

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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BEFORE THE CLASSIFICATION REVIEW COMMITTEE  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 6.6.8301,	)	AMENDMENT
concerning updating references	)	
to the NCCI Basic Manual for	)	NO PUBLIC HEARING
Workers Compensation and	)	CONTEMPLATED
Employers Liability Insurance	)	
1996 ed. and adoption	)	
of new classifications	)	

TO: All Concerned Persons

1. On July 6, 2001, the Montana Classification Review Committee proposes to amend ARM 6.6.8301 concerning updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed. and adoption of new classifications for specialty contractors that install or maintain cable tv or telephone lines.

2. The Montana Classification Review Committee 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 Montana Classification Review Committee no later than 5:00 p.m., on June 4, 2001, to advise us of the nature of the accommodation needed. Please contact the Montana Classification Review Committee, attn: Tim Hughes, National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, telephone (303) 969-9456; fax (303) 969-9423; e-mail tim\_hughes@ncci.com.

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

6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 (1) The committee hereby adopts and incorporates by reference the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., as supplemented through March 1, 2001, ~~August 1, 1999~~, which establishes classifications with respect to employers electing to be bound by compensation plan No. 2 as provided in Title 39, chapter 71, part 22, MCA. A copy of the Basic Manual for Workers Compensation and Employers Liability Insurance is available for public inspection at the office of the Commissioner of Insurance, 840 Helena Ave., P.O. Box 4009, Helena, MT 59620-4009. Copies of the Basic Manual for Workers Compensation and Employers Liability Insurance may be obtained by writing to the Montana Classification Review Committee in care of the National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235. Persons obtaining a copy of the Basic Manual for Workers Compensation and Employers Liability

Insurance must pay the committee's cost of providing such copies.

(2) Remains the same.

AUTH: Sec. 33-16-1012, MCA  
IMP: Sec. 2-4-103, 33-16-1012, MCA

In this issue of the Register, the Classification Review Committee is amending ARM 6.6.8301 effective May 25, that changes the date of the supplements in (1) to December 31, 2000. So, in effect, the proposed amendment in this notice will change the date from December 31, 2000 to March 1, 2001.

4. ARM 6.6.8301 is being amended to update references to the NCCI Basic Manual for Workers Compensation and Employers Liability. Changes to the NCCI Basic Manual for Workers Compensation and Employers Liability affect classifications for those employers listed below:

- A. Code 7611 - Telephone or Cable TV Line Installation - Contractors, Underground
- B. Code 7612 - Telephone or Cable TV Line Installation - Contractors, Overhead
- C. Code 7613 - Telephone or Cable TV Line Installation - Contractors, Service Lines & Connections

5. This amendment is intended to become effective on July 6, 2001.

6. Concerned persons may present their data, views, or arguments concerning the proposed amendment in writing to Tim Hughes, National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, or by electronic mail address to [tim\\_hughes@ncci.com](mailto:tim_hughes@ncci.com) and must be received no later than 5:00 p.m., June 21, 2001.

7. 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 Tim Hughes, c/o National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, or by electronic mail to [tim\\_hughes@ncci.com](mailto:tim_hughes@ncci.com) no later than June 21, 2001.

8. If the committee receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having 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 15 businesses based on the 150 persons who have indicated interest in the rules of this committee and who the committee has determined could be directly affected by these rules.

9. The Montana Classification Review Committee maintains a list of concerned persons who wish to receive notices of rulemaking actions proposed by this committee. 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 specify that the person wishes to receive notices regarding rulemaking actions of the Classification Review Committee. Such written request may be mailed or delivered to Tim Hughes, National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, or by electronic mail to [tim\\_hughes@ncci.com](mailto:tim_hughes@ncci.com), or by completing a request form at any rules hearing held by the Montana Classification Review Committee.

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

CLASSIFICATION REVIEW COMMITTEE

By: /s/ Laurence Hubbard  
Laurence Hubbard  
Chairperson

By: /s/ Elizabeth L. Griffing  
Elizabeth L. Griffing  
Rules Reviewer

Certified to the Secretary of State on May 14, 2001.

BEFORE THE BOARD OF ALTERNATIVE HEALTH CARE  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PROPOSED  
amendment of ARM 8.4.301, ) AMENDMENT  
8.4.405, 8.4.508, 8.4.510 and )  
8.4.511 pertaining to fees, )  
continuing education for )  
naturopathic physicians and )  
midwives, licensure of out-of- )  
state applicants and direct- )  
entry midwife protocol standard )  
list required for application )

NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On June 25, 2001, the Board of Alternative Health Care proposes to amend the above-stated rules.

2. The Department of Commerce 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 Board of Alternative Health Care no later than 5:00 p.m., on June 15, 2001, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Alternative Health Care, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail cbrandt@state.mt.us.

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

8.4.301 FEES (1) through (2)(g) will remain the same.  
(h) midwife examination ~~500~~ 800  
(i) through (n) will remain the same.

Auth: Sec. 37-26-201, 37-27-105, MCA  
IMP: Sec. 37-26-201, 37-27-105, 37-27-210, MCA

REASON: The Board is proposing the amendment to this rule to pass on to the license applicant the fee increase charged to the Board by the national testing entity for the cost of providing the national written midwives' exam. The cost to the Board was increased by \$300 effective January 1, 2001. There will be no net increase in revenue to the Board because all of the fees collected are being paid directly to the testing agency.

8.4.405 NATUROPATHIC PHYSICIAN CONTINUING EDUCATION REQUIREMENTS (1) through (2)(a) will remain the same.

(b) Implementation for continuing education shall be as follows:

(i) One continuing education credit shall be granted for each hour of participation in the continuing education activity excluding breaks and meals. A licensed naturopath must earn at least 15 continuing education credits within the 12 months prior to renewal on April 30 of each year. (Five must be in naturopathic pharmacy, five additional in obstetrics if licensee has childbirth specialty certificate.) A maximum of two credits by cassette or videotape will be allowed. A certificate of completion or an outline of course content must be submitted by the licensee for each cassette or videotape for the maximum two continuing education credits to be granted. The total number of continuing education credits obtained via the internet and/or correspondence courses will be limited to three credits.

Auth: Sec. 37-1-319, 37-26-201, MCA  
IMP: Sec. 37-1-306, MCA

REASON: The Board is proposing the amendment to this rule to limit the number of continuing education (CE) hours obtained by correspondence courses or on the internet to three out of the 15 hours annually required for naturopathic physicians. The Board has received CE reports in which the licensee submitted for credit only programs taken by correspondence or on the internet. The licensees were not exposed to programs involving interaction with their peers or with an instructor. The Board would like to ensure that the licensees have some exposure to these interactive programs as a protection to the public.

8.4.508 MIDWIVES CONTINUING EDUCATION REQUIREMENTS

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

(b) Implementation for continuing education shall be as follows:

(i) One continuing education credit shall be granted for each hour of participation in the continuing education activity excluding breaks and meals. A licensed direct-entry midwife must earn at least 14 continuing education credits within the 12 months prior to renewal on April 30 of each year. A maximum of two credits by cassette or videotape will be allowed. A certificate of completion or an outline of course content must be submitted by the licensee for each cassette or videotape of the maximum two continuing education credits to be granted. The total number of continuing education credits obtained via the internet and/or correspondence courses will be limited to three credits.

Auth: Sec. 37-1-319, 37-27-105, MCA  
IMP: Sec. 37-1-306, MCA

REASON: The Board is proposing the amendment to this rule to limit the number of continuing education (CE) hours obtained



by correspondence courses or on the internet to three out of the 14 hours annually required for direct-entry midwives. The Board has received CE reports in which the licensee submitted for credit only programs taken by correspondence or on the internet. The licensees were not exposed to programs involving interaction with their peers or with an instructor. The board would like to ensure that the licensee has some exposure to these interactive programs as a protection to the public.

8.4.510 LICENSURE OF OUT-OF-STATE APPLICANTS

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

(c) The candidate shall supply proof of successful completion of all parts of the North American registry of midwives (NARM) examination with a scaled score of 75% or higher. Candidate scores on the examination must be forwarded by the exam agency directly to the board;

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

Auth: Sec. 37-27-105, MCA

IMP: Sec. 37-1-304, 37-27-202, MCA

REASON: Effective February 27, 1998, the Board adopted a rule amendment to reflect a change in the way the national testing agency was reporting the passing examination score - from a percentage score of 75 to a scaled score of 75. There is a reference to the national exam passing score in the rule concerning out-of-state license applicants that was not changed in the initial rule notice. The Board is proposing that this rule be amended so that the national examination score is accurately and uniformly reflected in the rules.

8.4.511 DIRECT-ENTRY MIDWIFE PROTOCOL STANDARD LIST REQUIRED FOR APPLICATION (1) through (3)(b) will remain the same.

(c) care schedule;

(d) through (4)(q) will remain the same.

Auth: Sec. 37-1-131, 37-27-105, MCA

IMP: Sec. 37-27-201, MCA

REASON: The proposed rule change will correct a typographical error that occurred in a previous rule notice.

4. Concerned persons may submit their data, views or arguments concerning the proposed actions in writing to the Board of Alternative Health Care, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to cbrandt@state.mt.us to be received no later than 5:00 p.m., June 21, 2001.

5. If persons who are directly affected by the proposed actions wish to express their data, views or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit the request along with any

comments they have to the Board of Alternative Health Care, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to cbrandt@state.mt.us to be received no later than 5:00 p.m., June 21, 2001.

6. If the Board receives requests for a public hearing on the proposed actions from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed actions, from the appropriate administrative rule review committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be six based on the 63 licensed naturopathic physicians and midwives in Montana.

7. The Board of Alternative Health Care maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Alternative Health Care administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Alternative Health Care, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to cbrandt@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 ALTERNATIVE HEALTH CARE  
DOLLY BROWDER, L.M., 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, May 14, 2001.

BEFORE THE BOARD OF HEARING AID DISPENSERS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 8.20.402, ) ON PROPOSED AMENDMENT  
8.20.403 and 8.20.412 pertaining )  
to fees, examination - pass/fail )  
point and minimum testing and )  
recording procedures )

TO: All Concerned Persons

1. On June 27, 2001, at 9:00 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 Hearing Aid Dispensers no later than 5:00 p.m., on June 15, 2001, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail compolhad@state.mt.us.

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

<u>8.20.402 FEES</u> (1) The fees shall be as follows:	
(a) Application fee (includes initial written and practical examination)	\$175 <u>225</u>
(b) will remain the same.	
(c) Re-examination written	65 <u>170</u>
(d) Re-examination--practical (includes renewal of trainee license)	55 <u>130</u>
(e) through (2) will remain the same.	

Auth: Sec. 37-1-134, 37-16-202, MCA  
IMP: Sec. 37-1-134, 37-16-202, 37-16-402, 37-16-404,

MCA

REASON: Increased examination costs from the International Hearing Society necessitate increasing the revenue base for this program to meet expected expenditures. It is anticipated that this amendment will generate increased revenues of \$400 per year based on the examination fee for eight applicants per year.

8.20.403 EXAMINATION - PASS/FAIL POINT (1) through (5) will remain the same.

(6) An applicant who applies to re-take the examination after the failure of two practical examinations and completing the two year waiting period, must complete an additional 180 hours of supervised training in a board supervised training program. In addition, the applicant must complete the equivalent of two years of required continuing education before re-taking all sections of the practical examination, with the process to be continued at the discretion of the board.

Auth: Sec. 37-16-202, MCA

IMP: Sec. 37-16-403, 37-16-405, 37-16-406, MCA

REASON: The board is proposing this amendment to clarify the examination process should an applicant fail two practical exams and wish to re-take the examination after the two year waiting period.

8.20.412 MINIMUM TESTING AND RECORDING PROCEDURES

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

(3) All audiometers shall be calibrated to ANSI standards once a year. A copy of an electronic audiometer calibration made within the past 12 months shall be ~~submitted to the board by the licensee on June 30 annually~~ made available by the licensee upon board request.

Auth: Sec. 37-16-202, MCA

IMP: Sec. 37-16-202, 37-16-411, MCA

REASON: The Board is proposing the amendment to this rule to eliminate the need for all licensees to submit the audiometer calibrations annually on June 30th and will allow the Board to randomly audit licensees for compliance. This will reduce staff time and storage requirements in connection with the Board office handling the verification.

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 Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to compohad@state.mt.us and must be received no later than the close of the hearing on June 27, 2001. If comments are submitted in writing, the Board requests that the person submit nine copies of their comments.

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

6. The Board of Hearing Aid Dispensers maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Hearing Aid

Dispensers administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to compohad@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 HEARING AID DISPENSERS  
DAVID KING, 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, May 14, 2001.

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

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 24.11.443, ) ON PROPOSED AMENDMENT  
relating to unemployment )  
insurance benefit claims )

TO: All Concerned Persons

1. On June 15, 2001, at 10:00 a.m., a public hearing will be held in Room 104 of the Walt Sullivan Building (Department of Labor and Industry Building), 1327 Lockey, Helena, Montana, to consider the proposed amendment of ARM 24.11.443, related to unemployment insurance benefit claims.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department by no later than 5:00 p.m., June 8, 2001, to advise us of the nature of the accommodation that you need. Please contact the Unemployment Insurance Division, Attn: Mr. Roy Mulvaney, P.O. Box 8020, Helena, MT 59604-8020; telephone (406) 444-9036; TTY (406) 444-0532; fax (406) 444-1394; or e-mail rmulvaney@state.mt.us. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Mr. Mulvaney.

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

24.11.443 BIWEEKLY CLAIMS (1) through (3) Remain the same.

(4) A claimant must report all hours of insured work and gross wages for insured work for each week claimed. The wages must be reported for the week in which they were earned rather than for the week in which they were paid, except as otherwise provided in this rule.

~~(a) Any reduction in hours of work or wages for any week claimed caused by a claimant's absence from work for reasons other than a lack of work cannot be taken into account in determining whether the claimant was totally unemployed in that week, so as to be eligible for full or partial benefits or waiting period credit for the week. For that reason, all time off from work, whether paid or unpaid, during a week claimed for reasons other than a lack of work is considered as hours of work for the week. Similarly, wages lost for unpaid time off from work for reasons other than a lack of work are considered as gross earnings for the week.~~

(b) through (h) Remain the same, but are renumbered (a)

through (g).

(5) Remains the same.

AUTH: 39-51-301 and 39-51-302, MCA

IMP: 39-51-201 and Title 39, chapter 51, parts 21 through 23, MCA

Reasonable necessity: There is reasonable necessity to amend ARM 24.11.443 as proposed in order to delete a confusing and unworkable portion of the rule. Subsection (4)(a) was adopted effective December 31, 2000, and has caused confusion for claimants, Unemployment Insurance Division staff, and adjudicatory tribunals since adoption. In addition, staff has been unable to apply subsection (4)(a) in a way that is consistent with the underlying principles of unemployment law and basic fairness, and staff has been unable to verify whether claimants are truthfully responding to questions regarding application of subsection (4)(a). As a result of the past four months of experience with subsection (4)(a), the Department has concluded that subsection (4)(a) is unworkable and should be repealed.

4. Interested 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:

Lynn Long, Bureau Chief  
Benefits Bureau  
Unemployment Insurance Division  
Department of Labor and Industry  
P.O. Box 8020  
Helena, Montana 59604-8011

and must be received by no later than 5:00 p.m., June 22, 2001. Comments may also be submitted electronically as noted in the following paragraph.

5. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://dli.state.mt.us/calendar.htm>, under the Calendar of Events, Administrative Rule Hearings section. Interested persons may make comments on the proposed rules via the comment forum, <http://forums.dli.state.mt.us>, linked to the Notice of Public Hearing, but those comments must be posted to the comment forum by 5:00 p.m., June 22, 2001. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the comment

forum does not excuse late submission of comments.

6. The Department maintains a list of interested persons who wish to receive notices of rule-making actions proposed by this agency. Persons who wish to have their name added to the mailing 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 any specific topic or topics over which the Department has rule-making authority. Such written request may be delivered to Mark Cadwallader, 1327 Lockey St., Room 412, Helena, Montana, mailed to Mark Cadwallader, P.O. Box 1728, Helena, MT 59624-1728, faxed to the office at (406) 444-1394, e-mailed to mcadwallader@state.mt.us, or made by completing a request form at any rules hearing held by the Department.

7. The bill sponsor notice provisions of 2-4-302, MCA, do not apply.

8. The Department proposes to make the amendment effective as soon as feasible.

9. The Hearings Bureau of the Centralized Services Division of the Department has been designated to preside over and conduct the hearing.

/s/ KEVIN BRAUN  
Kevin Braun  
Rule Reviewer

/s/ MIKE FOSTER  
Mike Foster, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: May 14, 2001.



BEFORE THE BOARD OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PROPOSED  
adoption of a new rule ) ADOPTION  
pertaining to Ruminant Feeds )  
for Livestock Prohibition ) NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On June 23, 2001, the board of livestock proposes to adopt a new rule pertaining to Ruminant Feeds for Livestock Prohibition.

2. The board of livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the department of livestock no later than 5:00 p.m. on June 12, 2001, to advise us of the nature of the accommodation that you need. Please contact Marc Bridges, 301 N. Roberts St. - Rm. 308A, PO Box 202001, Helena, MT 59620-2001; phone: (406)444-7323; TTD number: 1-800-253-4091; fax: (406)444-1929.

3. The proposed rule provides as follows:

RULE I RUMINANT FEEDS FOR LIVESTOCK PROHIBITION

(1) Animal protein derived from mammalian tissues shall be prohibited in ruminant feeds in Montana.

(2) "Protein derived from mammalian tissues" means any protein containing portions of mammalian animals, excluding:

(a) blood and blood products;

(b) gelatin;

(c) inspected meat products which have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulosic food casings);

(d) milk products (milk and milk proteins); and

(e) any product whose only mammalian protein consists entirely of porcine or equine protein.

(3) "Ruminant" includes any member of the order of animals which has a stomach in four chambers (rumen, reticulum, omasum, and abomasum) through which feed passes in digestion. The prohibition includes, but is not limited to, cattle, buffalo, sheep, goats, deer, elk, and antelopes.

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

4. Rule I is reasonably necessary because current scientific data indicates that animal protein derived from mammalian tissues in ruminant feeds may be a means of transmission of Bovine Spongiform Encephalopathy (BSE). Although BSE has not been diagnosed in Montana, uncertainty

about the origin and transmissibility of BSE requires measures, such as this proposed rule, to prevent the establishment and amplification of BSE in Montana through ruminant feed.

5. Concerned persons may submit their data, views or arguments concerning the proposed new rule in writing to Marc Bridges, 301 N. Roberts Street - Room 308A, PO Box 202001, Helena, MT 59620-2002, or emailed to bridgesm@state.mt.us to be received no later than June 21, 2001.

6. If persons who are directly affected by the proposed new rule wish to express their data, views and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. A request for hearing must be received no later than June 21, 2001.

7. If the board 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 more than 25 based upon the population of the state.

8. The divisions of the Montana department of livestock maintain a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to a list shall make a written request that includes the name and mailing address of the person to receive notices and specifies the area of interest that the person wishes to receive notices regarding a particular subject or subjects or fees charged by the department. Such written request may be mailed or delivered to Marc Bridges, 301 N. Roberts Street - Room 308A, PO Box 202001, Helena, MT 59620-2001.

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

DEPARTMENT OF LIVESTOCK

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

By: /s/ Bernard A. Jacobs  
Bernard A. Jacobs, Rule Reviewer  
Livestock Chief Legal Counsel

Certified to the Secretary of State May 14, 2001.

BEFORE THE BOARD OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of amendment ) NOTICE OF PROPOSED  
of ARM 32.2.502 as it relates ) AMENDMENT  
to Specially Qualified Deputy )  
Stock Inspectors ) NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On June 23, 2001, the board of livestock proposes to amend ARM 32.2.502 as it relates to Specially Qualified Deputy Stock Inspectors.

2. The board of livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the department of livestock no later than 5:00 p.m. on June 12, 2001, to advise us of the nature of the accommodation that you need. Please contact Jack Wiseman, 301 N. Roberts St. - Rm. 203, PO Box 202001, Helena, MT 59620-2001; phone: (406)444-2045; TTD number: 1-800-253-4091; fax: (406)444-1929.

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

32.2.502 CERTIFICATION OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS ~~(1) A specially qualified deputy stock inspector shall be certified by the district inspector in the county, subsequent to attainment of proper training and a demonstration of a satisfactory knowledge of all appropriate laws, rules and regulations, proper completion of inspection documents and job performance duties.~~ (1) Persons already appointed as "deputy state stock inspectors" as defined in 81-3-201(1), MCA, may become appointed as "specially qualified deputy stock inspectors" as defined in 81-3-201(5), MCA, upon completion of and according to the following criteria:

(a) recommendation for appointment by the appropriate district investigator which must be based, at least in part, on the district investigator's personal knowledge of the applicant's demonstrated ability to conduct accurate and timely livestock investigations;

(b) completion of a written examination by correctly answering 80% of 25 multiple choice and true/false questions pertaining to horse inspection laws, specifically, 81-3-205, 81-3-210, 81-3-211, and 81-3-212, MCA;

(c) successful completion of a practical examination that requires the deputy state stock inspector to correctly and accurately complete the lifetime permit from a color photo of:

(i) an owner-raised no-brand horse with specific markings;

(ii) a horse with specific markings branded with owners brand, taking up proof of ownership;

(iii) a branded horse with specific markings, taking up proof of ownership and health certificate; and

(iv) a branded horse with specific markings that was purchased out-of-state;

(d) within 30 days, complete 10 separate lifetime inspections without error under the direct supervision of the district investigator;

(e) demonstrate ability to:

(i) correctly verify brand ownership through the brand office;

(ii) transfer bills of sale; and

(iii) deny permit applications due to incomplete or inadequate supporting documentation;

(f) failure to comply with relevant statutes, rules, or department of livestock policy may result in immediate termination of appointment.

AUTH: 81-1-201, 81-3-202, MCA

IMP: 81-1-201, 81-3-202, 81-3-203, MCA

4. ARM 32.2.502 is being amended to establish minimum standards by which individuals may qualify to become specially qualified deputy stock inspector.

5. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to Jack Wiseman, 301 N. Roberts Street - Room 203, PO Box 202001, Helena, MT 59620-2002, or emailed to [jwiseman@state.mt.us](mailto:jwiseman@state.mt.us) to be received no later than June 21, 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 a written request for a hearing and submit this request along with any written comments they have to the same address as above. A request for hearing must be received no later than June 21, 2001.

7. If the board 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 more than 25 based upon the population of the state.

8. The divisions of the Montana department of livestock maintain a list of interested persons who wish to receive

notices of rulemaking actions proposed by this board. Persons who wish to have their name added to a list shall make a written request which includes the name and mailing address of the person to receive notices and specifies the area of interest that the person wishes to receive notices regarding a particular subject or subjects or fees charged by the Department. Such written request may be mailed or delivered to Marc Bridges, 301 N. Roberts Street - Room 308A, PO Box 202001, Helena, MT 59620-2001.

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

DEPARTMENT OF LIVESTOCK

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

By: /s/ Bernard A. Jacobs  
Bernard A. Jacobs, Rule Reviewer  
Livestock Chief Legal Counsel

Certified to the Secretary of State May 14, 2001.

BEFORE THE BOARD OF LAND COMMISSIONERS AND  
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the adoption )  
of temporary rules on )  
biodiversity and old-growth )  
management )  
NOTICE OF PUBLIC HEARING  
ON PROPOSED ADOPTION OF  
TEMPORARY RULE

TO: All Concerned Persons

1. On June 13, 2001, the Department of Natural Resources and Conservation will hold a public hearing at 6:30 p.m. at the Department of Fish, Wildlife and Parks, 3201 Spurgin Road at Missoula, Montana, to consider the adoption of temporary rules relating to the management of biodiversity and old-growth timber on state trust forest lands.

On April 16, 2001, SB 354 became effective. These temporary rules are necessary to ensure that the Montana State Board of Land Commissioners' timber management policies are consistent with recent legislative enactment. The State Forest Land Management Plan is the governing policy of the board regarding forest management under the authority of 77-1-202, MCA. Specifically, the SFLMP biodiversity standards and guidance provide the framework for the timber management program, which is directly affected by the passage of SB 354. The overall effect of these rules would be to revise current state timber management policies to ensure consistency with 77-5-101, MCA (SB 354).

Given the existing prohibition on old growth timber harvest (Friends of the Wild Swan, Inc. v. Arthur Clinch, Cause No. BDV 2000-369), it is imperative that the department (under the direction of the board) move expeditiously to enact temporary rules in order to implement 77-5-101, MCA (SB 354).

Currently, approximately 8.5 million board feet (\$1.7 million value) of board approved and sold volume are enjoined by the Court's ruling. (Friends, supra). This injunction poses a direct cost to the school trust beneficiaries and taxpayers in Montana. The board's adoption of temporary rules implementing 77-5-101, MCA (SB 354) would serve as the necessary vehicle to lift the injunction, while also ensuring that the previous decisions of the board are carried out.

The department finds it necessary to adopt temporary rules in this area in order to implement the statute as closely as possible to its effective date.

2. The Department of Natural Resources and Conservation and the Board of Land Commissioners 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 agency no later than 5:00 p.m. on June 4, 2001, to advise us of the nature of the accommodation that you need. Please contact Tom Schultz, Forest Management Bureau Chief, Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804; telephone (406) 542-4306; FAX (406) 542-4217.

3. The temporary rule will be effective until October 1, 2001. Between the effective date of this rule and its termination on October 1, 2001, it is contemplated that no new timber sales which will harvest old growth units will be brought before the board.

4. The proposed temporary rule is as follows:

RULE I BIODIVERSITY AND OLD-GROWTH MANAGEMENT STANDARDS

(1) The department of natural resources and conservation herein adopts and incorporates by reference "Montana Department of Natural Resources and Conservation 2001. State Forest Land Management Plan Biodiversity Guidance," which sets forth the biodiversity guidance (2001) addressing the management of timber from state trust forests, including but not limited to the following:

- (a) coarse filter methodology;
- (b) appropriate cover type and structure conditions;
- (c) snag and snag recruit retention;
- (d) emulation of natural disturbance processes;
- (e) patch sizes;
- (f) a definition of old growth; and
- (g) a discussion of how old growth stands could be leased, licensed, sold, or exchanged to achieve fair market value.

(2) A copy of the biodiversity guidance may be obtained from Scott McLeod, Supervisor, Forest Improvement Section, Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804.

AUTH: 76-12-112, 77-1-202, 77-1-209, 77-5-201, 77-5-202, and 77-5-204, MCA

IMP: 77-5-101, MCA (SB 354)

5. The statement of reasonable necessity for the temporary rule is set forth in paragraph 1.

6. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Tom Schultz, Forest Management Bureau Chief, Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804; faxed to (406)542-4217 or e-mailed to tschultz@state.mt.us and must be received no later than 5:00 p.m. on June 21, 2001.

7. Tom Schultz, Forest Management Bureau Chief, Department of Natural Resources and Conservation, 2705 Spurgin



Road, Missoula, MT 59804 has been designated to preside over and conduct the hearing.

8. The agency 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 specify that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources or combination thereof. Such written request may be mailed or delivered to Emily Cooper, Department of Natural Resources and Conservation, P.O. Box 201601, 1625 11th Avenue, Helena, MT 59620-1601, faxed to the office at (406) 444-2684, or may be made by completing a request form at any rules hearing held by the agency.

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

BOARD OF LAND COMMISSIONERS      DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

By: /s/ Judy Martz  
JUDY MARTZ  
Chair

By: /s/ Arthur R. Clinch  
ARTHUR R. CLINCH  
Director

By: /s/ Donald D. MacIntyre  
DONALD D. MACINTYRE  
Rule Reviewer

Certified to the Secretary of State May 14, 2001.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of rules regarding ) ON PROPOSED AMENDMENT  
fees for Administrative Rules )  
of Montana and Montana )  
Administrative Register )

TO: All Concerned Persons

1. On June 13, 2001 a public hearing will be held at 10:00 a.m. or as soon thereafter as possible in the Secretary of State's Office Conference Room at room 260 of the State Capitol, Helena, Montana, to consider the proposed amendment of rules regarding fees for Administrative Rules of Montana and Montana Administrative Register.

2. The Secretary of State 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 request an accommodation, contact the Secretary of State no later than 5:00 p.m. on June 8, 2001, to advise us of the nature of the accommodation that you need. Please contact Lynn Keller, Secretary of State's Office, P.O. Box 202805, Helena, MT 59620-2805; telephone (406) 444-9009; FAX (406) 444-9002; e-mail lkeller@state.mt.us.

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

1.2.421 SUBSCRIPTION TO THE ARM ADMINISTRATIVE RULES OF MONTANA AND MONTANA ADMINISTRATIVE REGISTER--COST (1) The secretary of state is required by law, (2-4-312, ~~MCA~~ and 2-4-313, MCA) to distribute copies of the ARM Administrative Rules of Montana and Montana Administrative Register and revisions thereto, free of charge, to certain federal, state and county agencies ~~enumerated therein.~~

(2) The secretary is also authorized to make available copies of the ARM Administrative Rules of Montana, ARM updates, and the register, ~~and revisions thereto~~ to the public at prices fixed to cover publication and mailing costs.

(3) The costs for the Administrative Rules of Montana and the Montana Administrative Register beginning with calendar year 1988 are as follows:

- (a) Administrative Rules of Montana - \$350.00;
  - (b) Four quarterly issues of updates to the Administrative Rules of Montana - \$250.00 per calendar year;
  - (c) Montana Administrative Register - \$300.00 per calendar year;
  - (d) Partial year subscriptions will be prorated.
- (4) Extra title charges are as follows:
- (a) Initial purchase of title, \$50.00 except for ~~two-~~

multi-part titles which may be purchased for ~~\$100.00~~ \$125.00 a title.;

(b) Updates to extra titles will ~~be~~ are \$50.00 per calendar year per title.

(5) All purchase and subscription fees must be paid in advance and are not refundable.

AUTH: Sec. 2-4-306 and 2-4-313, MCA

IMP: Sec. 2-4-306, 2-4-313, MCA

1.2.422 MONTANA ADMINISTRATIVE REGISTER (1) The Administrative Rules of Montana are kept current by a publication known as the Montana Administrative Register.

(2) The Montana Administrative Register is comprised of ~~three~~ four sections.;

(a) The first is the notice section wherein the department or agency has given notice of intended administrative rulemaking action.;

(b) ~~The second, the rule section, contains the results of the action wherein a rule has been adopted, amended or repealed.;~~ This is known as the rule section of the register.

(c) The third is the interpretation section containing attorney general opinions and agency declaratory rulings.;

(d) The fourth section is the special notice and table section. This section includes functions of the administrative rule review committee, instructions on how to use the Administrative Rules of Montana and Montana Administrative Register, and an accumulative table of past rulemaking actions. In each even-numbered issue of the register, vacancies on and appointments to boards and councils are published.

(3) The register will always be maintained in a volume separate from the ARM Administrative Rules of Montana.

AUTH: Sec. 2-4-306, MCA

IMP: Sec. 2-4-306, MCA

1.2.423 AGENCY FILING FEES (1) ~~Beginning February 1, 1988 July 1, 2001,~~ all agencies will be required to pay a ~~\$35.00~~ \$40.00 per page filing fee for all pages submitted ~~which are applicable to the notice and rule section of~~ for printing in the Montana Administrative Register. The secretary of state will bill ~~monthly on a per-issue basis~~ for all pages submitted fees incurred by the agency.

AUTH: Sec. 2-4-306, 2-4-313, MCA

IMP: Sec. 2-4-306, 2-4-313, MCA

5. State law requires that the fees of the Secretary of State be commensurate with overall office costs. Fees have not been increased since 1988.

6. The cumulative amount of the increase for all persons for the Montana Administrative Register will be approximately \$13,500 including fees for purchase of initial multi-part

titles.

7. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing jdoggett@state.mt.us, and must be received no later than June 21, 2001.

8. Janice Doggett, address given in paragraph 7 above, has been designated to preside over and conduct the hearing.

9. The Secretary of State 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 administrative rules, corporations, elections, notaries, records, uniform commercial code or combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Bureau, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-5833, e-mailed to klubke@state.mt.us, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

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

11. These rules will be effective July 6, 2001 and will apply retroactively to July 1, 2001.

/s/ Bob Brown  
BOB BROWN  
Secretary of State

/s/ Janice Doggett  
JANICE DOGGETT  
Rule Reviewer

Dated this 14th day of May 2001

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
adoption of new rules regarding ) ON PROPOSED ADOPTION  
fees for records management )  
microfilming, imaging and )  
storage services )

TO: All Concerned Persons

1. On June 13, 2001, a public hearing will be held at 10:00 a.m. or as soon thereafter as possible in the Secretary of State's Office Conference Room at room 260 of the State Capitol, Helena, Montana, to consider the proposed adoption of rules regarding fees for records management microfilming, imaging and storage services.

2. The Secretary of State 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 request an accommodation, contact the Secretary of State no later than 5:00 p.m. on June 8, 2001, to advise us of the nature of the accommodation that you need. Please contact Lynn Keller, Secretary of State's Office, P.O. Box 202805, Helena, MT 59620-2805; telephone (406) 444-9009; FAX (406) 444-9002; e-mail lkeller@state.mt.us.

3. The rules as proposed to be adopted provide as follows:

RULE I FEES FOR 16MM MICROFILM SERVICES (1) The following fees will be charged for 16mm microfilm per 1000 pages or any portion thereof:

(a) MRD-2 5" x 8" paperwork	\$ 34.12
(b) MRD-2 8 1/2" x 11" and legal (manual)	67.57
(c) B & H Auto Exposure	38.58
(d) 8" x 11" or 8" x 14" paperwork (rotary)	30.00
(e) 8" x 11" or 8" x 14" computer printout (rotary)	30.00
(f) extreme size and weight variance (rotary)	31.50
(g) cards-fixed weight and color (rotary)	15.75
(h) cards-mixed weight and color (rotary)	26.25

AUTH: Sec. 2-6-103, MCA  
IMP: Sec. 2-6-110, MCA

RULE II FEES FOR 35MM MICROFILM SERVICES (1) The following fees will be charged for 35mm microfilm per 1000 pages or any portion thereof:

(a) 12" x 12" aerial photos	\$ 68.25
(b) 16" x 20" bound books	63.00
(c) 24" x 34" newspapers	115.50
(d) 24" x 34" bound newspapers	136.50

(e) 48" x 48" blueprints/maps 288.75

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE III FEES FOR 105MM MICROFILM SERVICES (1) The following fees will be charged for 105mm microfilm per 1000 pages or any portion thereof:

(a) 8" x 11" paperwork	\$ 68.25
(b) 8" x 11" or 8" x 14" computer printout	77.17
(c) cards (per 1000)	77.17
(d) 16mm, 35mm, and 105mm minimum filming charge	37.50

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE IV FEES FOR FILM PROCESSING (1) The following fees will be charged for film processing:

(a) 16mm, each 100 foot roll	\$ 3.62
(b) 16mm, each 215 foot roll	7.10
(c) 35mm, each 100 foot roll	6.35
(d) 16mm, each 3M cartridge	4.73

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE V FEES FOR FILM INSPECTING (1) The following fees will be charged for film inspection:

(a) each 100 foot roll inspection	\$ 3.65
(b) each 215 foot roll inspection	5.23
(c) each film splice	0.79
(d) each 3M cartridge load	2.25

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE VI FEES FOR FILM DUPLICATION (1) The following fees will be charged for film duplicating:

(a) 16mm, each 100 foot roll	\$ 6.81
(b) 16mm, each 215 foot roll	13.03
(c) 35mm, each 100 foot roll	9.21
(d) 105mm, each microfiche or jacket	0.16
(e) each reader or printer copy	0.50
(f) 16mm, 100 foot roll (silver)	9.92
(g) 35mm, 100 foot roll (silver)	14.54
(h) photocopies/own labor (each copy)	0.10
(i) photocopies/our labor (each copy)	0.50

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE VII FEES FOR JACKET LOADING (1) The following fees will be charged for jacket loading:

(a) 16mm, each 5 channel jacket	\$ 0.3150
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(b) agency's own jacket (each)	0.2887
(c) 35mm, 1 and 2 channel jacket (each)	0.3150
(d) loading 16mm aperture card (each)	0.2625
(e) jacket title (each)	0.2625
(f) jacket notching (each)	0.0525
(g) jacket updating (per hour)	18.00

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE VIII MISCELLANEOUS FEES (1) The following miscellaneous fees will be charged:

(a) fiche title (per title)	\$ 0.2625
(b) indexing and document preparation (per hour)	18.00
(c) camera rental (per day)	95.00

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE IX MISCELLANEOUS SUPPLIES (1) The following fees will be charged for filming supplies based on actual cost by supplier:

(a) each NMI reader bulb	\$ 10.75
(b) 16mm, each 100 foot roll film	6.68
(c) 16mm, each 215 foot roll film	12.95
(d) 35mm, each 100 foot roll film	13.95
(e) each box of splicing tape	15.00
(e) jackets (1 box 16mm/1000)	65.00
(f) fiche envelopes (1 box/1000)	37.50
(g) microfiche reader/printer (records management bureau copies)	0.50
(h) microfiche reader/printer (agency copies)	0.25
(i) postage/freight (cost based on actual fee)	

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-110, MCA

RULE X FEES FOR RECORDS CENTER SERVICES (1) The following fees shall be charged for services provided for records housed in the state records center:

(a) storage per square foot, per month	\$ 0.2565
(b) storage per cubic foot, per month	0.2950
(c) each retrieval	1.50
(d) each emergency retrieval	6.25
(e) hourly charge for large retrievals, delivery, interfiling	22.50
(f) hourly charge for records disposal	22.50
(g) each disk pack storage	2.00
(h) hourly charge for shredding confidential records	23.05
(i) tape storage in vault (per inch)	0.055

AUTH: Sec. 2-6-103, MCA

IMP: Sec. 2-6-201, 2-6-202, 2-6-203 and 2-6-206, MCA

RULE XI FEES FOR RECORDS CENTER BOXES (1) The following fees shall be charged for each storage box based upon the supplier costs:

- (a) standard size A 15" x 12" x 10" \$ 1.34
- (b) standard size B 15" x 12" x 4 1/2" 1.34
- (c) drawing and map storage boxes size 24" x 12" x 10" 1.34

AUTH: Sec. 2-6-201, MCA

IMP: Sec. 2-6-202, 2-6-203 and 2-6-206, MCA

RULE XII FEES FOR IMAGING SERVICES (1) The following fees shall be charged for imaging services:

- (a) each image \$0.055
- (b) hourly charge for indexing and document preparation 18.00

AUTH: Sec. 2-6-201, MCA

IMP: Sec. 2-6-202, 2-6-203 and 2-6-206, MCA

5. State law requires that the fees of the Secretary of State be commensurate with overall costs. Fees have not been increased for most of these services since 1994.

6. The cumulative amount of the proposed increase among all agencies of state government is: \$6,486 for storage, \$21,462 for microfilm and \$1,158 for shredding.

7. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing jdoggett@state.mt.us, and must be received no later than June 21, 2001.

8. Janice Doggett, address given in paragraph 7 above, has been designated to preside over and conduct the hearing.

9. The Secretary of State 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 administrative rules, corporations, elections, notaries, records, uniform commercial code or combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Bureau, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-5833, e-mailed to klubke@state.mt.us, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.



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

11. The effective date of these rules will be July 6, 2001 and will be applied retroactively to July 1, 2001.

/s/ Bob Brown  
BOB BROWN  
Secretary of State

/s/ Janice Doggett  
JANICE DOGGETT  
Rule Reviewer

Dated this 14th day of May 2001

BEFORE THE CLASSIFICATION REVIEW COMMITTEE  
OF THE STATE OF MONTANA

In the matter of the ) NOTICE OF AMENDMENT  
amendment of ARM 6.6.8301, )  
concerning updating references )  
to the NCCI Basic Manual for )  
Workers Compensation and )  
Employers Liability Insurance )  
1996 ed. and adoption of new )  
and amended classifications )

TO: All Concerned Persons

1. On January 25, 2001, the classification review committee published a notice of proposed amendment of ARM 6.6.8301 concerning updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed. and adoption of new and amended classifications at page 132, 2001 Montana Administrative Register, issue number 2.

2. The department has amended ARM 6.6.8301 exactly as proposed.

3. This rule shall become effective July 1, 2001.

4. No comments or testimony were received.

CLASSIFICATION  
REVIEW COMMITTEE

By: /s/ Laurence Hubbard  
Laurence Hubbard  
Chairperson

By: /s/ Elizabeth Griffing  
Elizabeth Griffing  
Rules Reviewer

Certified to the Secretary of State May 14, 2001.

BEFORE THE BOARD OF OUTFITTERS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment ) NOTICE OF AMENDMENT  
of ARM 8.39.514 and 8.39.518 )  
pertaining to licensure and )  
fees )

TO: All Concerned Persons

1. On December 7, 2000, the Board of Outfitters published a notice of proposed amendment of the above-stated rules at page 3295, 2000 Montana Administrative Register, issue number 23. The hearing was held January 3, 2001.

2. The Board has amended ARM 8.39.514 and 8.39.518 exactly as proposed.

3. The Board received fourteen written comments and two persons testified at the hearing. The comments received and the Board's response are as follows:

COMMENT NO. 1: Written comment was received from Robin Cunningham, representing the Fishing Outfitters Association of Montana, suggesting that in terms of fee increases, his option C (\$275 - new outfitter licenses; \$85 - guide licenses; \$265 - outfitter license renewal; \$1,100 - new license applications; \$300 - late license fees) would be more appropriate. In addition Mr. Cunningham's comment stated his support of the temporary guide license rule and further recommends that the Board create a Montana Board of Outfitters budget committee.

RESPONSE: The board acknowledged the comment and responds that the board has both a legal and a fiduciary obligation to set fees commensurate with costs. Mr. Cunningham's fiscal recommendation would create a \$56,074 shortage and would not be financially sound. The Board has assigned a committee to review the budget.

COMMENTS NO. 2-16: Written and oral comments were received stating opposition to the increase in fees. The commentators felt they had not received a satisfactory explanation as to Board/staff budget expenditures and stated that the fees had recently been increased. Many of the comments recommended that everyone live within the existing budget and they did not feel that the Board was responsive to the needs of the industry which they felt is already over regulated.

RESPONSE: The Board acknowledged the comments and responds that the Board has both a legal and a fiduciary obligation to set fees commensurate with costs. The Board appropriation is based on what has been expended in a "base year" and any additional appropriation assigned as a result of legislative changes. The appropriation is the "authority" to spend funds. The revenue needed to cover the appropriation comes strictly

from Board fees. The last time license fees were increased was in 1995. In the past the Board operated below appropriation levels and fees were commensurate with costs. However, the Board office is now fully staffed and in the field for the first time in years which is an additional cost. A new database had to be developed to meet legislative and informational requests at additional cost. There is a decline in the number of license renewals and in 1999 fees pertaining to operation plan amendments, inspections and land use forms were dropped creating a loss of revenue. The board has assigned a committee to review the budget to determine if there is any room to cut expenditures in the future. The legislature is responsible for the laws pertaining to regulating the industry and the Board is responsible for making rules to implement the laws.

BOARD OF OUTFITTERS  
RAYMOND RUGG, 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, May 14, 2001.

BEFORE THE LOCAL GOVERNMENT ASSISTANCE DIVISION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT  
of ARM 8.94.3806 pertaining )  
to the submission and review )  
of applications under the )  
2000-2001 Treasure State )  
Endowment Program (TSEP) )

TO: All Concerned Persons

1. On April 5, 2001, the Local Government Assistance Division published a notice of the proposed amendment of the above-stated rule at page 516, 2001 Montana Administrative Register, issue number 7. The hearing was held on April 26, 2001.

2. The Division has amended ARM 8.94.3806 exactly as proposed, but, in response to the comment noted in paragraph three, has slightly modified its guidelines for applying for matching grants for preliminary engineering work.

3. The Division has received one comment. The comment received and the Division's response are as follows:

COMMENT NO. 1: The department has proposed guidelines for preliminary engineering grants that would require completed PER's to follow the format and meet the requirements of the Uniform Preliminary Engineering Analysis for Montana Public Facility Projects outline. The Uniform outline should be used not as a strict format, but, rather as a laundry list. The phrase "follows the format" should be stricken from the language.

RESPONSE: The department agrees in principle with this comment. The department does not intend the Uniform outline be strictly adhered to. However, rather than striking the language identified by the comment, the department has modified the material in question to read as follows: a completed PER will be required to be submitted to the department, which follows the format and meets the requirements of the Uniform Preliminary Engineering Analysis for Montana Public Facility Projects outline. While the department wants the PER to follow the basic structure of the outline, we understand that sound professional practice may require the engineer to deviate from the outline at the more detailed levels of the report.

LOCAL GOVERNMENT ASSISTANCE DIVISION

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 May 14, 2001.

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

In the matter of the	)	
adoption of a new rule	)	
and amendment of ARM	)	
12.11.3601, creating a	)	NOTICE OF ADOPTION
no wake zone at Hell	)	AND AMENDMENT
Creek Marina on Fort	)	
Peck Reservoir and ARM	)	
12.11.501, updating the	)	
index rule	)	

TO: All Concerned Persons

1. On March 22, 2001, the Fish, Wildlife and Parks Commission (commission) published notice of the proposed adoption of new rule I (12.11.2401) and the proposed amendment of ARM 12.11.3601, creating a no wake zone at Hell Creek Marina on Fort Peck Reservoir and ARM 12.11.501, listing the new rule in the list of bodies of water which provides an index to recreational water use rules at page 432 of the 2001 Montana Administrative Register, Issue Number 6.

2. The commission has adopted ARM 12.11.2401 exactly as proposed.

3. The commission has amended ARM 12.11.3601 and 12.11.501 exactly as proposed.

4. No comments or testimony were received.

BY:

/s/ Rich Lane  
Rich Lane, Chairman  
Fish, Wildlife and Parks  
Commission

/s/ Rebecca Dockter Engstrom  
REBECCA DOCKTER ENGSTROM  
Rule Reviewer

Certified to the Secretary of State May 14, 2001

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment )  
of ARM 17.50.801, 17.50.802, )  
17.50.806, 17.50.809 and )  
17.50.810, the adoption of NEW )  
RULES I-IX, and the repeal of )  
ARM 17.50.805, 17.50.807 and )  
17.50.808, pertaining to )  
licensing, waste disposal, )  
recordkeeping, and inspection )  
for businesses pumping wastes )  
from septic tank systems, )  
privies, car wash sumps, and )  
grease traps, and other )  
similar wastes )

NOTICE OF THE AMENDMENT,  
ADOPTION, AND REPEAL OF  
RULES

(Solid Waste)

TO: All Concerned Persons

1. On December 7, 2000, the Department of Environmental Quality published notice of a public hearing on the proposed amendment, adoption and repeal of the above-captioned rules pertaining to licensing of cesspool, septic tank, and privy cleaners, and the disposal of wastes from septic tanks, privies, grease traps, car wash sumps, and other similar wastes, at page 3299, 2000 Montana Administrative Register, issue number 23.

2. The Department has repealed ARM 17.50.805, 17.50.807, and 17.50.808, as proposed.

3. The Department has amended ARM 17.50.801, 17.50.802, 17.50.806, 17.50.809, and 17.50.810 as proposed, with the following changes. Matter to be added is underlined. Matter to be deleted is interlined.

17.50.801 PURPOSE (1) The purpose of this subchapter is to provide standards for the licensure of cesspool, septic tank and privy cleaning businesses and to establish uniform requirements for the disposal of septage, grease trap waste, privy waste, car wash sump waste, and other similar wastes. These similar wastes include, but are not limited to, other primarily liquid wastes such as food processing wastes, septic tank pumpings that contain commercial and industrial wastewater, and snow melt sump wastewater, that can be applied to the land for a beneficial purpose. Regulated hazardous wastes are not covered under this rule. Rules on the management of hazardous wastes are found in ARM Title 17, chapter 53.

(2) and (3) remain the same as proposed.

AUTH: 75-10-1202, MCA  
IMP: 75-10-1202, MCA

17.50.802 DEFINITIONS In addition to the definitions in 75-10-1202, MCA, the following definitions apply in this subchapter:



(1) through (6) remain the same as proposed.

(7) "Car wash sump" means an interceptor or settling device, designed to be emptied by mechanical means, located below the normal grade of a wastewater gravity system used to precipitate mud from wastewater at a car wash, garage, or vehicle maintenance facility before the water enters an oil/water interceptor, a sanitary sewer or individual wastewater treatment system. Oil/water interceptors are not car wash sumps.

(8) through (17) remain the same as proposed.

(18) "Gray water" means any wastewater other than toilet wastes or industrial chemicals, and includes, but is not limited to, shower and bath wastewater, kitchen wastewater, and laundry wastewater. It may not contain listed hazardous wastes or hazardous substances above regulatory thresholds.

(19) through (24) remain the same as proposed.

(25) "Pathogen" means a disease-causing organism. This includes, but is not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

(25) through (27) remain the same as proposed, but are renumbered (26) through (28).

~~(28)~~(29) "Pumpings" means the materials, liquid and solid, removed from a cesspool, septic tank, privy, portable toilet, grease trap, or car wash (or similar) sump that may be land applied for a beneficial purpose. The term also includes other primarily liquid wastes that may be land applied for a beneficial purpose. These include, but are not limited to, wastes from food processing operations, septage that contains commercial and industrial wastewater, and wastes from snow melt wastewater sumps. The term does not include commercial or industrial wastes that contain listed hazardous wastes or hazardous substances above regulatory thresholds.

(29) through (35) remain the same as proposed, but are renumbered (30) through (36).

(37) "Vector attraction" means the characteristic of sewage sludge and other pumpings that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(36) remains the same as proposed, but is renumbered (38).

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, MCA

17.50.806 PROCESSING OF LICENSE APPLICATIONS (1) through (3) remain the same as proposed.

(4) Within five days after receiving a completed application for a license, the department shall notify the local health officer or designated representative of each county in which the applicant proposes to do business. To allow the local health officer or designated representative an opportunity to review and comment on an application, the department may not issue a license until five 14 days after notifying the local health officer or designated representative.

(5) remains the same as proposed.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, 75-10-1210, 75-10-1212, 75-10-1221, MCA

17.50.809 SPECIFIC LAND APPLICATION SITE CRITERIA (1) remains the same as proposed.

(2) A person may not apply pumpings to land within 150 feet of any state surface water, including ephemeral or intermittent drainages and wetlands. The department or local health officer or the health officer's designated representative may require greater distances where slopes or other factors may increase the likelihood of runoff from the land application area.

(3) remains the same as proposed.

(4) A person may not apply pumpings to land within 100 feet of a drinking water supply source. The department or local health officer or the health officer's representative may require greater distance where site conditions might increase the likelihood of contamination of a drinking water source.

(5) Topographical slopes on cultivated fields must be taken into account when a person is selecting land application areas. A person may not apply pumpings where ponding or runoff of septage is likely to occur.

(6) and (7) remain the same as proposed.

(8) ~~Bulk septage Pumpings~~ may be applied to the land surface only where at least six feet separate the land surface from seasonally high ground water. The department or local health officer or the health officer's designated representative may require greater separation where soil types or specific application processes might increase the likelihood of ground water contamination.

(9) remains the same as proposed.

(10) A pumper shall control litter at land application sites as necessary to prevent its spread to adjoining properties. Litter must be removed from a land application site within six hours after application.

(11) A person may not apply bulk septage or other pumpings to agricultural land, forest land, pasture land, or range land at a rate greater than the agronomic rate of the site for nitrogen on an annual basis.

(12) The annual application rate (AAR) for bulk septage, in gallons/acre/year, is determined by the formula  $AAR=N/0.0026$ , where N equals the amount of nitrogen, in pounds per acre per 365-day period, needed by the crop or vegetation grown on the land.

(13) and (14) remain the same as proposed.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, MCA

17.50.810 SPECIAL CONDITIONS; SEASONAL OPERATIONS (1) A person may not apply pumpings to flooded, frozen, or snow covered ground if the pumpings will may enter state waters.

~~(2) A person may not apply routine maintenance pumpings to frozen or snow covered ground, unless the tank from which the~~

~~waste comes requires pumping more frequently than every six months and no waste water treatment plant that will take the waste is available within 25 miles of the point of generation.~~

~~(3)~~ (2) A person may apply routine maintenance pumpings or emergency pumpings, including but not limited to, pumpings required due to septic system freeze-ups, overflows, flooding, or failures, to frozen or snow covered ground, only if no other reasonable treatment method is available. Reasonable treatment method options include hauling the waste to a waste water treatment plant or a septage storage, treatment, or dewatering facility that will accept the waste and that is within 25 miles of the point of generation.

~~(4)~~ (3) Subject to the restrictions in (1) ~~through (3)~~ and (2) of this rule and the requirements of ARM 17.50.809(1), (3) and (4), a person may apply pumpings to frozen or snow covered ground only if:

(a) sites or fields used have a slope of less than or equal to ~~2~~ 3 percent;

~~(b) waste is applied at a rate of less than 10,000 gallons per acre;~~

~~(c) application occurs more than 500 feet from any surface water or wetland;~~

(d) remains the same as proposed, but is renumbered (b).

~~(e)~~ (c) bulk septage, and wastes subject to ARM 17.50.816, have undergone treatment by the vector reduction technique specified in ARM 17.50.811(3)(c) or, if not alkali stabilized, are incorporated into the soil as soon as the weather permits. Grease trap wastes must be incorporated into the soil as soon as the weather permits. Alkali stabilization of septage and wastes subject to ARM 17.50.816 is required unless the owner or the owner's authorized representative is unwilling to accept pH-stabilized wastes. If the wastes are not alkali stabilized, the pumper shall keep a the signed written statement of objection to the alkali-stabilization from the owner or authorized representative on file in conformance with ARM 17.50.813. Site restrictions found in ARM 17.50.811(4) and (5) start from the time of alkali stabilization or the date of incorporation, if not alkali-stabilized.

(5) through (9) remain the same as proposed, but are renumbered (4) through (8).

~~(10)~~ (9) The department may, in individual cases, place more or less restrictive criteria on septage treatment processes and individual land application and disposal sites, taking into account proximity to population centers, volume of septage or other pumpings, soil types, protection of human health and the environment, and the avoidance of public nuisances.

(10) Mixed loads of different types of pumpings must be handled with all appropriate restrictions applicable to the individual components.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, MCA

4. The Department has adopted NEW RULES III (17.50.812),

VI (17.50.815) and IX (17.50.820), as proposed.

5. The Department has adopted NEW RULES I (17.50.803), II (17.50.811), IV (17.50.813), V (17.50.814), VII (17.50.816), and VIII (17.50.819), as proposed, with the following changes. Matter to be added is underlined. Matter to be deleted is interlined.

NEW RULE I (17.50.803) LICENSURE; LICENSE APPLICATION; ANNUAL RENEWAL (1) through (1)(d) remain the same as proposed.

(e) the estimated volume of septage and other wastes to be disposed of at each disposal site annually.

(2) through (2)(c) remain the same as proposed.

(d) the type of vegetation on the land application area (i.e., fallow land, pasture, range, forest) and the nitrogen requirements for the vegetation;

(e) through (g) remain the same as proposed.

(h) the distance to surface water and ephemeral or intermittent drainages;

(i) through (l) remain the same as proposed.

(m) a proposed disposal operation and maintenance plan for each land application site including provisions for access control, if necessary, and the types and sources of wastes to be managed on the site;

(n) and (o) remain the same as proposed.

(3) remains the same as proposed.

(4) An applicant shall pay the license or renewal fee required under 75-10-1212, MCA, to the department at the time the applicant submits the license or renewal application to the department. A license may not be issued or renewed prior to payment of the appropriate fee.

(5) through (7) remain the same as proposed.

(8) A person ~~may not who~~ renews a license after April 1 of the year after the license expires shall pay the late fee required under 75-10-1212, MCA.

(9) A person may not renew a license after December 31 of the year after the license expires. A person desiring to operate a business, or dispose of wastes, regulated under this subchapter after December 31 of the year after the license expires shall submit a new application, along with the application fee, to the department.

(10) A person who operates a business, or disposes of wastes, regulated under this subchapter after the person's license has expired and prior to renewing the person's license and paying the required fees is subject to the enforcement provisions of 75-10-1220, 75-10-1221, 75-10-1222, and 75-10-1223, MCA.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, 75-10-1211, 75-10-1212, MCA

NEW RULE II (17.50.811) OPERATION AND MAINTENANCE REQUIREMENTS FOR LAND APPLICATION OR INCORPORATION OF SEPTAGE

(1) A person may not apply ~~bulk septage,~~ to public contact

sites or home lawns or gardens.

(2) ~~bulk~~ Bulk materials derived from septage, ~~or septage~~ or materials derived from septage sold or given away in a bag or other container, may not be applied to public contact sites or home lawns or gardens unless the materials to be applied satisfy the pollutant concentration requirements in 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), and at least one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(8).

~~(2)~~ (3) A person may apply ~~bulk~~ septage, bulk materials derived from septage not meeting the requirements of (2) of this rule, ~~or septage~~ or materials derived from septage sold or given away in a bag or other container not meeting the requirements of ~~(1)~~ (2) of this rule only to agricultural land, forest land, or reclamation sites, and only if the person first performs one of the following vector attraction and pathogen reduction methods:

(a) through (d) remain the same as proposed.

~~(3)~~ (4) A person may ~~not~~ apply ~~bulk~~ septage, bulk materials derived from septage not meeting the requirements of (2) of this rule, ~~or septage~~ or materials derived from septage sold or given away in a bag or other container that do not meet the requirements of ~~(1)~~ (2) of this rule unless only if the use of the site is restricted so that:

(a) through (d) remain the same as proposed.

~~(4)~~ (5) The following additional restrictions apply if ~~bulk~~ septage, bulk materials derived from septage not meeting the requirements of (2) of this rule, ~~or septage~~ or materials derived from septage sold or given away in a bag or other container that do not meet the requirements of ~~(1)~~ (2) of this rule are applied to land and have not been treated with alkali as in ~~(2)~~ (3)(c) of this rule:

(a) through (d) remain the same as proposed.

(5) through (7) remain the same as proposed, but are renumbered (6) through (8).

AUTH: 75-10-204, 75-10-1202, MCA

IMP: 75-10-204, 75-10-1202, MCA

NEW RULE IV (17.50.813) RECORDKEEPING REQUIREMENTS

(1) remains the same as proposed.

(2) Licensees shall retain disposal and land application records for ~~at least~~ five years.

(3) remains the same as proposed.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, MCA

NEW RULE V (17.50.814) CAR WASH SUMPS AND OTHER SUMP WASTES (1) through (3) remain the same as proposed.

(4) Waste from an ~~automated~~ automatic car wash bay sump may be used as clean fill or, if dewatered, as cover at landfills.

(5) through (12) remain the same as proposed.

(13) A pumper shall retain all testing results for ~~at least~~

five years and make them available to the department upon request.

(14) Operators of facilities receiving sump waste may, before accepting waste, require a ~~pumper to perform~~ additional testing.

AUTH: 75-10-204, 75-10-1202, MCA

IMP: 75-10-112, 75-10-204, 75-10-1202, MCA

NEW RULE VII (17.50.816) PRIVY WASTE; PIT TOILET WASTE; PORTABLE TOILET WASTE; VESSEL PUMPOUT FACILITY WASTE; AND RECREATIONAL VEHICLE DUMP STATION WASTE (1) and (2) remain the same as proposed.

(3) A person may not place privy wastes, pit toilet waste, portable toilet waste, marine vessel pumpout facility waste or recreational vehicle wastes in a wastewater treatment system with a cesspool.

(4) A person may not place privy wastes, pit toilet waste, portable toilet waste, marine vessel pumpout facility waste or recreational vehicle wastes in a wastewater treatment system with a septic tank, unless the septic tank and connected liquid treatment system was designed for this purpose by a professional engineer licensed to ~~do business~~ practice engineering in Montana.

(5) No person may land-apply privy wastes, pit toilet waste, portable toilet waste, marine vessel pumpout facility waste or recreational vehicle wastes unless the following conditions are met:

(a) and (b) remain the same as proposed.

(c) the wastes are screened or sorted before or application, during application, or within six hours after application and before incorporation into the soil to remove large non-putrescible wastes. The non-putrescible wastes must be disposed of in a Class II solid waste management facility licensed in accordance with 75-10-221, MCA.

(6) The maximum annual application rate (AAR) for these wastes, in gallons/acre/year, is determined by the formula  $AAR=N/0.0052$ , where N equals the amount of nitrogen in pounds per acre per 365-day period needed by the crop or other vegetation grown on the land.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, MCA

NEW RULE VIII (17.50.819) INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED DOCUMENTS (1) The department hereby adopts and incorporates by reference:

(a) and (b) remain the same as proposed.

~~(c) 40 CFR 503.13(b)(3), which sets forth pollutant concentration requirements, 40 CFR 503.32(a), which sets forth Class A pathogen reduction requirements, and 40 CFR 503.33(b)(1) through (b)(8), which set forth vector attraction reduction requirements.~~

(2) and (3) remain the same as proposed.

AUTH: 75-10-1202, MCA  
IMP: 75-10-1202, MCA

6. The following comments were received, and appear with the Department's responses:

COMMENT 1: The Department received comments from the U.S. Environmental Protection Agency (EPA) requesting clarification of the nature of the wastes to be managed under the proposed rules. The EPA was concerned that only wastes with a possible beneficial use be applied to the land.

RESPONSE: The Department agrees and has added language to ARM 17.50.801(1) for clarification.

COMMENT 2: The Department received comments from the EPA on definitions found in ARM 17.50.802, specifically: (6) "Bulk Septage," (7) "Car wash sump," (18) "Gray water," and (28) "Pumpings." The EPA suggested that the definitions specifically exclude regulated hazardous wastes, a clarification of what wastes are included in the definitions, and the inclusion of the word "domestic" to the phrase "bulk septage." The EPA also requested the addition of definitions related to pathogen reduction and vector attraction. A similar comment on (7) "Car wash sump" was received from the City/County Health Department (CCHD) of Missoula.

RESPONSE: The Department has made the changes where suggested, except for (6) "Bulk septage." Septage is, by statute, derived from domestic sewage and the addition of the word "domestic" to the phrase defined would be superfluous.

COMMENT 3: The Department received a comment from the CCHD of Missoula that the five-day comment period allowed health officers in ARM 17.50.806(4) is insufficient and that 14 days is more appropriate.

RESPONSE: The Department agrees with the comment and has made the suggested revisions.

COMMENT 4: The EPA made clarification comments on the need to protect surface and drinking water in ARM 17.50.809 through the specific inclusion of reference to ephemeral drainages and the right to restrict land application distances in special cases near drinking water sources. The EPA also suggested the Department clarify the definition of land application rate as gallons/acre/year.

RESPONSE: The Department agrees with the comments and has made the suggested revisions.

COMMENT 5: One comment asked why there were different slope limits for surface application (6%) and injection (12%) in ARM 17.50.809(6) and (7).

RESPONSE: These limits were taken from EPA guidance and are based on the threat to surface water from different management practices. No change has been made to this portion of the proposed rule.

COMMENT 6: The Department received a comment requesting that the separation distance to seasonally high groundwater in ARM 17.50.809(8) be increased to ten feet.

RESPONSE: The required six-foot separation is greater than the four-foot separation distance required by Department rules for the design of on-site wastewater system leach fields. The six-foot distance is being carried over from the previous rule and the Department has no evidence of adverse effects from this separation distance. Therefore, no change was made to this part of the proposed rule.

COMMENT 7: Two comments were received with regard to ARM 17.50.809(10). The EPA commented that litter in land-applied pumpings should be pre-screened and only liquid and semi-liquid wastes be land-applied. A member of the pumper community commented that since screens are so hard to maintain given the variety of materials involved, some time should be allowed between the application of liquid wastes and litter pickup.

RESPONSE: The Department recognizes that inadvertent litter may occur during the application of these wastes and that the application site should be given time to dry out somewhat for litter control activities. The proposed rule was changed to require the collection of litter within six hours after application, which is the time limit allowed prior to incorporation for non-alkali treated wastes. This issue is also addressed in ARM 17.50.816(5)(c), which was modified in a similar manner.

COMMENT 8: The EPA commented that ARM 17.50.810(1), concerning the application of pumpings to flooded, frozen or snow covered ground, would better protect state waters if the word "may" were substituted for the word "will."

RESPONSE: The Department agrees with the comment and has made the suggested revisions.

COMMENT 9: Two comments were received on ARM 17.50.810(2), concerning application of pumpings to frozen or snow covered ground. The comment from the EPA suggested the Department delete this paragraph because it gave no incentive to increase holding capacity. A comment from the pumping community suggested the replacement of the word "and" with "or" thus allowing unlimited winter application of routine pumpings if no wastewater treatment plant was available for disposal. A question was also posed as to when the time started for conformance with the site restrictions in ARM 17.50.811.

RESPONSE: The Department has decided to combine ARM 17.50.810(2) with (3) to encourage pumpers to make arrangements for winter disposal at waste water treatment plants rather than pose a threat to surface waters in the event of a sudden thaw or during spring run-off. The change will discourage and limit the application of routine pumpings to frozen ground and thus protect Montana waters. It will also allow for the pumping of remote facilities that cannot afford to have large storage



capacity, yet have significant liquid volumes in the wintertime, such as snow melt at highway maintenance facilities. These changes more closely reflect EPA guidance for application to snow covered and frozen ground. The revised rule also includes a starting point for the site restrictions found in ARM 17.50.811(4) and (5). Site restrictions commence on the date of land application for alkali-stabilized material or the date of incorporation for non-stabilized material.

COMMENT 10: The EPA suggested that the requirements of ARM 17.50.809(1), (3), and (4), concerning required distances between application sites and buildings, surface water, and highways, be included in ARM 17.50.810(4) for clarification.

RESPONSE: The Department agrees with the comment and has made the suggested revisions.

COMMENT 11: The EPA commented that additional requirements from 40 CFR Part 257 should be included if non-septage wastes are allowed at land application sites.

RESPONSE: This appears to be beyond the scope of the current rulemaking and will be addressed in a proposed amendment at a later date.

COMMENT 12: One comment was received questioning the need for the 500-foot separation between application sites and surface water during winter and the 10,000 gallon limitation on winter operations found in ARM 17.50.810(4).

RESPONSE: The Department agrees that the proposed separation distance and gallon limitations would be more restrictive than EPA guidance on the application of materials to frozen or snow-covered ground and the Department has deleted these restrictions from the rule. The separation distances from application sites to surface water in ARM 17.50.809(2), which carry-over from the previous rule, and application rates found in ARM 17.50.809(12), which are the same as EPA application rates for septage, will apply.

COMMENT 13: One comment asked why ARM 17.50.810(10), which gives the Department flexibility to deviate from the treatment and land application requirements on a case-by-case basis, referred only to septage when it appeared to apply to other pumpings given the context.

RESPONSE: The Department agrees with the comment and has made the suggested revision to include other pumpings.

COMMENT 14: One comment was made concerning what the Department intended to do with mixed loads of pumpings since 40 CFR Part 503 applies only to domestic septage and not mixed loads of other wastes.

RESPONSE: The Department believes that mixed loads should be handled with all appropriate restrictions applicable to the individual components. Although implicit in the rules, this has been clarified by the addition of a new subsection (10) in ARM 17.50.810. The Department's authority in §75-10-1202, MCA, is

broader than the EPA's authority in 40 CFR Part 503 and covers additional wastes such as grease trap waste and commercial septage.

COMMENT 15: The EPA made several comments on ARM 17.50.803, suggesting clarification of information that must be provided to the Department in an application. Crop nitrogen requirements and the types and sources of wastes managed on the land application site were specifically requested for inclusion.

RESPONSE: The Department agrees and has made changes to the rule to require that the appropriate information is provided.

COMMENT 16: The Department received a comment on the license renewal process and timing. Of particular concern was the need for the rule to clarify deadlines for license renewal.

RESPONSE: ARM 17.50.803 has been modified to reflect the requirements of §75-10-1202, MCA, and comments made during the legislative process. The rule states that the late fee of \$125 will be charged for renewals made after April 1 of the year after the license expires, that fees must be paid at the time of application for a license or renewal, and that the license may not be renewed after December 31 of the year after the license expired. Finally, an operator is subject to enforcement actions if the operator operates before renewing the license and paying the fees.

COMMENT 17: The EPA provided several technical comments on the conformance of ARM 17.50.811 with the requirements of septage management found in 40 CFR Part 503. Of particular concern was the wording of subsection (1), which appeared to allow land application of septage to public contact sites and home lawns and gardens.

RESPONSE: The Department agrees with these comments and modified the proposed rule for clarification. Bulk septage may not be applied to public contact sites and home lawns and gardens. Materials derived from septage, such as compost, may be applied only if treated to EPA standards for sewage sludge.

COMMENT 18: One comment was received indicating the phrase "automated car wash bay" should be replaced with "automatic car wash bay" in ARM 17.50.814(2) for consistency with the definition in ARM 17.50.802(5) of "automatic car wash bay."

RESPONSE: The Department agrees with the comment and has made the suggested revision.

COMMENT 19: Two comments were received that the phrase "at least five years" in NEW RULE IV [ARM 17.50.813(2)], concerning the length of time records must be kept, and 17.50.814(13), concerning the length of time testing results must be retained, is more stringent than "5 years" in federal regulations.

RESPONSE: The Department agrees with the comment and has changed the required period to "five years" to be no more stringent than EPA's regulations.

COMMENT 20: The Department received four comments on ARM  
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17.50.814 that concerned the contaminant levels found in car wash sumps. They stated that the proposed rule was too lenient. These comments requested that all car wash sump waste be banned for use as clean fill and that all car wash sumps be tested by quantitative methods for heavy metals and other possible contaminants.

RESPONSE: The Department did not make the requested revisions. The Department believes that the tiered approach (visual inspection followed by testing if indicated) taken in the rule is protective of the environment while allowing a cost-effective approach to managing these wastes. This approach was developed with input from car wash operators and is similar to other adjoining states' requirements. The request to ban the land application of all car wash sump wastes is outside the scope of the rulemaking, but may be addressed in a separate rulemaking at a later date, should evidence so warrant. The Department believes that this tiered approach does require appropriate handling of petroleum-contaminated wastes and provides adequate requirements for screening for regulated hazardous wastes.

COMMENT 21: The Department received two comments requesting the ability to place car wash sump wastes and bulk liquid grease trap wastes into Class II landfill units.

RESPONSE: This practice is prohibited by ARM 17.50.511(1)(m) and 40 CFR § 258.28 (2000 edition). Waste must be dewatered prior to placement in a landfill unit. If the EPA removes the prohibition on bulk liquids at landfills, then the Department will consider changing both the landfill and septic pumper rules.

COMMENT 22: The Department received two comments on proposed ARM 17.50.814(2) suggesting that the ban on the use of rental equipment to pump sumps be extended to the pumping of septic tanks also.

RESPONSE: The use of rental equipment to pump septic tanks is banned under §75-10-1210(2)(a), MCA, unless the person doing the pumping is licensed by the department.

COMMENT 23: Two comments were received concerning the requirement that only the pumpers may be required to perform additional testing under ARM 17.50.814(14). Members of the pumping community were concerned that they may face unknown testing charges imposed by landfills that could not be passed along to the waste generators.

RESPONSE: The Department agrees and has revised the rule to allow for other persons to perform the testing. Facilities receiving waste may require additional testing as a condition of receiving waste, but this testing may be done by the waste generator, the pumper, or the facility.

COMMENT 24: The Department received a comment that it would be appropriate in ARM 17.50.815(7)(c) to require that grease trap wastes be treated with the addition of alkali.

RESPONSE: The Department is concerned that the addition of alkali to grease trap waste would only result in the formation of a crude soap which would be more difficult to biodegrade. In addition, the subsurface injection or soil incorporation of grease trap waste allows for ready biodegradation by soil organisms and provides the proper degree of vector attraction reduction. Leaving alkali-treated material on the soil surface might result in greater threats to surface waters. Therefore, no change is being made.

COMMENT 25: A comment was received that ARM 17.50.816(4), which prohibits the placement of privy waste, pit toilet waste, portable toilet waste, vessel pumpout facility waste and recreational vehicle waste into wastewater treatment systems with a septic tank unless the system was designed by a professional engineer, would preclude the use of older septic tank and treatment systems that have not been engineered.

RESPONSE: This is correct. Systems that are not properly designed should not receive these high-strength wastes and the chemicals associated with them. Therefore, no change was made to the proposed rule.

COMMENT 26: Two comments were received on the difficulty of screening and sorting liquid wastes from pit toilets, privies and cesspools as required in ARM 17.50.816(5)(c).

RESPONSE: The rule has been clarified to require the removal of non-putrescible waste within six hours after land application.

COMMENT 27: The Department received three comments on the land application rate in ARM 17.50.816(6) for privy waste, pit toilet waste, portable toilet waste, vessel pumpout facility waste and recreational vehicle waste. The proposed land application rate is one-half that allowed by the EPA for all septage, which includes wastes from portable toilets, cesspools, privies, and type III marine sanitation devices. The commentators requested that the Department use the EPA rate for septage.

RESPONSE: Department research indicates that the wastes to be regulated under ARM 17.50.816 are significantly different from septage in that they have had no primary treatment and are often significantly stronger wastes with significantly higher biological oxygen demand. These wastes also routinely contain disinfectants and deodorants which can inhibit biological degradation or provide additional nitrogen. This would result in greater potential impact on the environment.

In 1992, the EPA set the application rate for septage based on 9 samples from septic tank pumpers dumping at the Madison, Wisconsin Wastewater Treatment Plant. These samples were analyzed for ammonia, Total Kjeldahl Nitrogen (TKN) and a wide variety of other possible pollutants. The TKN used to develop the application rate was the 95th percentile concentration developed from the sampling (i.e., 352 mg/l). See U.S. EPA, "Justification for the Annual Application Rate for Domestic

Septage in the Standards for the Use or Disposal of Sewage Sludge," Appendix K, in Technical Support Document for the Land Application of Sewage Sludge (1992). At the time, this was thought to be a conservative value because, it was believed, 95 percent of septage would have a lower TKN value. More recent EPA publications, however, list the average TKN of septage as 588 mg/l, with a biochemical oxygen demand (BOD) of 6,480 mg/l. U.S. EPA, Guide to Septage Treatment and Disposal, EPA/625/R-94/002 (1994).

Recent data from the Washington State Department of Ecology states that septage from Whidbey Island has a mean value of 917 mg/l total nitrogen with a BOD of 5,400 mg/l. Washington State Department of Ecology, "Septage Management," in Biosolids Management Guidelines for Washington State, Publication #93-80 (Revised July, 2000). The average BOD of portable toilet wastes is 15,166 mg/l. M.R. Burrows, Treating Holding Tank Waste, (internal company paper for the Thetford Corporation, Ann Arbor, MI) (1995). Although TKN values are not given by Burrows, an analysis of the BOD/TKN relationships based on values presented by the EPA and Washington Department of Ecology indicates that the TKN of wastes with this BOD should be around 1,080 mg/l. This is about three times the design value used by the EPA in developing the septage land application rate and twice the 1994 EPA average septage value. Thus, limiting land application of wastes from privies, pit toilets, portable toilets, vessel pumpout facilities, and recreational vehicle dump stations to one-half the EPA rate for septage is justified.

In addition to the higher nitrogen concentrations in these wastes, they often contain disinfectants and deodorants. The most commonly used are enzyme-based or formaldehyde-based. Some deodorants/disinfectants are nitrogen-bearing compounds, e.g., quaternary ammonium chloride. These compounds are not readily biodegradable and contribute additional nitrogen loading to the land application site. The Department considered the potential impacts of greater nitrogen content and lowered the application rate accordingly in the proposed rule.

Because the Department is adopting a standard that is more stringent than a comparable federal regulation, it has complied with §75-10-107, MCA. This analysis is contained in a memorandum as part of the rulemaking record, and follows.

HB 521 ANALYSIS: §75-10-107, MCA, states, in part:

(2) The department may adopt a rule to implement this chapter that is more stringent than comparable federal regulations or guidelines only if the department makes a written finding after a public hearing and public comment and based on evidence in the record that:

(a) the proposed state standard or requirement protects public health or the environment of the

state; and

(b) the state standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the department's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed state standard or requirement.

Department's Analysis in Response to the Requirements of §75-10-107, MCA:

§75-10-107(2)(a), MCA: The standard adopted, a halving of the application rate for much more concentrated wastes, better protects the ground waters of the state by reducing the likelihood that groundwater will be contaminated by nitrogen. Because the wastes from privies, pit toilets, portable toilets, vessel pumpout facilities, and recreational vehicle dump stations have a higher concentration of nitrogen, application at the rate allowed for septage might cause more nitrogen to be deposited on the land than the plants growing there can use. Nitrogen might therefore remain on and in the ground. Precipitation might then cause it to percolate down and contaminate ground water. By allowing the waste to be applied at half the rate allowed for septage, less nitrogen would be applied, the plants would be able to use up all of the nitrogen, and less nitrogen would reach the ground water.

§75-10-107(2)(b), MCA: The standard being imposed can mitigate harm to groundwater by only allowing the application of wastes at the agronomic uptake rate and is achievable under current technology. No technological changes are proposed to the current practice of land application as required by EPA regulations, only a change to the application rate.

§75-10-107(3), MCA: There are no known peer-reviewed studies on this issue. The information used was derived from EPA documents, studies by the Washington State Department of Ecology, and private industry information. There is no information available on the cost to land-apply septage. The Department does not believe that there will be a significant additional cost based on the standard for land-applying privy, pit toilet, portable toilet, and similar waste. The Department's experience and knowledge indicate that most land application sites are of sufficient size that the maximum allowable application is not attained. Rather, the availability of sites is limited not by areas that are over-nitrogenated, but by the need to use areas that are not muddy.

Copies of the references cited above have been placed in the rulemaking record and are available for public review at the Department of Environmental Quality, Waste Management Section, Community Services Bureau, 1520 E. 6th Avenue, Helena Montana.

The Department also amended ARM 17.50.816 by adding the word "vessel" before "pumpout facility" in sections (3), (4), and (5) to conform to the language in the rule title and sections (1) and (2).

7. The Department has also made minor editorial changes that are not intended to change the meaning of the proposed rules.

DEPARTMENT OF ENVIRONMENTAL QUALITY

by: Jan P. Sensibaugh  
JAN P. SENSIBAUGH, Director

Reviewed by:

David Rusoff  
David Rusoff, Rule Reviewer

Certified to the Secretary of State May 14, 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.

Economic Affairs 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 and Local Government Interim Committee:

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

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

- ▶ Department of Public Health and Human Services.

Law and Justice Interim Committee:

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



Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration, and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

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To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 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 2000 and 2001 Montana Administrative Registers.

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## 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 April 2001, appear. Vacancies scheduled to appear from June 1, 2001, through August 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 May 14, 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 APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Architects (Commerce)			
Mr. Larry Chaffin Dillon	Governor	Geelan	4/11/2001 3/27/2004
Qualifications (if required):	public member		
Mr. Tom Wood Bozeman	Governor	Hill	4/11/2001 3/27/2004
Qualifications (if required):	representative of MSU-Bozeman School of Architecture		
Board of Clinical Laboratory Science Practitioners (Commerce)			
Mr. John Michael Long Glendive	Governor	Bennett	4/25/2001 4/16/2005
Qualifications (if required):	clinical lab science practitioner		
Dr. Peter A.F. Smith Kalispell	Governor	Walker	4/25/2001 4/16/2005
Qualifications (if required):	physician		
Board of County Printing (Commerce)			
Ms. Nancy Clark Ryegate	Governor	reappointed	4/27/2001 4/1/2003
Qualifications (if required):	public member		
Ms. Julie Jordan Miles City	Governor	reappointed	4/27/2001 4/1/2003
Qualifications (if required):	county commissioner		
Mr. Verle L. Rademacher White Sulphur Springs	Governor	reappointed	4/27/2001 4/1/2003
Qualifications (if required):	representative of the printing industry		



BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of County Printing (Commerce) cont.			
Ms. Marianne Roose	Governor	reappointed	4/27/2001
Eureka			4/1/2003
Qualifications (if required): county commissioner			
Mr. Curtis Starr	Governor	reappointed	4/27/2001
Malta			4/1/2003
Qualifications (if required): representative of the printing industry			
Board of Directors of State Compensation Insurance Fund (Administration)			
Mr. Derek Grewatz	Governor	Donahue	4/27/2001
Missoula			4/28/2005
Qualifications (if required): licensed insurance producer			
Ms. Susan Knedler	Governor	Brouelette	4/27/2001
Lewistown			4/28/2005
Qualifications (if required): representative of private industry and a policy holder			
Mr. Herbert Leuprecht	Governor	reappointed	4/27/2001
Butte			4/28/2005
Qualifications (if required): representative of private industry and a policy holder			
Board of Personnel Appeals (Labor and Industry)			
Mr. Ed Maronick	Governor	Doney	4/17/2001
East Helena			1/1/2003
Qualifications (if required): substitute management representative			
Mr. Michael O'Neill	Governor	Talcott	4/17/2001
Butte			1/1/2005
Qualifications (if required): management representative			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Personnel Appeals (Labor and Industry) cont. Mr. James P. Reardon East Helena Qualifications (if required): labor union representative	Governor	Perkins	4/17/2001 1/1/2005
Mr. Thomas Schneider Helena Qualifications (if required): labor union representative	Governor	reappointed	4/17/2001 1/1/2005
Board of Radiologic Technologists (Commerce) Dr. Dennis Palmer Helena Qualifications (if required): radiologist	Governor	Kurland	4/17/2001 7/1/2002
Board of Research and Commercialization Technology (Commerce) Mr. Leonard J. Smith, Jr. Poplar Qualifications (if required): Native American	Governor	Belcourt	4/18/2001 7/1/2002
Capital Finance Advisory Council (Administration) Mr. Dick Anderson Helena Qualifications (if required): representing the Board of Investments	Governor	McGee	4/17/2001 2/11/2002
Mr. Jerry Hoover Helena Qualifications (if required): representing the Montana Health Facility Authority	Governor	Little	4/17/2001 2/11/2002
Director Jan Sensibaugh Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	Simonich	4/17/2001 2/11/2002

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capital Finance Advisory Council (Administration) cont. Sen. Chuck Swysgood Dillon Qualifications (if required): representing the Budget Office	Governor	Lewis	4/17/2001 2/11/2002
Coal Board (Commerce) Mr. Alan Evans Roundup Qualifications (if required): representative of District 4 and an impact area	Governor	reappointed	4/10/2001 1/1/2005
Mr. Gerald Feda Glasgow Qualifications (if required): representative of District 3	Governor	reappointed	4/10/2001 1/1/2005
Mr. Roger Knapp Hysham Qualifications (if required): representative of District 4 and an impact area	Governor	reappointed	4/10/2001 1/1/2005
Mr. James W. Royan Missoula Qualifications (if required): representative of District 1	Governor	reappointed	4/10/2001 1/1/2005
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services) Rep. Bob Lawson Whitefish Qualifications (if required): legislator	Governor	reappointed	4/17/2001 1/1/2002
Sen. Bea McCarthy Anaconda Qualifications (if required): legislator	Governor	reappointed	4/17/2001 1/1/2002

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Family Education Savings Oversight Committee (Commissioner of Higher Education)			
Auditor John Morrison Helena	Governor	O'Keefe	4/17/2001 7/1/2001
Qualifications (if required):	state insurance commissioner		
Ms. Margie Thompson Butte	Governor	Davison	4/17/2001 7/1/2003
Qualifications (if required):	presiding officer of the Board of Regents		
Governor's Council on Families (Public Health and Human Services)			
Ms. Kristen Blystone Great Falls	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required):	youth representative		
Reverend Peter Bruno Terry	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required):	public member		
Mr. Tom Burnett Bozeman	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required):	public member		
Ms. Floral Goodman Laurel	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required):	public member		
Ms. Kathleen Heiser Billings	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required):	public member		
Ms. Kathleen Jensen Westby	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Families (Public Health and Human Services) cont.			
Ms. Crystal LaPlant Browning	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Ms. Julie Lovell Big Timber	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Sen. Dale Mahlum Missoula	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): legislator			
Ms. Lilly Motl Helena	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): youth representative			
Ms. Arlene Nicholuson Diehl East Helena	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Mr. Bill Pena Seeley Lake	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Mr. Stanley Rathman Choteau	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Ms. Melissa Sundberg Victor	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Families (Public Health and Human Services) cont.			
Mr. Peyton Terry Glasgow	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Mr. John Vincent Gallatin Gateway	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Ms. Kim Visser Missoula	Governor	not listed	4/24/2001 4/24/2003
Qualifications (if required): public member			
Health Care Advisory Council (Public Health and Human Services)			
Director Gail Gray Helena	Governor	Ekanger	4/18/2001 6/30/2001
Qualifications (if required): representing the executive branch			
MSU Billings Executive Board (University System)			
Ms. Carol Willis Billings	Governor	reappointed	4/15/2001 4/15/2004
Qualifications (if required): public member			
MSU Northern Executive Board (University System)			
Mr. Doug Ross Havre	Governor	reappointed	4/15/2001 4/15/2004
Qualifications (if required): public member			
Montana Abstinence Education Advisory Council (Public Health and Human Services)			
Rep. Ken Peterson Billings	Governor	not listed	4/5/2001 3/14/2002
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Abstinence Education Advisory Council (Public Health and Human Services) cont. Ms. Susan Smith Billings	Governor	Andrews	4/5/2001 3/14/2002
Qualifications (if required): public member			
Montana Children's Trust Fund Board (Public Health and Human Services) Ms. Judy Birch Helena	Governor	reappointed	4/10/2001 1/1/2004
Qualifications (if required): representative of the Office of Public Instruction			
Mr. Mark A. Bryan Bozeman	Governor	reappointed	4/10/2001 1/1/2004
Qualifications (if required): public member			
Ms. Betty Hidalgo Great Falls	Governor	Campbell	4/10/2001 1/1/2004
Qualifications (if required): public member			
Rep. Betty Lou Kasten Brockway	Governor	Astroth	4/10/2001 1/1/2004
Qualifications (if required): public member			
Ms. Nan LeFebvre Helena	Governor	Hunter	4/10/2001 1/1/2004
Qualifications (if required): representative of Department of Public Health and Human Services			
Montana Public Safety Communications Council (Administration) Director Barbara Ranf Helena	Governor	Menzies	4/15/2001 5/31/2002
Qualifications (if required): representative of the Department of Administration			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana State University Executive Board (University System)			
Ms. Beatrice Taylor Bozeman	Governor	reappointed	4/15/2001 4/15/2004
Qualifications (if required): public member			
Montana Tech of the University of Montana Executive Board (University System)			
Mr. Tad Dale Butte	Governor	reappointed	4/15/2001 4/15/2004
Qualifications (if required): public member			
Montana-Alberta Bilateral Advisory Council (Commerce)			
Rep. Edith J. Clark Sweet Grass	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the legislative branch			
Mr. Mark Cole Shelby	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing private citizens			
Sen. E.P. (Pete) Ekegren Choteau	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the legislative branch			
Director David A. Galt Helena	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the executive branch			
Rep. Carol C. Juneau Browning	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the legislative branch			



BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana-Alberta Bilateral Advisory Council (Commerce) cont.			
Lt. Governor Karl Ohs Harrison	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the executive branch			
Director W. Ralph Peck Helena	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the executive branch			
Sen. Glenn A. Roush Cut Bank	Governor	not listed	4/27/2001 4/27/2003
Qualifications (if required): representing the legislative branch			
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks)			
Mr. Dan Walker Billings	Governor	Simpson	4/5/2001 6/30/2002
Qualifications (if required): Fish, Wildlife, and Parks Commissioner			
Public Employees' Retirement Board (Administration)			
Ms. Carol Lambert Hammond	Governor	not listed	4/1/2001 4/1/2006
Qualifications (if required): public member			
Risk Management Executive Council (Administration)			
Ms. Virginia Cameron Helena	Governor	Galloway	4/17/2001 2/21/2003
Qualifications (if required): representative of the Department of Environmental Quality			
Ms. Erica Hess Helena	Governor	Pedersen	4/17/2001 2/21/2003
Qualifications (if required): representative of the Secretary of State's Office			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Risk Management Executive Council (Administration) cont.			
Ms. Karen Revious Helena	Governor	Cameron	4/17/2001 2/21/2003
Qualifications (if required): representative of the Department of Military Affairs			
Ms. Barbara Sawitzke Helena	Governor	Broadwater	4/5/2001 2/21/2003
Qualifications (if required): representing the Office of Public Instruction			
Ms. Lisa Smith Helena	Governor	Chenovick	4/17/2001 2/21/2003
Qualifications (if required): representative of the Judiciary			
State Banking Board (Commerce)			
Ms. Jamie Doggett White Sulphur Springs	Governor	Pavlonnis	4/4/2001 7/1/2001
Qualifications (if required): public member			
State Board of Hail Insurance (Agriculture)			
Mr. Keith Arntzen Hilger	Governor	not listed	4/18/2001 4/18/2004
Qualifications (if required): public member			
State-Tribal Economic Development Commission (Governor)			
Director Mark A. Simonich Helena	Governor	Blouke	4/17/2001 6/30/2001
Qualifications (if required): representative of the Department of Commerce			
University of Montana Executive Board (University System)			
Ms. Arlene Breum Missoula	Governor	reappointed	4/15/2001 4/15/2004
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
University of Montana - Western Executive Board (University System)			
Ms. Betty Iverson	Governor	reappointed	4/15/2001
Dillon			4/15/2004
Qualifications (if required): public member			
Upper Clark Fork River Basin Remediation and Restoration (Environmental Quality)			
Director M. Jeff Hagener	Governor	Graham	4/17/2001
Helena			4/26/2002
Qualifications (if required): representing the Department of Fish, Wildlife, and Parks			

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Advisory Council on Community Service (Governor) Ms. Kelly Raths, Lewistown Qualifications (if required): youth representative	Governor	7/1/2001
Aging Advisory Council (Public Health and Human Services) Ms. Fern Prather, Big Timber Qualifications (if required): public member	Governor	7/18/2001
Ms. Jeannette Stevenson, Hobson Qualifications (if required): public member	Governor	7/18/2001
Mr. Irvin Hutchison, Chester Qualifications (if required): public member	Governor	7/18/2001
Mr. Bud Clinch, Libby Qualifications (if required): public member	Governor	7/18/2001
Agricultural Heritage Commission (Agriculture) Mr. Charles M. Jarecki, Polson Qualifications (if required): appointed by the Speaker of the House	Speaker	7/21/2001
Mr. Paul Gatzemeier, Billings Qualifications (if required): appointed by the President of the Senate	Senate President	7/21/2001
Agriculture Development Council (Agriculture) Mr. Larry Barber, Coffee Creek Qualifications (if required): actively engaged in agriculture	Governor	7/1/2001
Mr. P.L. "Joe" Boyd, Billings Qualifications (if required): actively engaged in agriculture	Governor	7/1/2001
Mr. W. Ralph Peck, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Barbers (Commerce) Mr. Max DeMars, Big Timber Qualifications (if required): practicing barber	Governor	7/1/2001
Board of Cosmetology (Commerce) Ms. Karen Underwood, Billings Qualifications (if required): cosmetologist	Governor	7/1/2001
Ms. Verna Dupuis, Bozeman Qualifications (if required): affiliated with school of cosmetology	Governor	7/1/2001
Ms. Pam Lemieux, Helena Qualifications (if required): cosmetologist	Governor	7/1/2001
Ms. Darlene Battaiola, Butte Qualifications (if required): affiliated with school of cosmetology	Governor	7/1/2001
Ms. Mary Lou Nelson, Plentywood Qualifications (if required): public member	Governor	7/1/2001
Board of Hearing Aid Dispensers (Commerce) Mr. David King, Billings Qualifications (if required): licensed hearing aid dispenser with national certification	Governor	7/1/2001
Board of Landscape Architects (Commerce) Ms. Shelly Engler, Bozeman Qualifications (if required): licensed landscape architect	Governor	7/1/2001
Ms. Janet Thomas, Hobson Qualifications (if required): public member	Governor	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Nursing (Commerce) Ms. Kim Powell, Missoula Qualifications (if required): registered professional nurse	Governor	7/1/2001
Board of Pharmacy (Commerce) Mr. John Poush, Billings Qualifications (if required): pharmacist	Governor	7/1/2001
Board of Physical Therapy Examiners (Commerce) Ms. Linda Stordahl, Butte Qualifications (if required): licensed physical therapist	Governor	7/1/2001
Board of Private Security Patrol Officers and Investigators (Commerce) Mr. Gary Gray, Great Falls Qualifications (if required): representative of contract security organizations	Governor	8/1/2001
Mr. Michael Ames, Colstrip Qualifications (if required): representative of a proprietary security organization	Governor	8/1/2001
Board of Professional Engineers and Land Surveyors (Commerce) Mr. David M. Hummel, Billings Qualifications (if required): professional engineer	Governor	7/1/2001
Mr. Daniel M. McCauley, Helena Qualifications (if required): professional engineer	Governor	7/1/2001
Board of Public Accountants (Commerce) Mr. Robert Wolfe, Conrad Qualifications (if required): licensed public accountant	Governor	7/1/2001
Board of Radiologic Technologists (Commerce) Dr. Daniel Alzheimer, Helena Qualifications (if required): physician who employs a radiologic technologist	Governor	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Radiologic Technologists (Commerce) cont. Ms. Debbie Hepp, Great Falls Qualifications (if required): licensed radiologic technologist	Governor	7/1/2001
Board of Regents of Higher Education (Education) Ms. Jessica Kobos, Missoula Qualifications (if required): student representative	Governor	7/1/2001
Board of Research and Commercialization Technology (Commerce) Mr. Chuck Merja, Sun River Qualifications (if required): public member	Governor	7/1/2001
Mr. William Crain, Great Falls Qualifications (if required): appointed by the Senate Minority Leader	Minority Leader	7/1/2001
Mr. Dennis Toussaint, Stevensville Qualifications (if required): appointed by the Speaker of the House	Speaker	7/1/2001
Board of Respiratory Care Practitioners (Commerce) Dr. Gregory Paulauskis, Great Falls Qualifications (if required): respiratory care practitioner	Governor	7/1/2001
Board of Sanitarians (Commerce) Ms. Janet Bauer, Great Falls Qualifications (if required): registered sanitarian	Governor	7/1/2001
Board of Veterinary Medicine (Commerce) Dr. Kenneth Brown, Billings Qualifications (if required): veterinarian	Governor	7/31/2001
Board of Water Well Contractors (Natural Resources and Conservation) Mr. Pat Byrne, Great Falls Qualifications (if required): water well contractor	Governor	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Burial Preservation Board (Indian Affairs) Mr. Carl Fourstar, Poplar Qualifications (if required): representative of the Assiniboine Tribe	Governor	8/22/2001
Dr. Randall Skelton, Missoula Qualifications (if required): physical anthropologist	Governor	8/22/2001
Ms. Jennie Parker, Ashland Qualifications (if required): representative of the Northern Cheyenne Tribe	Governor	8/22/2001
Mr. Melbert Eaglefeathers, Butte Qualifications (if required): public member	Governor	8/22/2001
Mr. Tony Incashola, Pablo Qualifications (if required): representative of the Confederated Salish and Kootenai Tribes	Governor	8/22/2001
Mr. Stephen S.K. Platt, Helena Qualifications (if required): representative of the State Historic Preservation Office	Governor	8/22/2001
Mr. Ken Talksabout, Browning Qualifications (if required): representative of the Blackfeet Tribe	Governor	8/22/2001
Chief Water Judge (Justice) Mr. C. Bruce Loble, Bozeman Qualifications (if required): none specified	Supreme Court	6/30/2001
Community Services Advisory Council (Governor) Mr. Bob Simoneau, Helena Qualifications (if required): representative of the Department of Labor and Industry	Governor	7/1/2001
Ms. Patricia J. Gunderson, Belgrade Qualifications (if required): representative of labor unions	Governor	7/1/2001



VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Community Services Advisory Council (Governor) cont. Rep. Billie Krenzler, Billings Qualifications (if required): representative of local government	Governor	7/1/2001
Mr. Bill Cain, Butte Qualifications (if required): representative of business	Governor	7/1/2001
Ms. Kathie Bailey, Lewistown Qualifications (if required): representative of local government	Governor	7/1/2001
Family Education Savings Oversight Committee (Commissioner of Higher Education) Mr. Mark A. Simonich, Helena Qualifications (if required): Director of the Department of Commerce	Governor	7/1/2001
Auditor John Morrison, Helena Qualifications (if required): state insurance commissioner	Governor	7/1/2001
Governor's Local Coal Impact Review Council (Commerce) Mr. Alan Evans, Roundup Qualifications (if required): member of the Coal Board	Governor	6/30/2001
Sen. Mack Cole, Hysham Qualifications (if required): state senator from a coal impact area	Governor	6/30/2001
Rep. Lila V. Taylor, Busby Qualifications (if required): state representative from a coal impact area	Governor	6/30/2001
Mr. Robert W. Cope, Colstrip Qualifications (if required): representative of the coal industry	Governor	6/30/2001
Mr. Tony Ritter, Decker Qualifications (if required): representative of the coal industry	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Local Coal Impact Review Council (Commerce) cont. Mr. John Pretty On Top, Hardin Qualifications (if required): county commissioner from a coal impact area	Governor	6/30/2001
Ms. Joan Stahl, Forsyth Qualifications (if required): county commissioner from a coal impact area	Governor	6/30/2001
Mr. Larry Vandersloot, Hardin Qualifications (if required): representative of a city within a coal impact area	Governor	6/30/2001
Mayor John Williams, Colstrip Qualifications (if required): representative of a city within a coal impact area	Governor	6/30/2001
Mr. Rusty Rokita, Hardin Qualifications (if required): public member	Governor	6/30/2001
Governor's Upper Yellowstone River Task Force (Fish, Wildlife, and Parks) Mr. Tom Lane, Livingston Qualifications (if required): representing ranchers who live by the river	Governor	6/28/2001
Mr. John Bailey, Livingston Qualifications (if required): representing local business	Governor	6/28/2001
Mr. Joel Marshik, Helena Qualifications (if required): representing the Department of Transportation	Governor	6/28/2001
Mr. Bob Wiltshire, Livingston Qualifications (if required): representing the angling community	Governor	6/28/2001
Mr. Mike Atwood, Livingston Qualifications (if required): representing local business	Governor	6/28/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Upper Yellowstone River Task Force (Fish, Wildlife, and Parks) cont. Ms. Michelle Goodwine, Livingston Qualifications (if required): representing local business	Governor	6/28/2001
Mr. Jerry O'Haire, Livingston Qualifications (if required): representing ranchers who live by the river	Governor	6/28/2001
Mr. Roy Aserlind, Livingston Qualifications (if required): representing property owners	Governor	6/28/2001
Mr. Rod Siring, Livingston Qualifications (if required): representing property owners	Governor	6/28/2001
Mr. Brant Oswald, Livingston Qualifications (if required): representing conservation groups	Governor	6/28/2001
Ms. Ellen Woodbury, Livingston Qualifications (if required): representing Park County	Governor	6/28/2001
Mr. Doug McDonald, Helena Qualifications (if required): representing the Corps of Engineers	Governor	6/28/2001
Mr. Laurence Siroky, Helena Qualifications (if required): representing the Department of Natural Resources and Conservation	Governor	6/28/2001
Mr. Stuart Lehman, Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	6/28/2001
Mr. Joel Tohtz, Helena Qualifications (if required): representing the Department of Fish, Wildlife, and Parks	Governor	6/28/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Upper Yellowstone River Task Force (Fish, Wildlife, and Parks) cont. Mr. Jim Woodhull, Livingston Qualifications (if required): representing the City of Livingston	Governor	6/28/2001
Mr. David Haug, Livingston Qualifications (if required): representing the Park Conservation District	Governor	6/28/2001
Health Care Advisory Council (Public Health and Human Services) Ms. Tanya M. Ask, Missoula Qualifications (if required): representing Region 5	Governor	6/30/2001
Director Gail Gray, Helena Qualifications (if required): representing the executive branch	Governor	6/30/2001
Dr. Lawrence R. Palazzo, Glasgow Qualifications (if required): representing Region 1	Governor	6/30/2001
Ms. Kristianne Wilson, Billings Qualifications (if required): representing Region 3	Governor	6/30/2001
Ms. Lynn O'Malley, Great Falls Qualifications (if required): representing Region 2	Governor	6/30/2001
Ms. Nancy Taylor, Townsend Qualifications (if required): representing Region 4	Governor	6/30/2001
Independent Living Advisory Council (Public Health and Human Services) Mr. Tom Tripp, Butte Qualifications (if required): none specified	Director	6/1/2001
Information Technology Advisory Council (Administration) Ms. Lois A. Menzies, Helena Qualifications (if required): Administration	Director	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Information Technology Advisory Council (Administration) cont. Mr. Bob Person, Helena Qualifications (if required): Legislative Branch	Director	7/1/2001
Mr. William Salisbury, Helena Qualifications (if required): Transportation	Director	7/1/2001
Mr. Jim Reno, Billings Qualifications (if required): local government	Director	7/1/2001
Mr. Mike Billings, Helena Qualifications (if required): Public Health and Human Services	Director	7/1/2001
Mr. Scott Buswell, Helena Qualifications (if required): Public Education	Director	7/1/2001
Director Mark A. Simonich, Helena Qualifications (if required): Tier 2	Director	7/1/2001
Mr. Patrick A. Chenovick, Helena Qualifications (if required): Judicial Branch	Director	7/1/2001
Mr. George Harris, Helena Qualifications (if required): Tier 2	Director	7/1/2001
Ms. Sharon McCabe, Helena Qualifications (if required): Tier 1	Director	7/1/2001
Ms. Mary Bryson, Helena Qualifications (if required): Tier 3	Director	7/1/2001
Mr. Larry Fasbender, Helena Qualifications (if required): Tier 3	Director	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Information Technology Advisory Council (Administration) cont. Ms. Joyce Scott, Helena Qualifications (if required): University System	Director	7/1/2001
Ms. Angela Fultz-Nordstrom, Helena Qualifications (if required): Tier 1	Director	7/1/2001
Interagency Coordinating Council for State Prevention Program (Public Health and Human Services) Ms. DeAnn Thomas, Kalispell Qualifications (if required): experiences with prevention programs. and services	Governor	7/1/2001
Mr. William Snell, Billings Qualifications (if required): experiences with prevention programs and services	Governor	7/1/2001
Interim Court Funding and Structure Committee (Administration) Judge Kenneth R. Neill, Belt Qualifications (if required): representing the Montana Judges Association	Governor	6/30/2001
Mr. Mike Hutchin, Polson Qualifications (if required): representing counties	Governor	6/30/2001
Mr. Jim Nugent, Missoula Qualifications (if required): representing cities and towns	Governor	6/30/2001
Judge Kevin A. Hart, Anaconda Qualifications (if required): representing the Montana Magistrates	Governor	6/30/2001
Ms. Lori Maloney, Butte Qualifications (if required): representing Clerks of Court	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Interim Local Government Funding and Structure Committee (Administration) Ms. Sue M. Olson, Roundup Qualifications (if required): representing counties	Governor	6/30/2001
Ms. Mary Bryson, Helena Qualifications (if required): representing the state executive branch of government	Governor	6/30/2001
Mr. John Lawton, Great Falls Qualifications (if required): representing cities and towns	Governor	6/30/2001
Mr. Harold Blattie, Columbus Qualifications (if required): representing counties	Governor	6/30/2001
Ms. Susan M. Nicosia, Columbia Falls Qualifications (if required): representing cities and towns	Governor	6/30/2001
Ms. Patricia Cook, Polson Qualifications (if required): representing county treasurers	Governor	6/30/2001
Judicial Standards Commission (Justice) Mr. Victor F. Valgenti, Missoula Qualifications (if required): none specified	Supreme Court	6/30/2001
Judge John Warner, Havre Qualifications (if required): none specified	Supreme Court	6/30/2001
Ms. Barbara Evans, Missoula Qualifications (if required): public member	Governor	7/1/2001
Mental Disabilities Board of Visitors (Governor's Office) Mr. Robert W. Visscher, Livingston Qualifications (if required): professional	Governor	8/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Mental Disabilities Board of Visitors (Governor's Office) cont. Dr. John Sampsel, Miles City Qualifications (if required): professional	Governor	8/1/2001
Ms. Jennifer Pryor, Boulder Qualifications (if required): representative of organization concerned with the mentally retarded	Governor	8/1/2001
Mr. Steve Cahill, Clancy Qualifications (if required): representative of organization concerned with welfare of mentally ill	Governor	8/1/2001
Ms. Kathleen Driscoll Donovan, Hamilton Qualifications (if required): consumer representative	Governor	8/1/2001
Montana Consensus Council's Board of Directors (Governor) Sen. Greg Jergeson, Chinook Qualifications (if required): public member	Governor	6/30/2001
Governor Marc Racicot, Helena Qualifications (if required): ex-officio member	Governor	6/30/2001
Mr. Michael E. Zimmerman, Butte Qualifications (if required): public member	Governor	6/30/2001
Mr. Donald Snow, Missoula Qualifications (if required): public member	Governor	6/30/2001
Ms. Monica Switzer, Richey Qualifications (if required): public member	Governor	6/30/2001
Sen. Bob Keenan, Bigfork Qualifications (if required): public member	Governor	6/30/2001



VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Consensus Council's Board of Directors (Governor) cont. Ms. Elaine Forrest, Wolf Point Qualifications (if required): public member and a Native American	Governor	6/30/2001
Ms. Anne Hedges, Helena Qualifications (if required): public member	Governor	6/30/2001
Ms. Jane Jelinski, Helena Qualifications (if required): public member	Governor	6/30/2001
Mr. Alan Rollo, Great Falls Qualifications (if required): public member	Governor	6/30/2001
Mr. Mat Millenbach, Billings Qualifications (if required): public member	Governor	6/30/2001
Mr. Cary Hegreberg, Townsend Qualifications (if required): public member	Governor	6/30/2001
Montana Historical Society Board of Trustees (Montana Historical Society) Mr. Robert Morgan, Clancy Qualifications (if required): public member	Governor	7/1/2001
Mr. Larry McRae, Missoula Qualifications (if required): public member	Governor	7/1/2001
Ms. Jean Birch, Great Falls Qualifications (if required): public member	Governor	7/1/2001
Montana Library Services Advisory Council (State Library) Mr. Bill Cochran, Billings Qualifications (if required): representing the Montana Library Association	Governor	6/10/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Library Services Advisory Council (State Library) cont. Rep. Linda McCulloch, Missoula Qualifications (if required): representing the Montana legislature	Governor	6/10/2001
Mr. Wes Plann, Terry Qualifications (if required): representing eastern Montana users	Governor	6/10/2001
Ms. Gloria Wahl, Lewistown Qualifications (if required): representing central Montana users	Governor	6/10/2001
Ms. Lois Fitzpatrick, Helena Qualifications (if required): representing academic libraries	Governor	6/10/2001
Ms. Peggy Bloom, Missoula Qualifications (if required): representing western Montana users	Governor	6/10/2001
Ms. Lynn Donovan, Sidney Qualifications (if required): representing school libraries	Governor	6/10/2001
Ms. Cheryl Hesel, Forsyth Qualifications (if required): representing public libraries	Governor	6/10/2001
Ms. Myrle Tompkins, Helena Qualifications (if required): representing those who are unable to use traditional library services	Governor	6/10/2001
Montana Mint Committee (Agriculture) Mr. Darrel Sperry, Corvallis Qualifications (if required): mint grower	Governor	7/1/2001
Montana Wheat and Barley Committee (Agriculture) Mr. Fred Elling, Rudyard Qualifications (if required): representative of District II and a Republican	Governor	8/20/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Wheat and Barley Committee (Agriculture) cont. Ms. Judy Vermulm, Cut Bank Qualifications (if required): representative of District III and a Democrat	Governor	8/20/2001
Motorcycle Safety Advisory Committee (Office of Public Instruction) Mr. Ken Radovich, Great Falls Qualifications (if required): certified motorcycle instructor	Governor	6/30/2001
Ms. Michele Hand, Missoula Qualifications (if required): representative of a motorcycle riding group	Governor	7/1/2001
Noxious Weed Authority Advisory Council (Agriculture) Rep. Bob Gilbert, Sidney Qualifications (if required): Montana Weed Control Association	Director	7/30/2001
Rep. Robert Thoft, Stevensville Qualifications (if required): biological research and control	Director	7/30/2001
Mr. Jim Squires, Glendive Qualifications (if required): agriculture crop production	Director	7/30/2001
Ms. Linda Ellison, Bozeman Qualifications (if required): sportsman/wildlife group	Director	7/30/2001
Mr. Charles M. Jarecki, Polson Qualifications (if required): at-large member	Director	7/30/2001
Mr. W. Ralph Peck, Helena Qualifications (if required): Director	Director	7/30/2001
Mr. Bob Ullom, Billings Qualifications (if required): herbicide dealer and applicator	Director	7/30/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Authority Advisory Council (Agriculture) cont. Ms. Nancy Thuesen, Reserve Qualifications (if required): consumer group	Director	7/30/2001
Mr. Stephen Roth, Big Sandy Qualifications (if required): livestock production	Director	7/30/2001
Mr. W. Jack Erickson, Silver Bow Qualifications (if required): western county representative	Director	7/30/2001
Mr. Jerry Weber, Joliet Qualifications (if required): eastern county representative	Director	7/30/2001
Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Gary Basso, Billings Qualifications (if required): representative of the insurance industry	Governor	6/30/2001
Mr. Dallas Herron, Kalispell Qualifications (if required): representative of the independent petroleum marketers	Governor	6/30/2001
Mr. Burl French, Kalispell Qualifications (if required): representative of the petroleum services industry	Governor	6/30/2001
State Banking Board (Commerce) Ms. Jamie Doggett, White Sulphur Springs Qualifications (if required): public member	Governor	7/1/2001
Mr. Ted Goodwin, Billings Qualifications (if required): national bank officer	Governor	7/1/2001
State Electrical Board (Commerce) Mr. Tony Martel, Bozeman Qualifications (if required): public member	Governor	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State-Tribal Economic Development Commission (Governor) Director Mark A. Simonich, Helena Qualifications (if required): representative of the Department of Commerce	Governor	6/30/2001
Mr. Wyman McDonald, Helena Qualifications (if required): representing the Office of Indian Affairs	Governor	6/30/2001
Ms. Melissa G. Buckles, Wolf Point Qualifications (if required): representing the Fort Peck Assiniboine and Sioux Tribe	Governor	6/30/2001
Mr. Jonathan Windy Boy, Box Elder Qualifications (if required): representing the Chippewa Cree Tribe	Governor	6/30/2001
Ms. Emorie Davis Bird, East Glacier Park Qualifications (if required): representing the Blackfeet Tribe	Governor	6/30/2001
Ms. Jami Hamel, Pablo Qualifications (if required): representing the Confederated Salish and Kootenai Tribes	Governor	6/30/2001
Mr. Joe Little Coyote, Sr., Lame Deer Qualifications (if required): representing the Northern Cheyenne Tribe	Governor	6/30/2001
Ms. Yvonne Iron, Crow Agency Qualifications (if required): representing the Crow Tribe	Governor	6/30/2001
Mr. Lloyd Irvine, Pablo Qualifications (if required): representing the Confederated Salish and Kootenai Tribe	Governor	6/30/2001
Mr. Ben Speak Thunder, Harlem Qualifications (if required): representing the Fort Belknap Gros Ventre and Assiniboine Tribe	Governor	6/30/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
SummitNet Executive Council (Administration) Mr. Jim Currie, Helena Qualifications (if required): representing a state agency	Governor	7/1/2001
Director Barbara Ranf, Helena Qualifications (if required): representing a state agency	Governor	7/1/2001
Mr. Scott Buswell, Helena Qualifications (if required): representative of the Office of Public Instruction	Governor	7/1/2001
Commissioner Janet Kelly, Miles City Qualifications (if required): local government representative	Governor	7/1/2001
Mr. Richard A. Crofts, Helena Qualifications (if required): Commissioner of Higher Education	Governor	7/1/2001
Ms. Mary Bryson, Helena Qualifications (if required): state agency representative	Governor	7/1/2001
Ms. Karen Strege, Helena Qualifications (if required): state agency representative	Governor	7/1/2001
Teachers' Retirement Board (Administration) Ms. Virginia Egli, Glendive Qualifications (if required): retired teacher	Governor	7/1/2001
Mr. James Turcotte, Helena Qualifications (if required): public member	Governor	7/1/2001
Ms. Jima Severson, Havre Qualifications (if required): classroom teacher active in the retirement system	Governor	7/1/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services)		
Mr. Ben Havdahl, Helena Qualifications (if required): hard of hearing	Governor	7/1/2001
Mr. Ron Bibler, Great Falls Qualifications (if required): disabled	Governor	7/1/2001
Ms. Chris Huth, Helena Qualifications (if required): non-disabled businessperson	Governor	7/1/2001
Tourism Advisory Council (Commerce)		
Ms. Maureen Averill, Bigfork Qualifications (if required): representing Glacier Country	Governor	7/1/2001
Ms. Lisa Perry, Shepherd Qualifications (if required): representing Custer Country	Governor	7/1/2001
Ms. Betsy Baumgart, Helena Qualifications (if required): representing Gold West Country	Governor	7/1/2001
Ms. Debbie Donovan, Larslan Qualifications (if required): representing Missouri River Country	Governor	7/1/2001
Ms. Kathy Brown, Helena Qualifications (if required): representing Custer Country	Governor	7/1/2001
Western Interstate Commission on Higher Education (Education)		
Mr. Richard A. Crofts, Helena Qualifications (if required): educator engaged in the field of higher education	Governor	6/19/2001

VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) Mr. Craig Anderson, Glendive Qualifications (if required): representative of probation services	Governor	6/14/2001
Ms. Gail Gray, Helena Qualifications (if required): representative of educational services	Governor	6/14/2001
Attorney Mike McGrath, Helena Qualifications (if required): county attorney	Governor	6/14/2001
Mr. Rick Day, Helena Qualifications (if required): Director of the Department of Corrections	Governor	6/14/2001
Ms. Sally K. Stansberry, Missoula Qualifications (if required): representative of a nonprofit organization dealing with delinquency prevention and incarceration alternatives	Governor	6/14/2001
Judge Gary Acevedo, Pablo Qualifications (if required): representative of Native Americans and the judiciary	Governor	6/14/2001
Ms. Jani McCall, Billings Qualifications (if required): representative of mental health services	Governor	6/14/2001
Ms. Peggy Beltrone, Great Falls Qualifications (if required): representative of local government	Governor	6/14/2001
Ms. Donna Maddux, Kalispell Qualifications (if required): representative of the education community	Governor	6/14/2001
Mr. Chuck Hunter, Helena Qualifications (if required): representative of a public agency dealing with delinquency prevention	Governor	6/14/2001



VACANCIES ON BOARDS AND COUNCILS -- June 1, 2001 through August 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) cont. Rep. Jeff Mangan, Great Falls Qualifications (if required): legislator	Governor	6/14/2001
Ms. Valerie Rasch, Billings Qualifications (if required): representative of a public agency dealing with detention services	Governor	6/14/2001
Mr. Steven Nelson, Bozeman Qualifications (if required): representative of a nonprofit organization dealing with delinquency prevention and treatment	Governor	6/14/2001
Mr. Ron Whitmoyer, East Helena Qualifications (if required): school principal	Governor	6/14/2001
Ms. Misti Robertson, Billings Qualifications (if required): law enforcement officer	Governor	6/14/2001
Mr. Michael Larson, Billings Qualifications (if required): youth recreation representative	Governor	6/14/2001
Ms. Nicole Tollefson, Bonner Qualifications (if required): youth representative	Governor	6/14/2001
Mr. Duane Piapot, Box Elder Qualifications (if required): youth representative	Governor	6/14/2001
Ms. Katie Yother, Miles City Qualifications (if required): youth representative	Governor	6/14/2001
Mr. Brock Albin, Bozeman Qualifications (if required): representative of a non-fulltime government position	Governor	6/14/2001