure, artists shall thoroughly wash their hands and wrists in warm running water with soap for at least 20 seconds, scrubbing around and under their fingernails, rinsing completely, and drying with a clean single-use towel.

(4) Artists shall wear a clean outer garment. A hair restraint must be worn if necessary to prevent the artist's hair from contact with the client.

(5) If it is necessary to shave the client's skin area to be tattooed or pierced, the artist shall use single-use razors. Straight razors and replaceable blade units may not be used. After shaving the client's skin, the artist shall:

(a) wash and scrub the artist's hands as described in (3) of this rule; and

(b) wash and rinse the client's area of skin that was shaved.

(6) If the artist wore gloves to wash or shave the client's skin, the artist shall discard those gloves after completing those tasks. The artist shall then put on a new pair of gloves before continuing the procedure.

(7) Before performing the tattooing or piercing procedure, the skin and

surrounding area where the procedure is to be done must be thoroughly dampened with an antiseptic using a clean single-use cotton ball, gauze, or tissue.

(8) If it is necessary to use a marking device, the marking device must be used only once.

(9) New gloves must be put on before each tattooing and piercing procedure.

(10) If the artist's gloved hands become contaminated during the tattooing or body piercing procedure, then the artist shall rewash hands and reglove before resuming the procedure.

(a) Inadvertent contamination of gloved hands may include touching eyes, nose or mouth, answering the phone, opening a door, or retrieving an item from the floor.

(b) If the artist sustains a needle stick, the artist shall resume the tattooing or body piecing procedure with clean and sterile equipment after rewashing hands and regloving.

(11) In the event of blood flow, all materials used to stop the flow of blood or to absorb blood must be sterile and single-use.

(12) Upon completion of the tattooing or piercing procedure, artists shall apply an antiseptic solution to the procedure area with a clean single-use cotton ball, gauze, or tissue.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XIV HANDLING AND DISPOSAL OF INFECTIOUS MATERIAL

(1) Waste that may have been contaminated with blood or body fluids must be separated from other waste in different containers with biohazard warning labels.

(2) An adequate supply of sharps containers must be maintained on the premises. A sharps container must:

(a) be leakproof, rigid, and strong enough to protect the handler and others from accidental cuts or puncture wounds; and

(b) be closed or capped securely to prevent the loss of contents for disposal.

(3) Waste that may have been contaminated with blood or body fluids, other than sharps, must be placed in moisture-proof single-use containers or bags of a strength sufficient to prevent ripping, tearing, or bursting under normal conditions of use. Also, the bags must be:

(a) securely tied to prevent leakage or the expulsion of solid or liquid wastes during storage, handling, and transportation; and

(b) placed in a durable, leakproof container for storage and transportation.

(4) An artist shall use adequate protections, such as a brush, dust pan, or tongs to pick up any broken glassware in the work room. After engaging in such cleaning, the artist shall wash hands and reglove as described in [Rule XIII] before working with a client.

(5) Laundry that may have been contaminated with blood or body fluids must be stored separately in a leakproof and closed container or bag prior to cleaning.

(6) All infectious waste must be treated and disposed of in accordance with Title 75, chapter 10, part 10, MCA.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XV RECORD KEEPING AND REVIEW (1) Client records, consent forms, autoclave sterilization test results, and any other records required by this chapter must be maintained on the establishment premises for a minimum of three years. The records must be:

(a) available for review and verification by the department or its designee; and

(b) typed or printed in ink.

(2) Each establishment must keep on the premises current copies of the Montana Code Annotated and Administrative Rules governing tattooing and body piercing establishment, and upon request make these available for review to any artist, client, client's parent, or client's legal guardian.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XVI CLIENT RECORD (1) The operator must maintain a client record for each client. At a minimum, the client record must include:

(a) a copy of the signed consent form required by [Rule XVII];

(b) the name of the artist who performed the tattooing or body piercing procedure;

(c) the address and telephone number of the establishment;

(d) special instructions or information regarding the client's medical or skin conditions which are relevant to the tattooing or body piercing procedure; and

(e) a written physician referral if one is required by [Rule XXV].

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XVII CONSENT FORM (1) The client must sign a consent form before each tattooing or body piercing procedure. If the client is under the age of 18, then the client's parent or legal guardian must sign the consent form before the procedure.

(2) The consent form must contain:

(a) the client's name and address, the date of the procedure, the design of the tattoo, if applicable, the location of the procedure on the client's body, and any other information that the artist may consider appropriate;

(b) a description of potential complications and side-effects, including abscesses, allergies, excessive bleeding (from body piercing), heavy metal poisoning, infection, keloid formation, muscle paralysis, nerve paralysis, scarring, swelling, and tooth fracture (from oral piercing).

(c) symptoms of infection such as fever, swelling, redness, or drainage;

(d) instructions to consult a physician if symptoms of infection or other complications occur;

(e) the permanent nature of either tattoos or specific piercings or both; and

- (f) a statement by the client that the client:
 - (i) has been provided with the preservice information, both in writing and verbally by the artist; and
 - (ii) consents to the tattooing or body piercing procedure.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XVIII TRAINING (1) Operators and artists shall complete formal training provided by the department or its designee that includes at least general sanitation, first aid, and universal precautions for preventing the transmission of blood-born pathogens.

(2) Operators shall complete formal training within one year prior to obtaining a license from the department, and at least once in each calendar year of license renewal thereafter. Artists shall complete formal training within 60 days of hire, contract, or apprenticeship with an operator, and at least once every calendar year thereafter.

(3) Equivalent formal training that is not provided by the department or its designee may be permitted if the training contains the same subject matter requirements as specified in (1), and the department or its designee has approved the training.

(4) Each formal training course must provide written documentation to trainees indicating successful completion the course.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XIX LICENSE REQUIREMENT AND DISPLAY (1) No person shall operate an establishment without a license issued by the department. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a license. Licenses are not transferable.

(2) A valid license must be posted in every establishment in a conspicuous location.

AUTH: 50-48-103, MCA

IMP: 50-48-103, 50-48-201, MCA

RULE XX LICENSE APPLICATION (1) Any person desiring to operate an establishment shall submit an application for a license on forms provided by the department. The application must include the name and address of the applicant, and the location and type of the proposed establishment.

(2) The applicant of license and all artists working in the proposed establishment shall be at least 18 years of age at the time of application.

(3) Prior to approval of an application for a license, the department or its designee will inspect the proposed establishment to determine compliance with the requirements of this chapter.

(4) The department will issue a license to the applicant if the applicant

demonstrates that the proposed establishment complies with all applicable requirements of this chapter by plan review, inspection, and upon receipt of the license fee.

(5) Obtaining a license from the department does not relieve the applicant from satisfying applicable requirements from other federal, state, or local agencies. These requirements may include, but are not limited to:

- (a) building code permits and inspections;
- (b) fire and life safety inspections; and
- (c) other business licenses.

AUTH: 50-48-103, MCA

IMP: 50-48-103, 50-48-201, MCA

RULE XXI LICENSE FEE AND EXPIRATION (1) The license fee is \$135.

(2) The license will expire annually on December 31 following the date of its issuance.

AUTH: 50-48-103, MCA

IMP: 50-48-103, 50-48,201, MCA

RULE XXII LICENSE DENIAL AND CANCELLATION (1) A notice of license denial or cancellation, as provided for in 50-48-205, MCA, is properly served when it is hand-delivered to the operator of the license or the person in charge, or when it is sent by registered or certified mail to the last known address of the operator.

(2) The hearing process provided in 50-48-205, MCA, concerning license denial or cancellation, must be conducted by the department pursuant to Title 2, chapter 4, part 6, MCA, of the Montana Administrative Procedure Act regarding contested cases, and ARM 37.5.117.

AUTH: 50-48-103, MCA

IMP: 2-4-201, 2-4-631, 50-48-205, MCA

RULE XXIII REVIEW OF PLANS (1) Whenever an initial license is applied for, the license applicant must submit properly prepared plans and specifications to the department or its designee for review and approval before construction, remodeling, or conversion begins.

(2) The plans and specifications must demonstrate how the establishment will meet the requirements of this rule, including the following:

- (a) a layout of work rooms, waiting areas, auxiliary rooms, toilet rooms, handwashing facilities, doorways, stairways, fixed equipment, and facilities;
- (b) specifications for any autoclave that may be used, including manufacturer and model number;
- (c) copies of the client consent form, client record form, and all applicable aftercare instructions; and
- (d) copies of formal training documentation as described in [Rule XVIII].

(3) If the department or its designee disapproves of the plans, the department or its designee will make the deficiencies known to the applicant.

(4) If the facility was previously licensed or certified by the department as a tattooing or body piercing establishment and no structural modification is involved, the department may waive the requirement for the submission of plans.

(5) Changes in the client consent form, client record form, and all applicable aftercare instructions must be submitted to the department or its designee before implementation.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XXIV INSPECTION (1) The department or its designee, after proper identification, must be permitted to enter any establishment at any reasonable time for the purpose of making inspections to determine compliance with this chapter and must be permitted to examine the records of the establishment pertaining to compliance with this chapter.

(2) The department or its designee shall conduct inspection of establishments at least once per year. Additional inspections of the establishment may be performed as often as necessary for the enforcement of this chapter. The department will charge a follow-up fee for a third or subsequent inspection if a violation of this chapter is not corrected by the end of the second visit to the establishment. The follow-up fee is \$150.

(3) Whenever an inspection of an establishment is made, the department or its designee will document its findings on an inspection form. A copy of the completed inspection report form will be given to the person in charge of the establishment within ten days of the inspection.

(a) Correction of the violations that the department or its designee finds must be accomplished within the period specified on the inspection form.

(b) Failure to comply with any time limits for corrections of critical item violations may result in cessation of establishment operations.

(c) The completed inspection report form is a public document that must be made available for public review or distribution upon payment of reasonable copying costs.

AUTH: 50-48-103, MCA

IMP: 50-48-103, 50-48-206, MCA

RULE XXV RESTRICTIONS AND PROHIBITIONS (1) A tattooing or body piercing procedure may not occur if:

(a) either the artist of the client is under the apparent influence of alcohol or other mind-altering drugs;

(b) the client has not signed the consent form required by [Rule XVII]; or

(c) the client is under the age of 18, without the explicit in-person consent of the client's parent or legal guardian as provided in 45-5-623, MCA.

(2) If the client is under the age of 18, the parent or legal guardian must accompany the client throughout the procedure.

(3) A written physician referral is required before tattooing or body piercing if the client:

- (a) is taking any drug or dietary supplements that may induce bleeding tendencies or reduce clotting;
 - (b) has a medical condition that is known to cause bleeding tendencies or reduce clotting;
 - (c) shows signs of recent intravenous drug use;
 - (d) has a sunburn, a skin disease such as psoriasis or eczema, a skin infection, or lesions such as a mole in the proposed procedure site; or
 - (e) discloses or evidences allergies or contact sensitivity to pigments, soaps, or other substances that may be used in the procedure.
- (4) The artist may delay or require a medical referral before conducting any tattooing or piercing for any person whose physical health, understanding, or judgment may be in question.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XXVI VARIANCE (1) A licensee may request a variance to waive or modify compliance with the health requirements of this chapter by petitioning the department. An application for a variance must contain:

- (a) a statement of the proposed variance from the chapter's requirements, citing the relevant rule numbers; and
- (b) a rationale explaining how the potential public health hazards addressed by the relevant rules will be alternatively addressed by the proposal.

(2) The department may grant a variance by modifying or waiving the requirements of this chapter if, in the opinion of the department, a health hazard will not result from the variance.

(3) A licensee must continuously demonstrate compliance with the variance or modification granted by the department. The failure to comply to the department-approved variance or modification may be grounds for license revocation.

(4) The department reserves the right to deny or revoke a variance if, in its judgment, a health risk may occur.

AUTH: 50-48-103, MCA

IMP: 50-48-103, 50-48-204, MCA

RULE XXVII TATTOOING: PATTERN TRANSFER (1) If the method of pattern transfer involves a reusable plastic or acetate stencil, the stencil must be cleaned and sanitized immediately prior to the application.

(2) An adherent or emollient applied to facilitate a pattern transfer, or to cover a pattern after transfer, must be from a single-use container or must be extracted from a supply container in a manner to prevent contamination of the adherent or emollient supply.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XXVIII TATTOOING: COLORS, DYES, AND PIGMENTS (1) Each

tattooist shall use colors, dyes, and pigments from reputable suppliers, designed for tattooing, stored in appropriate clean and sterile containers, and labeled with the manufacturer name and lot number.

(2) Pigments mixed or prepared in the tattoo establishment must be prepared and stored in accordance with the manufacturer's instructions.

(3) A tattooist who becomes aware of a client who has experienced an apparent reaction, allergy, or sensitivity to a pigment used in tattooing must report the condition and pigment information to the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951 or the local health officer. Adulterated pigments or those containing deleterious substances may be subject to voluntary hold, manufacturer recall, or other action under the Montana Food, Drug and Cosmetic Act, Title 50, Chapter 31, MCA; the Federal Food, Drug and Cosmetic Act; or other federal, state, or local law.

(4) Pigments or dyes may not be used if they are disapproved of or under recall by the United States Food and Drug Administration or the department under the Montana Food, Drug and Cosmetic Act, Title 50, Chapter 31, MCA.

(5) Individual pigment portions and ink cups must be used for one client, then disposed in accordance with [Rule XIV] pertaining to infectious waste.

(6) If additional pigment must be added to an ink cup during the tattooing, the tattooist shall wash hands and reglove, or use a single-use liner to handle the ink storage container.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XXIX BODY PIERCING: ADDITIONAL REQUIREMENTS AND RESTRICTIONS (1) If the client is under the age of three, the client's parent or legal guardian must be given verbal and written warning of the inherent choking hazard of the jewelry before the body piercing. This warning may be included on the consent form.

(2) For the purposes of this chapter, body piercing does not include the following:

(a) the practice of electrology as defined in ARM Title 37, chapter 31, subchapter 1;

(b) the practice of a physician or licensed medical professional as long as the person does not hold himself or herself out as a body piercer;

(c) the practice of acupuncture; and

(d) other types of body modifications, including but not limited to cutting muscle to make a permanent split such as tongue-splitting, cutting into bone, trepanation (drilling into the skull), dental modification, amputation, implants, saline injection, vacuum pumping, circumcision, castration, penectomy, and subincision or superincision of genitals.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

RULE XXX BODY PIERCING: EAR LOBE PIERCING EXEMPTIONS

(1) Establishments that perform ear lobe piercing only by using a mechanized presterilized ear-piercing system approved by the department or its designee may be exempted from [Rule VI(2)], [Rule VII(2)], [Rule VII(5)], and [Rule VII(8)] as long as:

(a) the work area in which ear lobe piercing takes place is separated enough from the other areas so that no physical contact can be reasonably expected to occur between the general public and the client or artist;

(b) a minimum of 30 foot-candles of light is provided at the level where the ear piercing is being performed. Spot lighting may be used to achieve this degree of illumination; and

(c) the artist and client must have convenient access to handwashing facilities. If the handwashing facility is not within the work room or within ten feet of the work room door, then an alcohol-based hand sanitizer must be used in accordance with the U.S. Centers for Disease Control "Guideline for Hand Hygiene in Health-Care Settings" (Morbidity and Mortality Weekly Reports, 2002, Vol. 51, No. RR-16) immediately before putting on gloves and immediately after removal of the gloves. The department hereby adopts and incorporates the U.S. Centers for Disease Control "Guideline for Hand Hygiene in Health-Care Settings" (Morbidity and Mortality Weekly Reports, 2002, Vol. 51, No. RR-16). Copies of this guideline may be obtained by contacting the Montana Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

AUTH: 50-48-103, MCA

IMP: 50-48-103, MCA

3. The rules 37.112.101, 37.112.105, 37.112.106, 37.112.107, 37.112.112, 37.112.113, 37.112.114, 37.112.120, 37.112.122, 37.112.124, 37.112.126, 37.112.128, 37.112.130, 37.112.135, 37.112.136, 37.112.140, 37.112.143, and 37.112.146 as proposed to be repealed are on pages 37-28241 through 37-28363 of the Administrative Rules of Montana.

AUTH: 50-1-202, MCA

IMP: 50-1-202, MCA

4. These proposed rules, promulgated by the passage of Senate Bill 137 during the 2005 State Legislative Session [Title 50, chapter 48, MCA], are necessary to license and regulate tattoo and body piercing operations in order to protect public health and safety.

The practices of tattooing and body piercing present similar health risks to the client and artist. Both procedures are invasive to the client's skin, with the potential of exposure to blood-borne pathogens and infections. The exposure may lead to the contraction of hepatitis and human immunodeficiency virus (HIV). Most of the facility requirements, processes, training, client screening, aftercare, and general sanitation needed to protect clients and artists are identical for both tattooing and piercing

procedures, as seen in these proposed rules.

When devising the rules, the department obtained input from various tattoo and body piercing practitioners in Montana. It took into consideration comments from a written survey issued to known tattooing and body piercing establishments, professional organizations that represent the industry, local and tribal boards of health and health officers, registered sanitarians, and interested registered nurses. The department reviewed the tattooing rules that exist in Yellowstone County, along with regulations from other states including Florida, Kentucky, Ohio, Oklahoma, and Oregon. The department also received input from a work group consisting of the state medical officer, epidemiologist, registered nurses, registered sanitarians, and legal counsel. Finally, the department consulted with tattooists and body piercers at their places of work to see if the proposed rules would be practical in their implementation.

Instead of amending the existing tattoo rules found in ARM Title 37, chapter 112, subsection 1, the department chose to repeal those rules and draft new ones since the standards are the same in many instances for both tattooing and body piercing. The department retained much of the requirements of the existing tattoo rules, as specified more fully below.

Rule I Purpose: The rule explains the differentiation between establishments licensed and regulated by the department, and those licensed and regulated by the local health authorities. Unlike other establishments the department licenses and regulates, Title 50, chapter 48, MCA, allows either the department or the local health authority to have exclusive jurisdiction over tattooing and body piercing establishments. Rule I is necessary to clarify to the public that the rules pertain only to those establishments licensed and regulated by the department.

Rule II Definitions: Rule II ensures that words or phrases used in the ensuing rules are clearly defined so those reading the rules will attribute the same meaning to each word or phrase. This rule is necessary so that the ensuing rules are understandable.

Rule III General Facility Requirements: The department proposes to repeal ARM 37.112.105 and replace it with Rules III, IV, and V. Rule III contains the same requirements in ARM 37.112.105, except the new rule applies to both tattoo and body piercing establishments. Rule III establishes standards for the whole structure of the establishment except for the work room where tattooing and body piercing take place and for which requires more rigorous standards. The standards in Rule III are reasonably necessary to minimize sources of filth, bacteria, and viruses that could be transported from an establishment's common areas to the work room.

Rule IV Water Supply: Water can become contaminated with disease-causing microorganisms or hazardous chemicals. Because of these hazards, Rule IV requires water to come from a source that is protected, tested, stored, transported, and dispensed in a sanitary manner. This rule mostly adopts the requirements in ARM 37.112.105. One change includes having the water supply tested in the spring

and fall for noncommunity water supplies. Spring and fall are the most likely times that groundwater is vulnerable to contamination due to the rising and lowering of the water table. The department considered making no changes from the testing requirements in ARM 37.112.105, but it determined that testing at random times of the year is not likely to reveal contamination episodes.

Rule IV adds the requirement that a sufficient volume of potable water must be available to meet the needs of the establishment. Sufficient volume requirements are necessary to maintain adequate cleaning of the facility, equipment, and hands. The term "potable" replaces "sterilized water or bottled, distilled water" found in ARM 37.112.105 because other sources or processes can deliver water fit for consumption and hygiene. The proposed requirements in Rule IV are current standards for other establishments licensed by the department.

Rule V Sewage System and Solid Waste: Proper treatment of human waste protects ground water supplies, surface waters, and land that is accessible to people or pets. It also prevents the attraction of rodents and insects that can be vectors of disease.

Rule V reiterates the same requirements in ARM 37.112.105(1)(c) for sewage systems. However, it adds requirements for temporary and mobile establishments to collect and dispose of sewage in a sanitary and lawful manner. The department considered not allowing an exception for temporary or mobile establishments, however these operations pose little if any health risks as long as they use an approved onsite sewage system or a community sewage system.

Rule V adds that solid waste must be removed at least weekly to a licensed disposal facility. This requirement is needed because sanitary solid waste collection, storage, and final disposal prevent conditions that may attract rodents and insects harboring diseases that can spread to humans. The department considered not adding the requirement, but the weekly removal of solid waste is a minimum sanitation standard for other licensed establishments and residential properties. It also does not create an unreasonable burden to tattooing and body piercing establishments.

Rule VI Toilets and Handwashing Facilities: This rule retains the requirements in ARM 37.112.105(1)(d), and adds that toilets and handwashing facilities must be conveniently located within 200 feet of where tattooing and body piercing takes place, and be no more than one floor-to-floor flight of stairs. These requirements are necessary so no confusion exists as to what constitutes reasonable distances, which may be too subjective. The department considered requiring toilet and handwashing facilities to be located within the establishment. Doing so would be unnecessary for establishments that operate within other business buildings, or temporary or mobile establishments which can provide access to public toilet rooms easily.

Rule VI prohibits the storing of tattooing and body piercing equipment and supplies in the toilet room in order to prevent the risk of contamination or adulteration. The department considered not adding this requirement but determined that the need to

protect equipment and supplies from cross-contamination outweighed an establishment's potential loss of storage space.

The department added the requirement for hot and cold water at handwashing sinks to be mixed so that warm water is provided. When only hot or cold water is available, handwashing compliance may be reduced. Also, a warm water flow of at least 20 seconds is necessary for adequate handwashing to prevent contamination of clients. Steam mixing valves are prohibited because they are difficult to control and may lead to scalding.

Rule VII Work Room Requirements: This rule maintains much of ARM 37.112.106. The requirements in ARM 37.112.106(1), (3), and (5) have been inserted in Rule VII(1) through (4) regarding the need to have a separate room for tattooing and body piercing procedures, having it blocked off from common areas, having it to be inaccessible to people not needed during procedures, and prohibiting animals from the area. Because the work room should be the most sterile place, these requirements are needed to help protect the area from contaminants in order to prevent infections.

Rule VII(5) changes the minimum lighting requirement from 10 foot-candles of light, as found at ARM 37.11.106(2)(a), to 50 foot-candles of light. Adequate lighting is essential for cleanliness, accident prevention, and performing certain functions such as reading labels and discerning the color of substances. Other states such as Florida and Oklahoma have similar illumination requirements. Further, the lighting guideline for general use is 50 to 100 foot-candles of light, as specified in "Environmental Engineering", 5th edition, Salvato, Nemerow, and Agardy, which is a widely used to set sanitation standards.

In devising Rule VII(5), the department considered a lower lighting standard such as having 20 foot-candles of light as a minimum requirement. This lighting standard is adequate for stairways and corridors, but not for work rooms where it is crucial to avoid piercing arteries and being able to differentiate between the colors of dyes. The department also considered requiring 100 foot-candles of light, but found that the minimum of 50 foot-candles of light would be less burdensome on operators and would provide adequate protection for clients.

The department added Rule VII(7) regarding the need for outside protection for outer doors and windows of the work room. This requirement minimizes the potential for disease-bearing insects and rodents entering the areas. An alternative considered was requiring outer protection for the entire establishment, not just the work room, however sterility is most important in the room where tattooing and body piercing takes place. Another alternative considered was to not require outer protection. Since tattooing and body piercing are invasive procedures, outer protection is needed to preserve equipment sterility.

Rule VII(8)(a) through (h) provides handwashing facility requirements that are similar to ARM 37.111.106(2)(c). The department included the requirements in this rule

because hand hygiene is critical at the time of tattooing and body piercing.

Rule VII(9) is the same as that in ARM 37.112.106(2)(d), except the new version requires waste receptacles to be covered except while in use. It is important to cover waste receptacles to keep out flies and other insects that can transmit disease-causing microorganisms. The department considered not implementing this requirement, however covering waste receptacles provides an easy method of protection.

Rule VII(10) and (11) provide the same requirement for keeping the work area clean as provided in ARM 37.112.106(4) and (8). The department expanded the requirements for the cleanliness and sanitation of equipment and supplies in Rule IX, described below.

Rule VIII Temporary or Mobile Establishment: This rule continues to permit temporary or mobile establishments, seen in ARM 37.112.105(3) and (4). Tattooing and body piercing performed at temporary or mobile establishments are subject to the same potential for blood-borne pathogen disease transmission and infection as procedures conducted at permanent establishments.

The department added requirements that are more permissible than the original rule.

Rule VIII(2) allows the use of room temperature water instead of mixing hot and cold water for hand washing as long as the water meets the standard for safe drinking water. Using temperate water for hand washing is important to encourage complete cleaning and rinsing.

Rule VIII(3) allows the use of approved portable toilet units. Compliance with rules promulgated by the Montana Department of Environmental Quality and local regulations ensures that sewage waste disposal from portable toilets is appropriately done.

The department considered not allowing temporary or mobile establishments. This prohibition is unnecessary because these operators are capable of meeting the same health and safety requirements as permanent establishments during the short amount of time they are in operation.

Rule IX Equipment and Supplies: This rule retains the requirements in ARM 37.112.107, except the department expanded the standards to cover body piercers. In Rule IX(1) and (2), the department requires all equipment, tools, and jewelry to be in good condition or be used once. This rule is necessary to ensure the prevention of infection and transmission of blood-borne pathogens.

Rule IX(3) requires disposable gloves to be nonlatex. According to the U.S. Centers for Disease Control, studies show that 8 to 12% of health care workers who are regularly exposed to latex become latex sensitive, as opposed to 1 to 6% of the general population. The symptoms of latex allergies include skin rashes and inflammation, respiratory inflammation, respiratory irritation, and, in rare cases,

shock. The reactions usually begin within minutes of being exposed to latex, or hours later. The department considered recommending the use of nonlatex gloves rather than requiring them. Since latex reactions can lead to serious conditions such as shock and potential death, and since there are alternative products that are easily obtainable, the department decided to require the use of nonlatex gloves.

Rule IX(5) contains the terms "disinfectant" and "antiseptic" rather than the phrases of "germicide cleaner or tincture surgical soap" and "70% isopropyl alcohol" found in ARM 37.112.107(4). The new terms provide operators with options in choosing from a variety of products that are equally effective. An alternative to using the general terms "disinfectant" and "antiseptic" included listing all known products approved for such uses. Making a list of products could restrict the use of new products that would be just as effective.

Rule IX(5)(d) and (e) require enough sterile supplies, disinfectant, and antiseptic to be available on the premises based on the number of clients served. These requirements are more general than those found in ARM 27.112.107(4) with its specific requirements for 18 sets of needles, 300 disposable gloves, etc. The department chose to ease the standards because the volume of customers can vary greatly, and the department recognizes that requiring certain numbers of supplies can result in unnecessary expenses for establishments serving only a limited number of clients. The department has found that the operator is best suited to determine anticipated needs during busy periods or special events.

Rule X Blood-Borne Pathogen Exposure Control: This rule replaces the requirements in ARM 37.112.112, which contained some but not all of the standards promulgated by the federal Occupational Safety and Health Administration (OSHA). Rule X adopts and incorporates by reference the OSHA standards for blood-borne pathogen exposure control found in 29 CFR (Code of Federal Regulations) 1910.1030. The OSHA standards provide requirements for universal precautions to prevent contact with blood or other potentially infectious materials, work practice controls, personal protective equipment, housekeeping, containing and disposing contaminated sharps, waste containment, laundry, Hepatitis B vaccinations, post-exposure evaluation and follow-up, communicating hazards to employees, information and training, and recordkeeping.

The department considered not adopting 29 CFR 1910.1030, or only adopting some of the standards. The department rejected these alternatives because compliance with all OSHA standards pertaining to blood-borne pathogen exposure control is critical to protect public health.

Rule XI Sterilization of Equipment and Jewelry: This rule maintains the requirements in ARM 37.112.113. Added is the requirement for instruments and jewelry to be sterile when they may come in contact with blood or other bodily fluids. This addition is necessary because clean instruments and jewelry do not provide the same level of protection as sterile ones.

Rule XI adds the requirement that jewelry which has been chemically sterilized must be immediately inserted into the client's piercing. This requirement ensures that jewelry does not become contaminated from its handling or placement on a nonsterile work surface.

Rule XI further requires autoclaved packages that are no longer intact to be rewrapped and resterilized. The contents of an autoclaved package will only remain safe as long as the packaging is intact.

The department eliminated the allowance for dry heat sterilization found in ARM 37.112.113(2). The provision was effective for one year after the adoption of the original tattooing rules, which was April 17, 1998. The department chose not to allow dry heat sterilization because it is not conducive to being monitored for its effectiveness in sterilization. Autoclave sterilization is more effective because each process can be monitored using color change tape indicators, and the overall effectiveness can be monitored through the use of spore units.

In devising the requirements of Rule XI, the department did not consider any alternatives because the procedures can be easily implemented. Sterile instruments and jewelry assure the prevention of infection and the spread of blood-borne pathogen diseases. The requirement for changing gloves between clients, listed in ARM 37.112.113(1)(f), was moved to Rule XIII, which provides requirements for skin preparation, aseptic technique, and aftercare.

Rule XII Cleaning and Ultrasonic Use: This rule contains five changes to the requirements in ARM 37.112.114. First, Rule XII requires all reused instruments to be cleaned and rinsed. This requirement is needed to assure the removal of blood, body fluids, and other contaminants before the instruments are used for another client.

Second, Rule XII requires establishments to have at least a one-compartment sink of adequate size with hot and cold running water. This requirement is needed because the use of warm water and complete submersion are more effective in cleaning than using cold water or swabbing.

Third, Rule XII allows establishments with ultrasonic units to waive the hot water requirement for cleaning sinks. Ultrasonic units use heat, and they provide an effective cleaning method as long as there is a one-compartment sink providing water for rinsing.

Fourth, Rule XII requires ultrasonic units to be used in accordance with the manufacturer's instructions at all times, not just for cleaning needles, tubes, or other parts of equipment specified in ARM 37.112.114. The department determined that there may be other uses for the ultrasonic unit that are not contemplated by the rule. The proper use of an ultrasonic unit is needed for adequate cleaning.

Finally, Rule XII prohibits cleaning, dusting, or vacuuming during times of performing

tattooing or body piercing. This requirement is the same specified in ARM 37.112.124. The department felt that the requirement was better suited in Rule XII rather than in a rule about the tattooing or body piercing procedure.

Rule XIII Skin Preparation, Aseptic Technique, and Aftercare: This rule intends to replace ARM 37.112.120 regarding skin preparation of tattooing, some of the requirements in 37.112.124 regarding tattoo application, and 37.112.126 regarding aftercare. The regulations for skin preparation, aseptic technique, and aftercare were placed in one rule because these topics all relate to both tattooing and body piercing processes.

Rule XIII(1) requires aftercare instructions to be provided to the client before the tattooing or body piercing procedure takes place. This provision is necessary because a client needs to be aware of the care and maintenance before agreeing to the procedure. Also, because some piercings require the assistance of another person for aftercare, the client needs to know this information beforehand. An alternative to Rule XIII(1) is to not provide aftercare instructions before the procedure, but the department believes consumers need to make informed decisions before engaging in any of the invasive procedures.

Rule XIII(2) requires artists to use aseptic techniques and sterile instruments during tattooing and body piercing. The department did not consider alternatives to this requirement because maintaining sterility is crucial to prevent infections and disease transmissions.

Rule XIII(3) requires wrists to be washed as well as the hands. The department considered requiring artists to wash up to the elbows. The department rejected this requirement because it is more appropriate for food service operations where food can possibly come into contact with forearms. Another alternative was not including wrists to be washed, however any contaminants on the wrists may be transferred to the exterior of gloves when they are put on.

Also, Rule XIII(3) requires the drying of wrists and hands with single-use towels. The department considered allowing the use of hot air dryers in the work room, but single-use towels are necessary so they can be used to turn off the sink controls. Also, artists will not be tempted to dry their hands on their potentially-contaminated clothing after using the air drying system.

For Rule XIII(7), the department removed requirements to use specific products for skin disinfection after shaving, as specified in ARM 37.112.120 (2) (b) and (c). Instead, the new rule more appropriately reflects the level of cleaning or disinfecting that is needed. The department considered retaining the requirements in ARM 37.112.120(2)(b) and (c), but found that only cleaning and rinsing after shaving is needed because the skin site is to be disinfected immediately before the tattooing or piercing.

The requirements for the artist to change gloves after shaving the client and before

each new procedure, and the requirement to use single-use sterile products to stop blood flow, have been moved from ARM 37.112.122 and 37.112.124. Those provisions have been reworded in Rule XIII(6), (9), and (11) to be applicable to both tattooing and body piercing. The department did not consider any substantive changes because the requirements are effective methods of preventing disease and infection.

Rule XIII(10) requires the artist to change gloves if they become contaminated, as specified in ARM 37.112.124(2)(d). The department did not consider any alternatives to this provision because contaminated gloves place the client at risk for contracting a disease or infection.

Some requirements of ARM 37.112.120 have been removed. Nailbrushes no longer must be used by only one person. Sharing bars of soap and nailbrushes do not spread disease because it is the action of the washing and rinsing that removes bacteria and viruses.

Also, as seen in Rule XIII(3), hot water is no longer required for washing hands. Warm or temperate water is as effective in removing filth and disease-causing microorganisms.

Rule XIII(4) does not require hair restraints at all times, but only when hair has the potential to come into contact with the client. The department does not find it necessary for every artist to wear hair restraints regardless of whether a risk of contact exists.

Rule XIII does not require the use of antibacterial ointment and covering after tattooing, as specified in ARM 37.112.126(1), because of conflicting recommendations as to what constitutes appropriate aftercare. Some experts in the tattooing industry report that antibacterial ointment can result in allergic reactions and that only a lubricating ointment is needed. Some believe it is necessary to cover tattoos to prevent infections, while others assert that air drying is needed for best results. The aftercare protocol may change with the development of new information, technologies, and products. Aftercare instructions may vary based on the size and type of procedures, as well as the individual client's skin reaction to the procedure. A suggestion has been made that the department develop the aftercare instructions. The department finds that, other than restricting the use of recalled products or harmful substances, developing aftercare instructions is beyond the scope of the department's expertise. The department therefore chose to leave the aftercare instructions up to the individual artist's assessment.

Rule XIV Handling and Disposal of Infectious Material: This rule is substantively the same as ARM 37.112.130. The department removed the provision defining "sharps" because the term is defined in Rule I. The term "infectious waste" was removed because it is redundant with the term "contaminated article".

The department removed the provision in ARM 37.112.130 on having persons

trained in infection control to remove all waste receptacles. This requirement is not always necessary when waste receptacles do not contain contaminated materials.

Finally, Rule XIV was formatted to comply with the Montana Secretary of State's rule structure requirements. The department considered not making these changes, however eliminating redundant terms and streamlining the format provides for better readability.

Rule XV Record Keeping and Review: This provision sums up all record keeping and review requirements in one rule. In many areas of the existing tattooing rules, the record keeping requirements are scattered in various provisions. For instance, ARM 37.112.113 requires autoclave sterilization records to be kept on the premises, but it does not specify a time limit. ARM 37.122.135 requires client records to be kept for at least two years. ARM 37.112.136 does not specify any record keeping standards for client consent forms. Under Rule XV, all records must be kept on the premises for three years and be available for review by the regulatory authority. The department considered putting the record retention period in the various rules pertaining to the particular records, but concluded that a separate rule will facilitate compliance and reduce confusion for operators. The department considered allowing some records to be kept off the premises for mobile or temporary establishments, but decided Rule VIII provides enough flexibility to deal with this issue.

Rule XV(1)(b) requires the records to be in ink or typed. The department considered not having this requirement, but found that using permanent transcription methods ensures the integrity of the records.

Rule XV(2) requires copies of the state's statutes and administrative rules governing tattooing and body piercing be on the premises and available to any artist, client, or client's parent or guardian. This requirement allows for easier referral, which will facilitate compliance. Also, clients have a right to know the requirements for their own protection. Artists may want copies handy to demonstrate to clients how the regulations restrict their practices. The department considered not requiring on-premise copies of the statutes and rules, but concluded that access to the law is necessary and outweighs any inconvenience to operators.

Rule XVI Client Record: This rule substantively remains the same as ARM 37.112.135. The provisions were changed to accommodate body piercing, comply with the provisions of Title 50, chapter 48, MCA, and conform to rule formatting guidelines from the Secretary of State. The department placed an additional requirement that the client's medical or skin conditions must be included only if they are relevant to the procedure. The department considered not adding the requirement but concluded it would relieve the operator's burden of keeping all medical information revealed to them if the information does not pertain to tattooing or body piercing. It further facilitates the client's right to privacy regarding medical information.

Rule XVII Consent Form: This rule replaces ARM 37.112.136. Rule XVII requires the client consent form to be signed before tattooing or piercing, and be signed by a parent or guardian if the client is under the age of 18. This provision is consistent with 45-5-623, MCA, which states that tattooing or body piercing a minor without parental or guardian consent is a criminal offense.

Rule XVII also contains the requirement that instructions be given on consulting a physician if the client notices any signs of infection. The instructions help ensure that the client seeks medical help first rather than returning to the operator. The department did not consider an alternative to this requirement because time may be a critical factor in preventing an infection from entering the blood stream where it has the potential to affect the heart or other organs.

Rule XVIII Training: This rule requires operators and artists to complete training for general sanitation, first aid, and universal precautions for preventing the transmission of blood-borne pathogens. Uniform training assures that licensed operators have knowledge and are capable of assisting when medical emergencies may occur. This rule is necessary because tattooing and body piercing are invasive procedures that can lead to fainting, excessive bleeding, infection, and blood-borne disease such as hepatitis and HIV.

The department considered adding training and certification requirements for cardiopulmonary resuscitation (CPR), however tattooing and body piercing clients are no more likely to suffer an event requiring CPR than other members of the general public. The clients are more at risk for excessive bleeding or fainting.

The department also considered the suggestion of having minimum competency standards for all artists similar to that of occupational licensing. The standards concerning techniques, experience, or artistic ability are not health-related. Providing such standards would be beyond the scope of the legislative mandate on rulemaking provided in 50-48-103, MCA.

Rule XVIII(2) requires training to be completed annually and before an applicant can obtain a license. The department considered allowing the issuance of licenses before the completion of training, but rejected the idea because understanding universal precautions is critical to prevent disease transmission. Training is therefore needed before operating any establishment.

The department decided to have the training be completed annually so as to reinforce important information and provide updates on any practices. Yearly training on universal precautions is consistent with OSHA recommendations. The department considered training every two or three years but rejected the proposal because of the importance of knowing the universal precautions to protect public health.

Also in Rule XVIII(2), any training that has been completed longer than one year before a complete preclicensing plan submittal will not count towards the training

requirements. The department considered allowing previous training that occurred with the past five years before the initial license application, but rejected the proposal because any information learned may be deemed outdated or the potential licensee may have forgotten many important concepts.

Rule XVIII(2) further requires other artists to complete their training within 60 days of their employment, contract, or apprenticeship. Sixty days allow time for the new artist to work with the operator before investing any time or finances towards training. The department considered having new artists complete training before they are able to work, but determined it was not necessary since the individuals will be working under the supervision of the operator until all training is completed.

Rule XVIII(3) allows training to be obtained from sources other than the department if it finds the course material to be equivalent and approves the training. The rule requires the submission of written documentation showing the completion of the training. Allowing training offered by other organizations provides flexibility for operators and artists. The department considered mandating all training to come from it, but found that other organizations provide equivalent training opportunities which may be more advantageous for the trainee.

Rule XIX License Requirement and Display: This rule reinforces the requirement in 50-48-201, MCA, that persons operating a tattoo or body piercing establishment obtain a license from the department. Additionally, the rule requires the licenses to be conspicuously displayed at the establishment so that the regulatory authorities and the public can be assured of current licensing. Licensing indicates that the establishment has met the department's minimum public health requirements.

Rule XX License Application: Rule XX(2) requires applicants and artists to be at least 18 years of age. The department considered requiring only the operator to be of the age of majority, however every artist engaging in tattooing or body piercing risks exposure to blood-borne pathogens which could result in life threatening illnesses such as hepatitis and HIV. Also, tattooing and body piercing procedures are invasive procedures that place clients at risk. Maturity is necessary for understanding the serious consequences of noncompliance with the health and safety requirements.

Rule XX(3), (4), and (5) assures that license applicants and their proposed establishments are in compliance with all health and safety laws before the department issues the licenses. The rule allows the department to obtain minimum information about an establishment, and to permit the inspection of the premises to assure that all health and safety requirements are met before a license is issued. It further put the applicants on notice that they must also comply with any other federal, state or local laws. The department did not consider any alternatives to these rule provisions because licensing and compliance with regulations are tied together to assure public health and safety.

Rule XXI License Fee and Expiration: Section 50-48-103(4), MCA, permits the

department to devise rules that "impose fees for licensure, inspection, enforcement, training, and administration. " Rule XXI sets the license fee at \$135 per year. The department estimated that this amount paid by each establishment will cover the department's costs for rule development, publication, mailing, and travel, and the expenses for including tattooing and body piercing in its licensing database, for the first year that the licensing program is in operation. The department projects that in subsequent years, its costs will not be associated with rule development but will involve travel expenses and personnel time for inspection and enforcement activities. The department considered a reduced license fee for multi-type establishments offering both tattooing and body piercing, however it found that the costs for the department are not significantly reduced. Also, 50-48-201 (3), MCA, requires separate licenses for each type of establishment.

The department estimates that 85 licenses will be issued per year at \$135 each, and anticipates 100 participants for training through the department at \$60 each, for a total yearly revenue of \$17,475. The expenses for the first year of implementing the licensing program, including database development to track the licenses, rule development, initial training, publication of the rules, mailing of the rules, and travel, are anticipated to be \$17,475. The net impact to the state's general fund is expected to be \$0.

Rule XXI(2) lists the annual license expiration date on December 31 of each year. This date is used as the expiration date of other annual licenses issued by the department's Food and Consumer Safety Section. An alternative expiration date considered was June 30, the date ending the department's fiscal year. Using this date, however, would not allow the department to track the licenses with its existing data system. Further, devising a new data system with a different expiration date will lead to higher license fees given that the department's costs would increase.

Rule XXII License Denial and Cancellation: This rule is necessary to provide a proper procedure for giving notice and conducting fair hearings for license denial or cancellation. This rule is equivalent to the requirements for other establishments licensed by the department. Rule XXII is needed to comply with the requirements of the Montana Administrative Procedure Act, found in Title 2, chapter 4, MCA, and the department's standard hearing procedures found in ARM Title 37, chapter 5.

Rule XXIII Review of Plans: Rule XXIII requires a license applicant to submit plans, including the layout of the facility, autoclave specifications, copies of the forms required by these rules, and training documentation. This rule allows the department to provide its input so that the license applicant is complying with all laws and regulations before the start of any construction, remodeling or conversion of an existing structure into a tattooing or body piercing establishment. The department considered issuing licenses based on inspections only without any plan review, however doing so would not assure that the facilities will initially meet all requirements. Having to comply after the fact can lead to unforeseen expenses that can be quite costly for licensees.

Rule XXIV Inspection: This rule requires the department to inspect each establishment at least yearly. Routine inspections are necessary to detect practices and conditions that may be hazardous to the establishment's clients. In order to carry out an effective inspection, the department must be able to have reasonable access to the establishment. An alternative to the requirements in Rule XXIV would be to only have inspections in response to complaints from the public or before the opening of the establishment. Doing so would be inadequate because conditions and practices that affect public health can change over time. Yearly inspections also provide opportunities for the department to answer any questions or educate operators on current matters of public health and safety.

Rule XXIV(2) states the department will impose a fee of \$150 for a third or a subsequent follow-up inspection if a violation found during the first inspection is not remedied by the second visit. Setting this fee in rule is authorized by 50-48-103(4), MCA, which permits the department to set fees for "licensure, inspection, enforcement, training, and administration."

The follow-up inspection fee is similar to that allowed for retail food service establishments. Section 50-50-205(3), MCA, provides that a county or other local government may not impose an inspection fee or any additional fee beyond that for the license except when a violation of any requirement persists and is not corrected after two visits to the establishment.

Similarly with tattooing and body piercing establishments, a repeat violation should be corrected promptly to protect the public's health. Any follow-up visits to assure that the operator has complied results in more than time and expenses for the department. The fee of \$150 for subsequent inspections will help alleviate the department's costs. The department also hopes that the fee will provide an incentive to operators to correct any violations as soon as possible.

The \$150 fee will not result in any windfall for the department or the state. The average hourly salary, including any benefits, for a registered sanitarian working for the department is \$17. The daily salary for an eight hour day would be \$136.00. This cost to the state does not include transportation and travel expenses. For instance, rental of a vehicle from the state's motor pool is \$9.40 per day, plus \$0.048 per mile traveled. Rather than stating in the rule that a third or subsequent follow-up inspection will result in the operator paying for the inspector's hours, plus all expenses incurred for travel, if any, the department chose to set a certain fee.

Rule XXV Restrictions and Prohibitions: This rule contains the same restrictions and prohibitions found in the existing tattoo rule, ARM 37.112.140. Rule XXV(3) adds the requirement for a physician referral if a client is taking any herbs or has a medical condition that is known to cause bleeding tendencies. This provision is necessary because herbs and medical conditions can cause bleeding tendencies as well as certain medications.

The provisions in ARM 37.112.140 pertaining to sunburns, rashes, wounds, and

puncture marks were changed because these conditions are not considered skin diseases or infections. A physician referral is required if a tattooing or piercing will involve penetrating a mole because it could lead to complications such as excessive bleeding or, in rare circumstances, the spread of cancerous cells. As an alternative, the department considered listing all known conditions that would prevent tattooing or body piercing, but it determined that the general categories of sunburns, skin diseases, infections, and lesions would be sufficient. Medical expertise must be left to health care professionals if there are any questions.

Rule XXVI Variance: This rule allows establishments to apply for variances from the rules' requirements as long as the operators prove that public health hazards are adequately controlled. The department considered not allowing for a variance process, however variances allow both the operator and the department to account for the changes in technology and advances in procedures that provide the same effectiveness as the specified requirements in these rules.

Rule XXVII Tattooing: Pattern Transfer This rule closely follows the existing requirements in ARM 37.112.122. The department eliminated the listing of specific products for cleaning and sanitizing, specific items to be contained in closed cabinets, specific items which must be single-use, and specific storage containers and handling procedures to prevent the contamination of the transfer adherent. There are multiple products on the market that are effective for cleaning and sanitizing. Single-use items can be kept clean and sterile in several ways, not just by storing them in closed cabinets. Additionally, adherent can be transferred and stored in many ways to prevent its contamination. The department considered leaving the requirements in ARM 37.112.122 unchanged, however the proposed changes allow for adequate cleaning, sanitizing, storage, and handling of supplies while allowing the artist to choose methods and products that work best for the individual. The glove requirements in ARM 37.112.122(4) were transferred to Rule XIII so that they apply to both tattooing and body piercing.

Rule XXVIII Tattooing: Colors, Dyes and Pigments The requirements of ARM 37.112.128 and 37.112.124(2) were combined in this rule. The department has made three additions to the existing requirements. Color, dyes, and pigments must be designed for tattooing, stored in clean and sterile containers, and be labeled with the manufacturer's name and lot number. The U.S. Food and Drug Administration (FDA), which regulates food, drugs, and cosmetics, relies on complaints to restrict products from use. Tracing ink back to the supplier is vital for responding to public health problems caused by contaminated products or harmful formulations.

The department considered keeping the current language in ARM 37.112.128(1), which only requires that inks come from "reputable suppliers". The department found that option to be inadequate for the practice of tattooing today since many of the pigments used in tattoo inks are not approved for skin contact. Some inks are industrial grade colors that are suitable for printing ink or automobile paint. Also, new formulations of ink are placed on the market without any testing to see if they are safe. Another option considered by the department was listing all ingredients

available, however having such a list may not be suitable for the operator because manufacturers are not required by law to list their ingredients on labels.

Rule XXIX Body Piercing: Additional Requirements and Restrictions Rule XXIX (1) requires operators to provide both verbal and written warnings to parents or guardians of children under three years of age who are undergoing piercings about the choking hazards of jewelry. The department considered not having this requirement, however it found that children less than three years old have the highest risk for death and injury from mechanical airway obstruction. This condition is due to their immature anatomy, their developmental stage, and their natural tendency to put objects in their mouths. Children who choke run the risk of death, permanent brain damage due to the lack of oxygen, or other complications caused by airway blockage. Earrings are not permanent fixtures, so there is a risk of them falling out accidentally. They are of the size that can be easily swallowed.

Section 50-48-102, (1) MCA, defines "body piercing" as the penetration of skin to make a hole, mark, or scar that is generally permanent in nature. There are many forms of body modification that may be misconstrued as body piercing. The statute did not contemplate tongue splitting, implantations, dental modifications, amputations, or forms of cosmetic surgery. Although these practices are rare in Montana currently, they may become more common if they gain in popularity. Rule XXIX (2) is therefore needed to classify the practices that are not included in the statutory definition of body piercing. Doing so protects the public's health and safety.

Rule XXX Body Piercing: Ear Lobe Piercing Exemptions This rule exempts licensees from complying with Rules VI(2) and VII(2), (5), and (8) as long as the establishment is restricted to ear lobe piercing with a presterilized ear piercing system. Ear lobe piercing involves only the piercing of the ear lobe and not the ear cartilage, as defined in Rule I.

The approval of the mechanized gun is necessary so that sterility can be verified and products can be recalled by the federal Consumer Product Safety Commission or other federal regulatory agencies. A separate work room is not required as long as the work area is separated to the extent that no physical contact can be reasonably expected to occur between the general public and the client or artist.

Handwashing facilities do not have to be located in the work area if adequate facilities are conveniently available and alcohol-based hand sanitizers are used in accordance with the CDC's guidelines. The department chose to adopt and incorporate by reference the CDC's "Guideline for Hand Hygiene in Health-Care Settings" (Morbidity and Mortality Weekly Reports, 2002, Vol. 51, No. RR-16) because it provides the most current scientific information on hand cleanliness and the effective use of alcohol-based hand sanitizers. The guidelines contain information on what ingredients the hand sanitizers should contain, and how the hand sanitizers should be used in conjunction with regular handwashing and the use of disposable gloves.

The department recognizes that piercing ear lobes carries the same inherent risks of blood-borne pathogen exposure as other types of piercings. However, there is a reduced potential for infection due to the anatomy of the ear lobe. Infections from upper ear cartilage piercing can be especially serious. Because cartilage does not have its own blood supply, taking antibiotics to combat any infections in the area are ineffective since the drug cannot travel through the blood stream to the infection site. The infections can lead to cartilage damage and serious, permanent ear deformity. Most complications reported in ear piercing have been located in the cartilage areas, not the ear lobes. Also, ear lobe piercing establishments tend to use a presterilized system that involves no handling of the jewelry or other parts of the piercing instrument that contacts the client. As a result, the department has determined that the requirements for ear lobe piercing establishments may be less restrictive, but that the sanitization requirements for equipment and jewelry sterility, hand hygiene, and training on blood-borne pathogen control continue to be necessary to protect public health.

5. Interested persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Gwen Knight, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than 5:00 p.m. on November 2, 2006. Data, views, or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@mt.gov. The department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

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

/s/ Michelle Maltese
Rule Reviewer

/s/ Joan Miles
Director, Public Health and
Human Services

Certified to the Secretary of State September 25, 2006.

BEFORE THE DEPARTMENT
OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

| | | |
|---------------------------------------|---|--------------------------|
| In the matter of the proposed |) | NOTICE OF PUBLIC HEARING |
| amendment of ARM 38.5.2202 and |) | ON PROPOSED AMENDMENT |
| 38.5.2302, pertaining to pipeline |) | |
| safety, and ARM 38.5.1010 and |) | |
| 38.5.1907, pertaining to the National |) | |
| Electrical Safety Code |) | |

TO: All Concerned Persons

1. On November 9, 2006, at 1:30 p.m., a public hearing will be held in the Bollinger Room, Public Service Commission (PSC) offices, 1701 Prospect Avenue, Helena, Montana, to consider the amendment of the above-identified rules.

2. The PSC will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the PSC no later than 5:00 p.m. on November 2, 2006, to advise us of the nature of the accommodation that you need. Please contact Connie Jones, PSC Secretary, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, telephone number (406) 444-6170, TTD number (406) 444-6199, fax number (406) 444-7618, e-mail conniej@mt.gov.

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

38.5.2202 INCORPORATION BY REFERENCE OF FEDERAL PIPELINE SAFETY REGULATIONS (1) The commission adopts and incorporates by reference the U.S. Department of Transportation (DOT) Pipeline Safety Regulations, Code of Federal Regulations (CFR), Title 49, chapter 1, subchapter D, parts 191, 192, and 193, including all revisions and amendments enacted by DOT on or before ~~October 31, 2005~~ October 31, 2006. A copy of the referenced regulations may be obtained from United States Department of Transportation, Office of Pipeline Safety, Western Region, 12300 West Dakota Avenue, Suite 110, Lakewood, Colorado 80228, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601.

AUTH: 69-3-207, MCA
IMP: 69-3-207, MCA

38.5.2302 INCORPORATION BY REFERENCE OF FEDERAL PIPELINE SAFETY REGULATIONS -- DRUG AND ALCOHOL TESTING AND PREVENTION PROGRAMS (1) Except as otherwise provided in this subchapter, the commission

adopts and incorporates by reference the DOT Pipeline Safety Regulations, Drug and Alcohol Testing, 49 CFR 199, including all revisions and amendments enacted by DOT on or before ~~October 31, 2005~~ October 31, 2006. A copy of the referenced CFRs is available from the United States Department of Transportation, Office of Pipeline Safety, Western Region, 12300 West Dakota Avenue, Suite 110, Lakewood, Colorado 80228, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601.

AUTH: 69-3-207, MCA
IMP: 69-3-207, MCA

38.5.1010 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL SAFETY CODE (1) Pursuant to 69-4-201, MCA, the commission is empowered to implement and enforce construction standards for utility lines and facilities and for that purpose the commission hereby adopts and incorporates by reference the ~~2002~~ 2007 edition of the National Electrical Safety Code (NESC). A copy of the NESC may be obtained from the American National Standards Institute, ~~11 West 42nd Street, 13th Floor~~ 25 West 43rd Street, 4th Floor, New York, New York 10036, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601.

AUTH: 69-4-201, MCA
IMP: 69-4-201, MCA

38.5.1907 OPERATING SAFETY PROVISIONS (1) The commission hereby adopts and incorporates by reference ~~the national electric safety code approved by the American national standards institute as published by the institute of electrical and electronic engineers which sets forth generally accepted safety standards for electric facilities. A copy of this incorporated material may be obtained from the Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601 or from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, NY 10017~~ commission rule ARM 38.5.1010, which adopts the National Electrical Safety Code as the construction standard for utility lines and facilities.

(2) through (5) remain the same.

AUTH: 69-3-103, 69-3-604, 69-4-201, MCA
IMP: 69-3-102, 69-4-201, MCA

4. Amendment (annual update) of ARM 38.5.2202 and 38.5.2302 is necessary to allow the PSC to administer the most recent version of federal rules applicable in the PSC's administration of all federal aspects of Montana's pipeline safety programs. The further amendment of ARM 38.5.2202 is reasonably necessary to add the PSC address, which was inadvertently deleted in a previous rulemaking. Amendment of ARM 38.5.1010 (periodic update) is reasonably necessary to allow the PSC to administer the most recent version of the National Electrical Safety Code, which the PSC is required to do by 69-4-201(2), MCA, and to

reflect a change in address for the American National Standards Institute. Amendment of ARM 38.5.1907 is reasonably necessary to eliminate unnecessary language and to maintain the rule's consistency with ARM 38.5.1010.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments (original and 10 copies) may also be submitted to Legal Division, Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, and must be received no later than November 9, 2006, or may be submitted to the PSC through the PSC's web-based comment form at <http://psc.mt.gov> (go to "consumer assistance," "talk to us," "pending proceeding comments," then complete and submit the form) no later than November 9, 2006.

(PLEASE NOTE: When filing comments pursuant to this notice please reference "Docket No. L-06.09.3-RUL.")

6. The PSC, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

7. The Montana Consumer Counsel, 616 Helena Avenue, P.O. Box 201703, Helena, Montana 59620-1703, phone (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.

8. The PSC maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the PSC. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: electric utilities, providers, and suppliers; natural gas utilities, providers, and suppliers; telecommunications utilities and carriers; water and sewer utilities; common carrier pipelines, motor carriers, and rail carriers; and administrative procedures. Such written request may be mailed or delivered to Public Service Commission, Legal Division, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, faxed to Connie Jones at (406) 444-7618, e-mailed to conniej@mt.gov, or may be made by completing a request form at any rules hearing held by the PSC.

9. Both bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Greg Jergeson
Greg Jergeson, Chairman
Public Service Commission

/s/ Robin A. McHugh
Reviewed by Robin A. McHugh

Certified to the Secretary of State September 25, 2006.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On October 26, 2006, at 9:00 a.m., a public hearing will be held in the Director's Office (Fourth Floor) Conference Room of the Sam W. Mitchell Building, at Helena, Montana, to consider the amendment of the above-stated rules.

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

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue no later than 5:00 p.m., October 16, 2006, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-5828; fax (406) 444-3696; or e-mail canderson@mt.gov.

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

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

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

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD</u> |
|--------------------------|-----------------------|
| 2005 | 70% |
| 2004 | 44% |
| 2003 | 17% |
| 2002 and older | 8% |
| 2006 | 70% |
| 2005 | 43% |
| 2004 | 19% |
| 2003 and older | 8% |

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

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD</u> |
|--------------------------|-----------------------|
| 2005 | 85% |
| 2004 | 70% |
| 2003 | 53% |
| 2002 | 34% |
| 2001 and older | 20% |
| 2006 | 85% |
| 2005 | 69% |
| 2004 | 53% |
| 2003 | 35% |
| 2002 and older | 20% |

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

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD</u> |
|--------------------------|-----------------------|
| 2005 | 92% |
| 2004 | 87% |
| 2003 | 79% |
| 2002 | 71% |
| 2001 | 62% |
| 2000 | 53% |
| 1999 | 42% |
| 1998 | 33% |
| 1997 | 27% |
| 1996 and older | 23% |
| 2006 | 92% |
| 2005 | 87% |
| 2004 | 81% |
| 2003 | 72% |
| 2002 | 63% |
| 2001 | 54% |
| 2000 | 43% |
| 1999 | 34% |
| 1998 | 27% |
| 1997 and older | 23% |

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

schedule will be the same as ARM 42.21.131.

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD</u> |
|--------------------------|-----------------------|
| 2006 | 80% |
| 2005 | 65% |
| 2004 | 58% |
| 2003 | 50% |
| 2002 | 46% |
| 2001 | 41% |
| 2000 | 35% |
| 1999 | 32% |
| 1998 | 30% |
| 1997 | 29% |
| 1996 | 28% |
| 1995 | 26% |
| 1994 | 26% |
| 1993 | 25% |
| 1992 | 25% |
| 1991 | 23% |
| 1990 | 23% |
| 1989 | 22% |
| 1988 | 22% |
| 1987 and older | 20% |
| | |
| 2007 | 80% |
| 2006 | 65% |
| 2005 | 58% |
| 2004 | 54% |
| 2003 | 49% |
| 2002 | 44% |
| 2001 | 40% |
| 2000 | 36% |
| 1999 | 32% |
| 1998 | 31% |
| 1997 | 29% |
| 1996 | 28% |
| 1995 | 27% |
| 1994 | 26% |
| 1993 | 26% |
| 1992 | 25% |
| 1991 | 24% |
| 1990 | 24% |
| 1989 | 23% |
| 1988 and older | 23% |

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

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD</u> |
|--------------------------|-----------------------|
| 2005 | 25% |
| 2004 | 15% |
| 2003 and older | 10% |
| | |
| 2006 | 25% |
| 2005 | 15% |
| 2004 and older | 10% |

(2) through (4) remain the same.

(5) This rule is effective for tax years beginning after December 31, ~~2005~~
2006.

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

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

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

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

(5) The trended depreciation schedule referred to in (2) through (4) is listed below and shall be used for tax year ~~2006~~ 2007. The schedule is derived by using the guidebook listed in (1) as the data base. The values derived through use of the trended depreciation schedule will approximate average wholesale value.

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD</u> <u>AVERAGE WHOLESALE</u> |
|--------------------------|---|
| 2006 | 80% |
| 2005 | 66% |
| 2004 | 66% |
| 2003 | 61% |
| 2002 | 56% |
| 2001 | 51% |
| 2000 | 45% |
| 1999 | 42% |

| | |
|----------------|-----|
| 1998 | 40% |
| 1997 | 37% |
| 1996 | 37% |
| 1995 | 32% |
| 1994 | 30% |
| 1993 | 28% |
| 1992 | 27% |
| 1991 | 26% |
| 1990 and older | 25% |
| | |
| 2007 | 80% |
| 2006 | 70% |
| 2005 | 65% |
| 2004 | 65% |
| 2003 | 62% |
| 2002 | 55% |
| 2001 | 51% |
| 2000 | 46% |
| 1999 | 42% |
| 1998 | 40% |
| 1997 | 38% |
| 1996 | 35% |
| 1995 | 35% |
| 1994 | 30% |
| 1993 | 28% |
| 1992 | 26% |
| 1991 | 26% |
| 1990 and older | 24% |

(6) remains the same.

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

2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

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

(5) The trended depreciation schedule referred to in (2), (3), and (4) is listed below and shall be used for tax year ~~2006~~ 2007. The values derived through the use of these percentages approximate the "quick sale" values as calculated in the guidebooks listed in (1).

HEAVY EQUIPMENT TRENDED DEPRECIATION SCHEDULE

| <u>YEAR NEW/ACQUIRED</u> | <u>TRENDED % GOOD WHOLESALE</u> |
|--------------------------|-------------------------------------|
| 2006 | 80% |
| 2005 | 65% |
| 2004 | 58% |
| 2003 | 50% |
| 2002 | 46% |
| 2001 | 41% |
| 2000 | 35% |
| 1999 | 32% |
| 1998 | 30% |
| 1997 | 29% |
| 1996 | 28% |
| 1995 | 26% |
| 1994 | 26% |
| 1993 | 25% |
| 1992 | 25% |
| 1991 | 23% |
| 1990 | 23% |
| 1989 | 22% |
| 1988 | 22% |
| 1987 and older | 20% |
| | |
| 2007 | 80% |
| 2006 | 65% |
| 2005 | 58% |
| 2004 | 54% |
| 2003 | 49% |
| 2002 | 44% |
| 2001 | 40% |
| 2000 | 36% |
| 1999 | 32% |
| 1998 | 31% |
| 1997 | 29% |
| 1996 | 28% |
| 1995 | 27% |
| 1994 | 26% |
| 1993 | 26% |
| 1992 | 25% |
| 1991 | 24% |
| 1990 | 24% |
| 1989 | 23% |
| 1988 and older | 23% |

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

2006, and applies to all heavy equipment.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, ~~15-6-140~~, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

42.21.137 SEISMOGRAPH UNITS AND ALLIED EQUIPMENT (1) through (3) remain the same.

(4) The trended depreciation schedules referred to in (1) through (3) are listed below and shall be used for tax year ~~2006~~ 2007.

SEISMOGRAPH UNIT

| <u>YEAR/NEW</u> <u>ACQUIRED</u> | <u>% GOOD</u> | <u>TREND</u> <u>FACTOR</u> | <u>TRENDED</u> <u>% GOOD</u> | <u>WHOLESALE</u> <u>FACTOR</u> | <u>WHOLESALE</u> <u>% GOOD</u> |
|------------------------------------|---------------|-------------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| 2006 | 100% | 1.000 | 100% | 80% | 80% |
| 2005 | 85% | 1.000 | 85% | 80% | 68% |
| 2004 | 69% | 1.079 | 74% | 80% | 60% |
| 2003 | 52% | 1.117 | 58% | 80% | 46% |
| 2002 | 34% | 1.139 | 39% | 80% | 31% |
| 2001 | 20% | 1.145 | 23% | 80% | 18% |
| 2000 | 5% | 1.156 | 6% | 80% | 5% |

and older

| | | | | | |
|------|------|-------|------|-----|-----|
| 2007 | 100% | 1.000 | 100% | 80% | 80% |
| 2006 | 85% | 1.000 | 85% | 80% | 68% |
| 2005 | 69% | 1.041 | 72% | 80% | 57% |
| 2004 | 52% | 1.130 | 59% | 80% | 47% |
| 2003 | 34% | 1.169 | 40% | 80% | 32% |
| 2002 | 20% | 1.193 | 24% | 80% | 19% |
| 2001 | 5% | 1.199 | 6% | 80% | 5% |

and older

SEISMOGRAPH ALLIED EQUIPMENT

| <u>YEAR/NEW</u> <u>ACQUIRED</u> | <u>% GOOD</u> | <u>TREND</u> <u>FACTOR</u> | <u>TRENDED</u> <u>% GOOD</u> |
|------------------------------------|---------------|-------------------------------|---------------------------------|
| 2006 | 100% | 1.000 | 100% |
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 1.079 | 74% |
| 2003 | 52% | 1.117 | 58% |
| 2002 | 34% | 1.139 | 39% |
| 2001 | 20% | 1.145 | 23% |
| 2000 | 5% | 1.156 | 6% |

and older

| | | | |
|------------------|------|-------|------|
| 2007 | 100% | 1.000 | 100% |
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 1.041 | 72% |
| 2004 | 52% | 1.130 | 59% |
| 2003 | 34% | 1.169 | 40% |
| 2002 | 20% | 1.193 | 24% |
| 2001 | 5% | 1.199 | 6% |
| <u>and older</u> | | | |

(5) This rule is effective for tax years beginning after December 31, 2005
2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~45-6-436~~, 15-6-138, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

42.21.138 OIL AND GAS FIELD MACHINERY AND EQUIPMENT

(1) and (2) remain the same.

(3) The trended depreciation schedule referred to in (1) and (2) is listed below and shall be used for tax year ~~2006~~ 2007.

OIL AND GAS FIELD PRODUCTION
EQUIPMENT TRENDED DEPRECIATION SCHEDULE

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

| | | | |
|------|------|-------|------|
| 2007 | 100% | 1.000 | 100% |
| 2006 | 95% | 1.000 | 95% |
| 2005 | 90% | 1.041 | 94% |

| | | | |
|------|-----|-------|-----|
| 2004 | 85% | 1.130 | 96% |
| 2003 | 79% | 1.169 | 92% |
| 2002 | 73% | 1.193 | 87% |
| 2001 | 68% | 1.199 | 82% |
| 2000 | 62% | 1.211 | 75% |
| 1999 | 55% | 1.230 | 68% |
| 1998 | 49% | 1.237 | 61% |
| 1997 | 43% | 1.249 | 54% |
| 1996 | 37% | 1.265 | 47% |
| 1995 | 31% | 1.290 | 40% |
| 1994 | 26% | 1.338 | 35% |
| 1993 | 23% | 1.365 | 31% |
| 1992 | 20% | 1.383 | 28% |

and older

(4) and (5) remain the same.

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

2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~45-6-136~~, 15-6-138, 15-6-207, 15-6-213, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

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

(5) The trended depreciation schedule referred to in (2) and (4) is listed below and shall be used for tax year ~~2006~~ 2007.

SERVICE AND WORKOVER RIG TRENDED DEPRECIATION SCHEDULE

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>WHOLESALE FACTOR</u> | <u>TRENDED WHOLESALE % GOOD</u> |
|-------------------------------|---------------|-------------------------|-----------------------------|---|
| 2006 | 100% | 1.000 | 80% | 80% |
| 2005 | 92% | 1.000 | 80% | 74% |
| 2004 | 84% | 1.079 | 80% | 73% |
| 2003 | 76% | 1.117 | 80% | 68% |
| 2002 | 67% | 1.139 | 80% | 61% |
| 2001 | 58% | 1.145 | 80% | 53% |
| 2000 | 49% | 1.156 | 80% | 45% |
| 1999 | 39% | 1.175 | 80% | 37% |
| 1998 | 30% | 1.181 | 80% | 28% |
| 1997 | 24% | 1.193 | 80% | 23% |
| 1996 | 20% | 1.208 | 80% | 19% |

and older

| | | | | |
|------------------|------|-------|-----|-----|
| 2007 | 100% | 1.000 | 80% | 80% |
| 2006 | 92% | 1.000 | 80% | 74% |
| 2005 | 84% | 1.041 | 80% | 70% |
| 2004 | 76% | 1.130 | 80% | 69% |
| 2003 | 67% | 1.169 | 80% | 63% |
| 2002 | 58% | 1.193 | 80% | 55% |
| 2001 | 49% | 1.199 | 80% | 47% |
| 2000 | 39% | 1.211 | 80% | 38% |
| 1999 | 30% | 1.230 | 80% | 30% |
| 1998 | 24% | 1.237 | 80% | 24% |
| 1997 | 20% | 1.249 | 80% | 20% |
| <u>and older</u> | | | | |

(6) This rule is effective for tax years beginning after December 31, ~~2005~~ 2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, ~~15-6-207~~, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

42.21.140 OIL DRILLING RIGS (1) remains the same.

(2) The department shall prepare a ~~40~~ ten-year trended depreciation schedule for oil drilling rigs. The trended depreciation schedule shall be derived from depreciation factors published by Marshall and Swift Publication Company. The "% good" for all drill rigs less than one year old shall be 100%. The trended depreciation schedule for tax year ~~2006~~ 2007 is listed below.

DRILL RIG TRENDED DEPRECIATION SCHEDULE

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2006 | 100% | 1.000 | 100% |
| 2005 | 92% | 1.000 | 92% |
| 2004 | 84% | 1.079 | 91% |
| 2003 | 76% | 1.117 | 85% |
| 2002 | 67% | 1.139 | 76% |
| 2001 | 58% | 1.145 | 66% |
| 2000 | 49% | 1.156 | 57% |
| 1999 | 35% | 1.175 | 41% |
| 1998 | 30% | 1.181 | 35% |
| 1997 | 24% | 1.193 | 29% |
| 1996 | 20% | 1.208 | 24% |
| <u>and older</u> | | | |
| 2007 | 100% | 1.000 | 100% |
| 2006 | 92% | 1.000 | 92% |
| 2005 | 84% | 1.041 | 87% |

| | | | |
|------------------|-----|-------|-----|
| 2004 | 76% | 1.130 | 86% |
| 2003 | 67% | 1.169 | 78% |
| 2002 | 58% | 1.193 | 69% |
| 2001 | 49% | 1.199 | 59% |
| 2000 | 35% | 1.211 | 42% |
| 1999 | 30% | 1.230 | 37% |
| 1998 | 24% | 1.237 | 30% |
| 1997 | 20% | 1.249 | 25% |
| <u>and older</u> | | | |

(3) remains the same.

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

2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

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

(4) The trended depreciation schedules referred to in (2) and (3) are listed below and shall be in effect for tax year ~~2006~~ 2007.

TABLE 1: FIVE-YEAR "DISHES"

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 1.071 | 74% |
| 2003 | 52% | 1.108 | 58% |
| 2002 | 34% | 1.126 | 38% |
| 2001 | 20% | 1.133 | 23% |
| <u>and older</u> | | | |

| | | | |
|------------------|-----|-------|-----|
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 1.038 | 72% |
| 2004 | 52% | 1.116 | 58% |
| 2003 | 34% | 1.155 | 39% |
| 2002 | 20% | 1.174 | 23% |
| <u>and older</u> | | | |

TABLE 2: TEN-YEAR "TOWERS"

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 92% | 1.000 | 92% |
| 2004 | 84% | 1.071 | 90% |
| 2003 | 76% | 1.108 | 84% |

| | | | |
|-----------|-----|-------|-----|
| 2002 | 67% | 1.126 | 75% |
| 2001 | 58% | 1.133 | 66% |
| 2000 | 49% | 1.143 | 56% |
| 1999 | 39% | 1.163 | 45% |
| 1998 | 30% | 1.167 | 35% |
| 1997 | 24% | 1.177 | 28% |
| 1996 | 20% | 1.196 | 24% |
| and older | | | |

| | | | |
|-----------|-----|-------|-----|
| 2006 | 92% | 1.000 | 92% |
| 2005 | 84% | 1.038 | 87% |
| 2004 | 76% | 1.116 | 85% |
| 2003 | 67% | 1.155 | 77% |
| 2002 | 58% | 1.174 | 68% |
| 2001 | 49% | 1.182 | 58% |
| 2000 | 39% | 1.191 | 46% |
| 1999 | 30% | 1.213 | 36% |
| 1998 | 24% | 1.217 | 29% |
| 1997 | 20% | 1.227 | 25% |
| and older | | | |

(5) This rule is effective for tax years beginning after December 31, ~~2005~~
2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, ~~15-6-140~~, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

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

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

DEPRECIATION TABLE FOR SKI LIFT EQUIPMENT

Installed Cost X Trended Percent Good = Average Market Value

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 92% | 1.000 | 92% |
| 2004 | 84% | 1.071 | 90% |
| 2003 | 76% | 1.108 | 84% |
| 2002 | 67% | 1.126 | 75% |
| 2001 | 58% | 1.133 | 66% |
| 2000 | 49% | 1.143 | 56% |
| 1999 | 39% | 1.163 | 45% |

| | | | |
|-----------|-----|-------|-----|
| 1998 | 30% | 1.167 | 35% |
| 1997 | 24% | 1.177 | 28% |
| 1996 | 20% | 1.196 | 24% |
| and older | | | |

| | | | |
|-----------|-----|-------|-----|
| 2006 | 92% | 1.000 | 92% |
| 2005 | 84% | 1.038 | 87% |
| 2004 | 76% | 1.116 | 85% |
| 2003 | 67% | 1.155 | 77% |
| 2002 | 58% | 1.174 | 68% |
| 2001 | 49% | 1.182 | 58% |
| 2000 | 39% | 1.191 | 46% |
| 1999 | 30% | 1.213 | 36% |
| 1998 | 24% | 1.217 | 29% |
| 1997 | 20% | 1.227 | 25% |
| and older | | | |

(a) The taxpayer must initially list with the department:

- (i) all equipment by year of installation; and
- (ii) installed costs of that equipment.

(b) Each year thereafter, the taxpayer must list with the department:

- (i) all additions or deletions from the previous year's list, with installed cost.

(4) This methodology is effective for tax years beginning after December 31, 2005 2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, 15-6-207, 15-6-219, 15-24-921, 15-24-922, 15-24-925, MCA

42.21.155 DEPRECIATION SCHEDULES (1) remains the same.

(2) The trended depreciation schedules for tax year ~~2005~~ 2007 are listed below. The categories are explained in ARM 42.21.156. The trend factors are derived according to ARM 42.21.156 and 42.21.157.

CATEGORY 1

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 70% | 1.000 | 70% |
| 2004 | 45% | 0.971 | 44% |
| 2003 | 20% | 0.872 | 17% |
| 2002 | 10% | 0.834 | 8% |
| and older | | | |
| 2006 | 70% | 1.000 | 70% |
| 2005 | 45% | 0.955 | 43% |
| 2004 | 20% | 0.927 | 19% |

| | | | |
|------------------|------------|--------------|-----------|
| <u>2003</u> | <u>10%</u> | <u>0.832</u> | <u>8%</u> |
| <u>and older</u> | | | |

CATEGORY 2

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 1.014 | 70% |
| 2003 | 52% | 1.022 | 53% |
| 2002 | 34% | 1.014 | 34% |
| 2001 | 20% | 1.016 | 20% |
| <u>and older</u> | | | |

| | | | |
|------------------|-----|-------|-----|
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 1.007 | 69% |
| 2004 | 52% | 1.018 | 53% |
| 2003 | 34% | 1.027 | 35% |
| 2002 | 20% | 1.019 | 20% |
| <u>and older</u> | | | |

CATEGORY 3

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 0.980 | 68% |
| 2003 | 52% | 0.961 | 50% |
| 2002 | 34% | 0.949 | 32% |
| 2001 | 20% | 0.916 | 18% |
| <u>and older</u> | | | |

| | | | |
|------------------|-----|-------|-----|
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 0.980 | 68% |
| 2004 | 52% | 0.960 | 50% |
| 2003 | 34% | 0.940 | 32% |
| 2002 | 20% | 0.929 | 19% |
| <u>and older</u> | | | |

CATEGORY 4

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 0.970 | 67% |
| 2003 | 52% | 0.956 | 50% |
| 2002 | 34% | 0.958 | 33% |

| | | | |
|-----------|-----|-------|-----|
| 2001 | 20% | 0.958 | 19% |
| and older | | | |
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 0.987 | 68% |
| 2004 | 52% | 0.958 | 50% |
| 2003 | 34% | 0.944 | 32% |
| 2002 | 20% | 0.945 | 19% |
| and older | | | |

CATEGORY 5

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 1.025 | 71% |
| 2003 | 52% | 1.026 | 53% |
| 2002 | 34% | 1.031 | 35% |
| 2001 | 20% | 1.032 | 21% |
| and older | | | |
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 1.029 | 71% |
| 2004 | 52% | 1.054 | 55% |
| 2003 | 34% | 1.056 | 36% |
| 2002 | 20% | 1.060 | 21% |
| and older | | | |

CATEGORY 6

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 85% | 1.000 | 85% |
| 2004 | 69% | 1.043 | 72% |
| 2003 | 52% | 1.042 | 54% |
| 2002 | 34% | 1.037 | 35% |
| 2001 | 20% | 1.072 | 21% |
| and older | | | |
| 2006 | 85% | 1.000 | 85% |
| 2005 | 69% | 1.068 | 74% |
| 2004 | 52% | 1.113 | 58% |
| 2003 | 34% | 1.112 | 38% |
| 2002 | 20% | 1.106 | 22% |
| and older | | | |

CATEGORY 7

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

| | | | |
|-----------|-----|-------|-----|
| 2006 | 92% | 1.000 | 92% |
| 2005 | 84% | 1.031 | 87% |
| 2004 | 76% | 1.058 | 80% |
| 2003 | 67% | 1.062 | 71% |
| 2002 | 58% | 1.061 | 62% |
| 2001 | 49% | 1.061 | 52% |
| 2000 | 39% | 1.072 | 42% |
| 1999 | 30% | 1.081 | 32% |
| 1998 | 24% | 1.090 | 26% |
| 1997 | 20% | 1.106 | 22% |
| and older | | | |

CATEGORY 8

| <u>YEAR NEW/ ACQUIRED</u> | <u>% GOOD</u> | <u>TREND FACTOR</u> | <u>TRENDED % GOOD</u> |
|-------------------------------|---------------|-------------------------|---------------------------|
| 2005 | 92% | 1.000 | 92% |
| 2004 | 84% | 1.038 | 87% |
| 2003 | 76% | 1.046 | 79% |
| 2002 | 67% | 1.056 | 71% |
| 2001 | 58% | 1.063 | 62% |
| 2000 | 49% | 1.075 | 53% |
| 1999 | 39% | 1.087 | 42% |
| 1998 | 30% | 1.092 | 33% |
| 1997 | 24% | 1.106 | 27% |
| 1996 | 20% | 1.128 | 23% |
| and older | | | |
| 2006 | 92% | 1.000 | 92% |
| 2005 | 84% | 1.032 | 87% |
| 2004 | 76% | 1.072 | 81% |
| 2003 | 67% | 1.080 | 72% |

| | | | |
|------------------|------------|--------------|------------|
| <u>2002</u> | <u>58%</u> | <u>1.090</u> | <u>63%</u> |
| <u>2001</u> | <u>49%</u> | <u>1.098</u> | <u>54%</u> |
| <u>2000</u> | <u>39%</u> | <u>1.110</u> | <u>43%</u> |
| <u>1999</u> | <u>30%</u> | <u>1.123</u> | <u>34%</u> |
| <u>1998</u> | <u>24%</u> | <u>1.128</u> | <u>27%</u> |
| <u>1997</u> | <u>20%</u> | <u>1.142</u> | <u>23%</u> |
| <u>and older</u> | | | |

(3) This rule is effective for tax years beginning after December 31, ~~2005~~
2006.

AUTH: 15-1-201, MCA

IMP: 15-6-135, ~~15-6-136~~, 15-6-138, ~~15-6-139~~, 15-6-207, 15-6-219, 15-24-
921, 15-24-922, 15-24-925, MCA

42.22.1311 INDUSTRIAL MACHINERY AND EQUIPMENT TREND

FACTORS (1) remains the same.

(2) Life expectancies for industrial machinery and equipment are shown in the trend table below.

~~2001~~ 2006 INDUSTRIAL MACHINERY AND EQUIPMENT TREND

FACTORS Table 2 (a) through (c) remain the same.

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

| <u>YEAR</u> | <u>TABLE 1</u> <u>Airplane</u> <u>Mfg.</u> | <u>TABLE 2</u> <u>Baking</u> | <u>TABLE 3</u> <u>Bottling</u> | <u>TABLE 4</u> <u>Brew/Dis.</u> | <u>TABLE 5</u> <u>Candy</u> <u>Confect.</u> |
|-------------|--|---------------------------------|-----------------------------------|------------------------------------|---|
| 2005 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2004 | 1.078 | 1.071 | 1.079 | 1.075 | 1.071 |
| 2003 | 1.119 | 1.112 | 1.119 | 1.112 | 1.109 |
| 2002 | 1.139 | 1.131 | 1.139 | 1.131 | 1.128 |
| 2001 | 1.144 | 1.138 | 1.144 | 1.139 | 1.135 |
| 2000 | 1.151 | 1.151 | 1.154 | 1.151 | 1.148 |
| 1999 | 1.172 | 1.174 | 1.176 | 1.172 | 1.171 |
| 1998 | 1.174 | 1.178 | 1.179 | 1.179 | 1.175 |
| 1997 | 1.183 | 1.190 | 1.188 | 1.190 | 1.188 |
| 1996 | 1.197 | 1.210 | 1.206 | 1.210 | 1.209 |
| 1995 | 1.214 | 1.228 | 1.224 | 1.233 | 1.228 |
| 1994 | 1.262 | 1.279 | 1.273 | 1.279 | 1.279 |
| 1993 | 1.295 | 1.318 | 1.307 | 1.309 | 1.318 |
| 1992 | 1.315 | 1.343 | 1.328 | 1.330 | 1.342 |
| 1991 | 1.324 | 1.361 | 1.341 | 1.344 | 1.361 |
| 1990 | 1.479 | 1.392 | 1.367 | 1.374 | 1.394 |
| 1989 | 1.374 | 1.430 | 1.401 | 1.413 | 1.435 |
| 1988 | 1.443 | 1.508 | 1.483 | 1.497 | 1.518 |
| 1987 | 1.509 | 1.576 | 1.554 | 1.564 | 1.587 |
| 1986 | 1.526 | 1.603 | 1.575 | 1.583 | 1.615 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 2006 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2005 | 1.042 | 1.037 | 1.042 | 1.042 | 1.037 |
| 2004 | 1.129 | 1.115 | 1.129 | 1.126 | 1.114 |
| 2003 | 1.172 | 1.157 | 1.171 | 1.165 | 1.154 |
| 2002 | 1.193 | 1.177 | 1.192 | 1.186 | 1.174 |
| 2001 | 1.197 | 1.185 | 1.198 | 1.193 | 1.181 |
| 2000 | 1.205 | 1.198 | 1.208 | 1.206 | 1.195 |
| 1999 | 1.227 | 1.222 | 1.232 | 1.229 | 1.219 |
| 1998 | 1.229 | 1.226 | 1.234 | 1.235 | 1.223 |
| 1997 | 1.239 | 1.239 | 1.243 | 1.247 | 1.236 |
| 1996 | 1.253 | 1.260 | 1.262 | 1.268 | 1.259 |
| 1995 | 1.271 | 1.279 | 1.282 | 1.292 | 1.278 |
| 1994 | 1.321 | 1.331 | 1.332 | 1.340 | 1.331 |
| 1993 | 1.355 | 1.372 | 1.368 | 1.372 | 1.372 |
| 1992 | 1.377 | 1.398 | 1.390 | 1.393 | 1.397 |
| 1991 | 1.386 | 1.417 | 1.404 | 1.408 | 1.416 |
| 1990 | 1.408 | 1.449 | 1.431 | 1.440 | 1.451 |
| 1989 | 1.439 | 1.488 | 1.467 | 1.481 | 1.494 |
| 1988 | 1.511 | 1.570 | 1.553 | 1.568 | 1.580 |
| 1987 | 1.580 | 1.641 | 1.627 | 1.638 | 1.652 |

| <u>YEAR</u> | <u>TABLE 6</u> <u>Cement</u> <u>Mfg.</u> | <u>TABLE 7</u> <u>Chemical</u> <u>Mfg.</u> | <u>TABLE 8</u> <u>Clay</u> <u>Mfg.</u> | <u>TABLE 9</u> <u>Contractor</u> <u>Eq.</u> | <u>TABLE 10</u> <u>Creamery/</u> <u>Dairy</u> |
|-------------|--|--|--|---|---|
| 2005 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2004 | 1.082 | 1.079 | 1.074 | 1.062 | 1.071 |
| 2003 | 1.125 | 1.117 | 1.113 | 1.093 | 1.109 |
| 2002 | 1.148 | 1.139 | 1.134 | 1.110 | 1.127 |
| 2001 | 1.155 | 1.145 | 1.143 | 1.119 | 1.134 |
| 2000 | 1.166 | 1.156 | 1.155 | 1.126 | 1.147 |
| 1999 | 1.186 | 1.175 | 1.174 | 1.145 | 1.170 |
| 1998 | 1.191 | 1.181 | 1.178 | 1.154 | 1.175 |
| 1997 | 1.203 | 1.193 | 1.191 | 1.167 | 1.187 |
| 1996 | 1.218 | 1.208 | 1.209 | 1.190 | 1.207 |
| 1995 | 1.240 | 1.232 | 1.232 | 1.210 | 1.228 |
| 1994 | 1.284 | 1.277 | 1.275 | 1.243 | 1.280 |
| 1993 | 1.313 | 1.304 | 1.305 | 1.274 | 1.314 |
| 1992 | 1.333 | 1.320 | 1.328 | 1.309 | 1.336 |
| 1991 | 1.344 | 1.330 | 1.342 | 1.334 | 1.352 |
| 1990 | 1.371 | 1.359 | 1.370 | 1.366 | 1.385 |
| 1989 | 1.408 | 1.394 | 1.410 | 1.410 | 1.425 |
| 1988 | 1.479 | 1.473 | 1.484 | 1.477 | 1.511 |
| 1987 | 1.531 | 1.537 | 1.537 | 1.526 | 1.581 |
| 1986 | 1.546 | 1.554 | 1.556 | 1.547 | 1.607 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 2006 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2005 | 1.041 | 1.041 | 1.039 | 1.039 | 1.040 |
| 2004 | 1.132 | 1.130 | 1.122 | 1.110 | 1.119 |
| 2003 | 1.177 | 1.169 | 1.162 | 1.142 | 1.158 |
| 2002 | 1.201 | 1.193 | 1.185 | 1.160 | 1.177 |
| 2001 | 1.208 | 1.199 | 1.194 | 1.169 | 1.185 |
| 2000 | 1.220 | 1.211 | 1.206 | 1.176 | 1.198 |
| 1999 | 1.240 | 1.230 | 1.226 | 1.197 | 1.223 |
| 1998 | 1.246 | 1.237 | 1.231 | 1.206 | 1.228 |
| 1997 | 1.259 | 1.249 | 1.244 | 1.220 | 1.240 |
| 1996 | 1.274 | 1.265 | 1.263 | 1.244 | 1.261 |
| 1995 | 1.298 | 1.290 | 1.287 | 1.264 | 1.283 |
| 1994 | 1.344 | 1.338 | 1.332 | 1.299 | 1.337 |
| 1993 | 1.374 | 1.365 | 1.363 | 1.332 | 1.373 |
| 1992 | 1.395 | 1.383 | 1.388 | 1.368 | 1.396 |
| 1991 | 1.407 | 1.393 | 1.402 | 1.393 | 1.413 |
| 1990 | 1.434 | 1.423 | 1.431 | 1.427 | 1.447 |
| 1989 | 1.473 | 1.460 | 1.473 | 1.473 | 1.489 |
| 1988 | 1.547 | 1.543 | 1.550 | 1.543 | 1.579 |
| 1987 | 1.602 | 1.609 | 1.606 | 1.594 | 1.652 |

| <u>YEAR</u> | <u>TABLE 11</u> <u>Elec. Pwr.</u> <u>Eq.</u> | <u>TABLE 12</u> <u>Elec. Eq.</u> <u>Mfg.</u> | <u>TABLE 13</u> <u>Cannery/</u> <u>Fish</u> | <u>TABLE 14</u> <u>Flour,</u> <u>Cer. Feed</u> | <u>TABLE 15</u> <u>Cannery/</u> <u>Fruit</u> |
|-------------|--|--|---|--|--|
| 2005 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2004 | 1.089 | 1.085 | 1.074 | 1.074 | 1.068 |
| 2003 | 1.139 | 1.131 | 1.115 | 1.114 | 1.108 |
| 2002 | 1.158 | 1.150 | 1.135 | 1.133 | 1.126 |
| 2001 | 1.153 | 1.149 | 1.142 | 1.139 | 1.134 |
| 2000 | 1.162 | 1.157 | 1.154 | 1.151 | 1.145 |
| 1999 | 1.185 | 1.179 | 1.177 | 1.174 | 1.169 |
| 1998 | 1.179 | 1.174 | 1.181 | 1.179 | 1.173 |
| 1997 | 1.181 | 1.180 | 1.193 | 1.191 | 1.184 |
| 1996 | 1.188 | 1.190 | 1.215 | 1.209 | 1.208 |
| 1995 | 1.197 | 1.204 | 1.233 | 1.228 | 1.223 |
| 1994 | 1.261 | 1.261 | 1.283 | 1.277 | 1.270 |
| 1993 | 1.287 | 1.292 | 1.325 | 1.312 | 1.314 |
| 1992 | 1.295 | 1.306 | 1.351 | 1.332 | 1.345 |
| 1991 | 1.291 | 1.307 | 1.370 | 1.345 | 1.369 |
| 1990 | 1.299 | 1.322 | 1.402 | 1.373 | 1.401 |
| 1989 | 1.321 | 1.348 | 1.442 | 1.408 | 1.441 |
| 1988 | 1.401 | 1.425 | 1.523 | 1.486 | 1.521 |
| 1987 | 1.492 | 1.508 | 1.593 | 1.551 | 1.590 |
| 1986 | 1.503 | 1.523 | 1.620 | 1.571 | 1.618 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 2006 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2005 | 1.057 | 1.049 | 1.036 | 1.041 | 1.035 |
| 2004 | 1.157 | 1.143 | 1.117 | 1.124 | 1.110 |
| 2003 | 1.210 | 1.191 | 1.160 | 1.165 | 1.151 |
| 2002 | 1.230 | 1.212 | 1.180 | 1.185 | 1.170 |
| 2001 | 1.225 | 1.210 | 1.188 | 1.192 | 1.178 |
| 2000 | 1.234 | 1.219 | 1.201 | 1.205 | 1.190 |
| 1999 | 1.258 | 1.241 | 1.225 | 1.229 | 1.215 |
| 1998 | 1.252 | 1.237 | 1.228 | 1.234 | 1.219 |
| 1997 | 1.255 | 1.242 | 1.241 | 1.246 | 1.230 |
| 1996 | 1.261 | 1.254 | 1.264 | 1.265 | 1.255 |
| 1995 | 1.272 | 1.268 | 1.283 | 1.285 | 1.272 |
| 1994 | 1.339 | 1.329 | 1.335 | 1.336 | 1.320 |
| 1993 | 1.367 | 1.361 | 1.378 | 1.372 | 1.366 |
| 1992 | 1.376 | 1.376 | 1.405 | 1.394 | 1.398 |
| 1991 | 1.371 | 1.377 | 1.425 | 1.407 | 1.423 |
| 1990 | 1.380 | 1.393 | 1.458 | 1.436 | 1.456 |
| 1989 | 1.403 | 1.420 | 1.500 | 1.474 | 1.497 |
| 1988 | 1.488 | 1.501 | 1.585 | 1.555 | 1.581 |
| 1987 | 1.584 | 1.588 | 1.657 | 1.623 | 1.652 |

| <u>YEAR</u> | <u>TABLE 16</u> <u>Packing/</u> <u>Fruit</u> | <u>TABLE 17</u> <u>Laundry/</u> <u>Clean</u> | <u>TABLE 18</u> <u>Logging</u> <u>Eq.</u> | <u>TABLE 19</u> <u>Packing/</u> <u>Meat</u> | <u>TABLE 20</u> <u>Metal</u> <u>Work</u> |
|-------------|--|--|---|---|--|
| 2005 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2004 | 1.063 | 1.074 | 1.071 | 1.067 | 1.075 |
| 2003 | 1.100 | 1.113 | 1.109 | 1.103 | 1.109 |
| 2002 | 1.116 | 1.134 | 1.126 | 1.122 | 1.128 |
| 2001 | 1.126 | 1.140 | 1.133 | 1.131 | 1.130 |
| 2000 | 1.135 | 1.149 | 1.140 | 1.143 | 1.137 |
| 1999 | 1.159 | 1.171 | 1.160 | 1.165 | 1.153 |
| 1998 | 1.165 | 1.173 | 1.165 | 1.170 | 1.153 |
| 1997 | 1.174 | 1.182 | 1.174 | 1.183 | 1.164 |
| 1996 | 1.202 | 1.201 | 1.193 | 1.205 | 1.179 |
| 1995 | 1.217 | 1.220 | 1.210 | 1.226 | 1.199 |
| 1994 | 1.255 | 1.264 | 1.248 | 1.272 | 1.246 |
| 1993 | 1.300 | 1.298 | 1.283 | 1.309 | 1.277 |
| 1992 | 1.340 | 1.323 | 1.312 | 1.334 | 1.296 |
| 1991 | 1.368 | 1.336 | 1.333 | 1.354 | 1.307 |
| 1990 | 1.399 | 1.364 | 1.360 | 1.388 | 1.335 |
| 1989 | 1.441 | 1.402 | 1.396 | 1.430 | 1.372 |
| 1988 | 1.518 | 1.477 | 1.461 | 1.510 | 1.439 |
| 1987 | 1.578 | 1.537 | 1.513 | 1.570 | 1.502 |
| 1986 | 1.604 | 1.560 | 1.533 | 1.596 | 1.521 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 2006 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2005 | 1.035 | 1.036 | 1.037 | 1.035 | 1.035 |
| 2004 | 1.104 | 1.118 | 1.115 | 1.109 | 1.117 |
| 2003 | 1.143 | 1.158 | 1.154 | 1.146 | 1.153 |
| 2002 | 1.160 | 1.179 | 1.173 | 1.166 | 1.172 |
| 2001 | 1.170 | 1.186 | 1.180 | 1.175 | 1.174 |
| 2000 | 1.180 | 1.196 | 1.187 | 1.187 | 1.182 |
| 1999 | 1.205 | 1.218 | 1.208 | 1.210 | 1.198 |
| 1998 | 1.210 | 1.220 | 1.213 | 1.216 | 1.198 |
| 1997 | 1.220 | 1.230 | 1.223 | 1.229 | 1.209 |
| 1996 | 1.249 | 1.250 | 1.242 | 1.251 | 1.225 |
| 1995 | 1.264 | 1.269 | 1.259 | 1.273 | 1.246 |
| 1994 | 1.304 | 1.315 | 1.300 | 1.321 | 1.295 |
| 1993 | 1.351 | 1.351 | 1.336 | 1.360 | 1.327 |
| 1992 | 1.392 | 1.376 | 1.366 | 1.386 | 1.347 |
| 1991 | 1.421 | 1.390 | 1.387 | 1.407 | 1.358 |
| 1990 | 1.454 | 1.419 | 1.416 | 1.442 | 1.387 |
| 1989 | 1.497 | 1.458 | 1.454 | 1.486 | 1.425 |
| 1988 | 1.578 | 1.536 | 1.521 | 1.568 | 1.495 |
| 1987 | 1.640 | 1.599 | 1.576 | 1.631 | 1.561 |

| <u>YEAR</u> | <u>TABLE 21</u> <u>Mine</u> <u>Mill</u> | <u>TABLE 22</u> <u>Paint</u> <u>Mfg.</u> | <u>TABLE 23</u> <u>Petroleum</u> | <u>TABLE 24</u> <u>Printing</u> | <u>TABLE 25</u> <u>Paper</u> <u>Mfg.</u> |
|-------------|---|--|-------------------------------------|------------------------------------|--|
| 2005 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2004 | 1.078 | 1.079 | 1.079 | 1.063 | 1.079 |
| 2003 | 1.119 | 1.120 | 1.117 | 1.094 | 1.120 |
| 2002 | 1.141 | 1.143 | 1.139 | 1.112 | 1.142 |
| 2001 | 1.154 | 1.150 | 1.151 | 1.113 | 1.151 |
| 2000 | 1.162 | 1.160 | 1.165 | 1.122 | 1.159 |
| 1999 | 1.182 | 1.182 | 1.182 | 1.138 | 1.182 |
| 1998 | 1.187 | 1.186 | 1.188 | 1.139 | 1.185 |
| 1997 | 1.200 | 1.197 | 1.204 | 1.145 | 1.195 |
| 1996 | 1.220 | 1.215 | 1.223 | 1.164 | 1.219 |
| 1995 | 1.239 | 1.236 | 1.248 | 1.181 | 1.235 |
| 1994 | 1.278 | 1.284 | 1.294 | 1.225 | 1.277 |
| 1993 | 1.312 | 1.316 | 1.321 | 1.255 | 1.316 |
| 1992 | 1.341 | 1.338 | 1.333 | 1.274 | 1.346 |
| 1991 | 1.363 | 1.349 | 1.344 | 1.279 | 1.364 |
| 1990 | 1.395 | 1.377 | 1.378 | 1.297 | 1.391 |
| 1989 | 1.438 | 1.413 | 1.413 | 1.318 | 1.427 |
| 1988 | 1.516 | 1.492 | 1.486 | 1.390 | 1.505 |
| 1987 | 1.564 | 1.557 | 1.548 | 1.456 | 1.567 |
| 1986 | 1.577 | 1.577 | 1.553 | 1.479 | 1.588 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 2006 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2005 | 1.042 | 1.040 | 1.049 | 1.032 | 1.037 |
| 2004 | 1.129 | 1.129 | 1.139 | 1.100 | 1.124 |
| 2003 | 1.172 | 1.171 | 1.180 | 1.132 | 1.168 |
| 2002 | 1.195 | 1.196 | 1.203 | 1.151 | 1.190 |
| 2001 | 1.209 | 1.202 | 1.215 | 1.152 | 1.200 |
| 2000 | 1.217 | 1.213 | 1.230 | 1.162 | 1.207 |
| 1999 | 1.238 | 1.236 | 1.248 | 1.178 | 1.232 |
| 1998 | 1.244 | 1.240 | 1.254 | 1.179 | 1.235 |
| 1997 | 1.257 | 1.252 | 1.271 | 1.185 | 1.245 |
| 1996 | 1.277 | 1.270 | 1.292 | 1.205 | 1.270 |
| 1995 | 1.298 | 1.293 | 1.319 | 1.222 | 1.287 |
| 1994 | 1.338 | 1.343 | 1.367 | 1.268 | 1.331 |
| 1993 | 1.374 | 1.376 | 1.395 | 1.299 | 1.371 |
| 1992 | 1.404 | 1.399 | 1.408 | 1.319 | 1.403 |
| 1991 | 1.428 | 1.411 | 1.419 | 1.324 | 1.422 |
| 1990 | 1.461 | 1.440 | 1.456 | 1.343 | 1.450 |
| 1989 | 1.506 | 1.477 | 1.493 | 1.364 | 1.487 |
| 1988 | 1.587 | 1.560 | 1.570 | 1.439 | 1.569 |
| 1987 | 1.638 | 1.628 | 1.635 | 1.507 | 1.633 |

| <u>YEAR</u> | <u>TABLE 26</u> <u>Refrig-</u> <u>eration</u> | <u>TABLE 27</u> <u>Rubber</u> | <u>TABLE 28</u> <u>Steam</u> <u>Power</u> | <u>TABLE 29</u> <u>Textile</u> | <u>TABLE 30</u> <u>Ware-</u> <u>housing</u> |
|-------------|---|----------------------------------|---|-----------------------------------|---|
| 2005 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2004 | 1.073 | 1.068 | 1.084 | 1.067 | 1.067 |
| 2003 | 1.112 | 1.106 | 1.124 | 1.098 | 1.105 |
| 2002 | 1.134 | 1.128 | 1.147 | 1.114 | 1.118 |
| 2001 | 1.144 | 1.131 | 1.151 | 1.119 | 1.122 |
| 2000 | 1.154 | 1.141 | 1.160 | 1.128 | 1.128 |
| 1999 | 1.177 | 1.158 | 1.178 | 1.144 | 1.149 |
| 1998 | 1.182 | 1.163 | 1.180 | 1.146 | 1.150 |
| 1997 | 1.194 | 1.175 | 1.188 | 1.155 | 1.155 |
| 1996 | 1.213 | 1.192 | 1.200 | 1.175 | 1.173 |
| 1995 | 1.234 | 1.214 | 1.220 | 1.191 | 1.184 |
| 1994 | 1.281 | 1.257 | 1.269 | 1.228 | 1.217 |
| 1993 | 1.315 | 1.287 | 1.295 | 1.259 | 1.258 |
| 1992 | 1.340 | 1.312 | 1.310 | 1.284 | 1.287 |
| 1991 | 1.356 | 1.325 | 1.316 | 1.299 | 1.305 |
| 1990 | 1.386 | 1.355 | 1.338 | 1.328 | 1.328 |
| 1989 | 1.423 | 1.393 | 1.373 | 1.362 | 1.360 |
| 1988 | 1.502 | 1.465 | 1.455 | 1.430 | 1.420 |
| 1987 | 1.563 | 1.522 | 1.524 | 1.491 | 1.466 |
| 1986 | 1.585 | 1.547 | 1.541 | 1.516 | 1.486 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 2006 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 2005 | 1.039 | 1.034 | 1.043 | 1.031 | 1.029 |
| 2004 | 1.121 | 1.109 | 1.136 | 1.104 | 1.102 |
| 2003 | 1.161 | 1.148 | 1.178 | 1.136 | 1.140 |
| 2002 | 1.184 | 1.171 | 1.202 | 1.152 | 1.154 |
| 2001 | 1.194 | 1.175 | 1.206 | 1.157 | 1.158 |
| 2000 | 1.205 | 1.185 | 1.216 | 1.166 | 1.164 |
| 1999 | 1.229 | 1.202 | 1.235 | 1.184 | 1.186 |
| 1998 | 1.234 | 1.207 | 1.236 | 1.186 | 1.187 |
| 1997 | 1.246 | 1.220 | 1.245 | 1.195 | 1.192 |
| 1996 | 1.266 | 1.237 | 1.258 | 1.216 | 1.211 |
| 1995 | 1.289 | 1.261 | 1.278 | 1.232 | 1.222 |
| 1994 | 1.337 | 1.305 | 1.329 | 1.270 | 1.256 |
| 1993 | 1.373 | 1.336 | 1.358 | 1.303 | 1.298 |
| 1992 | 1.399 | 1.362 | 1.373 | 1.328 | 1.328 |
| 1991 | 1.415 | 1.376 | 1.379 | 1.344 | 1.347 |
| 1990 | 1.447 | 1.407 | 1.402 | 1.374 | 1.371 |
| 1989 | 1.486 | 1.446 | 1.439 | 1.409 | 1.403 |
| 1988 | 1.568 | 1.521 | 1.525 | 1.480 | 1.466 |
| 1987 | 1.632 | 1.581 | 1.597 | 1.542 | 1.513 |

| <u>YEAR</u> | <u>TABLE 31</u> <u>Wood-</u> <u>working</u> | <u>TABLE 32</u> <u>Glass</u> <u>Mfg.</u> |
|-------------|---|--|
| 2005 | 1.000 | 1.000 |
| 2004 | 1.064 | 1.082 |
| 2003 | 1.097 | 1.125 |
| 2002 | 1.113 | 1.147 |
| 2001 | 1.123 | 1.153 |
| 2000 | 1.124 | 1.164 |
| 1999 | 1.143 | 1.186 |
| 1998 | 1.145 | 1.189 |
| 1997 | 1.150 | 1.199 |
| 1996 | 1.178 | 1.214 |
| 1995 | 1.190 | 1.235 |
| 1994 | 1.225 | 1.285 |
| 1993 | 1.266 | 1.314 |
| 1992 | 1.310 | 1.334 |
| 1991 | 1.335 | 1.341 |
| 1990 | 1.358 | 1.365 |
| 1989 | 1.394 | 1.399 |
| 1988 | 1.471 | 1.477 |
| 1987 | 1.530 | 1.543 |
| 1986 | 1.552 | 1.561 |

| | | |
|------|-------|-------|
| 2006 | 1.000 | 1.000 |
| 2005 | 1.031 | 1.045 |
| 2004 | 1.101 | 1.136 |
| 2003 | 1.135 | 1.181 |
| 2002 | 1.152 | 1.205 |
| 2001 | 1.163 | 1.211 |
| 2000 | 1.164 | 1.223 |
| 1999 | 1.183 | 1.246 |
| 1998 | 1.185 | 1.249 |
| 1997 | 1.190 | 1.259 |
| 1996 | 1.220 | 1.275 |
| 1995 | 1.232 | 1.297 |
| 1994 | 1.267 | 1.350 |
| 1993 | 1.311 | 1.381 |
| 1992 | 1.356 | 1.401 |
| 1991 | 1.382 | 1.409 |
| 1990 | 1.405 | 1.433 |
| 1989 | 1.443 | 1.469 |
| 1988 | 1.523 | 1.551 |
| 1987 | 1.584 | 1.621 |

AUTH: 15-1-201, MCA

IMP: 15-6-138, 15-8-111, MCA

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-5828; fax (406) 444-3696; or e-mail canderson@mt.gov, and must be received no later than November 3, 2006.

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

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

7. The Department of Revenue maintains a list of interested persons who

wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding particular subject matter or matters. Such written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

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

Certified to Secretary of State September 25, 2006.

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

| | |
|---------------------------------|----------------------|
| In the matter of the proposed |) NOTICE OF PROPOSED |
| amendment of ARM 44.12.204 |) AMENDMENT |
| relating to the payment |) |
| threshold--inflation adjustment |) NO PUBLIC HEARING |
| for lobbyists |) CONTEMPLATED |

TO: All Concerned Persons

1. On November 4, 2006, the Commissioner of Political Practices proposes to amend the above-stated rule.

2. The Commissioner of Political Practices will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Commissioner of Political Practices no later than 5:00 p.m. on November 2, 2005, to advise us of the nature of the accommodation that you need. Please contact Dennis Unsworth, Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, Montana 59620-2401; telephone (406)444-2942; Fax (406)444-1643; e-mail dunsworth@mt.gov.

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

44.12.204 PAYMENT THRESHOLD--INFLATION ADJUSTMENT

(1) Pursuant to the operation specified in 5-7-112, MCA, the adjusted payment threshold for calendar years ~~2005~~ 2007 and ~~2006~~ 2008 is ~~\$2,200~~ 2,300.

AUTH: 5-7-111, MCA

IMP: 5-7-112, MCA

Reasonable Necessity: Section 5-7-112, MCA, requires the Commissioner of Political Practices, following a general election, to adjust the payment threshold amount for reporting of lobbying related expenses based on application of an inflation factor specified in that statute. There is reasonable necessity for the amendment of the rule because 5-7-112, MCA, requires the Commissioner of Political Practices to publish the revised threshold as a rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Dennis Unsworth, Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, Montana 59620-2401, or by e-mail to dunsworth@mt.gov to be received no later than November 2, 2006.

5. If persons who are directly affected by this proposed amendment wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a public hearing and submit this request, along with any written comments, to the Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, 59620-2401, or by e-mail to dunsworth@mt.gov. Written requests for hearing must be received no later than November 2, 2006.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action, from the appropriate administrative rule review committee of the legislature, from a governmental subdivision or agency, or from an association having no less than 25 members who will be directly affected, a hearing will be scheduled 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 50 based on the 500 lobbyists who registered to lobby in 2005-2006.

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

8. The Commissioner of Political Practices maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their names added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices concerning campaign finance, ethics, or lobbying. Such written request may be mailed or delivered to the Commissioner of Political Practices at P.O. Box 202401, 1205 Eighth Avenue, Helena, MT 59620-2401, or faxed to (406) 444-1643, or may be made by completing a request form at any rules hearing held by the Commissioner of Political Practices.

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

By: /s/ DENNIS UNSWORTH

Dennis Unsworth
Commissioner

By: /s/ JIM SCHEIER
Jim Scheier
Assistant Attorney General
Rule Reviewer

Certified to the Secretary of State on September 25, 2006.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of ARM)
New Rules I through IV relating to the)
Montana pulse crop research and market)
development program)

NOTICE OF ADOPTION

TO: All Concerned Persons

1. On August 24, 2006, the Montana Department of Agriculture published MAR Notice No. 4-14-165 relating to the above-stated rules at page 1977 of the 2006 Montana Administrative Register, Issue Number 16.

2. The agency has adopted ARM New Rule I, 4.6.401, New Rule II, 4.6.402, New Rule III, 4.6.403, and New Rule IV, 4.6.404 exactly as proposed.

3. No comments or testimony were received.

DEPARTMENT OF AGRICULTURE

/s/ Nancy K. Peterson
Nancy K. Peterson, Director

/s/Timothy J. Meloy
Timothy J. Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State, September 25, 2006.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of ARM 10.65.101)
relating to pupil instruction-related days)

TO: All Concerned Persons

1. On July 27, 2006, the Board of Public Education published MAR Notice No. 10-65-239 regarding the public hearing on the proposed amendment of the above-stated rule at page 1769 of the 2006 Montana Administrative Register, Issue Number 14.

2. The Board of Public Education has amended ARM 10.65.101 exactly as proposed.

3. No comments or testimony were received.

/s/ Dr. Kirk Miller
Dr. Kirk Miller, Chair
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Executive Secretary
Rule Reviewer
Board of Public Education

Certified to the Secretary of State September 25, 2006.

BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
10.102.4001 pertaining to reimbursement)
to libraries for interlibrary loans)

TO: All Concerned Persons

1. On May 18, 2006, the Montana State Library published MAR Notice No. 10-100-10 regarding the public hearing on the proposed amendment of the above-stated rule at page 1197 of the 2006 Montana Administrative Register, issue no.10.

2. On June 8, 2006, the State Library held a public hearing on the proposed amendment of the above-stated rule in Helena. Several comments were received by the June 16, 2006 deadline.

3. The State Library has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT 1: The ILL process seems to be in shambles. While the costs continue to rise, the reimbursements have disappeared. As a result, we are changing our rules to include fees on patrons. State aid should continue to provide this essential service. If there is truly a contribution toward the bottom line expenses, such as the OCLC costs, that would help, but this is certainly not assured.

I do not believe that courier service is the (very expensive) answer in a largely rural state. We already have an efficient ILL delivery system called the USPO. We need postage reimbursement at the very least.

I realize you will largely discount my comments and this is why I have not provided more input.

RESPONSE 1: Thank you for your comments. We appreciate your concerns. As the State Library Commission struggles with the current interlibrary loan reimbursement program they are aware that there are many problems and not as many easy solutions.

Significant and adequate funding for local libraries is an issue all over the state.

The interlibrary loan reimbursement program is an attempt by the state to help with the costs of one library sharing their materials with another library's patrons in Montana. As the funding for the interlibrary loan program has remained the same and/or decreased (due to statewide cuts in 2002 and 2003), the number of requests

have increased as library patrons all over the state become more aware of the resources and more active in requesting what they want.

The commission realizes that these rule changes do not fix all the problems of the interlibrary loan program, but they hope that it helps to recognize the additional burden of the net lender libraries as they share more of their materials with Montana library patrons outside of their service area. This compromise change to the reimbursement continues to recognize the efforts of all Montana libraries who share their resources with other Montana library patrons. We have found that not all net lending libraries are Montana's large libraries, in fact, some of Montana's smallest and medium sized libraries are also net lenders.

The commission further hopes that the current executive planning process and forthcoming legislative session will prove successful in providing additional state contributions to help local libraries meet the bottom line expenses.

Thank you for your time and consideration of this important issue for Montana libraries. We look forward to ongoing dialog and discussions as the Montana library community helps the Montana Library Commission work through the problems to bring about viable solutions.

COMMENT 2: I will not be able to attend the hearing to be held at the State Library on Thursday regarding proposed amendments to ARM 10.102.4001, but instead am sending these comments in support of the amendments.

The current State interlibrary loan (ILL) reimbursement program allocates funding to each eligible library proportionately by dividing the total allocated funding for the program by the number of total interlibrary loans and reimbursing each loan at the resulting rate. I understand that the amended rule would continue to allocate half of the funding as described above, but half would be allocated to net lenders, i.e., eligible libraries which loan more items to other eligible libraries than they borrow from them, in proportion to the share of total net loans that each makes.

In a 2001 report on the State's ILL reimbursement program to the Networking Task Force, on which I was serving, former State Librarian Karen Strege recommended development of a new approach to interlibrary loan that would, among other goals, recognize that "the ILL burden falls on libraries in Montana that have specialized or more resources," and that "a method to do so, quite simply, is follow the lead of other states by recognizing that all loans are worthy of an equal subsidy, but that loans above the number which a library borrows represents an 'extra' service by the local library" and these net loans should be reimbursed by an additional subsidy. Her report cites a number of states in which ILL reimbursement is provided only to net lenders, sometimes requiring that a minimum number of net loans be made before the reimbursement program even applies.

A brief summary of our experience at Parmly Billings Library may help explain why I believe that such a change in the ILL reimbursement program would be an

improvement over the current program. When I arrived in Billings in FY91, the Library lent almost 4,000 items to other Montana libraries, while borrowing only 500, for a net lending ratio of 8:1. By FY97, our in-state ILL lending had doubled to over 8,000 loans, or a third of all public library ILL loans in the state and more than any other library of any type in the state, while we were borrowing only 1,800 items, for a net lending ration of 5:1. The current equal subsidy reimbursement program does not cover our costs for providing net loans, so we were allocating large and increasing amounts of staff time to lending to other libraries, at the expense of serving our own patrons, without compensating benefit to our community in the form of items borrowed by ILL.

When we analyzed the state FY97 ILL statistics, we realized that we were in a crisis and needed to take steps to manage the exploding workload. Although we had been the first public library in the state to participate in automated online ILL, we discontinued that participation in 1999 and began to accept only mail requests. Even so, we continued to be the largest public library ILL lender in the state until FY01, when Flathead County Library loaned more ILL items than us and others have joined them since. From the peak of 8,000 items in FY97, we have dropped to about 800 loans in FY05, but remain a 2:1 net lender with only about 400 items borrowed. At our current low levels of ILL lending and borrowing, we are certainly able to manage the workload, but only at the expense of offering other Montana libraries inconvenient mail access to our collection, at almost 300,000 items the largest of any public library in the state, to achieve that manageable workload.

The proposed change to the State ILL reimbursement program would recognize that net lenders like Parmly Billings Library have additional costs that are not offset by the borrowing they do. This would be an important improvement in Montana's resource sharing system and would give us reason to reevaluate the steps we have had to take to manage those costs under the current program.

RESPONSE 2: Thank you for your informative and supportive comments regarding the interlibrary loan rule changes. The State Library Commission agrees with your statements regarding the role and support of net lenders in Montana. Their hope is this compromise interlibrary loan reimbursement program will show their desire to better support net lender libraries as they share their resources with all Montanans.

The commission's ultimate goal is to go to a totally net lender reimbursement program, but that will require statute changes in the 2007 legislative session. We will keep you informed as we move forward.

Again thank you for your support of these administrative rules changes.

COMMENT 3: I am writing in regard to the proposed rule changes as specified in the amended ARM 10.102.4001 reimbursement to libraries for interlibrary loans.

In studying these changes, it is my concern that the new formula for

reimbursement will have a negative effect on the smaller libraries throughout Montana. The ILL program has enabled libraries of all sizes to provide their patrons the same quality of service as those persons served by larger libraries in university and urban settings. With the reduction or elimination of reimbursement to those libraries who are not "net" lenders, this service could be drastically curtailed and actually contribute to not meeting the ultimate goal of the program, which is to provide the best library service possible to the citizens of Montana.

It would seem to me that the ILL program has experienced tremendous success as demonstrated by the continuing demand for this service by library patrons throughout the state. Instead of discouraging the growth of interlibrary loans through a decrease in reimbursement, it would seem more beneficial to all libraries and their patrons for the commission to request additional funding for such a successful program.

I feel strongly that the most effective and efficient use of public funding results when that funding is provided directly to those entities responsible for making the service available to the recipients of that service. In this instance, all library patrons in the state of Montana.

I appreciate your consideration of my concerns.

RESPONSE 3: See Response 1.

COMMENT 4: It is true that interlibrary loan requests in Montana continue to grow as Montanans continually thirst for information. Montana libraries are stretching their available dollars in many directions because information is delivered in many ways. Resource sharing is one way that Montana libraries can make the dollars stretch even farther. It is not feasible for a library to buy an obscure item for a small group of users. No user should be denied access to that information because local budgets are shrinking. The answer to this issue is interlibrary loan or resource sharing among Montana libraries. The smallest and the largest of communities have local needs that are not met by their local library due to a lack of dollars. Interlibrary loan allows everyone access to the information they are searching for through Montana libraries or a world-wide network of libraries.

ILL reimbursement is what makes the smallest of libraries able to participate in the loaning process. Will they be a net lender? Probably not, but they may have a book in their library that is not available in any other Montana library and if they do not participate in ILL because the funding has been cut, then that one item is not available to the rest of the Montana citizenry. This proposal is not an acceptable fix for the interlibrary loan problem in Montana. Moving the materials around the state in a more economical manner so postage costs are not prohibitive is a better answer. This proposal states that the amount each library is receiving for reimbursement is decreasing, how is this proposal going to help; now the same amount of dollars is being divided in more ways. This problem needs to be looked at in a creative manner and it will take time to find a solution. Something this important

to Montana libraries should not be decided in one commission meeting without input from those being most affected by the decision.

Thank you for your time.

RESPONSE 4: See Response 1.

COMMENT 5: The commenter agreed with Comment 2 and added. "I also will be unable to attend your meeting, but I would like to support this via this email. Thank you sincerely."

RESPONSE 5: Please see Response 2.

COMMENT 6: As a member of the Advisory Board – Choteau/Teton City-County Library, I am protesting this change.

We have a system in place, which is totally workable, satisfactory and successful. It has been a fair arrangement for all libraries. I see the suggested change as being completely nonbeneficial to small libraries. It would, in fact, be harmful.

I predict that you will be receiving similar letters to mine, and I hope you will give them your serious consideration.

RESPONSE 6: Please see Response 1.

COMMENT 7: As an institution committed to sharing its resources with others, and being one of the major net lenders in the state, the commenter supports the amended interlibrary loan reimbursement program proposed by the Montana State Library Commission.

These changes will help ensure that all libraries within Montana, regardless of size, will continue to freely share their resources with one another. This action will continue to benefit Montana citizens by providing quick access to the best information available, and necessary for lifelong learning, teaching, research, and business.

RESPONSE 7: Please see Response 2.

4. The State Library amends ARM 10.102.4001 exactly as proposed.

By: /s/ Ron Moody
State Library Commission
Ron Moody, Chairperson

By: /s/ Darlene Staffeldt
Rule Reviewer
Montana State Library

Certified to the Secretary of State September 25, 2006.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

| | |
|--|---------------------|
| In the matter of the amendment of ARM) | NOTICE OF AMENDMENT |
| 17.8.501, 17.8.505, and 17.8.514) | |
| pertaining to definitions, air quality) | |
| operation fees, and open burning fees) | (AIR QUALITY) |

TO: All Concerned Persons

1. On June 22, 2006, the Board of Environmental Review published MAR Notice No. 17-248 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 1504, 2006 Montana Administrative Register, issue number 12.

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

3. The following comment was received and appears with the board's response:

COMMENT NO. 1: A commenter representing the Montana Industry Clean Air Act Coalition (coalition) commented that the proposed amendments represent a continuing good-faith effort by the department to balance program costs and responsibilities under applicable Montana statutes. The coalition believes that the department should have the funds necessary to perform its core air quality permitting and compliance functions in a thorough and timely way. However, the coalition also believes that, by accommodating other demands, the department often stretches its resources and negatively affects the achievement of its core mission. The coalition supports the proposed amendments but believes that the fee rules should be reviewed regularly with the fee payers to assure cost-effective use of the funds and to maintain support of the regulated community for the department's work.

RESPONSE NO. 1: The board acknowledges receipt of the comment in support of the proposed amendments and encourages the department to work with members of the regulated community in developing the annual fee rule amendments.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ David Rusoff
DAVID RUSOFF
Rule Reviewer

/s/ Joseph W. Russell
JOSEPH W. RUSSELL, M.P.H.
Chairman

Certified to the Secretary of State, September 25, 2006.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of ARM 24.11.452A,)
24.11.613, and 24.11.2205,)
all related to unemployment)
insurance)

TO: All Concerned Persons

1. On July 28, 2006, the Department of Labor and Industry published MAR Notice No. 24-11-209 regarding the public hearing on the proposed amendment of the above-stated rules at page 1699 of the 2006 Montana Administrative Register, issue no. 13.

2. On July 28, 2006, the department held a public hearing in Helena regarding the above-stated rules. No comments were received from the public at the hearing. Two written comments were received prior to the closing date of August 4, 2006.

3. The department has thoroughly considered the comments received. The following is a summary of the comments received and the department's response.

Comment 1: Two comments were received from national businesses that handle unemployment insurance ("UI") matters for employers. Their comments concern the proposed amendments to ARM 24.11.452A and 24.11.613, which propose to reduce the number of days allowed for an employer or claimant to respond to the department's request for information from ten days to eight days. The commenters believe the two-day reduction would cause a hardship on employers and specifically, their agents, who handle UI matters, to respond within eight days. The commenters also stated that the department's mailing of correspondence by the U.S. Postal Service to employers or their agents aggravated the problem, and prevents agents from responding to department requests in a timely manner. The commenters requested the department consider using electronic communications (e-mail or the world wide web).

Response 1: The department acknowledges the concerns raised by the commenters. Currently, telephone calls and facsimile transmissions ("fax") are the primary methods the department uses to communicate with employers and workers to obtain information used in fact-finding for UI claims determinations. Use of telephone and fax enable the employer to begin to gather information for a response within the first day of the response period. The department uses the U.S. Postal Service as the last option to contact employers or their agents.

Currently, the use of e-mail or the world wide web is not technically feasible with the department's existing computerized claims processing system. Unlike the

department's Internet-based claims system, which provides encrypted message transmission, the current e-mail system generally used in Montana state government is not encrypted. Montana law (39-51-603(3), MCA) requires that information obtained with respect to unemployment insurance claims be kept confidential, except as to the claimant and the employer. Because of the risk of interception of nonencrypted electronic communications passing over the Internet via e-mail or the world wide web, the department believes that it is not appropriate to receive claims-related information via unencrypted e-mails or via the world wide web.

The department notes that it supports the Unemployment Insurance Separation Information Data Exchange System, the "UI SIDES" project, and has become involved in the work groups. The department is also developing an Internet-based Employer Registration system, which will be completed within the next 12 months. One of the options being studied would permit employers to ask questions about their account or correspond with UI staff electronically and will be explored to address the concerns raised by the commenters.

4. After consideration of the comments, the department amends the rules exactly as proposed.

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

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

Certified to the Secretary of State September 25, 2006.

BEFORE THE BOARD OF SPEECH-LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT,
24.222.301 definitions, 24.222.401 fees,) ADOPTION, AND REPEAL
24.222.501, 24.222.506, 24.222.510, and)
24.222.513 licensing and scope of practice,)
24.222.701, 24.222.702, and 24.222.703)
speech pathology and audiology aides,)
24.222.2101, 24.222.2102, and)
24.222.2103 continuing education,)
24.222.2301 unprofessional conduct, the)
adoption of NEW RULE I fee abatement,)
NEW RULES II-V, and the repeal of)
24.222.511, 24.222.512, and 24.222.704)
licensure of speech-language pathologists)
and audiologists)

TO: All Concerned Persons

1. On June 1, 2006, the Board of Speech-Language Pathologists and Audiologists (board) published MAR Notice No. 24-222-21 regarding the proposed amendment, adoption, and repeal of the above-stated rules, at page 1337 of the 2006 Montana Administrative Register, issue no. 11.

2. On June 22, 2006, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. No comments or testimony were received.

3. The board has amended ARM 24.222.301, 24.222.401, 24.222.501, 24.222.506, 24.222.510, 24.222.513, 24.222.701, 24.222.702, 24.222.703, 24.222.2101, 24.222.2102, 24.222.2103, and 24.222.2301 exactly as proposed.

4. The board has adopted NEW RULE I (24.222.402), NEW RULE III (24.222.502), NEW RULE IV (24.222.525), and NEW RULE V (24.222.520), exactly as proposed.

5. The board has adopted NEW RULE II (24.222.514) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE II (24.222.514) LICENSE RENEWAL (1) remains as proposed.
~~(2) The department shall notify each person licensed under this chapter of the date of expiration of the license and the amount of the renewal fee. This notice must be mailed to each licensed speech-language pathologist or audiologist at least one month before the expiration of the license.~~

(3) and (4) remain as proposed but are renumbered (2) and (3).

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-141, MCA

The board is not adopting (2) because the department adopted ARM 24.101.414 in conjunction with HB 182 (Chapter 467, L. 2005) since this rule was proposed. ARM 24.101.414 already provides for licensee renewal notification, therefore this section is not necessary and is being deleted in order to avoid potential conflicts between the applicable board and department rules.

6. The board has repealed ARM 24.222.511, 24.222.512, and 24.222.704 exactly as proposed.

BOARD OF SPEECH-LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS
MARILYN THADEN, CHAIRPERSON

/s/ MARK CADWALLADER

Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 25, 2006

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

| | | |
|---|---|------------------------|
| In the matter of the adoption of Rule I |) | NOTICE OF ADOPTION AND |
| and amendment of ARM 37.78.102, |) | AMENDMENT |
| 37.78.416, 37.78.420, 37.78.807, and |) | |
| 37.78.832 pertaining to temporary |) | |
| assistance for needy families (TANF) |) | |

TO: All Interested Persons

1. On July 6, 2006, the Department of Public Health and Human Services published MAR Notice No. 37-387 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules, at page 1720 of the 2006 Montana Administrative Register, issue number 13.

2. The department has adopted New Rule I (37.78.812) as proposed.

3. The department has amended ARM 37.78.102, 37.78.416, 37.78.420, 37.78.807, and 37.78.832 as proposed.

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

COMMENT #1: The Parents as Scholars Program would help some get out of poverty. Commentor noted that men can earn \$10 right off the street when they look for jobs. Women need education in order to make the same amount.

RESPONSE: The department supports the adoption of Rule of the Parents as Scholars Program and understands the role of education in the wage structure. However, based on the strict regulations contained in the TANF Reauthorization included in the Deficit Reduction Act of 2005, the department has no option but to place the Parents as Scholars Program on hold as post secondary education is not an allowable activity under the regulations. The department is proceeding with adoption of the rule so that it will have power to implement the program if federal authority allows. The department points out that Vocational Educational training is an allowable work activity under the regulations, even though the 12 month lifetime limit still applies to this work activity and it is somewhat restrictively defined.

COMMENT #2: Commentor noted that it was a problem that the Parents as Scholars Program is limited to 56 families when there are over 200 families who need it. One commentor noted that Montana has limited employment and education opportunities in rural areas. Commentor doesn't support the idea of excluding two parent families from the program. Access to education is essential. The state needs to be creative and advocate for families.

RESPONSE: Unfortunately, participation in the Parents as Scholars Program, if it were to go into effect, is limited to single parent families and a finite number of families based on the impact participation in this program will have on the federal work participation rates. Failure to meet the federal work participation rate would result in monetary penalties to the state. At this time, the department has no option but to restrict participation based on the reality of the monetary penalties.

The department agrees with the comment regarding the state being creative in defining educational opportunities for families. We will take this comment under advisement.

COMMENT #3: Commentor noted that minimum wage does not take care of all normal expenses. Most recipients are mothers with babies. Commentor agrees with the supportive services program increases.

RESPONSE: The department has no further comment, but does support the increase.

COMMENT #4: The 3% increase in TANF is not enough. Work support payments are essential and commentor supports the continuation of these payments.

RESPONSE: The department accepts the comment that the increase in TANF payments still is not sufficient. However, at this time, there is no plan to increase TANF payments, based on the department's budget. The department does intend to continue work support payments to eligible participants.

COMMENT #5: Commentor noted that the increase in funding to TANF families is only \$62.00. The total amount of TANF funding doesn't even cover rent.

RESPONSE: The department accepts the comment that the increase in funding to TANF families was a minimal amount for most families. The department also recognizes that in some communities in Montana affordable housing or rent is difficult to find. However, at this time, there is no plan to increase TANF payments, based on the department's budget.

/s/ Francis Clinch
Rule Reviewer

/s/ Russell Cater for
Director, Public Health and
Human Services

Certified to the Secretary of State September 25, 2006.

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

In the matter of the amendment of ARM)
37.82.101 pertaining to Medicaid)
assistance)

NOTICE OF AMENDMENT

TO: All Interested Persons

1. On June 22, 2006, the Department of Public Health and Human Services published MAR Notice No. 37-385 pertaining to the public hearing on the proposed amendment of the above-stated rule, at page 1550 of the 2006 Montana Administrative Register, issue number 12.
2. The department has amended ARM 37.82.101 as proposed.
3. No comments or testimony were received.
4. These rule changes will be applied retroactively to January 1, 2006.

/s/ Barbara Hoffmann
Rule Reviewer

/s/ Joan Miles
Director, Public Health and
Human Services

Certified to the Secretary of State September 25, 2006.

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

In the matter of the amendment of ARM)
37.82.101, and 37.82.701 pertaining to)
Medicaid eligibility)

NOTICE OF AMENDMENT

TO: All Interested Persons

1. On July 27, 2006, the Department of Public Health and Human Services published MAR Notice No. 37-388 pertaining to the public hearing on the proposed amendment of the above-stated rules, at page 1830 of the 2006 Montana Administrative Register, issue number 14.

2. The department has amended ARM 37.82.101 as proposed.

3. The department has amended the following rule as proposed with the following changes from the original proposal. Matter to be added is underlined. Matter to be deleted is interlined.

37.82.701 GROUPS COVERED, NONINSTITUTIONALIZED FAMILIES AND CHILDREN (1) Medicaid will be provided to:

(a) through (g)(i) remain as proposed.

(h) ~~a child born on or after October 1, 1983~~, who has attained age six but has not yet reached age 19, whose family income does not exceed 100% of the federal poverty guidelines and whose countable resources do not exceed \$15,000. This coverage group is known as the "child-age six to 19 group";

(h)(i) through (3) remain as proposed.

AUTH: 53-4-212, 53-6-113, MCA

IMP: 53-4-231, 53-6-101, 53-6-131, 53-6-134, MCA

4 The department is further amending ARM 37.82.701(1)(h) by deleting the phrase "born on or after October 1, 1983" because it is unnecessary since any child who has not reached the age of 19 must have been born after October 1, 1983.

5. The department intends that the amendments to ARM 37.82.101 be applied retroactively to February 8, 2006, the date on which the mandatory provisions of the Deficient Reduction Act of 2005 took effect, with the exception of the amendments to Sections FMA 001 and FMA 400 of the Family Medicaid Manual. The provisions of Sections FMA 001 and FMA 400 relate to the increase in the resource limit from \$3,000 to \$15,000 for children's poverty-related Medicaid, which was mandated by House Bill 552 to take effect on July 1, 2006. The department therefore intends that the amendments to Sections FMA 001 and FMA 400 of the Family Medicaid Manual be applied retroactive to July 1, 2006.

6. No comments or testimony were received.

/s/ Barbara Hoffmann
Rule Reviewer

/s/ Joan Miles
Director, Public Health and
Human Services

Certified to the Secretary of State September 25, 2006.

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

In the matter of the amendment of ARM)
37.104.101, 37.104.109, 37.104.218,)
and 37.104.221 pertaining to)
emergency medical services)

NOTICE OF AMENDMENT

TO: All Interested Persons

1. On June 1, 2006, the Department of Public Health and Human Services published MAR Notice No. 37-383 pertaining to the public hearing on the proposed amendment of the above-stated rules, at page 1368 of the 2006 Montana Administrative Register, issue number 11.

2. The department has amended ARM 37.104.101, 37.104.109, 37.104.218, and 37.104.221 as proposed.

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

The department received 13 comments to the proposed amendments before the deadline for submitting comments. Three more comments were received after the deadline. While each of them included a request for an oral public hearing, none contained specific reasons or objections. One contained general comments that were similar to those made by other commenters. Ten of the timely comments also contained non-specific requests for a public hearing but did not state any specific question, criticism or concern about the proposed amendments. Since the requests for hearing were substantially fewer than the minimum of 25 necessary to trigger a hearing, even though late comments were counted, the department decided not to conduct an oral public hearing. However, the department was curious about the reasons for the hearing requests. It was able to contact nearly all the persons who submitted hearing requests and discuss their concerns. The concerns are summarized in comments #1 through #4, below. The department determined that an oral public hearing on the proposed amendments would not provide any additional data, views, or arguments on the proposed amendments.

One of the comments was concerned solely with the status of nurses under service licensing rules ARM 37.104.316, 37.104.319, 37.104.101(13), (17), and (19). Since the proposed amendments did not affect those rules the department responded directly to the commenter.

COMMENT #1: What do the proposed amendments mean and how will they be integrated with the December 22, 2005 EMS licensing rule changes?

RESPONSE: The department sent copies of the notice and an explanation of the

proposed amendments to all 265 licensed EMS services, 111 service medical directors, and other interested parties. The information was also posted on the EMS and Trauma Systems web site. The meaning and effects of the proposed amendments were fully explained in those documents. Additionally, the department contacted most commenters in order to explain the proposed changes and to answer questions.

COMMENT #2: Why are there definitions for both "advanced life support care" and "advanced life support service" and what is the difference between the two?

RESPONSE: The BOME licenses EMT-First Responders, EMT-Basics, EMT-Intermediates and EMT-Paramedics. The department licenses Basic Life Support services (inclusive of EMT-F and EMT-B), Intermediate Life Support, and Advanced Life Support (EMT-P) levels of services.

To each level of EMT license, the BOME added endorsement levels of care. The department's EMS licensing rules were designed to compliment the BOME's rules and to allow these endorsement levels of care to be provided by EMS services. Therefore, the definition of "advanced life support care" is necessary to recognize any license or endorsement level of care above EMT-Basic and to allow the department to license or authorize emergency medical services to provide such ALS care.

The proposed amendment to the definition of "advanced life support service" is necessary to distinctly define such a service as one that can provide EMT-Paramedics 24 hours a day, seven days a week, 365 days a year (24/7/365). Services that can similarly provide EMT-Intermediates 24/7/365 will also be distinctly licensed as intermediate life support services. Other services that provide such care at less than 24/7/365 or services that provide combinations of endorsement levels of care will be licensed at a basic life support level, but with a specific authorization to also provide ALS care.

COMMENT #3: The proposal to license some EMS services as basic life support but with an authorization to provide advanced life support care would not allow those services to bill Medicaid for ALS levels of care.

RESPONSE: The department disagrees. The EMS licensing rules were revised December 22, 2005 for the department to provide authorizations so that licensed basic life support services could provide ALS services using EMTs with endorsement levels of care authorized by the Board of Medical Examiners. Before implementing these authorizations, the department met with a representative of the Centers for Medicare and Medicaid Services (CMS), the Federal agency responsible for administering Medicaid, to discuss the proposed EMS licensing structure. The CMS representative assured the department that EMS basic life support services would be able to bill Medicaid for authorized ALS care. Therefore, the department determines that no EMS service will be adversely affected by these amendments and that the changes should be adopted as proposed.

COMMENT #4: We oppose the proposed definition of advanced life support service as a paramedic equivalent service that can provide advanced level care 24 hours per day, seven days a week, 365 days a year. It is too restrictive. An EMT-Intermediate is capable of nearly all the skills used by authorized EMT-Paramedics. Therefore, services with EMT-Intermediates should also be defined as advanced life support services.

RESPONSE: Although the department recognizes that skills provided by EMT-Intermediates are the same as several skills commonly used by EMT-Paramedics, it does not agree that services employing EMT-intermediates should be licensed as ALS. An EMT-Paramedic's depth and breadth of knowledge is significantly greater than an EMT-Intermediate's and the paramedic's scope of practice is significantly broader. For the same reasons, the BOME distinctly licenses EMT-Intermediates and EMT-Paramedics as separate providers. The department has determined that the EMT-Intermediate and the EMT-Paramedic services are distinctly different and it declines to license ALS services relying on EMT-Intermediates the same as one that employs EMT-Paramedics.

/s/ John Koch
Rule Reviewer

/s/ Joan Miles
Director, Public Health and
Human Services

Certified to the Secretary of State September 25, 2006.

VOLUME NO. 51

OPINION NO. 18

ANNEXATION - Function of municipal government;
CITIES AND TOWNS - Annexation;
LOCAL GOVERNMENT - Annexation;
MUNICIPAL GOVERNMENT - Annexation;
STATUTORY CONSTRUCTION - Avoid absurd results;
MONTANA CODE ANNOTATED - Title 7, chapter 2, parts 41, 42 to 47, 43; sections 1-2-101, 7-1-2103, 7-2-4101, (1), -4204(1), -4703(2), (3), 7-6-2501 to -2541, 13-3-101 to -105;
MONTANA CONSTITUTION - Article XI, section 4.

HELD: Cross-county annexation is permitted by Montana law and is not dependent upon county approval.

September 21, 2006

Mr. Mathew J. Johnson
Jefferson County Attorney
P.O. Box H
Boulder, MT 59632

Dear Mr. Johnson:

You have requested my opinion on an issue that has arisen in your county concerning cross-county annexation. I have rephrased your questions as follows:

Is a municipality located in one county required to obtain approval from a neighboring county if it seeks to annex territory within the borders of the neighboring county?

Montana Code Ann. § 7-2-4101 sets forth the procedure for organization of a new municipality. Subsection 1 provides:

Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, signed by not less than two-thirds of the registered electors but not more than 300 such electors, who are residents of the state and residing within the limits of the proposed incorporation, to the board of county commissioners of the county in which the territory is situated.

Section 7-2-4204(1) governs the procedure for approval of the petition. It provides that after the petition has been filed and a census completed, if it has been determined that the requisite number of inhabitants exist for the formation of a municipal corporation, "the county commissioners shall call an election of all the registered electors residing in the territory described in the petition."

The role established by the Legislature for county government in the creation of a new municipality is a procedural rather than substantive one. The county is responsible for ensuring that the establishment of a municipality proceeds along the appropriate steps. The governing statutes do not give county government the authority to approve or deny the petition for incorporation so long as the statutory process has been observed.

Where part 41 governs organization of a municipality, parts 42 through 47 govern the annexation process for existing municipalities. The statutes provide for six independent annexation methods. Review of these statutes indicates that, as with the creation of a new municipality, the annexation provisions do not extend authority to county governments to approve or deny a proposed annexation. The permission of the county in which a municipality was originally incorporated is not required before a municipality may annex additional territory within that county. For instance, the city of Helena would not be required to request the approval of Lewis and Clark County if it proposed to annex contiguous land in Lewis and Clark County pursuant to part 43. Absent specific statutory language to the contrary, it logically follows that the neighboring county's approval is not required if the annexation crosses over county boundaries to annex territory in a neighboring county.

Cross-county annexation of land into a city does not alter existing county boundaries or impair powers statutorily granted to county government. See, e.g., Mont. Code Ann. § 7-1-2103 (county powers); Mont. Code Ann. § 7-6-2501 to -2541 (county taxation); and Mont. Code Ann. § 13-3-101 to -105 (designation of precincts and polling places).

As Montana's urban areas grow, it is likely cross-county annexation may become more common. The annexation provisions, particularly those found in part 47, express the Legislature's desire to ensure sound urban development and an acknowledgement that municipalities are created "for the protection of health, safety, and welfare in areas being intensively used for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development, and future annexations must consider these principles." Mont. Code Ann. § 7-2-4703(2). The Legislature's ultimate objective was to create standards for annexation in order to ensure the high quality of services needed for public health, safety, and welfare. Mont. Code Ann. § 7-2-4703(3).

My role in construing a statute "is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted." Mont. Code Ann. § 1-2-101. Had the Legislature intended to require county approval for municipal annexation, it would have reflected its intent in statute. However, there is nothing in the plain language of the relevant statutes that indicates the Legislature intended to require county approval for municipal annexation.

In addition to the governing statutes, I reviewed a memo written by the Department of Business Regulation considering the question of cross-county annexation. That memo concluded that cross-county annexation was not allowed in Montana and cited a general principle that cross-county annexation should not be allowed unless the authority for such annexation is explicitly expressed or clearly implied in statute. The memo concluded that Montana was more similar to jurisdictions that had not allowed cross-county annexation, than to jurisdictions that found it to be permissive.

After reviewing the cases on which the memo relied, I have concluded that they are inapplicable given the statutory scheme governing annexation in Montana. For instance, the express language of the governing annexation statutes in many of the cases that were cited provided that incorporated cities or towns could only annex lands which were "within the same county." See County of San Mateo v. City Council of City of Palo Alto, 335 P.2d 1013 (Cal. App. 2d 1959); Norlund v. Thorpe, 110 Cal. Rptr. 246, 34 Cal. App. 3d 672 (1973); and McGeary v. Dade County, 342 So. 2d 549 (Fla. Dist. Ct. App. 3d Dist. 1977). As was discussed in detail above, Montana law does not expressly or impliedly limit annexation by county boundaries.

Under the Montana constitution, "the powers of incorporated cities and towns and counties shall be liberally construed." Mont. Const. art. XI, § 4. The Legislature has provided means by which municipalities may exercise the power of annexation, and I may not restrict the exercise of those powers by adding requirements the legislature has not provided. See Mont. Code Ann. § 1-2-101.

THEREFORE, IT IS MY OPINION:

Cross-county annexation is permitted by Montana law and is not dependent upon county approval.

Very truly yours,

/s/ Mike McGrath
Attorney General

mm/anb/jym

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

- | | |
|------------------|--|
| Known Subject | 1. Consult ARM topical index. Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute | 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 that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2006. This table includes those rules adopted during the period April 1 through June 30, 2006 and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2006, 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 2006 Montana Administrative Register.

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

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(Office of the State Public Defender)

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