

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

Page Number

TABLE OF CONTENTS

NOTICE SECTION

COMMERCE, Department of, Title 8

8-58-59 (Board of Realty Regulation) Notice of Public Hearing on Proposed Amendment and Adoption - Definitions - Continuing Education - Continuing Education Course Approval - Grounds for License Discipline - Grounds for Discipline of Property Management Licensees - Internet Advertisting. 319-326

8-58-60 (Board of Realty Regulation) Notice of Public Hearing on Proposed Amendment - Pre-licensure Course Requirements - Continuing Property Management Education. 327-329

ENVIRONMENTAL QUALITY, Department of, Title 17

17-138 (Petroleum Tank Release Compensation Board) Notice of Public Hearing on Proposed Amendment - Insurance Coverage - Third-Party Liability - Investigation - Disclosure - Subrogation - Coordination of Benefits. 330-333

JUSTICE, Department of, Title 23

23-14-122 Notice of Proposed Amendment - Grounds for Suspension or Revocation of Peace Officers' Standards and Training Certification. No Public Hearing Contemplated. 334-336

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-181 Notice of Proposed Amendment - Interstate Compact on the Placement of Children. No Public Hearing Contemplated. 337-340

RULE SECTION

AGRICULTURE, Department of, Title 4

AMD Shipping Point Inspection Fees. 341-342

STATE AUDITOR, Title 6

REP Comprehensive Health Care. 343
NEW

COMMERCE, Department of, Title 8

AMD (Board of Physical Therapy Examiners) Examinations - Licensure of Out-of-State Applicants - Foreign-trained Physical Therapist Applicants - Continuing Education. 344

FISH, WILDLIFE AND PARKS, Department of, Title 12

AMD Definition of Department - Clarification of NEW Game Bird Permits - Field Trial Permits. 345-347

REVENUE, Department of, Title 42

AMD Liquor Distribution. 348

SPECIAL NOTICE AND TABLE SECTION

Functions of Administrative Rule Review Committee. 349-350

How to Use ARM and MAR. 351

Accumulative Table. 352-364

Boards and Councils Appointees. 365-371

Vacancies on Boards and Councils. 372-378

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

In the matter of the proposed amendment of rules pertaining to definitions, continuing education, continuing education course approval, grounds for license discipline, grounds for discipline of property management licensees and the adoption of a new rule pertaining to internet advertising) NOTICE OF PUBLIC HEARING
) ON THE PROPOSED AMENDMENT
) OF ARM 8.58.301
) DEFINITIONS, 8.58.415A
) CONTINUING REAL ESTATE
) EDUCATION, 8.58.415B
) CONTINUING REAL ESTATE
) EDUCATION -- COURSE
) APPROVAL, 8.58.419 GROUNDS
) FOR LICENSE DISCIPLINE -
) GENERAL PROVISIONS -
) UNPROFESSIONAL CONDUCT,
) 8.58.714 GROUNDS FOR
) DISCIPLINE OF PROPERTY
) MANAGEMENT LICENSEES -
) GENERAL PROVISIONS -
) UNPROFESSIONAL CONDUCT AND
) THE ADOPTION OF NEW RULE I
) INTERNET ADVERTISING RULES

TO: All Concerned Persons

1. On April 12, 2001, at 11:00 a.m., a public hearing will be held in the Professional and Occupational Licensing Division conference room, 4th Floor, Federal Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Realty Regulation no later than 5:00 p.m., on March 30, 2001 to advise us of the nature of the accommodation that you need. Please contact Grace Berger, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail compolrre@state.mt.us.

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

8.58.301 DEFINITIONS (1) The terms used in this chapter shall have their common meaning as used in the real estate industry, and, unless the context otherwise requires, the following meanings shall also apply:

(a) will remain the same, but be renumbered (1).

(2) "advertising" means information in whatever form used to promote real property for sale, lease, rent, exchange or purchase or to promote the brokerage or sales services of a licensee;

(b) through (h) will remain the same but be renumbered (3) through (10).

(11) "internet" means the internet, the world wide web or internet-based electronic information distribution networks and any derivative delivery systems or evolutions of such delivery systems that may be connected to individual computers, terminals and other consumer electronic interface devices through which information is delivered via computer servers connected via phone lines or other cable, wire, fiber, wireless or other analogous linkages to a computer, computer network or networks, including but not limited to web pages, e-mail, news groups, discussion lists, bulletin boards, instant messaging, chat rooms, voice over net, multi-media advertising, links and/or banner advertisements;

(12) "internet advertising" means advertising conducted via the internet;

(i) will remain the same but be renumbered (13).

(14) "licensee identification" as used in this chapter means a written disclosure that includes the licensee's name, the name of the firm with which the licensee is affiliated as reflected on the licensee's license, and that the licensee is either a licensed broker or salesperson, as is applicable;

(j) through (o) will remain the same but be renumbered (15) through (20).

Auth: Sec. 37-1-131, 37-51-203, MCA

IMP: Sec. 37-51-202, MCA

REASON: The Internet is playing a larger role in the real estate profession. Some clarification needs to be made so licensees understand the requirements for the use of the Internet when advertising. Certain disclosures need to be made to consumers and information must be relayed to the consumer to ensure that they have a true picture of the listing agent and any other cooperating licensee as well as the property. Consumers should be aware if a licensee has a listing on a property or is just authorized to advertise it through cooperative agreement. Clarification of Internet advertising requirements will eliminate the current gray area experienced by the licensees and those attempting to offer guidance to the licensees about this type of advertising. This rule amendment will affect any real estate licensee advertising on the Internet and any consumer using the Internet to locate property or agents in Montana.

8.58.415A CONTINUING REAL ESTATE EDUCATION (1) Each licensee is required to complete a minimum of 12 hours of continuing real estate education for every calendar year beginning January 1, 1996.

(2) The licensee must attend 100% of the approved course in order to receive credit for attendance.

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

~~(4)~~ (5) No more than six hours of elective topics may be carried over. No mandatory hours may be carried over to any other year except as elective credits. Beginning January 1, 2003, excess continuing education hours, above the 12 required hours, will not be carried over to the next year.

(5) through (10) will remain the same but be renumbered (6) through (11).

~~(11)~~ (12) A sworn affidavit attesting to the successful completion of the continuing education requirement must be submitted to the board by December 31 of each year. Filing of an affidavit after December 31, but on or before February 15 will result in a late filing fee of ~~\$100~~. No affidavit will be accepted after February 15.

(12) through (16) will remain the same but be renumbered (13) through (17).

Auth: Sec. 37-1-131, 37-1-306, 37-51-203, 37-51-204, MCA
IMP: Sec. 37-51-202, 37-51-203, 37-51-204, MCA

REASON: The Board is proposing the addition of a new subsection (2). There has been a longstanding policy that the licensee is required to attend the entire course in order to obtain the approved hours. It has been determined that a rule to that effect will put the licensees on better notice of the requirement and allow the course instructors and sponsors the latitude they need to require compliance.

The Board is proposing the amendment to subsection (4) as a result of the Board being confronted by a growing problem of verifying prior continuing education (CE) carry over hours because licensees are allowed to file education affidavits rather than the actual CE certificates. The licensee is required to maintain evidence of the origination of the carry over hours and as the carry over hours perpetuate, it is more difficult to verify those original carry over hours. The elimination of carry over hours two years from now will allow licensees that currently have carry over hours to use them before they are no longer accepted.

The Board is proposing to eliminate the amount of the late filing fee in subsection (11) as this is duplicated in ARM 8.58.411.

8.58.415B CONTINUING REAL ESTATE EDUCATION -- COURSE APPROVAL (1) through (7)(b) will remain the same.

~~(c) the information specified in the guidelines for distance education as adopted by the board has been submitted and approved;~~

~~(d) the distance education course meets the content requirements as established under ARM 8.58.415A(3); and~~

(d) the distance education course provider must be certified by the association of real estate license law officials (ARELLO) and provide appropriate documentation that the ARELLO certification is in effect. Approval will cease immediately should ARELLO certification be discontinued for any reason; and

(e) will remain the same.

~~(8) Courses which are presently association of real estate license law officials (ARELLO) certified will be approved under this rule by providing appropriate documentation that the ARELLO certification is in effect and that the course meets the content requirements of ARM 8.58.415A(3), along with any other requirements of the board. Approval under this subsection will cease immediately should ARELLO certification be discontinued for any reason.~~

Auth: Sec. 37-1-131, 37-51-202, 37-51-203, 37-51-204,
MCA

IMP: Sec. 37-51-202, 37-51-204, MCA

REASON: Distance education (DE) standards are a very specialized area of education offering. The Board does not have the expertise to evaluate an applicant to determine if they meet the standards required for approval. ARELLO has experts and can make that determination. The ARELLO certification is the exclusive means currently used by DE providers to meet that portion of Montana's DE requirements. This rule amendment will affect any DE providers only seeking approval in Montana.

8.58.419 GROUNDS FOR LICENSE DISCIPLINE - GENERAL PROVISIONS - UNPROFESSIONAL CONDUCT (1) through (3)(ac) will remain the same.

(ad) Licensees, when advertising, shall present a true picture. Licensees shall not advertise without disclosing the licensee's name or brokerage company and identify that the advertisement is made by a real estate licensee. Internet advertising is subject to the provisions of [NEW RULE I]. Licensees shall disclose their identity as a real estate licensee whenever the licensee negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent or lease of real estate;

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

Auth: Sec. 37-1-131, 37-1-136, 37-1-306, 37-51-102, 37-51-203, 37-51-321, MCA

IMP: Sec. 37-51-102, 37-51-201, 37-51-202, 37-51-321, 37-51-512, MCA

REASON: See reason for amendment of ARM 8.58.301.

8.58.714 GROUNDS FOR DISCIPLINE OF PROPERTY MANAGEMENT LICENSEES - GENERAL PROVISIONS - UNPROFESSIONAL CONDUCT

(1) through (3)(n) will remain the same.

(o) A licensee may not openly advertise property belonging to others, whether by means of printed material, radio, television or display or by other means, unless licensee has a signed property management agreement from the owner of the property. The agreement must be valid as of the

date of advertisement. Internet advertising is subject to the provisions of [NEW RULE I].

(p) Licensees shall include the name of the property management company, or the term "property manager" in any real estate advertising, including property owned by the licensee. Internet advertising is subject to the provisions of [NEW RULE I].

(q) through (5) will remain the same.

Auth: Sec. 37-1-131, 37-51-202, 37-51-203, MCA
IMP: Sec. 37-51-606, MCA

REASON: The reason for the proposed amendment is the same as for ARM 8.58.301.

4. The proposed new rule provides as follows:

NEW RULE I INTERNET ADVERTISING RULES (1) Licensees who engage in any form of internet advertising, either directly or indirectly, shall comply with the internet advertising rules set out in this rule. This rule does not apply to traditional forms of advertising or promotion, such as newspaper, television, radio advertisements, yard signs or direct mailings.

(2) All internet advertising shall truthfully and accurately describe the real property or service advertised. Real property advertisements shall identify the city, town or county in which the real property is located.

(3) All internet advertising shall provide licensee identification. The timing and placement of such licensee identification shall vary, depending upon the nature of the advertisement or promotion, as follows:

(a) Whenever a licensee or brokerage company owns a web page or controls its content, every viewable page should include (or link to) a licensee identification. (A viewable page is one that may or may not scroll beyond the borders of the screen and includes the use of framed pages.)

(b) E-mail shall include a licensee identification at the beginning or end of each message, unless the licensee has previously provided licensee identification to all recipients of the e-mail.

(c) News groups, discussion lists and bulletin boards shall include a licensee identification at the beginning or end of each message.

(d) Licensee identification is not necessary in connection with instant messages if the licensee provided the written licensee identification via another format or medium (e.g., e-mail or letter) prior to providing or offering to provide, licensable services.

(e) Licensee identification is required prior to providing or offering to provide licensable services during a chat session or in text visible on the same web page that contains a chat session if the licensee or brokerage company controls the web site hosting the chat session.

(f) Licensee identification is required prior to the advertising message or in text visible on the same web page that contains a voice over net (VON) session.

(g) Licensee identification is not necessary for audible messaging if it was provided via another medium (i.e., e-mail, letter) prior to providing or offering to provide licensable services.

(h) Licensee identification should be visible as part of the advertising message when using multimedia advertising (e.g., web based, executable e-mail, attachments, etc.).

(i) Banner ads should link to a web page that has licensee identification, unless the banner ad has licensee identification contained in it.

(4) A licensee's internet advertising may include real properties on which neither the licensee nor his brokerage company is the listing agent so long as the listing agent has offered cooperation and has consented to internet advertising by the licensee engaging in the internet advertising and the owners of the property have consented to the same. The offer of cooperation and consent to internet advertising may arise pursuant to the rules and regulations of a multiple listing service in which the listing agent and the licensee, engaging in the internet advertising, are both participating (provided the multiple listing system gives the listing agent the option of prohibiting internet advertising of some or all of his listings by some or all of the participants on that multiple listing system) or by specific written agreement between them. The owner's consent may be included in the listing agreement and need not identify the specific licensee to whom consent to internet advertising is given. A licensee's internet advertising of real properties, on which neither he nor his brokerage company is the listing agent, must set forth as part of the property information, a statement that the subject property is listed with another licensee or brokerage company and shall identify the listing agent, including the listing agent's office mailing address and telephone number or e-mail address. The content of any listing data obtained from another listing agent or multiple listing system may not be changed in whole or in part. However, such listing data may be formatted differently and be condensed and further advertised if the advertisement contains the following statement: "The foregoing material was abstracted from another source and does not contain all of the information available at the source site. Please request further information when considering this property." No licensee shall be responsible for errors or misrepresentations of others, who reproduce or further disseminate the information concerning the licensee's listings, unless the licensee originated the error or misrepresentation.

(5) All internet advertising must be current as of the date of the advertisement and must be updated promptly in the event of material changes to the listing, such as its expiration, termination or amendment and/or in the event of material changes to the information otherwise found in the

internet advertising. Internet advertising shall indicate the date on which it was created and last updated.

(6) All information, disclosures, statements and the like required by this rule to be included in a licensee's internet advertising shall be displayed in a size, color, typestyle and location that a reasonable person will notice and be able to read.

(7) When a third party controls or manages the web site or medium displaying the internet advertising on behalf of a licensee, the licensee is responsible to assure such internet advertising and the third party comply with the provisions of this rule.

Auth: Sec. 37-1-131, 37-51-203, MCA

IMP: Sec. 37-51-203, MCA

REASON: The reason for the proposed new rule is the same as for the amendment to ARM 8.58.301.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to compolrre@state.mt.us and must be received no later than the close of the hearing. If comments are submitted in writing, the Board requests that the person submit eight copies of their comments.

6. F. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

7. The Board of Realty Regulation maintains a list of interested persons who wish to receive notices of rule making actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request to the board 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 Realty Regulation administrative rule making or other administrative proceedings. Such written request may be mailed or delivered to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to compolrre@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

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

BOARD OF REALTY REGULATION
JOHN BEAGLE, CHAIRMAN

By: /s/ Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

By: /s/ Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 2001.

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

In the matter of the proposed amendment of rules pertaining to pre-licensure course requirements and continuing property management education) NOTICE OF PUBLIC HEARING) ON THE PROPOSED AMENDMENT) OF ARM 8.58.705 PRE-LICENSURE COURSE) REQUIREMENTS AND 8.58.709) CONTINUING PROPERTY) MANAGEMENT EDUCATION

TO: All Concerned Persons

1. On April 12, 2001, at 10:00 a.m., a public hearing will be held in the Division of Professional and Occupational Licensing conference room, 4th Floor, Federal Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Realty Regulation no later than 5:00 p.m., on March 30, 2001, to advise us of the nature of the accommodation that you need. Please contact Grace Berger, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail compolrre@state.mt.us.

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

8.58.705 PRE-LICENSURE COURSE REQUIREMENTS (1) A property management application must provide evidence of successfully completing a minimum of ~~20~~ 40 hours of pre-licensure education approved by the board.

(2) will remain the same.

Auth: Sec. 37-1-131, 37-51-202, 37-51-203, MCA
IMP: Sec. 37-51-603, MCA

8.58.709 CONTINUING PROPERTY MANAGEMENT EDUCATION

(1) Each property management licensee is required to complete a minimum of ~~six~~ 12 hours of board-approved continuing property management education every year. A minimum of ~~two~~ four hours must come from mandatory property management specific topics determined by the board and ~~four~~ eight hours may come from elective topics approved by the board.

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

Auth: Sec. 37-1-131, 37-51-202, 37-51-203, MCA
IMP: Sec. 37-1-101, 37-51-604, MCA

REASON: The Board formed a task force of property managers and landlords to examine the property management profession and recommend ways to eliminate some of the problems the complaint screening committee sees in the complaint process concerning property managers. The specific areas identified are trust accounting and accounting for property of others, failure to maintain property, poorly written contracts and landlord/tenant issues.

It was the consensus of the task force that property management is a very complicated and demanding profession and more education was needed to obtain the original license and to continue with a license. The Board, following recommendations of the task force, has opted to increase education requirements to better prepare new licensees for the responsibilities of their license and increase the continuing education requirement to keep licensees updated on requirements and changes to landlord/tenant laws and other topics specific to property managers. Increased education will result in better prepared licensees to assist consumers in managing their property and serving tenants according to all applicable laws.

The increase in continuing education hours will affect the 204 currently licensed property management licensees. The increase in pre-licensing education will affect approximately 45 new licensees annually.

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 Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to compolrre@state.mt.us and must be received no later than the close of the hearing. If comments are submitted in writing, the Board requests that the person submit eight copies of their comments.

5. F. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

6. The Board of Realty Regulation maintains a list of interested persons who wish to receive notices of rule making 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 Realty Regulation administrative rule making proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to compolrre@state.mt.us 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.

BOARD OF REALTY REGULATION

By: /s/ Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

By: /s/ Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 2001.

BEFORE THE PETROLEUM TANK RELEASE COMPENSATION BOARD
OF THE STATE OF MONTANA

In the matter of the)	
amendment of ARM 17.58.332	)	NOTICE OF PUBLIC HEARING ON
concerning insurance coverage,	)	PROPOSED AMENDMENT
third-party liability,)	
investigation, disclosure,	)	(Petroleum Tank Release
subrogation, coordination of	)	Compensation Board)
benefits)	

TO: All Concerned Persons

1. On March 14, 2001 at 10 a.m. the Petroleum Tank Release Compensation Board will hold a public hearing in the Clark Room of the Phoenix Building, 2209 Phoenix Ave., Helena, Montana to consider the proposed amendment of ARM 17.58.332 concerning investigation, disclosure and coordination of benefits.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5 p.m., March 1, 2001 to advise us of the nature of the accommodation you need. Please contact the Board at P.O. Box 200902, Helena, Montana, 59620-0901; phone (406) 444-1420; fax (406) 444-1902.

3. The rule as proposed to be amended provides as follows. Matter to be deleted is interlined. Language to be added is underlined.

17.58.332 INSURANCE COVERAGE; THIRD-PARTY LIABILITY; INVESTIGATION; DISCLOSURE; SUBROGATION; COORDINATION OF BENEFITS

~~(1) An owner or operator who incurs or may incur eligible costs under the Act must disclose to the board, on a form provided by the board, any policy of insurance on the petroleum storage tank or its premises which may cover some or all of the expenses arising from a release of petroleum products from the tank. The disclosure form must contain current information as of the date of a release. A copy of the policy or policies must be furnished to the board by the owner or operator upon request by the board.~~

~~(2) The board may agree to coordinate benefits with an insurer who covers the same risks or other risks arising out of a release from the petroleum storage tank. An agreement to coordinate benefits may designate which party is primarily responsible for which risks and may divide costs of claims investigation or adjustment.~~

(1) An owner or operator who applies for eligibility under 75-11-308, MCA shall thoroughly investigate the existence of any policy of insurance or other similar instrument which may indicate insurance coverage for some or all of the eligible

costs arising from a release. At a minimum, this investigation must include:

(a) complete review of the present owner's and operator's records; and

(b) the records of the owner's or operator's insurance agents or brokers; and

(c) where available, the records of prior owners or operators and others who may have information (if not policies) concerning insurance coverage.

(2) An owner or operator shall investigate and provide the board with the identity of and basis for liability of any third party who through its acts or omissions may be liable to the owner or operator for the eligible costs.

(3) If the board determines to aid in the investigation of available coverage, owners or operators must allow the board reasonable access to their records and, where possible, arrange access for the board to the records of others that may contain relevant insurance or third party liability information.

(4) Owners or operators seeking reimbursement for eligible costs shall disclose to the board, on a form provided by the board, 60 days from submission of an application for eligibility, the results of the owner's or operator's investigations undertaken pursuant to (1) and (2). Together with the form, the owner or operator must provide copies of any policy of insurance, or any other evidence that may indicate insurance coverage for some or all of the eligible costs. Such evidence of insurance includes but is not limited to, cancelled checks from or to insurance companies, letters to and from insurance companies or declaration sheets indicating extent of coverage. Narrative information from previous owners or operators concerning possible coverage shall be submitted in writing along with the form. The disclosure must contain current information as of the date of the release as well as all available historic insurance information from the date of the facility's first use of petroleum storage tanks. Where applicable, this disclosure must also contain the identity of any third party who may be liable for the eligible costs sought to be reimbursed together with an explanation of the basis of liability and any supporting documentation indicating insurance coverage that third parties may have.

(5) To the extent the board may reimburse or has reimbursed owners or operators for eligible costs, the board has a subrogation claim against insurance carriers whose policies cover the reimbursed costs and against other third parties whose acts or omissions render them otherwise liable for the reimbursed costs. An owner or operator who accepts reimbursement for costs subrogates his rights to the board as against such insurance carriers and other third parties to the extent of the accepted reimbursed costs. An owner or operator, prior to receiving reimbursement of eligible costs, must agree on a form provided by the board, to subrogate its claims to the board to the extent of the accepted reimbursed costs.

(6) The board's obligation to reimburse eligible owners or operators does not include amounts owners or operators recover

pursuant to contractual or tort-based obligations of insurers or other third parties. For the purposes of providing reimbursement or obtaining subrogation, the board is not an insurer.

(7) Reimbursement of claims by the board may be delayed by the board pending submission of any form referenced in this rule. If it appears to the board that a party has previously reimbursed an owner or operator for eligible costs, the board may withhold reimbursement of claims from that owner or operator pending a determination by the board of what eligible costs, if any, remain to be reimbursed.

AUTH: 75-11-301, 75-11-313, 75-11-318, MCA
IMP: 75-11-309, 75-11-313, MCA

4. The proposed amendments are necessary to preserve the financial resources available to the Board and to provide reimbursement to owners or operators in an efficient manner. The proposed amendments clarify that to the extent a third party is liable for any costs reimbursed by the fund, the fund may seek reimbursement from that third party. The proposed amendments clarify that to the extent an owner or operator party has been reimbursed for costs, the owner or operator may not also seek reimbursement of these costs from the fund. The proposed amendments establish the procedures by which the Board can obtain information about the availability of such third parties and obtain reimbursement to the fund from responsible third parties.

5. Concerned persons may submit their data, views or arguments concerning these proposed amendments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Paul W. Hicks, P.O. Box 200902, Helena, MT 59620-0901, phicks@state.mt.us, no later than March 22, 2001. To guarantee consideration comments must be postmarked on or before that date.

6. David Scrimm has been designated to preside over and conduct the hearing on behalf of the Board.

7. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Board. Persons who wish to have their names added to the list shall make a written request that includes the name and mailing address of the person to receive rulemaking notices. Such written request may be mailed or delivered to Paul W. Hicks at the Board, 2209 Phoenix Ave., P.O. Box 200902, Helena, Montana 59620-0901, faxed to the office at (406) 444-1902, or may be made by completing a request form at any rules hearing held by the Board.

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

PETROLEUM TANK RELEASE COMPENSATION
BOARD

BY: /s/ TIM HORNBACHER
TIM HORNBACHER, CHAIR

/s/ KATHERINE ORR
KATHERINE ORR
Rule Reviewer

Certified to the Secretary of State February 12, 2001.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
amendment of ARM 23.14.802	)	AMENDMENT OF RULE
regarding grounds for)	
suspension or revocation of	)	NO PUBLIC HEARING
peace officers' standards and	)	CONTEMPLATED
training certification.)	

To: All Concerned Persons

1. On March 24, 2001, the Department of Justice proposes to amend ARM 23.14.802 which sets forth the grounds for suspension or revocation of Montana peace officers' standards and training certification.

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 of Justice no later than 5:00 p.m. on Wednesday, March 14, 2001, to advise us of the nature of the accommodation that you need. Please contact Ali Sheppard, Department of Justice, Office of Attorney General, P.O. Box 201401, Helena, MT 59620-1401; (406) 444-2026; FAX 406-444-3549.

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

23.14.802 GROUNDS FOR SUSPENSION OR REVOCATION OF MONTANA PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATION

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

(3) Conviction of any felony will be cause for an automatic referral to the peace officers standards and training council for revocation of an officer's certification.

AUTH: 44-4-301, MCA

IMP: 44-4-301, MCA

4. Mont. Code Ann. § 44-4-301 authorizes the board of crime control to establish minimum qualifying standards for employment of peace officers as defined in Mont. Code Ann. § 7-32-303 and to develop procedures for revoking or suspending the certification of peace officers. Mont. Code Ann. § 7-32-303(2)(d) provides that an individual may not be appointed as a peace officer if he or she has been convicted of a crime "for which the person could have been imprisoned in a federal or state penitentiary." The proposed amendment to ARM 23.14.802 clarifies that conviction of a felony will result in an automatic referral to the peace officers standards and training

council for revocation of an officer's certificate in accordance with Mont. Code Ann. § 7-32-303(2)(d).

5. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to Ali Sheppard, Assistant Attorney General, Attorney General's Office, P.O. Box 201401, Helena, MT 59620-1401, FAX (406) 444-3549, by surface mail, or electronically to asheppard@state.mt.us. Comments must be received no later than March 22, 2001.

6. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Ali Sheppard, Assistant Attorney General, Attorney General's Office, P.O. Box 201401, Helena, MT 59620-1401. A written request for hearing must be received no later than March 23, 2001.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 180 persons based on the 1800 certified peace officers in Montana.

8. 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 regarding Montana peace officers' standards and training. Such written request may be mailed or delivered to the Attorney General's Office, Attn: Interested Party List, P.O. Box 201401, Helena, MT 59620-1401, faxed to the office at (406) 444-3549, e-mailed to asheppard@state.mt.us, or may be made by completing a request form at any rules hearing held by the department.

9. 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/ ALI SHEPPARD
ALI SHEPPARD, Rule Reviewer

Certified to the Secretary of State February 9, 2001.

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

In the matter of the	)	NOTICE OF PROPOSED
amendment of ARM 37.50.901	)	AMENDMENT
pertaining to interstate)	
compact on the placement of	)	NO PUBLIC HEARING
children	)	CONTEMPLATED

TO: All Interested Persons

1. On March 24, 2001, the Department of Public Health and Human Services proposes to amend the above-stated rule.

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. If you need to request an accommodation, contact the department no later than 5:00 p.m. on March 12, 2001, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphslegal@state.mt.us.

2. The rule as proposed to be amended provides as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.50.901 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(1) The department of public health and human services hereby adopts and incorporates by reference the regulations adopted by the association of administrators of the interstate compact on the placement of children as amended through April 28, ~~1996~~ April 30, 2000. These regulations interpret the interstate compact on the placement of children and include clarifications of the applicability of the interstate compact on the placement of children with regard to the following: ~~interstate relocation by foster parents; programs in which children are placed in family homes as an incident to their attendance at schools in other states; interstate placement of a child into the home of his parent, relative or nonagency guardian; interstate placements of children in educational institutions, hospitals and institutions for the mentally ill or mentally defective; the requirement of a central state office for all compact referrals; a 6 month time limit on placement authorization; and procedures for priority placements.~~

(a) use of uniform forms;

(b) interstate relocation by foster parents;

(c) interstate placement of a child into the home of the child's parent, relative or nonagency guardian;

(d) interstate placements of children in educational institutions, hospitals and institutions for the mentally ill or mentally defective;

- (e) the requirement of a central state office for all compact referrals;
- (f) a 6-month time limit on placement authorization;
- (g) procedures for priority placements;
- (h) appropriate use of forms to change placement purposes;
- (i) definition of a visit; and
- (j) applicability to guardianships.

(2) A copy of the regulations adopted by the association of administrators of the interstate compact on the placement of children as amended through ~~April 28, 1996~~ April 30, 2000, can be obtained from the Department of Public Health and Human Services, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

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

IMP: Sec. 41-3-1101, 41-4-101, 52-2-111, and 53-4-111, MCA

3. Section 41-4-101, MCA, Article VII of the Interstate Compact on the Placement of Children (ICPC), entitled "Compact Administrator", states that the Compact Administrator in Montana shall have the power to promulgate rules to carry out the terms and provisions of the compact.

The Montana Compact Administrator has promulgated ARM 37.50.901, under the statutory authority. ARM 37.50.901 states that the regulations promulgated by the Association of Administrators of ICPC (AAICPC) are incorporated by reference into Montana administrative rule. ARM 37.50.901 contains a title for each of the AAICPC regulations that is incorporated.

ARM 37.50.901(1) is proposed for amendment to update the date of the most recent AAICPC regulations from April 28, 1996 to April 30, 2000. This change is necessary to incorporate the most recent version of the AAICPC regulations which are being incorporated by reference. Changes were made in the AAICPC regulations at meetings held in both 1999 and 2000. The April 30, 2000 version of the AAICPC regulations is therefore the most current version, and the date change will reflect that.

ARM 37.50.901(1) is also being amended to include the titles of new AAICPC regulation number 0.01 on the uniform use of ICPC forms. The subsection will also repeal the AAICPC regulation number 2 title language which formerly read "program in which children are placed in family homes as an incident to their attendance at schools in other states", as this regulation was repealed by the AAICPC. The subsection will also add new titles for AAICPC regulation number 8 on change in placement purposes; new AAICPC regulation number 9 on visits; and new AAICPC regulation number 10 on guardianships. These changes are necessary to delete references to repealed AAICPC regulations, and add references to newly adopted AAICPC regulations.

ARM 37.50.901(2) is proposed for amendment to update the date of the most recent AAICPC regulations from April 28, 1996 to April 30, 2000. This change is necessary to incorporate the most

recent version of the AAICPC regulations which are being incorporated by reference. Changes were made in the AAICPC regulations at meetings held in both 1999 and 2000. The April 30, 2000 version of the AAICPC regulations is therefore the most current version, and the date change will reflect that.

The Department did not consider other options to this amendment. If the rule is not amended, the information contained in the rule will not be consistent with current AAICPC regulations. Incorporation of current AAICPC regulations in Montana administrative rules will assist the administration and enforcement of the ICPC statutes. The amendment is also necessary as the regulations are already being used in practice in most ICPC jurisdictions.

4. Interested persons may submit their data, views or arguments concerning the proposed action in writing to Kathy Munson, 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 March 22, 2001. Data, views or arguments may also be submitted by facsimile (406) 444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

5. If a person who is directly affected by the proposed action wishes to express data, views and arguments orally or in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments to Kathy Munson, 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 March 22, 2001.

6. If the Department of Public Health and Human Services receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of those who are directly affected by the proposed action, from the Administrative Rule Review Committee of the legislature, from a governmental agency or subdivision, or from an association having no less than 25 members who are directly affected, a hearing will be held at a later date and a notice of the hearing will be published in the Montana Administrative Register. Ten

percent of those directly affected has been determined to be 20 based on the 200 DPHHS community social workers affected by rules covering ICPC.

/s/ Dawn Sliva
Rule Reviewer

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

Certified to the Secretary of State February 12, 2001.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of ARM 4.12.1427)
relating to shipping point)
inspection fees)

TO: All Concerned Persons

1. On December 21, 2000, the Department of Agriculture published notice of the proposed amendment of ARM 4.12.1427 relating to shipping point inspection fees at page 3434 of the 2000 Montana Administrative Register, Issue Number 24.

2. The agency has amended ARM 4.12.1427 with the following changes, stricken matter interlined, new matter underlined:

4.12.1427 SHIPPING POINT INSPECTION FEES (1) All produce - 5.5¢ per unit.

(2) Minimum fee per requested inspection trip - \$20.00 per trip.

(3) Inspection tags - 20¢ per tag.

(4) ~~Additional f~~ees may be charged as follows for services other than the inspection and issuance of a grade inspection certificate:

(a) hourly charge - \$20.00 per hour; and

(b) per diem and mileage per ARM Title 2, chapter 4.

(5) All fees are due within 30 days after billing. The department may assess a collection fee of 10 percent of any amount past due, after providing written notice of the past due status, with a minimum charge of \$10.00. The department may require past due payment of fees prior to providing inspection services.

AUTH: 80-3-303, MCA

IMP: 80-3-315, MCA

3. The following comments were received and appear with the department of agriculture's responses:

COMMENT 1: Additional fees should be further clarified so the intent of when this might be used is better understood.

RESPONSE: The term additional fee is for services provided other than the inspection and issuance of a grade inspection certificate. An example might be providing assistance to evaluate the quality or condition of the lot but no certificate is requested. The department agrees that the term "additional fees" could be clarified and has made a change in the rule.

COMMENT 2: The minimum fee of \$20.00 per trip may not be sufficient to recover the costs of an inspection trip.

RESPONSE: In situations where the minimum fee is imposed, the \$20.00 per trip would pay for the cost of the inspection in most cases. The department adopts the amendment as proposed.

COMMENT 3: The collection fee of 10% being imposed may not be sufficient.

RESPONSE: The imposition of a 10% collection fee will be sufficient to offset the costs of the department associated with collecting the overdue bills. The department adopts the amendment as proposed.

COMMENT 4: How would the 10% collection fee be calculated?

RESPONSE: The department will send written notice to the producer informing of the past due status and impending late collection fee. The fee may be imposed on the amount that is more than 30 days overdue, regardless of when it is paid after the 30 days has elapsed. The future inspection services may be withheld until the entire collection fee and overdue inspection fee is paid in full. The department agrees that clarification is needed and has made a change to the rule.

By: /s/ W. Ralph Peck
Ralph Peck, Director
Montana Department of Agriculture

/s/ Tim Meloy
Tim Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State February 12, 2001.

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

In the matter of the) NOTICE OF REPEAL AND
repeal of ARM 6.6.1901,) ADOPTION
6.6.1902, 6.6.1903, 6.6.1904,)
and 6.6.1905 and adoption of)
Rule I pertaining to)
comprehensive health care)

TO: All Concerned Persons

1. On January 11, 2001, the state auditor and commissioner of insurance published a notice of proposed repeal of rules 6.6.1901, 6.6.1902, 6.6.1903, 6.6.1904, and 6.6.1905 and adoption of Rule I pertaining to comprehensive health care at page 14, 2001 Montana Administrative Register, issue number 1.

2. The department has repealed ARM 6.6.1901, 6.6.1902, 6.6.1903, 6.6.1904, and 6.6.1905 and adopted Rule I (ARM 6.6.1906) as proposed.

3. No comments or testimony were received.

JOHN MORRISON, State Auditor
and Commissioner of Securities

By: /s/ Elizabeth L. Griffing
Elizabeth L. Griffing
Chief Legal Counsel

By: /s/ Janice S. VanRiper
Janice S. VanRiper
Rules Reviewer

Certified to the Secretary of State February 12, 2001.

BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of rules pertaining to)
examinations, licensure of out-)
of-state applicants, foreign-)
trained physical therapist)
applicants and continuing)
education)

TO: All Concerned Persons

1. On December 21, 2000, the Board of Physical Therapy Examiners published a notice of the proposed amendment of rules pertaining to examinations, licensure of out-of-state applicants, foreign-trained physical therapist applicants and continuing education at page 3488, 2000 Montana Administrative Register, issue number 24. The hearing was held January 20, 2001.
2. The Board has amended ARM 8.42.402, 8.42.406, 8.42.410 and 8.42.416 exactly as proposed.
3. No comments or testimony were received.

BOARD OF PHYSICAL THERAPY
EXAMINERS
JEFFREY SWIFT, PT, CHAIRMAN

By: /s/ Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

By: /s/ Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 2001.

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

In the matter of the)	
amendment of ARM)	
12.6.1602 and adoption	)	NOTICE OF AMENDMENT
of new rules regarding a	)	AND ADOPTION
definition of department)	
and clarification of)	
game bird permits and)	
field trial permits)	

TO: All Concerned Persons

1. On November 9, 2000, the Department of Fish, Wildlife and Parks (department) published notice of a public hearing on the proposed amendment of ARM 12.6.1602 and the adoption of new rules regarding a definition of department and clarification of game bird permits and field trial permits on page 3092 of the 2000 Montana Administrative Register, Issue 21. On December 7, 2000, the department published notice of an extension of comment period on this matter at page 3298 of the 2000 Montana Administrative Register, Issue 23.

2. The department has adopted new RULE I, ARM 12.6.1601A, and new RULE II, ARM 12.6.1606, exactly as proposed. The department has amended ARM 12.6.1602 with the following changes, stricken matter interlined, new matter underlined:

12.6.1602 PURCHASE AND SALE OF GAME BIRDS (1) No person may purchase live game birds from within the state except from the holder of a current game bird farm license. Licensees may sell live game birds within the state only if the prospective purchaser is legally entitled to possess live game birds as evidenced by any of the following:

- (a) a permit to possess live game birds for non-commercial use;
- (b) a permit to release live game birds;
- (c) a shooting preserve license;
- (d) a zoo or menagerie permit; or
- (e) a permit to conduct a field trial; or
- (f) a game bird farm license.

(2) An authorized purchaser may also purchase live game birds delivered from outside the state under import permits issued by the department of livestock.

AUTH: 87-4-913, MCA
IMP: 87-4-915, MCA

3. The department received a total of 17 comments. Sixteen of the comments pertained to the amendment of ARM 12.6.1602. The following is a summary of the comments and appears with the department's responses:

COMMENT 1: Because of occasional different interpretations of laws and rules between regions, there should be a provision in new rules I and II that provides for a review or appeal process to the director. That review process would ensure consistency for those applications for field trials that may be denied at a regional level.

RESPONSE: Under 87-4-915, MCA, an application for a field trial may be denied if it is determined not to be in the best interests of the protection, preservation, propagation, and conservation of game birds in this state. The rule change was requested to make the process for permitting field trials more expedient and to place the authority in the hands of the regional staff who have the knowledge of a specific locale, enabling them to make an informed decision regarding permitting. It is unlikely that the director would disagree with any decision of the region to not allow permitting based on the above criteria.

COMMENT 2: The proposed rule amendment would prohibit the operator of a shooting preserve from selling live game birds to his hunters since they are not "permitted" and would put the operator out of business.

RESPONSE: A shooting preserve operator is not considered selling live game birds to his paying clients. Rather, he is selling the opportunity to harvest the pen reared birds and is selling the dead birds once harvested. If, however, the client carried live game birds off the premises, he would need to possess the proper permit.

COMMENT 3: We have always required our customers to obtain permits from the department before purchasing live game birds from our farm. With the rule change, will we be required to enter a permit number on our annual reports to the department or submit an actual copy of the purchaser's permit?

RESPONSE: The annual game bird farm record report book has always had a space on the form to supply the license number of the person purchasing the birds. Once permit numbers have been included on all of the department issued permits (permit to possess live game birds, permit to conduct dog training, etc.) that permit number will suffice for verification that the individual purchasing birds has the proper permit.

COMMENT 4: Game bird farm operators should not be put in a position to be the "enforcer" of department rules by being made to verify that persons purchasing game birds have the appropriate permits.

RESPONSE: The purpose of this rule amendment is to prevent violations of the regulations due to inadequate or incomplete knowledge of the regulations by persons purchasing live game birds. The game bird farm licensee, as the seller of

live game birds, is the first line for preventing inappropriate possession of live game birds by not selling live game birds to persons not possessing the appropriate permits. As with other state licensed activities, there is a responsibility for licensees to conduct their business in a manner that will not place their customers in a situation that violates current state regulations.

COMMENT 5: The rule amendment, as written, may be interpreted to disallow the sale of game birds to the following: 1) other game bird farms, 2) an out of state customer, 3) state programs, 4) a startup business that would process game birds for retail sale as food, or 5) other legitimate situations such as scientific research and university projects.

RESPONSE: The department agrees with this comment in part and has changed the rule accordingly to allow situations described in parts 1 and 2 of the comment. Concerning sale of game birds to the state, the department of Fish, Wildlife and Parks may, under 87-1-221(1), MCA, acquire by purchase game birds for propagation, experimental, or scientific purposes. That statute would allow the purchase of live game birds by the state from game bird farms. Other situations described in parts 3, 4 and 5 of the comment were reviewed and it was determined that appropriate permits would be required in those instances.

COMMENT 6: There were 12 comments concerning the use of quail in dog training. All of these comments expressed concern that these rule changes place undue regulations on the use of quail.

RESPONSE: As defined under the game bird farm statutes in 87-4-901(2), MCA, quail are specifically excluded under the definition of game birds as the term is used relating to game bird farms. Therefore, these new regulations and amendments to existing regulations do not change the way the department regulates quail. A permit to conduct dog training has always been required when game birds are to be killed if the game bird being used in training was a quail or any other game bird as listed under the definition of game birds in 87-2-101, MCA. These permits are free and may be acquired from any department regional office.

By: /s/ M. Jeff Hegener
M. Jeff Hegener
Director, Department of Fish,
Wildlife and Parks

By: /s/ John F. Lynch
John F. Lynch
Rule Reviewer

Certified to the Secretary of State February 12, 2001

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF AMENDMENT
amendment of ARM 42.11.301,)
42.11.401, 42.11.402,)
42.11.405, 42.11.406,)
42.11.407, 42.11.409,)
42.11.421, 42.11.422,)
42.11.423, 42.11.424,)
42.11.425, and 42.11.426)
relating to liquor distribution)

TO: All Concerned Persons

1. On December 21, 2000, the Department published notice of the proposed amendment of ARM 42.11.301, 42.11.401, 42.11.402, 42.11.405, 42.11.406, 42.11.407, 42.11.409, 42.11.421, 42.11.422, 42.11.423, 42.11.424, 42.11.425, and 42.11.426 relating to liquor distribution at page 3507 of the 2000 Montana Administrative Register, issue no. 24.

2. No comments were received regarding these rules.

3. The Department has amended ARM 42.11.301, 42.11.401, 42.11.402, 42.11.405, 42.11.406, 42.11.407, 42.11.409, 42.11.421, 42.11.422, 42.11.423, 42.11.424, 42.11.425, and 42.11.426 as proposed.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

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

Certified to Secretary of State February 12, 2001

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

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

Business and Labor Interim Committee:

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

Education Interim Committee:

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

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

- ▶ Department of Public Health and Human Services.

Law, Justice, and Indian Affairs Interim Committee:

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

Revenue and Taxation Interim Committee:

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

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

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

Environmental Quality Council:

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

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 2000. This table includes those rules adopted during the period October 1, 2000 through December 31, 2000 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2000, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1999 and 2000 Montana Administrative Registers.

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

GENERAL PROVISIONS, Title 1

1.2.419 Scheduled Dates for the Montana Administrative Register, p. 2959, 3419

ADMINISTRATION, Department of, Title 2

2.5.502 State Procurement, p. 2092, 2962
2.21.227 Annual Vacation Leave Policy, p. 903, 1628
2.21.1301 and other rules - Nondiscrimination - Equal Opportunity - Sexual Harassment Prevention Policy - Equal Employment Opportunity Policy, p. 2732, 3515

(State Fund)

2.55.320 and other rules - Calculation of Manual Rates - Variable Pricing - Premium Rates and Premium Modifiers - Ratemaking, p. 1

AGRICULTURE, Department of, Title 4

I & II Japanese Beetle (Popillia japonica) Quarantine, p. 905, 1306
4.3.202 and other rules - Loan Qualifications, p. 2774, 3332
4.10.1808 Termination of the Pesticide Disposal Program, p. 986, 1498
4.12.219 and other rules - Commercial Feed, p. 2762, 3333

- 4.12.1427 Shipping Point Inspection Fees, p. 3434
- 4.12.1507 and other rule - Mint Definitions - Conditions Governing Importation of Mint and Mint Rootstock, p. 3286, 165
- 4.12.3001 and other rules - Seeds, p. 2740, 3334

(Alfalfa Seed Committee)

- 4.8.203 Grant Funding, p. 1129, 1629

STATE AUDITOR, Title 6

- I Canadian Broker-Dealer Registration, p. 2777, 3336
- I-IX Viatical Settlement Agreements, p. 2095, 3155
- 6.6.507 and other rules - Minimum Benefit Standards, p. 3055, 3518
- 6.6.1901 and other rules - Comprehensive Health Care, p. 14
- 6.6.4001 Valuation of Securities, p. 3059, 3519

(Classification Review Committee)

- 6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed. - Adoption of New and Amended Classifications, p. 132
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed., p. 1381

COMMERCE, Department of, Title 8

(Board of Architects)

- 8.6.405 and other rules - Applicants Registered in Another State - Qualifications for Montana Branch Office - Examinations - Individual Seals - Unprofessional Conduct - Fees - Business Entity Definitions - Emergency Use of Practice - Application for Architects - Licensure by Examination, p. 1268, 2298

(Board of Barbers)

- 8.10.414 and other rules - General Requirements - Posting Requirements - Toilet Facilities - Inspections, p. 208

(Chemical Dependency Counselors Certification Program)

- 8.11.106 and other rules - Education - Verification of Supervised Counseling Experience - Application Procedures - Written Examinations - Counselors Certified in Other States - Renewals - Continuing Education, p. 2344, 2963

(Board of Chiropractors)

- 8.12.603 and other rules - Examinations - Temporary Permits - Continuing Education Requirements - Unprofessional Conduct - Fees - Interns and Preceptors - Recertification - Denial - Revocation - Patient Records, p. 663, 1307, 1499

(Board of Clinical Laboratory Science Practitioners)

I Temporary Practice Permits, p. 2130, 166

(Board of Cosmetologists)

8.14.401 and other rules - General Requirements - Inspections - School Layouts - Curriculum - Construction of Utensils and Equipment - Cleaning and Sanitizing Tools and Equipment - Storage and Handling of Salon Preparations - Disposal of Waste - Premises - Definitions, p. 3467

8.14.402 and other rules - General Practice of Cosmetology - Schools - Instructors Applications - Examinations - Electrology Schools - Electrolysis - Sanitary Standards for Electrology Salons - Sanitary Rules for Beauty Salons and Cosmetology Schools - Aiding and Abetting Unlicensed Practice - Renewals - Booth Rental License Applications - Walls and Ceilings - Doors and Windows - Ventilation, p. 3437

(Board of Dentistry)

8.16.402A and other rules - Dentist Applications - Fees - Conversion of Inactive Status Licenses - Complaint Procedures - Dental Hygienist Licensure by Credentials - Denturist Examinations - Interns - Renewal - License Reinstatement - Dental Hygienist Local Anesthetic Agent Licensure, p. 518, 1312

(State Electrical Board)

Notice of Extension of Comment Period - In the Matter of the Petition for Declaratory Ruling on the Clarification of Low Voltage Electrical Communication or Signal Equipment - Whether Parking Lot or Street Lighting are Covered by Electrical Code - Which Electrical Code is Applicable, p. 2780

(Board of Hearing Aid Dispensers)

8.20.402 and other rules - Fees - Record Retention - Minimum Testing and Recording Procedures - Transactional Document Requirements - Form and Content, p. 3485

8.20.407 and other rules - Records - Unprofessional Conduct - Minimum Testing and Recording Procedures - Definitions - Transactional Documents, p. 777, 2514

(Board of Landscape Architects)

8.24.409 Fee Schedule, p. 1132, 2004

(Board of Medical Examiners)

I-XI Purpose and Authority - Definitions - License Requirement - Application for a Telemedicine Certificate - Fees - Failure to Submit Fees - Issuance of Telemedicine Certificate - Certificate Renewal Application - Effect of Denial of Application for Telemedicine Certificate - Effect of Telemedicine Certificate - Sanctions, p. 1826, 2967

8.28.402 and other rules - Definitions - Medical Student's Permitted Activities - Intern's Scope of Practice -

- Resident's Scope of Practice - Approved Residency,
p. 3062, 3520
8.28.1508 Temporary Approval, p. 1385, 2965
8.28.1705 and other rules - Ankle Surgery Certification - Fees
- Failure to Submit Fees, p. 211

(Board of Funeral Service)

- 8.30.402 and other rules - Applications - Fees - Inactive
Status and Reactivation - Contracts - Federal Trade
Commission Regulations - Continuing Education -
Disclosure Statements on Embalming - Unprofessional
Conduct - Crematory Facility Regulation - Processing
of Cremated Remains - Perpetual Care and Maintenance
Fund Reports - Restrictions on Officers - Transfer
of Cemetery Ownership - Perpetual Care and
Maintenance Funds - Prepaid Funeral Arrangements -
Branch Establishment Facilities - Definitions -
Prearranged, Prefinanced or Prepaid Funerals -
Requirements for Sale of At-need, Pre-need and
Prepaid Funeral Arrangements - Pre-need Funeral
Agreements - Trust Funds, p. 668, 1630

(Board of Nursing)

- Notice of Extension of Comment Period - In the
Matter of the Petition for Declaratory Ruling on the
Issue of Whether the Scope of the Nurse Practice Act
Allows All Levels of Nursing to Conduct Un-waived
CLIA Tests, p. 2782
8.32.304 and other rules - Advanced Practice Nursing -
Program Director - Nurses' Assistance Program,
p. 2132, 167
8.32.308 and other rules - Temporary Permits - General
Requirements for Licensure - Re-examination -
Licensure for Foreign Nurses - Temporary Practice
Permits - Renewals - Conduct of Nurses, p. 988, 2681
8.32.405 and other rules - Licensure by Endorsement -
Temporary Practice Permits - Renewals - Standards
Related to Registered Nurse's Responsibilities -
Prescriptive Authority Committee - Initial
Application Requirements for Prescriptive Authority
- Limitations on Prescribing Controlled Substances -
Quality Assurance of Advanced Practice Nursing -
Renewal of Prescriptive Authority, p. 1539, 2683

(Board of Optometry)

- 8.36.412 Unprofessional Conduct, p. 3292

(Board of Outfitters)

- 8.39.514 and other rules - Licensure - Guide or Professional
Guide License - Licensure -- Fees for Outfitter,
Operations Plan, Net Client Hunting Use (N.C.H.U.),
and Guide or Professional Guide, p. 3295
8.39.514 Emergency Amendment - Licensure - Guide or
Professional Guide License, p. 2516

(Board of Pharmacy)

- 8.40.406 and other rules - Labeling for Prescriptions - Unprofessional Conduct - Definitions - Preceptor Requirements - Conditions of Registration, p. 136
- 8.40.906 and other rules - Forms and Reports - Pharmacy Technicians - Patient Counseling, p. 540, 909, 2005

(Board of Physical Therapy Examiners)

- 8.42.402 and other rules - Examinations - Licensure of Out-of-State Applicants - Foreign-trained Physical Therapist Applicants - Continuing Education, p. 3488

(Board of Professional Engineers and Land Surveyors)

- 8.48.802 and other rules - License Seal - Safety and Welfare of the Public - Performance of Services in Areas of Competence - Conflicts of Interest - Avoidance of Improper Solicitation of Professional Employment - Direct Supervision - Definition of Responsible Charge - Introduction - Issuance of Public Statements, p. 2784

(Board of Private Security Patrol Officers and Investigators)

- 8.50.437 Fee Schedule, p. 2351, 3162

(Board of Public Accountants)

- 8.54.415 and other rules - Licensure of Out-of-State Applicants - Reactivation of Inactive and Revoked Status - Commissions and Contingent Fees - Definitions, p. 1718, 3164

(Board of Radiologic Technologists)

- 8.56.409 and other rule - Fees, p. 239, 783, 2008

(Board of Real Estate Appraisers)

- I Appraisal Reviews, p. 785, 2301
- 8.57.403 and other rules - Examinations - Experience - Qualifying Education Requirements - Continuing Education - Fees - Adoption of USPAP by Reference - Ad Valorem Tax Appraisal Experience - Qualifying Experience - Inactive License Certification - Reactivation of License - Regulatory Reviews - Appraisal Review, p. 2560, 3521

(Board of Realty Regulation)

- 8.58.411 Fee Schedule - Renewal - Property Management Fees, p. 2354, 3166
- 8.58.415A and other rules - Continuing Education - Renewal - Mandatory Continuing Education for New Salespersons, p. 1134, 2013

(Board of Respiratory Care Practitioners)

- 8.59.402 and other rule - Definitions - Fees, p. 141

(Board of Social Work Examiners and Professional Counselors)
8.61.401 and other rule - Definitions - Licensure
Requirements, p. 2791

(Board of Speech-Language Pathologists and Audiologists)
8.62.413 Fees, p. 687, 1314

(Board of Veterinary Medicine)
8.64.501 and other rules - Applications - Temporary Permits -
Examinations - Licensure of Out-of-State Applicants,
p. 1544, 2303

(Building Codes Division)
8.70.101 and other rules - Incorporation by Reference of
Uniform Building Code - Funding of Code Enforcement
Program - Certification of Code Enforcement Programs
- Incorporation by Reference of Uniform Plumbing
Code, p. 2358, 3168

(Weights and Measures Bureau)
8.77.105 and other rule - Weighing Device License Transfer -
License Fee Schedule, p. 1275, 2015

(Consumer Affairs Division)
I-V Telemarketing Registration and Fraud Prevention Act,
p. 120, 1501

(Division of Banking and Financial Institutions)
I Investments by Banks to Promote the Public Welfare,
p. 1549, 2306

(Local Government Assistance Division)
I Administration of the 2001 Federal Community
Development Block Grant Program, p. 3493
I Administration of the 2000 Federal Community
Development Block Grant Program, p. 126, 1746

(Board of Investments)
8.97.910 INTERCAP Program, p. 2142, 2969

(Economic Development Division)
I-V Advanced Telecommunications Infrastructure Tax
Credit, p. 1723, 2403
I-XIII Montana Board of Research and Commercialization
Technology, p. 1138, 2970

(Board of Housing)
I Confidentiality and Disclosure of Information in
Possession of the Board of Housing, p. 144

(Travel Promotion and Development Division)
8.119.101 Tourism Advisory Council, p. 993, 2307

(Health Facility Authority)
8.120.101 and other rules - Health Facility Authority, p. 995,
1509

(Montana Lottery)

8.127.407 and other rule - Retailer Commission - Sales Staff Incentive Plan, p. 2363, 3199

EDUCATION, Title 10

(Office of Public Instruction)

10.16.3346 and other rule - Special Education - Aversive Treatment Procedures - Discovery Methods, p. 148

(Board of Public Education)

I and other rules - Teacher Certification - Reporting of Negative Certification Actions, p. 569, 1510

I-X and other rules - Teacher Certification, p. 1388, 2406

I-CXXXVI Content and Performance Standards for Social Studies, Arts, Library Media, and Workplace Competencies, p. 1148, 2685, 3338

10.54.2501 and other rules - Content and Performance Standards for Career and Vocational/Technical Education - Program Area Standards - Curriculum and Assessment - Standards Review Schedule, p. 214

10.55.2001 and other rules - Standards of School Accreditation, p. 2145, 3340

10.57.220 and other rule - Teacher Certification - Recency of Credit - Endorsement Information, p. 911, 1511

10.59.103 Contents of the Contract Between the Board of Public Education and the Montana School for the Deaf and Blind Foundation, p. 2568, 3361

(State Library Commission)

I & II Federation Advisory Boards - Base Grants, p. 247, 1471, 2016

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

12.3.203 and other rules - License Agents, p. 2570, 3200, 17

12.6.1602 and other rules - Definition of Department - Clarification of Game Bird Permits - Field Trial Permits - Purchase and Sale of Game Birds, p. 3092, 3298

12.9.602 and other rule - Pheasant Enhancement Program, p. 1000, 1512

(Fish, Wildlife, and Parks Commission)

I Limiting the Number of Class B-1 Nonresident Upland Game Bird Licenses that May be Sold Each Hunting Season, p. 151

I-V Western Fishing District - Limiting Watercraft to No Wake Speed for Lakes 35 Acres or Less - Instituting a No Wake Zone Contiguous to the Shoreline on Lakes Greater than 35 Acres, p. 1728, 2975

12.3.117 and other rules - Special Permits - Special License Drawings - Establishing a License Preference System, p. 1552, 2519

12.6.801 and other rules - Water Safety, p. 3068, 18

- 12.6.901 Regulating Personal Watercraft on the Tongue River Reservoir, p. 175, 1216, 1315

ENVIRONMENTAL QUALITY, Department of, Title 17

- I & II and other rules - Underground Storage Tanks - Underground Storage Tank Licensing, p. 572, 969, 2018
- 17.36.101 and other rules - Subdivisions - Standards for On-site Subsurface Sewage Systems in New Subdivisions, p. 1832, 3371
- 17.50.801 and other rules - Solid Waste - Licensing - Waste Disposal - Recordkeeping - Inspection for Businesses Pumping Wastes from Septic Tank Systems, Privies, Car Wash Sumps and Grease Traps, and Other Similar Wastes, p. 3299
- 17.54.101 and other rules - Hazardous Waste - Identification and Management of Hazardous Wastes, p. 2795, 169

(Board of Environmental Review)

- I and other rules - Air Quality - Use of Credible Evidence in Assessing Air Quality Compliance, p. 250, 1289, 3195, 3363
- 17.4.501 and other rules - Major Facility Siting - Regulation of Energy Generation or Conversion - Facilities - Linear Facilities, p. 243
- 17.8.101 and other rules - Air Quality - Odors that Create a Public Nuisance, p. 291
- 17.8.102 and other rule - Air Quality - Air Quality Incorporation by Reference, p. 1298, 2696
- 17.8.302 Air Quality - Cement Manufacturing Industry and Primary Lead Smelting Maximum Achievable Control Technology, p. 261, 1316
- 17.8.323 Air Quality - Sulfur Oxide Emissions from Primary Copper Smelters, p. 3327
- 17.8.504 Air Quality - Air Quality Fees, p. 1927, 2697
- 17.20.804 and other rules - Major Facility Siting - Major Facility Siting Act, p. 2367, 2984
- 17.30.630 Water Quality - Temporary Water Quality Standards for Portions of Mike Horse Creek, Beartrap Creek, and the Upper Blackfoot River, p. 263, 1317
- 17.38.101 and other rules - Public Water Supply - Water Quality - Siting Criteria for Public Sewage Systems, p. 1859, 3398
- 17.38.202 and other rules - Public Water and Sewage System Requirements - Public Water Supplies, p. 1879, 3400
- 17.38.606 Public Water Supply - Administrative Penalties, p. 1281, 2698

(Petroleum Tank Release Compensation Board)

- 17.58.311 Definitions, p. 1278, 1752

TRANSPORTATION, Department of, Title 18

- 18.2.101 Model Procedural Rules, p. 787, 1335

(Transportation Commission and Department of Transportation)
18.3.101 and other rules - Debarment of Contractors Due to
Violations of Department Requirements -
Determination of Contractor Responsibility, p. 2860,
3330, 3496

CORRECTIONS, Department of, Title 20

20.7.101 and other rules - Supervised Release Program -
Admission, Program Review, Termination From, and
Certification of Completion of Offenders in the Boot
Camp Incarceration Program, p. 3498
20.9.701 and other rule - Parole and Discharge of Youth,
p. 3196

JUSTICE, Department of, Title 23

I-V and other rules - Use of a Full Legal Name on a
Driver's License - Change of Name on a Driver Record
- Collection of an Applicant's Social Security
Number - Proof of Residence, p. 1559, 2524
23.15.103 and other rules - Permitting Proportionate
Reductions in Crime Victim Benefits - Affecting
Payment of Benefits to Crime Victims, p. 295
23.16.101 and other rules - Video Gambling Machines, p. 1203,
1638

LABOR AND INDUSTRY, Department of, Title 24

24.11.101 and other rules - Unemployment Insurance Matters,
p. 1934, 2454, 3523
24.11.441 and other rules - Unemployment Insurance Matters,
p. 2456, 3539
24.11.466 and other rules - Unemployment Insurance Benefit
Overpayments, p. 3541
24.16.9007 Prevailing Wage Rates - Fringe Benefits for
Ironworkers and Ironworker Forepersons Only, p. 3095
24.16.9007 Montana's Prevailing Wage Rates - Building
Construction Services - Heavy and Highway
Construction Services, p. 922, 1639
24.21.411 and other rules - Apprenticeship Standards, p. 3098
24.21.414 Wage Rates for Certain Apprenticeship Programs -
Building Construction Occupations, p. 925, 1647
24.29.205 and other rules - Workers' Compensation Matters,
p. 1733, 2701

(Workers' Compensation Judge)

24.5.301 and other rules - Procedural Rules, p. 914, 1513
24.5.317 Procedural Rule - Medical Records, p. 153A

(Board of Personnel Appeals)

24.26.215 and other rule - Remands from the Board - Merger of
Labor Organizations, p. 1473, 2308
24.26.630 and other rules - Board of Personnel Appeals
Matters, p. 154

LIVESTOCK, Department of, Title 32

- 32.2.201 and other rules - Rules Relating to the Montana Environmental Policy Act, p. 2578, 3409
- 32.2.401 and other rule - Fees Charged to Record, Transfer, or Rerecord New or Existing Brands or to Provide Certified Copies of Recorded Brands - Fees Charged by the Montana Department of Livestock Veterinary Diagnostic Laboratory, p. 2869, 3411
- 32.5.101 and other rules - Laboratory Services, p. 2883, 3412
- 32.6.712 Food Safety and Inspection Service (Meat and Poultry), p. 160
- 32.8.101 and other rules - Fluid Milk - Grade A Milk Products - Milk Freshness Dating, p. 2372, 2985
- 32.8.102 Fluid Milk and Grade A Milk Products - Milk Freshness Dating, p. 1477

(Board of Milk Control)

- 32.24.301 and other rules - Pricing of Producer Milk - Utilization of Surplus Milk - Procedures to Purchase and Market Surplus Milk - Definitions, p. 2878, 3413
- 32.24.301 Emergency Amendment - Producer Floor Pricing of Class I Milk, p. 2310
- 32.24.301 and other rules - Pricing of Producer Milk - Utilization - Procedures to Purchase - Marketing of Surplus Milk, p. 282, 1336, 1652, 1753

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I-XII Control of Timber Slash and Debris, p. 928, 2526
- 36.21.415 and other rule - Fees - Tests for Yield and Drawdown, p. 3504

(Board of Oil and Gas Conservation)

- 36.22.302 and other rules - Definitions - Adoption of Forms - Drilling Permits Pending Special Field Rules - Reports from Transporters, Refiners and Gasoline or Extraction Plants - Approval for Pulling Casing and Re-entering Wells - Restoration of Surface - Plugging and Restoration Bond - Application Contents and Requirements - Financial Responsibility - Notice of Application - Exempt Aquifers - Injection Fee - Well Classification - Area of Review - Certification of Enhanced Recovery Projects - Application - Contents and Requirements, p. 2379, 3542

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

- 36.25.102 and other rule - Rental Rates for Cabin Site Leases on State Trust Lands and Associated Improvements, p. 3104, 22

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I and other rules - Communicable Disease Control, p. 1972, 2528, 2986

- I and other rules - Inpatient Hospital Services Reimbursement Rates, p. 1301, 2034
- I and other rules - Nursing Facility Reimbursement, p. 1208, 1754
- I-XI and other rules - Transfer from Department of Social and Rehabilitation Services - Home and Community-Based Services Program, p. 296, 2023
- I-XV and other rules - Day Care, p. 1573, 2415
- I-XVIII and other rules - Transfer from Department of Social and Rehabilitation Services and Department of Family Services - Repeal of Rules from the Department of Family Services - Amendment of Rules of the Department of Health and Environmental Sciences and Public Health and Human Services - Fair Hearings and Contested Case Proceedings, p. 356, 1653
- 16.10.201 and other rules - Food Regulations, p. 2206, 3201
- 16.10.1301 and other rules - Swimming Pools, Spas and Swimming Areas, p. 2178, 3232
- 16.32.302 Health Care Licensure, p. 163
- 16.35.101 and other rules - End Stage Renal Disease (ESRD) Recipients, p. 1023, 1660
- 16.38.307 Laboratory Testing Fees, p. 1003, 1663
- 37.34.1801 and other rule - Accreditation Standards for Provider Programs of Community-Based Developmental Disabilities Services, p. 1483, 3171
- 37.49.413 and other rule - IV-E Foster Care Eligibility, p. 2600, 3545
- 37.70.401 and other rules - Low Income Energy Assistance Program (LIEAP) - Low Income Weatherization Assistance Program (LIWAP), p. 2188, 2707
- 37.70.601 Low Income Energy Assistance Program (LIEAP), p. 3118
- 37.80.201 and other rules - Child Care Subsidy Programs, p. 1798, 2454
- 37.85.212 and other rules - Resource Based Relative Value Scale (RBRVS) - Early and Periodic Screening, Diagnostic and Treatment Services (EPSDT) - Eyeglasses Services - Clinic Services - Dental and Denturist Services - Durable Medical Equipment, Orthotics, Prosthetics and Supplies (DMEOPS) - Hearing Aid Services - Transportation Services - Non-Hospital Laboratory and Radiology Services, p. 1008, 1664
- 37.86.105 and other rules - Mental Health Services, p. 2889, 27
- 37.86.1101 Outpatient Drugs Definition, p. 1624, 2313
- 37.86.1105 Reimbursement to State Institutions for Outpatient Drugs, p. 2388, 3176
- 37.86.2901 and other rule - Inpatient Hospital Services, p. 1017, 1666
- 37.88.1401 and other rules - Reimbursement for Institutions for Mental Diseases, p. 1491, 2036
- 37.108.229 Continuity of Care and Transitional Care Provided by Managed Care Plans, p. 1742, 2432

- 46.11.101 and other rules - Transfer from the Department of Social and Rehabilitation Services - Food and Nutrition Services, p. 3555
- 46.12.521 and other rules - Montana Medicaid Passport to Health Program, p. 42, 866, 1338
- 46.18.101 and other rules - Transfer from the Department of Social and Rehabilitation Services - Families Achieving Independence in Montana (FAIM), p. 3414
- 46.18.122 Families Achieving Independence in Montana (FAIM) Financial Assistance Standards, p. 3109, 183
- 46.20.106 Emergency Amendment - Mental Health Services Plan Eligibility, p. 2529
- 46.20.106 Mental Health Services Plan Eligibility, p. 2510, 3418
- 46.20.106 Mental Health Services Plan Eligibility, p. 2202, 3177
- 46.20.106 Emergency Amendment - Mental Health Services Plan Eligibility, p. 2105
- 46.30.501 and other rules - Conduct of Contested Hearings in Child Support Establishment and Enforcement Cases, p. 2471, 3547
- 46.30.507 and other rules - Transfer from the Department of Social and Rehabilitation Services - Child Support Enforcement, p. 3551

PUBLIC SERVICE REGULATION, Department of, Title 38

- I-III Flexible Pricing for Regulated Telecommunications Service, p. 2000, 48
- I-XX Protective Orders - Protection of Confidential Information, p. 939, 2037
- 38.3.130 Meaning and Effect of the Landfill Closure Provision in Class D Motor Carrier Authorities, p. 690, 2047
- 38.3.402 and other rules - Application and Reporting Fees, p. 934, 1668
- 38.5.1107 Accrual of Interest on Utility Customer Deposits, p. 1998
- 38.5.1108 Refunds of Utility Customer Deposits, p. 2953, 45
- 38.5.2202 Pipeline Safety, p. 2956, 47

REVENUE, Department of, Title 42

- I and other rules - Endowment Tax Credit, p. 806, 2109
- I and other rules - Oil and Gas Taxes, p. 706, 1347
- I and other rules - Tax Benefits, p. 702, 1343
- I and other rules - Family Education Savings Program Account Rules, p. 693, 1344
- I-V Declaratory Rulings, p. 697, 1340
- I-VI Tobacco Rules, p. 1495, 2113
- 42.2.302 and other rules - Public Participation - General Application of Tax Payments, p. 2603, 3557
- 42.4.101 and other rules - Tax Incentives - Credits for Alternative Energy Systems, p. 3151, 3560
- 42.11.201 and other rules - Liquor Licensing, p. 2614
- 42.11.301 and other rules - Liquor Distribution, p. 3507
- 42.11.309 Commission Rate Applicability Date, p. 704, 1341

- 42.12.101 and other rules - Liquor Licenses, p. 789, 1762, 2708
- 42.14.101 and other rule - Lodging Facility Use Taxes, p. 2640, 3561
- 42.18.106 and other rules - Appraisal of Agricultural and Forest Land - Commercial - Industrial - Residential Property, p. 2642, 3562
- 42.18.124 Clarification of Valuation Periods for Class 4 Property, p. 301
- 42.21.113 and other rules - Property Taxes, p. 3131, 3563
- 42.22.1311 and other rules - Centrally Assessed Property, p. 3121, 3565
- 42.23.501 and other rules - New and Expanded Industry Credit, p. 810, 1346
- 42.25.1101 and other rules - Natural Resource Taxes, p. 2390, 2988
- 42.31.102 and other rules - Tobacco and Contractor's License Taxes, p. 2657, 3569

SECRETARY OF STATE, Title 44

- I Defining Search Criteria for Uniform Commercial Code Certified Searches, p. 818, 2051
- 1.2.419 Scheduled Dates for the Montana Administrative Register, p. 2959, 3419
- 44.14.101 and other rule - Allow Records to be Retained on Digital Media - Records with a Retention of 10 Years or Longer, p. 815, 1518

BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in January 2001, appear. Vacancies scheduled to appear from March 1, 2001, through May 31, 2001, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 9, 2001.

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

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Aeronautics Board (Transportation)			
Mr. Frank Bass Moore	Governor	Booth	1/31/2001 1/1/2005
Qualifications (if required): representative of the Montana Pilots Association			
Mr. Lanny Hanson Glasgow	Governor	Mercer	1/31/2001 1/1/2005
Qualifications (if required): representative of the Montana Airport Management Association			
Ms. Debra Metz Big Arm	Governor	reappointed	1/31/2001 1/1/2005
Qualifications (if required): representative of the Association of Montana Aerial Applicators			
Mr. Ken D. Tolliver Billings	Governor	Bayers	1/31/2001 1/1/2005
Qualifications (if required): representative of the Montana Chamber and an attorney			
Mayor George Warner Dillon	Governor	Freeman	1/31/2001 1/1/2005
Qualifications (if required): representative of the Montana League of Cities and Towns			
Appellate Defender Commission (Administration)			
Ms. Beverly Kolar Geyser	Governor	not listed	1/24/2001 1/1/2004
Qualifications (if required): public member			
Board of Chiropractors (Commerce)			
Dr. Gregory Hoell Bozeman	Governor	not listed	1/12/2001 1/1/2004
Qualifications (if required): chiropractor			

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Labor Appeals (Labor) Mr. Joseph E. Thares Helena Qualifications (if required): public member	Governor	not listed	1/25/2001 1/1/2005
Ms. Carol Vega Butte Qualifications (if required): public member	Governor	not listed	1/25/2001 1/1/2005
Board of Occupational Therapy Practice (Commerce) Ms. Shelbi Berg Marion Qualifications (if required): occupational therapist	Governor	Botten	1/15/2001 12/31/2004
Board of Respiratory Care Practitioners (Commerce) Ms. Linda Davis Townsend Qualifications (if required): public member	Governor	reappointed	1/17/2001 1/1/2005
Dr. Gregory Paulauskis Great Falls Qualifications (if required): respiratory care practitioner	Governor	reappointed	1/17/2001 1/1/2005
Ms. Shirley Pollard Stevensville Qualifications (if required): respiratory care practitioner	Governor	Bungay	1/17/2001 1/1/2005
Department of Administration Director (Administration) Director Barbara Ranf Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Agriculture Director (Agriculture) Director W. Ralph Peck Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Commerce Director (Commerce) Director Mark A. Simonich Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Corrections Director (Corrections) Director Bill Slaughter Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Environmental Quality Director (Environmental Quality) Director Jan Sensibaugh Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Fish, Wildlife, and Parks Director (Fish, Wildlife, and Parks) Director M. Jeff Hagener Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Labor and Industry Director (Labor and Industry) Director Mike Foster Townsend Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Military Affairs Director (Military Affairs) Major General John E. Prendergast Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Natural Resources and Conservation Director (Natural Resources and Conservation) Director Bud Clinch Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Public Health and Human Services Director (Public Health and Human Services) Director Gail Gray Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Revenue Director (Revenue) Director Kurt Alme Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Department of Transportation Director (Transportation) Director David A. Galt Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Drought Advisory Committee (Natural Resources and Conservation) Lt. Governor Karl Ohs Harrison Qualifications (if required): representing the Governor	Governor	Martz	1/11/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Flathead Basin Commission (Governor) Mr. Todd O'Hair Helena Qualifications (if required): representative of the Governor	Governor	Lapeyre	1/12/2001 12/31/2004
Grass Conservation Commission (Natural Resources and Conservation) Mr. Dewayne Ozark Glasgow Qualifications (if required): grazing district preference rights holder	Governor	not listed	1/11/2001 1/1/2004
Hail Insurance Board (Agriculture) Mr. John Morrison Helena Qualifications (if required): State Auditor	Governor	O'Keefe	1/15/2001 1/1/2005
Judicial Nomination Commission (Justice) Mr. L. Randall Bishop Billings Qualifications (if required): appointed	Supreme Court	not listed	1/1/2001 12/31/2004
Rep. Rick Hill Helena Qualifications (if required): public member	Governor	Bliss	1/15/2001 1/1/2005
Montana Public Safety Communications Council (Administration) Mr. Dan Gutebier Livingston Qualifications (if required): representative of local government	Governor	Griffith	1/15/2001 5/31/2002
Northwest Power Planning Council (Governor) Mr. Leo Giacometto Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM JANUARY, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Northwest Power Planning Council (Governor) cont. Mr. Stan Grace Helena Qualifications (if required): none specified	Governor	not listed	1/2/2001 0/0/0
Peace Officer's Standards and Training Council (Justice) Mayor Laurel Frankenfield Hamilton Qualifications (if required): representative of the League of Cities and Towns	Governor	Lynch	1/11/2001 2/14/2002
State Emergency Response Commission (Military Affairs) Mr. Jim Hyatt Helena Qualifications (if required): Department of Transportation representative	Governor	Brannon	1/31/2001 10/1/2003
State Tax Appeal Board (Administration) Mr. Larry Brown Butte Qualifications (if required): public member	Governor	Brown	1/31/2001 1/1/2007
Transportation Commission (Transportation) Rep. Shiell W. Anderson Livingston Qualifications (if required): representative of District 2 and a Republican	Governor	Abelin	1/9/2001 1/1/2005
Mr. Daniel Rice Great Falls Qualifications (if required): representative of District 3 and an Independent	Governor	McKenna	1/25/2001 1/1/2005
Upper Clark Fork River Basin Remediation and Restoration (Environmental Quality) Mayor Judy H. Jacobson Butte Qualifications (if required): representing local government	Governor	Lynch	1/31/2001 4/26/2002

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Architects (Commerce) Ms. Pamela J. Hill, Bozeman Qualifications (if required): registered architect on staff at MSU-Bozeman	Governor	3/27/2001
Mr. Thomas Geelan, Havre Qualifications (if required): public member	Governor	3/27/2001
Board of Athletics (Commerce) Mr. Gary Langley, Helena Qualifications (if required): public member	Governor	4/25/2001
Board of Clinical Laboratory Science Practitioners (Commerce) Ms. Sonja Bennett, Billings Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2001
Dr. David Walker, Kalispell Qualifications (if required): physician qualified to direct a high complexity laboratory	Governor	4/16/2001
Board of County Printing (Commerce) Mr. Verle L. Rademacher, White Sulphur Springs Qualifications (if required): representative of the printing industry	Governor	4/1/2001
Ms. Nancy Clark, Ryegate Qualifications (if required): public member	Governor	4/1/2001
Mr. Curtis Starr, Malta Qualifications (if required): representative of the printing industry	Governor	4/1/2001
Ms. Marianne Roose, Eureka Qualifications (if required): county commissioner	Governor	4/1/2001

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of County Printing (Commerce) cont. Ms. Julie Jordan, Miles City Qualifications (if required): county commissioner	Governor	4/1/2001
Board of Dentistry (Commerce) Dr. Wayne Hansen, Billings Qualifications (if required): dentist	Governor	3/29/2001
Board of Directors of the State Compensation Mutual Insurance Fund (State Compensation Insurance Fund) Mr. Brian Donahue, Billings Qualifications (if required): licensed insurance producer	Governor	4/28/2001
Board of Hail Insurance (Agriculture) Mr. Keith Arntzen, Hilger Qualifications (if required): public member	Governor	4/18/2001
Board of Livestock (Livestock) Mr. John C. Paugh, Bozeman Qualifications (if required): cattle producer	Governor	3/1/2001
Mr. Lee Cornwell, Glasgow Qualifications (if required): cattle producer	Governor	3/1/2001
Board of Nursing Home Administrators (Commerce) Ms. Donna Kay Jennings, Missoula Qualifications (if required): representative who cares for aged patients	Governor	5/28/2001
Board of Optometry (Commerce) Dr. Cynthia Johnson, Bozeman Qualifications (if required): optometrist	Governor	4/3/2001

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Plumbers (Commerce) Mr. Vernon E. (Gene) Mahn, Lincoln Qualifications (if required): public member	Governor	5/4/2001
Board of Real Estate Appraisers (Commerce) Mr. Tim Moore, Helena Qualifications (if required): real estate appraiser	Governor	5/1/2001
Ms. Jennifer Seitz, Billings Qualifications (if required): public member	Governor	5/1/2001
Board of Realty Regulation (Commerce) Ms. Vicky Hammond, Missoula Qualifications (if required): real estate broker and a Democrat	Governor	5/9/2001
Board of Veterans' Affairs (Military Affairs) Mr. Thaddeus Mayer, Missoula Qualifications (if required): veteran	Governor	5/18/2001
Commission on Practice of the Supreme Court (Justice) Mr. John Warren, Dillon Qualifications (if required): elected	elected	4/1/2001
Mr. Gary Ryder, Hysham Qualifications (if required): elected	elected	4/1/2001
Mr. Donald R. Marble, Chester Qualifications (if required): elected	elected	4/1/2001
Mr. John V. Potter, White Sulphur Springs Qualifications (if required): elected	elected	4/1/2001

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Heritage Preservation and Development Commission (Historical Society) Mr. John Lawton, Great Falls Qualifications (if required): experienced in community planning	Governor	5/23/2001
Ms. Rosana Skelton, Helena Qualifications (if required): businessperson	Governor	5/23/2001
Montana State University - Billings Executive Board (Education) Ms. Carol Willis, Billings Qualifications (if required): public member	Governor	4/15/2001
Montana State University Executive Board (Education) Ms. Beatrice Taylor, Bozeman Qualifications (if required): public member	Governor	4/15/2001
Montana State University - Northern Executive Board (Education) Mr. Doug Ross, Havre Qualifications (if required): public member	Governor	4/15/2001
Montana State Veterans Cemetery Advisory Council (Military Affairs) Mr. John "Jack" McGlynn, Butte Qualifications (if required): United Veterans Committee	Director	5/1/2001
Mr. Mickey Nelson, Helena Qualifications (if required): Lewis and Clark County Coroner	Director	5/1/2001
Ms. Alma Dickey, Helena Qualifications (if required): Disabled American Veterans Auxiliary	Director	5/1/2001
Ms. Alma Dickey, Helena Qualifications (if required): Prisoners of War	Director	5/1/2001

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State Veterans Cemetery Advisory Council (Military Affairs) cont. Ms. Irma Paul, Helena Qualifications (if required): Veterans of Foreign Wars Auxiliary	Director	5/1/2001
Ms. Rose Marie Storey, Helena Qualifications (if required): American Legion Auxiliary	Director	5/1/2001
Mr. Herb Ballou, Helena Qualifications (if required): Military Order of the Purple Heart	Director	5/1/2001
Mr. George Paul, Helena Qualifications (if required): Military Order of the Cooties	Director	5/1/2001
Mr. Jim Heffernan, Helena Qualifications (if required): Marine Corp League	Director	5/1/2001
Mr. Ruddy Reilly, Helena Qualifications (if required): 40 & 8	Director	5/1/2001
Mr. Ray Read, Helena Qualifications (if required): Vietnam Veterans of America	Director	5/1/2001
Mr. M. Herbert Goodwin, Helena Qualifications (if required): First Special Service Force	Director	5/1/2001
Mr. Robert C. McKenna, Helena Qualifications (if required): consulting engineer	Director	5/1/2001
Mr. Al Kirkeby, Helena Qualifications (if required): Veterans of Foreign Wars	Director	5/1/2001
Mr. Hugh "Tony" Cummings, Helena Qualifications (if required): American Legion	Director	5/1/2001

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State Veterans Cemetery Advisory Council (Military Affairs) cont. Major Steve Martinka, Helena Qualifications (if required): Department of Military Affairs	Director	5/1/2001
Mr. George Poston, Helena Qualifications (if required): Disabled American Veterans	Director	5/1/2001
Montana Tech of the University of Montana (Education) Mr. Tad Dale, Butte Qualifications (if required): public member	Governor	4/15/2001
Public Employees' Retirement Board (Administration) Ms. Carol Lambert, Hammond Qualifications (if required): public member	Governor	4/1/2001
State Compensation Mutual Insurance Fund (Administration) Mr. Herbert Leuprecht, Butte Qualifications (if required): policy holder	Governor	4/28/2001
Mr. James A. Brouelette, Stevensville Qualifications (if required): policy holder	Governor	4/28/2001
State Library Commission (Education) Ms. Mary Doggett, White Sulphur Springs Qualifications (if required): public member	Governor	5/22/2001
State Mutual Insurance Fund (State Compensation Insurance Fund) Mr. Jack Morgenstern, Lewistown Qualifications (if required): policy holder and representing private enterprise	Governor	4/28/2001
University of Montana Executive Board (Education) Ms. Arlene Breum, Missoula Qualifications (if required): public member	Governor	4/15/2001

VACANCIES ON BOARDS AND COUNCILS -- March 1, 2001 through May 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Vocational Rehabilitation Advisory Council (Public Health and Human Services) Mr. Chris Clasby, Missoula Qualifications (if required): represents people with disabilities and advocates	Director	3/15/2001
Western Montana College of the University of Montana (Education) Ms. Betty Iverson, Dillon Qualifications (if required): public member	Governor	4/15/2001