

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 16

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

In the matter of the)	NOTICE OF PUBLIC HEARING
amendment of ARM 2.12.101 and)	ON PROPOSED AMENDMENT,
adoption of new Rules I)	ADOPTION AND REPEAL
through VII concerning)	
implementation of the Montana)	
Information Technology Act)	
and the repeal of ARM)	
2.12.102)	

TO: All Concerned Persons

1. On September 26, 2003, at 9:00 a.m., a public hearing will be held in room 160 of the Mitchell Building, 125 Roberts Street, Helena, Montana, to consider the amendment of ARM 2.12.101 and the adoption of new Rules I through VII, concerning the Montana Information Technology Act and repeal of ARM 2.12.102, concerning prior approval when obtaining private sector information technology services.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on September 12, 2003, to advise us of the nature of the accommodation that you need. Please contact Kay Richford, Business Analyst, Department of Administration, P.O. Box 200113, Helena, MT 59620-0113; telephone (406) 444-0415; TDD (406) 444-1421; FAX (406) 444-2701.

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

2.12.101 UTILIZATION OF CENTRALIZED STATE FACILITIES

(1) ~~The information services division is equipped and staffed to provide data processing systems analysis, design and programming for all state agencies~~ department shall provide a number of information technology services and operate and maintain a central computer center, a statewide telecommunications network, and a point of entry for electronic government services. Information technology services may include hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data for the use of state government, political subdivisions, and other participating entities under terms and conditions established by the department. In all cases, state agencies are required to utilize facilities available within the information services division in preference to obtaining services from other state agencies or commercial service bureaus. Centralized state facilities will be utilized in

accordance with policies adopted relating to enterprise services. Exceptions to using enterprise services will be granted in accordance with [RULE V].

AUTH: ~~Sec. 2-17-301, MCA,~~ Sec. 2-15-102, 2-17-512 and 2-17-1103, MCA

IMP: ~~Sec. 2-17-301, MCA,~~ Sec. 2-17-512, MCA

Reason: The amendments are necessary for clarification of department duties necessitated by the passage of SB 131 and SB 405 by the 2001 Montana Legislature (Ch. 313, L. 2001).

4. The proposed new rules provide as follows:

RULE I INTRODUCTION (1) The following rules define the development of state agency information technology plans as provided in 2-17-518, MCA, the review and approval process for the acquisition of state agency information technology, the granting of exceptions to these requirements, the establishment of standards and policies, and provide for an appeals process with the exception of those exemptions specifically provided for in 2-17-516, MCA. Provided that they do not conflict with these rules, state agencies are subject to policies, standards, procedures, and guidelines adopted by the director of the department of administration or chief information officer unless an exception is granted pursuant to [RULE V]. Please see the list of applicable policies at <http://www.discoveringmontana.com/itsd/policy/enterprise.asp>.

AUTH: Sec. 2-17-518, MCA

IMP: Sec. 2-17-518, MCA

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

(1) "Advisory groups" means those advisory bodies established by statute or executive order that provides guidance for information technology in the enterprise.

(2) "Chief information officer" means a person appointed by the director of the department to carry out the duties and responsibilities of the department relating to information technology.

(3) "Data" means any information stored on information technology resources.

(4) "Department" means the department of administration established in 2-15-1001, MCA.

(5) "Enterprise" means all agencies of the state, including the university system, working collaboratively to use, share, and leverage the investments made in information technology. To this end, agencies of the state and participating entities share systems, networks, and service access entry points, use standard software and hardware, and train employees in common techniques.

(6) "Formal agreement" means any type of agreement that includes the acquisition or modification of information technology between a state agency and another state, local,

federal, non-profit or quasi-governmental organization or private vendor.

(7) "Guideline" means a statement or other indication of policy or procedure by which to determine a course of action.

(8) "Information technology" means hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data.

(9) "Information technology board" means the information technology board established in 2-15-1021, MCA.

(10) "Procedure" means a set of established forms, processes or methods for conducting the affairs of the department.

(11) "Software and management systems" means information technology systems, either commercially available or custom written software including application development systems, operating systems, database management systems and any other software installed on a computer.

(12) "State agency" means any entity of the executive branch, including the university system.

(13) "Statement of work" means a description of scope of a project including any background statements, a comprehensive listing of responsibilities for buyers and sellers, deliverables and their schedules, acceptance criteria and special terms and conditions of performance.

(14) "Statewide telecommunications network" means any telecommunications facilities, circuits, equipment, software, and associated contracted services administered by the department for the transmission of voice, video, or electronic data from one device to another.

AUTH: Sec. 2-15-1001, 2-15-1021 and 2-17-506, MCA

IMP: Sec. 2-17-506, MCA

RULE III AGENCY INFORMATION TECHNOLOGY PLANS (1) Each state agency director will submit its final information technology plan to the department by the 15th day of May in every even numbered year on forms provided by the department.

(2) Prior to May 15, agencies may submit draft information technology plans to the department for initial screening and feedback. Department staff will review each state agency's information technology plan using review criteria defined in 2-17-524, MCA, and the review form.

(3) For those plans subject to approval in 2-17-527, MCA, if a state agency information technology plan meets the review criteria, the department will submit the information technology plan for approval to the chief information officer (CIO). Upon approval, the CIO will notify the state agency director in writing.

(4) For those plans subject to approval in 2-17-527, MCA, if a state agency information technology plan does not meet review criteria, the department will identify the areas of noncompliance and provide comment back to the state agency director regarding clarification or refinement of the information technology plan. The department will document the

requested changes and return the information technology plan and recommendations to the state agency director, with a copy to the CIO. The state agency director will revise the information technology plan based upon the recommendations provided by the department. The information technology plan will then be submitted to the CIO for approval. Upon completion of their review, the CIO will notify the state agency director in writing of the status of the state agency IT plan.

AUTH: Sec. 2-17-524, MCA

IMP: Sec. 2-17-524, MCA

RULE IV REVIEW AND APPROVAL PROCESS FOR PROCUREMENT, DEVELOPMENT, AND OVERSIGHT OF INFORMATION TECHNOLOGY RESOURCES AND SOFTWARE AND MANAGEMENT SYSTEMS

(1) State agencies shall submit on forms as required by the department a request for all information technology procurements or state agency development efforts in accordance with policies, standards, procedures, and guidelines.

(2) Agencies may request a preliminary project planning meeting with the department to identify important project issues, including project schedule, timeframes for review and approval, project management requirements, reporting and approval requirements, and any other issues identified by the agency or the department.

(3) In accordance with the policies and principles established in 2-17-505, MCA, the department shall use the following process in reviewing the request:

(a) determine if the request is subject to approval as defined in 2-17-527, MCA;

(b) determine if the request meets all applicable policies, standards, procedures, and guidelines;

(c) verify if the request complies with the state strategic plan for information technology;

(d) determine if the request is based upon state agency defined business requirements;

(e) verify the request supports the state agency's current information technology strategic plan;

(f) refer the request to subject matter experts as necessary;

(g) follow procedures for signature requirements;

(h) approve or deny the request and notify the state agency of the decision.

(4) For all formal agreements, a statement of work that complies with the format established by the department should accompany the request.

(a) Contracts shall use the standardized state information technology contract or note why it could not be used.

(b) The CIO or their designee shall review and approve all formal agreements.

(5) In the case of state agency procurement or development of software and management systems, the department will look at completeness, compliance with strategic direction

of the state, policies, standards, procedures, guidelines, appropriateness, and duplication of functionality as general guidelines in the approval decision.

(a) Agencies shall report progress of software and management system procurement or development in accordance with policies, standards, procedures and guidelines.

(6) The department may delegate to agencies duties associated with the procurement and oversight of information technology so long as the duties are carried out in conformity with the requirements established in an information technology procurement delegation between the department and state agencies.

AUTH: Sec. 2-17-518, MCA

IMP: Sec. 2-17-518, MCA

RULE V GRANTING EXCEPTIONS (1) State agencies may make a written request for an exception from a rule, policy, standard or procedure in writing to the CIO. The request must:

(a) clearly outline a compelling business case, which includes a cost benefit analysis for the state agency and whether there is an impact to the enterprise, demonstrating why it is in the best interests of the state of Montana to grant the exception;

(b) provide a description why enterprise accepted solutions, current policies and standards will not meet the state agency business requirements;

(c) demonstrate that the proposed solution does not create conflicts with the state strategic plan for information technology, other policies, standards, procedures and guidelines unless a compelling case for deviation can be clearly demonstrated;

(d) demonstrate that the proposed solution does not interfere with the ongoing conduct of business in other agencies or create other costs to the enterprise or other agencies.

(2) The department shall apply the following process in reviewing the request:

(a) determine the policies, standards, procedures, and guidelines which apply and the effect of granting the exception;

(b) compare the business case against the components of the business case model such as business requirements, cost/benefit analysis, return on investment, proposed technology environment, risk assessment and outcome measures;

(c) determine that the state agency has the technical capabilities to be granted an exception;

(d) determine the effect upon the enterprise of granting the exception.

(3) Exception requests shall be reported to the information technology board, the information technology managers council, the office of budget and program planning, and the legislative finance committee following the CIO's decision.

AUTH: Sec. 2-17-515, MCA

IMP: Sec. 2-17-515, MCA

RULE VI ESTABLISHING POLICIES, STANDARDS, PROCEDURES AND GUIDELINES

(1) If a state agency determines a need for a new enterprise standard or policy or a modification to an existing enterprise standard or policy, a written request may be submitted in accordance with processes and forms adopted by the department. The request must:

- (a) describe the need for a new or amended standard or policy;
- (b) describe the of consequences of failure to adopt or modify a standard or policy;
- (c) specify details of the standard or policy;
- (d) offer alternatives to the standard or policy;
- (e) analyze the impact on the enterprise of adoption and non-adoption of the standard or policy;
- (f) provide a proposed effective date of the standard or policy.

(2) The department shall apply the following process in reviewing the request:

- (a) determine if the proposal is in compliance with strategic direction of the state;
- (b) confer with subject matter experts within and outside of the department;
- (c) solicit input in accordance with department adopted standard development and policy development processes;
- (d) evaluate input received;
- (e) conduct a review by the CIO;
- (f) at the discretion of the department, present the proposal to the information technology board or other advisory groups;
- (g) notify the requesting state agency director, advisory groups and stakeholders of approval and associated effective date or disapproval of the standard or policy.

(3) When the department creates or modifies procedures or guidelines that directly affect how a state agency interacts with the department, the department will review those with the necessary advisory groups prior to adoption.

(4) Any agency within the enterprise may develop their own information technology standards and policies as needed within their organization as long as these standards and policies do not conflict with statute, rule or enterprise standards and policies established by the department.

AUTH: Sec. 2-17-515, MCA

IMP: Sec. 2-17-515, MCA

RULE VII APPEAL PROCESS AS IT APPLIES TO INFORMATION TECHNOLOGY PLANS, PROCUREMENTS AND GRANTING EXCEPTIONS

(1) If an issue or issues associated with information technology plans cannot be resolved through mutual agreement between the state agency director and department or if, after revision, the CIO does not approve an state agency's information technology plan, the state agency director may appeal to the

department director who will resolve the issue prior to June 30 of that year provided that sufficient notice is given.

(2) The state agency director may appeal the department decision in regard to procurements and exception requests to the CIO. If unsatisfied with the CIO's decision, then the state agency director may appeal the department decision to the department director who will resolve the issue.

(3) The CIO will report all appeals and their resolution to the information technology board.

AUTH: Sec. 2-17-518, 2-17-524 and 2-17-5158, MCA

IMP: Sec. 2-17-518, 2-17-524 and 2-17-5158, MCA

5. The department proposes to repeal the following rule:

2.12.102 OBTAINING SERVICES FROM THE PRIVATE SECTOR--PRIOR APPROVAL REQUIRED found on ARM page 2-329.

AUTH: Sec. 2-17-301, MCA

IMP: Sec. 2-17-301, MCA

6. Reasonable necessity: Senate Bill 131 (Ch. 313, L. 2001), enacted by the 2001 Legislature, directs the Department of Administration to adopt rules to guide the review and approval process for state agency acquisition of information technology resources, applying for exceptions and the development of state agency information technology plans. Past experience shows that the department can expect a continuous amount of information technology procurement requests. The department has an obligation to prevent economic harm and unnecessary delay to the agencies in the conduct of their daily business. Since the legislation requires the department to review and approve all new information technology procurements as outlined in changes to ARM 2.12.101 and Rule IV, ARM 2.12.102 is no longer necessary.

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 Kay Richford, Business Analyst, Department of Administration, P.O. Box 200113, Helena, MT 59620-0113; faxed to the office at (406) 444-2701; e-mailed to krichford@state.mt.us, and must be received no later than 5:00 p.m., September 26, 2003.

8. Jeff Brandt has been designated to preside over and conduct the hearing.

9. The Department of Administration 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 the Information Technology Act. Such written request may be mailed or delivered to Kay Richford,

Business Analyst, Department of Administration, P.O. Box 200113, Helena, MT 59620-0113; faxed to the office at (406) 444-2701; e-mailed to krichford@state.mt.us, or may be made by completing a request form at any rules hearing held by the Department of Administration.

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

11. An electronic copy of this adoption notice is available through the department's site on the World Wide Web at <http://www.discoveringmontana.com/itsd/legdir/ARM.asp>. The department tries to make the electronic version conform to the official version of this notice, as printed in the Montana Administrative Register. However, the department advises that it will decide any conflict between the official version and the electronic version in favor of the official printed version. In addition, the department advises that the website might be inaccessible at times, due to system maintenance or technical problems.

By: Scott Darkenwald
SCOTT DARKENWALD, Director
Department of Administration

Dal Smilie
DAL SMILIE, Rule Reviewer

Certified to the Secretary of State August 18, 2003.

BEFORE THE BUSINESS RESOURCES DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
adoption of new rules I) PROPOSED ADOPTION
through VI to implement the)
Certified Regional Development)
Corporation Program (CRDC))

TO: All Concerned Persons

1. On September 18, 2003, at 1:30 p.m., a public hearing will be held in Room 228, at the Park Avenue Building, 301 South Park Avenue, Helena, Montana, to consider the adoption of new rules I through VI to implement the Certified Regional Development Corporation Program (CRDC).

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 wish to request an accommodation, contact the Business Resources Division no later than 5:00 p.m. on September 11, 2003, to advise the Division of the nature of the accommodation that you need. Please contact Quinn Ness, Business Resources Division, 301 South Park Avenue, P.O. Box 200505, Helena, Montana 59620-0505; telephone (406) 841-2758; TDD (406) 841-2702; facsimile (406) 841-2731; email to quiness@state.mt.us.

3. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS (1) The following definitions apply to this sub-chapter:

(a) "Applicant" means a private, nonprofit corporation that applies for certification as a CRDC by the department through a competitive process;

(b) "Assistance grant" means funds awarded by the department to a CRDC for administering economic development programs consistent with strategic plans adopted by a CRDC;

(c) "Business recruitment program" means the marketing of a community to businesses in specific industries best suited for a community;

(d) "Business retention and expansion program" means the assessment of the assets and opportunities of individual companies through periodic surveys, interviews and visitations to establish relationships and early warning systems to flag at-risk businesses that require assistance, and to ensure that public programs meet local business needs;

(e) "Certification" means the criteria and process by which an organization obtains certification for a period not to exceed seven years, annually maintains certification as a CRDC, and becomes eligible to participate in the certified regional development corporation program and to receive an assistance grant;

(f) "Certified regional development corporation (CRDC)" means a private, nonprofit corporation that has been certified by the department through a competitive process to manage and administer funds and programs for the department on a regional basis;

(g) "Community" means a county, an incorporated city or town, or an Indian reservation;

(h) "Council" means the economic development advisory council provided for in 2-15-1820, MCA;

(i) "Department" means the department of commerce provided for in 2-15-1801, MCA;

(j) "Local and regional planning" means a long-range planning process that encourages citizens to develop a mission statement, goals, strategies and actions used to prioritize the efforts of citizens and communities and guide the development of the economy of a region or a portion of a region;

(k) "Program" means the certified regional development corporation program provided for in 90-1-116, MCA;

(l) "Region" means one of not more than 12 service regions. At a minimum, a service region must include two counties in their entirety;

(m) "Revolving loan fund" means a self-sustaining loan program that provides debt financing to eligible businesses to sustain or develop a region's economy; and

(n) "Technical assistance" means business-related assistance in a one-to-one setting.

AUTH: 90-1-116, MCA

IMP: 90-1-116, MCA

NEW RULE II CERTIFICATION OF REGIONAL DEVELOPMENT CORPORATIONS

(1) The following information shall be presented to the department by applicants that seek certification as a CRDC:

(a) an outline of the region the applicant is proposing to represent that includes a description of the communities, economy, demographics and culture;

(b) evidence the applicant is a nonprofit corporation organized under applicable state and federal laws;

(c) a staffing plan that includes current job titles, job descriptions and qualifications of primary personnel. At a minimum, the applicant is required to provide 4,160 hours of staff time annually to economic development activities. If the applicant does not currently have the capacity to provide 4,160 hours of staff time annually to economic development activities, the applicant shall include a hiring plan or a contracting plan to meet this requirement.

(i) For the purpose of this rule, economic development activities means work in the development and management of revolving loan funds, business technical assistance, state and federal grants and programs, local and regional planning, business retention and expansion programs, and business recruitment programs;

(d) evidence of financial stability that includes:

(i) a copy of the most recent audited or professionally reviewed financial statements of the applicant, including a supplemental schedule or other detailed information to specifically disclose the financial condition and results of operations of the applicant;

(ii) a proposed budget for the applicant that includes sources and uses of funds; and

(iii) any other information deemed necessary by the department to evaluate the financial stability of the applicant;

(e) evidence of matching funds in the ratio of \$1 for every \$1 of assistance grants requested that satisfy the following requirements:

(i) matching funds for assistance grants shall be provided through existing or new cash from the applicant's administrative budget;

(ii) the assistance grant awarded may not displace existing funds in the applicant's administrative budget; and

(iii) any other information deemed necessary by the department to document the amount and source of matching funds;

(f) a plan for encouraging and organizing full participation in regional economic development activities, meetings, and projects in the region;

(g) evidence of broad-based community support, at the time of certification, that includes written support from all county governments, a majority of all incorporated cities and towns, and a significant level of support from economic development organizations in the region. Where applicable, evidence of support from tribal governments and tribal economic development organizations is strongly encouraged;

(h) a plan for the development and publication of a five year strategic plan for the region;

(i) a plan for delivery of, and evidence of ability to administer, a revolving loan fund. To meet a minimum application threshold, the applicant shall include pertinent experience in the management of a revolving loan fund;

(j) a plan for delivery of, and evidence of ability to provide, business technical assistance. To meet a minimum application threshold, the applicant shall include pertinent experience in providing business technical assistance;

(k) a plan for delivery of, and evidence of ability to apply for and manage, state and federal grants and programs. To meet a minimum application threshold, the applicant shall include pertinent experience in the application and management of state and federal grants and programs;

(l) a plan for delivery of, and evidence of ability to perform, local and regional planning. To meet a minimum application threshold, the applicant shall include pertinent experience in local and regional planning;

(m) a plan for performance of a business retention and expansion program;

(n) a plan for performance of a business recruitment program; and

(o) any other information deemed necessary by the department for a complete review of an applicant's proposal for certification as a CRDC.

(2) The procedures for certifying a CRDC are as follows:

(a) the department shall issue a formal request for proposal from any interested individuals or organizations;

(b) the department's staff shall review timely submitted proposals and determine whether to recommend certification of the CRDC. The proposal and staff's recommendation regarding certification shall be forwarded to the department director for a final decision on certification;

(c) the department will annually review the CRDC for compliance with program requirements for certification; and

(d) any other procedures deemed necessary by the department to certify a CRDC.

AUTH: 90-1-116, MCA

IMP: 90-1-116, MCA

NEW RULE III ASSISTANCE GRANTS - DISTRIBUTION (1) The department shall distribute assistance grants annually as follows:

(a) \$25,000 to each CRDC for providing services to their respective regions. For the purpose of this rule, services means work in the development and management of revolving loan funds, business technical assistance, state and federal grants and programs, local and regional planning, business retention and expansion programs, and business recruitment programs;

(b) \$60,000 to CRDCs according to the following formula:

(i) 35% shall be distributed based on the number of counties in the region served;

(ii) 25% shall be distributed based on the population of the region served;

(iii) 25% shall be distributed based on the size of the geographic area of the region served; and

(iv) 15% shall be distributed based on the number of incorporated cities or towns in the region served;

(c) all remaining assistance grants will be distributed, in the department's sole discretion, to CRDCs for demonstrated capacity building needs.

AUTH: 90-1-116, MCA

IMP: 90-1-116, MCA

NEW RULE IV ASSISTANCE GRANTS - ALLOWABLE USES (1) As prescribed by the council, allowable administrative expenses for which assistance grants may be used by a CRDC include:

(a) personnel and operating expenses; and

(b) any other expenses deemed necessary by the council to maintain the organization's certification as a CRDC.

AUTH: 90-1-116, MCA

IMP: 90-1-116, MCA

NEW RULE V CRDC - CERTIFICATION REPORTING REQUIREMENTS

(1) Annual reporting requirements for CRDC certification include:

(a) Annual updates or revisions of the region served by the CRDC;

(b) Annual updates or revisions of the strategic plan on file with the department;

(c) A description of any changes in the services provided by the CRDC to the citizens, communities and businesses in the region;

(d) An action plan consistent with the strategic plan that identifies goals, actions and priorities for the coming year;

(e) An annual report that includes statements concerning the accomplishments or shortfalls of goals and actions identified in the previous year's action plan;

(f) Contact information for each certified treasure community in the region;

(g) A copy of the CRDC's most recent audited or professionally reviewed financial statements including any supplemental schedules or other detailed information that specifically discloses the financial condition and results of operations of the CRDC; and

(h) Any other requirements deemed necessary by the department to maintain certification.

AUTH: 90-1-116, MCA

IMP: 90-1-116, MCA

NEW RULE VI CRDC - DECERTIFICATION (1) Criteria for determining noncompliance and decertification of a CRDC shall be defined in the contract entered into between the department and a CRDC.

AUTH: 90-1-116, MCA

IMP: 90-1-116, MCA

REASON: It is reasonably necessary to adopt these rules because potential certified regional development corporations need to be aware of the department's application requirements to become a certified regional development corporation. These rules are also needed to create a fair and equitable process that is open and transparent for the certification of regional development corporations, and the award of assistance grants. In addition, the rules are reasonably necessary to provide accountability, financial controls and measures, and defensible decisions concerning the management of the certified regional development corporation program by the department. Finally, in 90-1-116, MCA, the legislature directed the department to adopt rules concerning assistance grants to certified regional development corporations.

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 Business Resources Division, 301 South Park Avenue, P.O. Box

200505, Helena, Montana 59620-0505; by facsimile to (406) 841-2731; or email to guness@state.mt.us to be received no later than 5:00 p.m., September 26, 2003.

5. Marty Tuttle has been designated to preside over and conduct this hearing.

6. The Business Resources Division maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Division. Persons who wish to have their name added to the list may 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 rules relating to the Certified Regional Development Corporation Program. This request may be mailed or delivered to the Business Resources Division, 301 South Park Avenue, P.O. Box 200505, Helena, Montana 59620-0505; transmitted by facsimile to (406) 841-2731; or made by completing a request form at any rules hearing held by the Division.

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

Reviewed by:

BUSINESS RESOURCES DIVISION
DEPARTMENT OF COMMERCE

/s/ G. MARTIN TUTTLE
G. MARTIN TUTTLE
Rule Reviewer

By: /s/ MARK A. SIMONICH
MARK A. SIMONICH, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, August 18, 2003.

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

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 8.32.302 and) ON PROPOSED AMENDMENT
8.32.409, relating to)
re-certification of nurse)
midwives and authorized)
signatures on nurses' licenses)

TO: All Concerned Persons

1. On October 2, 2003, at 10:00 a.m., a public hearing will be held in room 438 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing no later than 5:00 p.m., September 25, 2003, to advise us of the nature of the accommodation that you need. Please contact Jill Caldwell, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2342; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2343; e-mail dlibsdnur@state.mt.us.

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

8.32.302 NURSE-MIDWIFERY PRACTICE (1) Nurse-midwifery practice means the independent management of care of essentially normal newborns and women, antepartally, intrapartally, postpartally and/or gynecologically. This occurs within a health care system that provides for medical consultation, collaborative management, and referral, ~~and is in accord with the Standards for the Practice of Nurse-Midwifery, 1993 as defined by the American College of Nurse-Midwives, which is hereby incorporated by reference. Copies may be obtained from the American College of Nurse-Midwives at 818 Connecticut Ave. NW, Suite 900, Washington, DC 20006.~~

(2) Effective December 31, 2004, all licensed certified nurse midwives shall be enrolled in either the certification maintenance program or the continuing competency assessment program through the American College of Nurse Midwives. The mailing address for the American College of Nurse Midwives is 818 Connecticut Avenue, NW, Suite 900, Washington, DC 20006; Phone: (202) 728-9860; Web: www.midwife.org.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-8-202, 37-8-409, MCA

REASON: The Board believes it is reasonable and necessary to amend section (1) of the rule because nurse midwives must have current national certification in order to be granted recognition under ARM 8.32.306(2)(e) and are thus held to the standards of the American College of Nurse Midwives which is the national certifying body for nurse midwives which is approved by the Board. Therefore, it is not necessary to refer to that body's standards for practice in this rule. The Board has determined it is reasonable and necessary to add section (2) to the rule because nurse midwifery is the only APRN specialty practice in Montana in which re-certification is not currently required. The Board deems continuing competency as evidenced by regular, periodic re-certification, to be necessary for protection of the public safety. The proposed amendments will have no fiscal impact on the Board or department. The fiscal impact on each licensee affected by the amendments is approximately \$90 per year which is the current annual fee for the certification maintenance program through the American College of Nurse Midwives. The Board estimates that between six and 10 licensees will be affected, for an annual cumulative fiscal impact of approximately \$540 to \$900.

8.32.409 PREPARATION OF LICENSES (1) ~~The executive director and the president and the secretary~~ of the board shall sign the original licenses.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-101, 37-8-202, 37-8-401, MCA

REASON: The Board believes it is necessary to amend this rule because in the event of a vacancy in the staff position of executive director, delays could occur in issuing licenses. The Board will always have a president and secretary so the amendment will allow the board to be more efficient and ensure that licenses are issued in a timely manner. This rule amendment will affect approximately 500 new licensees per year. The amendment will have no fiscal impact.

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 by mail to Jill Caldwell, Board of Nursing, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdnur@state.mt.us and must be received no later than 5:00 p.m., October 14, 2003.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/nur>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned

persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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 e-mail address do not excuse late submission of comments.

6. The Board of Nursing 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 that 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 Nursing administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdnur@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

7. Lorraine Schneider, attorney, has been designated to preside over and conduct this hearing.

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

9. The Board of Nursing will meet during its October 23, 2003, Board meeting in Helena to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendments. The meeting will be held in conjunction with the Board's regular meeting. Members of the public are welcome to attend the meeting and listen to the Board's deliberations.

BOARD OF NURSING
KIM POWELL, RN, CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State August 18, 2003.

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 24.29.2831) ON PROPOSED AMENDMENT
relating to collection of)
payments and penalties from)
uninsured employers)

TO: All Concerned Persons

1. On September 22, 2003, at 10:00 a.m. the Department of Labor and Industry will hold a public hearing in the Lewis Room (in basement) of the Walt Sullivan Building, 1327 Lockey, Helena, Montana, to consider the proposed amendment of ARM 24.29.2831 to clarify the enforcement process of the Uninsured Employers' Fund and to implement Senate Bill 108.

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 no later than 5:00 p.m., September 15, 2003, to advise us of the nature of the accommodation that you need. Please contact the Employment Relations Division, Uninsured Employers' Fund, Attn: Cathy Brown, P.O. Box 8011, Helena, MT 59624-8011; telephone (406) 444-7720; fax (406) 444-3465; TDD (406) 444-5549; or email cabrown@state.mt.us.

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

24.29.2831 COLLECTION OF PENALTIES AND OTHER PAYMENTS FROM UNINSURED EMPLOYERS (1) through (3) remain the same.

(4) Amounts collected from an employer to reimburse the UEF for benefits paid ~~to a claimant~~ must be deposited with the UEF. Any amount collected from an employer for future liability on a particular claim becomes an earmarked fund when there is an assignment agreement between the claimant and the UEF.

(5) An account balance is considered past due for the purposes of assessing a late fee if the payment is not received within 30 days after the original billing or notice of requirement of workers' compensation coverage.

AUTH: 39-71-203, MCA

IMP: 39-71-504, MCA

REASON: There is reasonable necessity to amend this rule in order to implement the changes to the Workers' Compensation statutes enacted by Senate Bill 108. Based on these statutory changes, the UEF will begin assessing the statutory late fees for uninsured periods beginning on or after July 1, 2003. The

rule identifies when a payment is considered past due for the purposes of assessing the late fee stated in 39-71-504, MCA.

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:

Keith Messmer, Bureau Chief
Workers' Compensation Regulation
Employment Relations Division
Department of Labor and Industry
P.O. Box 8011
Helena, Montana 59624-8011

and must be received by no later than 5:00 p.m., September 25, 2003. 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 Rules 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., September 25, 2003. 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 do not excuse late submission of comments.

6. The Department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the mailing list shall make a written request which includes the name and mailing address of the person to receive notices and any specific topic or topics over which the Department has rulemaking 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, apply and have been fulfilled.

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

KEVIN BRAUN
/s/ KEVIN BRAUN
Kevin Braun,
Rule Reviewer

WENDY J. KEATING
/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: August 18, 2003.

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 24.156.625,) ON PROPOSED AMENDMENT,
unprofessional conduct, the) ADOPTION AND REPEAL
proposed adoption of NEW RULES)
I-XVI, and the proposed)
repeal of ARM 24.156.1801,)
24.156.1802, 24.156.1803,)
24.156.1804, 24.156.1805,)
24.156.1806, 24.156.1807,)
24.156.1901, 24.156.1902,)
24.156.1903, 24.156.1904,)
24.156.1905, 24.156.2001,)
24.156.2002, 24.156.2003,)
24.156.2004, 24.156.2005,)
24.156.2011, 24.156.2012,)
24.156.2013 and 24.156.2014,)
pertaining to emergency medical)
technician licensure)

TO: All Concerned Persons

1. On September 20, 2003, at 1:00 p.m., a public hearing will be held at the Cottonwood Inn, Highway 2 East, Glasgow, Montana, to consider the proposed amendment, adoption and repeal of the above-stated rules. Another public hearing will be held on September 25, 2003, at 5:00 p.m. in Room C-209 of the Cogswell Building, 1400 Broadway, Helena, Montana to consider the proposed amendment, adoption and repeal of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in these public hearings or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners no later than 5:00 p.m., on September 15, 2003, to advise us of the nature of the accommodation that you need. Please contact Jeannie Worsch, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2363; e-mail dlibsmed@state.mt.us.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: There is reasonable necessity to adopt the following proposed NEW RULES, proposed amendments and proposed repeals in order to modernize Montana's existing rules related to emergency medical technicians (EMTs). The Board of Medical Examiners and its staff has been working for more than a year with the Department of Public Health and Human Services (DPHHS), medical doctors and EMTs to prepare a comprehensive revision

to rules related to EMTs and emergency medical service (EMS) entities. Under current law, the Board of Medical Examiners licenses and regulates the individual workers who provide pre-hospital emergency medical services, while DPHHS licenses and regulates hospitals and EMS entities such as ambulance companies.

The current EMT licensing rules (which are proposed for repeal) are based upon the 1985 version of the national EMT training curriculum produced by the United States Department of Transportation (USDOT). Since 1985, new medical equipment, techniques and procedures have been introduced and become widely accepted by health care professionals. In 1999, USDOT adopted new EMT curricula. The Board of Medical Examiners believes that it is essential to the public health and safety that Montana EMTs be certified under the modern national standards.

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

24.156.625 UNPROFESSIONAL CONDUCT (1) In addition to those forms of unprofessional conduct defined in 37-1-316, MCA, the following is unprofessional conduct for a licensee or license applicant under Title 37, chapter 3, MCA:

(1) through (14) remain the same but are renumbered (a) through (n).

~~(15)~~(o) ~~Commission~~ commission of an act of sexual abuse, sexual misconduct or sexual exploitation, whether or not related to the licensee's practice of medicine;

(16) through (22) remain the same but are renumbered (p) through (v).

~~(23)~~(w) ~~Failing~~ failing to comply with an agreement the licensee has entered into with the program established by the board under 37-3-203(4), MCA-;

(x) failing, as a medical director, to supervise, manage, appropriately direct and train emergency medical technicians (EMTs) practicing under the licensee's supervision, according to scope of practice and current board-approved USDOT curriculum standards including revisions and board-approved statewide protocols for patient care;

(y) failing to supervise, manage, appropriately delegate and train medical assistants under the licensee's supervision, according to scope of practice and generally accepted standards of practice;

(z) failing to supervise, manage, appropriately delegate and train physician assistants-certified practicing under the licensee's supervision, according to board-approved utilization plans, scope of practice and generally accepted standards of practice;

(aa) failing to supervise, manage and appropriately train residents, as defined in 37-3-305, MCA, practicing under the licensee's supervision, according to scope of practice and generally accepted standards of practice; or

(ab) having voluntarily relinquished or surrendered a license or privileges or having withdrawn an application for licensure or privileges, while under investigation or prior to the granting or denial of a application in this state, or in another state or jurisdiction.

AUTH: 37-1-319, 37-3-203, MCA

IMP: 37-1-131, 37-3-202, 37-3-305, 37-3-309, 37-3-323, MCA

REASON: There is reasonable necessity to amend ARM 24.156.625 because unprofessional conduct in the supervision of EMTs, medical assistants, physician assistants-certified and residents were not addressed in the prior rules and the board believes that unprofessional conduct under 37-1-316, MCA, does not fully encompass specific practices and standards with regard to physician supervision of these health care workers. The amendments are proposed at this time because of the proposed EMT rules that follow.

There is reasonable necessity for the board to amend ARM 24.156.625(15) [renumbered as ARM 24.156.625(1)(o)] to ensure that it is able to sanction unprofessional conduct specifically related to sexual misconduct by licensees. The board has been faced with licensees who have claimed that their sexual misconduct was unrelated to their practice of medicine. The board notes that there is a specific requirement of "good moral character" in 37-3-305, MCA. Likewise, there is reasonable necessity to add the language in subsection (1)(ab) because the board has been faced with attempts by physicians to avoid discipline in other jurisdictions by voluntarily surrendering their licenses.

Finally, there is reasonable necessity to make technical amendments to the rule's format to comply with style guidelines issued by the Secretary of State, and to update the citation of implementing authority.

5. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS For purposes of the rules set forth in this sub-chapter, the following definitions apply:

(1) "Approved course" means a course of instruction that meets the specifications and requirements for a particular level or endorsement for EMT training approved by the board or its designee.

(2) "Approved program" means a multiple of approved courses offered by an entity and approved by the board or its designee.

(3) "Board" means the board of medical examiners, department of labor and industry.

(4) "Clinical experience" means supervised instruction and practice in a patient care setting.

(5) "Clinical preceptor" means an individual trained to a level greater than the student, who is responsible for

supervising and teaching the student in a clinical setting under the supervision of the service medical director.

(6) "Curriculum" means the combination of instructor lesson plans, course guides and student study guides prepared by the United States Department of Transportation (USDOT) and commonly known as the "1999 curriculum".

(7) "Emergency medical service" or "EMS" means a pre-hospital care and transportation provider licensed by the department of public health and human services pursuant to Title 50, chapter 6, MCA. EMS is the official designation for what is commonly referred to as an ambulance service.

(8) "Emergency medical technician" or "EMT" means any pre-hospital emergency care personnel licensed by the board.

(9) "Emergency medical technician - basic" or "EMT-B" means an individual who has successfully completed an approved EMT-B course and is licensed by the board as an EMT-B.

(10) "Emergency medical technician - first responder" or "EMT-F" means an individual who has successfully completed an approved EMT-F course and is licensed by the board as an EMT-F.

(11) "Emergency medical technician - intermediate" or "EMT-I" means an individual who has successfully completed an approved EMT-I course and is licensed by the board as an EMT-I.

(12) "Emergency medical technician - paramedic" or "EMT-P" means an individual who has successfully completed an approved EMT-paramedic course and is licensed by the board as an EMT-P.

(13) "EMT service" means a pre-hospital emergency care service licensed by the department of public health and human services pursuant to Title 50, chapter 6, MCA.

(14) "Lead instructor" means a person who is licensed by the board and authorized to offer and conduct EMT courses. The lead instructor is under the supervision of the service medical director.

(15) "NPDB" means the national practitioner databank established by Public Law 99-660 (42 U.S.C. 11101, et seq.).

(16) "NREMT" means the national registry of emergency medical technicians, an independent, not-for-profit, non-governmental certification agency based in Columbus, Ohio.

(17) "On-line medical direction" means real-time interactive medical direction, advice or orders to EMTs providing patient care.

(18) "On-line medical director" is the individual who provides on-line medical direction and who is supervised by the service medical director.

(19) "Service medical director" means an unrestricted Montana licensed physician or physician assistant-certified who is responsible professionally and legally for overall medical care provided by a licensed EMT service and/or for the training provided in an approved program/course, including all EMTs on the service or in training.

(20) "Statewide protocols" means a written, standardized manner of administering patient care statewide, approved by

the board.

AUTH: 37-3-203, 50-6-203, MCA
IMP: 50-6-203, MCA

REASON: The Board finds that there is reasonable necessity to adopt NEW RULE I to define the terms necessary for the new emergency medical technician rules. Previous rules defined terms that no longer exist in the new rules, are obsolete or are no longer applicable to the new rules.

NEW RULE II UNPROFESSIONAL CONDUCT (1) In addition to those forms of unprofessional conduct defined in 37-1-316, MCA, the following are considered unprofessional conduct for a licensee or license applicant under Title 50, chapter 6, part 2, MCA:

(a) conviction, including conviction following a plea of nolo contendere, of an offense involving moral turpitude, whether a misdemeanor or felony, and whether or not an appeal is pending;

(b) conduct likely to deceive, defraud or harm the public, including but not limited to practicing while subject to a physical or mental condition which renders the licensee unable to safely engage in activities required of a licensee under this sub-chapter;

(c) acting in such a manner as to present a danger to public health or safety, or to any patient including, but not limited to, incompetence, negligence or malpractice;

(d) making a false or misleading statement regarding the licensee's skill in connection with the activities required of a licensee under this sub-chapter;

(e) use of a false, fraudulent or deceptive statement, whether written or verbal, in connection with the activities required of a licensee under this sub-chapter;

(f) having been subject to disciplinary action of another state or jurisdiction against a license or other authorization, based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for disciplinary action under Title 37, chapter 1, MCA, or rules under this sub-chapter. A report from the NPDB or a certified copy of the record of the action taken by the other state or jurisdiction is evidence of unprofessional conduct;

(g) having voluntarily relinquished or surrendered a professional or occupational license, certificate or registration in this state, or in another state or jurisdiction;

(h) having withdrawn an application for licensure, certification or registration, while under investigation or prior to a determination of the completed application in this state, or in another state or jurisdiction;

(i) failure to practice within the scope of practice of the EMT level and endorsements;

(j) failure to practice within adopted statewide and/or local protocols established and approved by the board and

service medical director;

(k) failing to maintain continuous NREMT registration while licensed as an EMT in the state of Montana;

(l) willful disobedience of the provisions Title 37, chapter 1, MCA, any rule adopted by the board, or any order of the board regarding enforcement of discipline of a licensee;

(m) habitual intemperance or excessive use of an addictive drug, alcohol or any other substance to the extent that the use impairs the user physically or mentally; this provision does not apply to a licensee who is in compliance with an approved therapeutic regimen as described in 37-3-203, MCA;

(n) failing to furnish to the board or its designee information requested by the board or a response to an inquiry;

(o) failing to cooperate with a lawful investigation conducted by the board;

(p) failing to comply with any statute or rule under the board of medical examiner's jurisdiction;

(q) filing a complaint with, or providing information to, the board which the licensee knows, or ought to know, is false or misleading. This provision does not apply to any filing of complaint or providing information to the board when done in good faith under 37-1-308, MCA;

(r) failing to report to the board any adverse judgment or award arising from a medical liability claim or other unprofessional conduct;

(s) commission of any act of sexual abuse, misconduct or exploitation by the licensee whether or not related to the practice;

(t) failing to exercise technical competence in carrying out EMT care;

(u) testifying in a legal proceeding on a contingency fee basis;

(v) falsifying and altering patient records or trip reports, intentionally documenting patient records or trip reports incorrectly, failing to document patient records or prepare trip reports;

(w) diversion of a medication for any purpose or a violation of state or federal laws governing the administration of medications;

(x) failing, as a clinical preceptor or lead instructor, to supervise, manage, or train students practicing under the licensee's supervision, according to scope of practice, generally accepted standards of patient care, board-approved USDOT curriculum, including revisions and board-approved statewide protocols;

(y) willfully harassing, abusing or intimidating a patient, either physically or verbally;

(z) practicing as an EMT at any level without a current, active Montana license at that level;

(aa) failing to comply with any agreement the licensee has entered into with a program established by the board under 37-3-203(4), MCA; and

(ab) any other act, whether specifically enumerated or not that in fact constitutes unprofessional conduct.

AUTH: 50-6-203, MCA
IMP: 37-1-131, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE II because unprofessional conduct was not addressed in the old rules and the board believes that unprofessional conduct under 37-1-316, MCA does not fully encompass specific practices and standards with regard to emergency medical technicians. The board needs to ensure that it is able to sanction unprofessional conduct specifically related to emergency medical technicians.

NEW RULE III EMT-LICENSURE QUALIFICATIONS (1) The board shall license an applicant as an EMT at the appropriate level, if the applicant:

- (a) successfully completes a board approved EMT course of instruction;
- (b) possesses current NREMT registration for the appropriate level of licensure or higher, except for EMT-Fs who have maintained continuous licensure prior to January 1, 2004;
- (c) provides all the information necessary to establish eligibility for licensure according to the licensure requirements as specified by the board or its designee;
- (d) possesses a high school diploma or equivalency; and
- (e) is 18 years of age or older.

AUTH: 37-3-203, 50-6-203, MCA
IMP: 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE III because 50-6-203, MCA, requires the board to adopt rules to implement Title 50, chapter 6, part 2, MCA. The existing rules do not adequately address the qualifications for emergency medical technician licensure.

NEW RULE IV EMT LICENSE APPLICATION (1) An applicant for an EMT license, at any level, shall submit an application on a form prescribed by the board. The application must be complete and accompanied by the appropriate fees and the following documentation:

- (a) applicant's verification of course completion for the appropriate level and/or endorsement levels for which the applicant is applying;
- (b) proof the applicant possesses a high school diploma or its equivalent;
- (c) a copy of the applicant's birth certificate or other verifiable evidence of the applicant's date of birth, such as a driver's license;

(d) a current NREMT registration card equal to or greater than the level for which the applicant is applying; and

(e) an original NPDB self-query.

(2) Incomplete applications will be returned. The applicant may correct any deficiencies, complete any requirements necessary for licensure and re-submit the application to the board office. Failure to re-submit the deficient application within one year from the date of the original submission will be treated as a voluntary withdrawal of the application and all fees will be forfeited.

(3) The applicant may voluntarily withdraw the application prior to the one-year deadline set forth in (2) by submitting a withdrawal in writing to the board. All application fees submitted will be forfeited.

(4) After withdrawal of an application, the applicant will be required to submit a new application, including supporting documentation and appropriate fees to begin the licensing and verification process.

(5) Completed applications will be reviewed by the board or its designee, which may request such additional information or clarification of information provided in the application as it deems reasonably necessary.

AUTH: 50-6-203, MCA

IMP: 37-1-104, 37-1-131, 37-3-203, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE IV because the existing rules do not address completely the application process and because there is a need to ensure that EMT applications be consistent with the department's application process.

NEW RULE V OUT-OF-STATE EMT APPLICANT (1) Out-of-state applicants who qualify under substantially equivalent education and examination requirements as set forth in this chapter and who possess a currently active EMT license or certification to practice in good standing in another state, may apply for an EMT license by reciprocity, at the same or lesser level, without examination.

(2) A qualified out-of-state licensed applicant requesting EMT licensure in Montana shall complete a reciprocity application on a form prescribed by the board and submit the application with the required supporting documentation and appropriate fees to the board.

(3) Out-of-state applicants licensed in other states shall cause all states and jurisdictions in which the applicant holds or has ever held a license to submit verification of licensure directly to the board on behalf of the applicant.

(4) Out-of-state applicants shall obtain a NPDB self-query and submit the self-query with the application to the board.

(5) If the applicant has possessed a professional or occupational license in another healthcare field, the applicant shall disclose the information to the board in the application for licensure.

(6) For the purposes of 37-1-304, MCA, the board defines "substantially equivalent" as approved training in accordance with board-approved USDOT curriculum standards, including revisions, and passage of the NREMT written and practical examination or, in the opinion of the board, completed training, experience and passage of an examination equivalent to current board standards. Work experience obtained in the profession will not be considered as the sole basis of the applicant's qualifications.

AUTH: 50-6-203, MCA

IMP: 37-1-131, 37-1-304, 37-3-203, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE V to ensure that applicants from out-of-state are afforded the opportunity to be licensed by reciprocity so long as the state in which they are licensed has substantially equivalent standards. The existing rules do not provide for licensure by reciprocity.

NEW RULE VI EMT LICENSE RENEWAL (1) EMT licenses are issued on a biennial renewal cycle. EMT licenses expire on March 31 of the last year of the two-year cycle.

(2) Except as provided in (3), in order to renew an EMT license, the licensee must:

(a) submit a license renewal application on a form or through electronic means prescribed and supplied by the board;

(b) submit current NREMT registration at the level equal to or greater than the licensed level; and

(c) submit payment of the renewal fee set in [NEW RULE VIII].

(3) An individual licensed prior to January 1, 2004, as a first responder or first responder ambulance, and wishing to renew the license as an EMT-F, may either:

(a) become NREMT registered by January 1, 2007; or

(b) complete a 16-hour board-approved USDOT curriculum refresher course each renewal period. The licensee shall provide verification of completion to the board upon request.

(4) The board will not renew first responder or first responder ambulance licenses on or after December 31, 2006. Renewal licenses issued after that date will be issued as EMT-F licenses.

(5) Incomplete renewal applications will be returned to the licensee and will not be considered received by the board.

(6) For the EMT license renewal cycle following July 1, 2005, if the completed renewal application is postmarked after March 31 of the renewal year, the licensee will be assessed a late renewal fee in addition to the license renewal fee set in [NEW RULE VIII].

(7) Waivers of the late fee are at the discretion of the board.

AUTH: 50-6-203, MCA
IMP: 37-1-131, 37-1-306, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE VI because 50-6-203, MCA, mandates that the board adopt rules relating to renewal. The existing EMT rules are silent about renewal.

NEW RULE VII LAPSED LICENSE (1) A lapsed EMT license may be renewed upon completion of a lapsed license renewal application. To renew a lapsed license the applicant shall:

- (a) complete a lapsed license renewal application and submit it to the board;
- (b) pay the license fee plus late renewal fee for each year the license has lapsed up to three years;
- (c) submit a current NPDB self-query; and
- (d) submit a current NREMT certification.

(2) Pursuant to 37-1-141, MCA, a professional or occupational license that has not been renewed within three years of the most recent renewal date automatically terminates.

(3) A lapsed license that has terminated may not be reinstated. A person whose license has lapsed shall re-apply for licensure and complete a new application pursuant to [NEW RULE IV].

AUTH: 37-1-141, 37-3-203, 50-6-203, MCA
IMP: 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE VII because the existing EMT rules do not address lapsed licenses and because 37-1-141, MCA, allows the board to adopt rules regarding lapsed licenses.

NEW RULE VIII FEES (1) The following fees must be paid in connection with EMT licensure:

(a) EMT-F application fee	\$20.00
(b) EMT-B application fee	30.00
(c) EMT-I application fee	40.00
(d) EMT-P application fee	60.00
(e) license endorsement fee	10.00
(f) EMT-F biennial renewal fee	20.00
(g) EMT-D biennial renewal fee	30.00
(h) EMT-I biennial renewal fee	40.00
(i) EMT-P biennial renewal fee	60.00
(j) late renewal fee	150.00
(k) verification of licensure fee	20.00
(l) program approval	50.00
(m) course approval	15.00

(2) All fees provided for in this rule are non-refundable and are not prorated for portions of the licensing

period.

AUTH: 50-6-203, MCA
IMP: 37-1-134, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE VIII because 37-1-134, MCA, requires that the board set fees commensurate with cost.

The board estimates that approximately 5000 persons will be directly affected by the fee schedule in NEW RULE VIII. The board estimates the approximate cumulative financial impact to be \$176,000 over a two-year period, based upon the number of the various categories of licensures and endorsements.

NEW RULE IX EMT TRAINING PROGRAM/COURSE APPLICATION AND APPROVAL

(1) An individual, corporation, partnership or any other organization may not initiate or conduct any initial and/or refresher courses for EMT instruction without prior approval of the board or its designee.

(2) Program or course approval applications must be submitted on a form prescribed by the board with appropriate fees. The application must designate the service medical director and lead instructor.

(3) Completed applications will be reviewed for compliance with board statutes, rules, board-approved USDOT curriculum, including revisions and statewide protocols. The board or its designee may request such additional information or clarification of information provided in the application as it deems reasonably necessary.

(4) Incomplete applications will be returned. The service medical director and/or lead instructor may correct any deficiencies, complete any requirements necessary for course approval at the level applied for and re-submit the application to the board. Failure to re-submit the application within one year will be treated as a voluntary withdrawal of the application and all fees will be forfeited.

(5) The service medical director and/or lead instructor may voluntarily withdraw the course approval application prior to the one-year deadline provided in (4), by writing to the board. All fees submitted will be forfeited.

(6) After withdrawal of an application, a new program or course approval application may be submitted including all supporting documentation and appropriate fees to begin the course approval process.

(7) The board or its designee shall approve EMT training courses that comply with current board-approved USDOT curriculum, including revisions, board-approved statewide protocols, policies and procedures.

(a) Program approvals of multiple courses offered by a single provider may be approved for up to one year without re-application and approval.

(b) Single courses must be approved on an individual basis.

(8) The board shall not approve an EMT training course which does not comply with current board-approved USDOT curriculum, including revisions, board-approved statewide protocols, policies and procedures.

(a) The board shall provide in writing the reason for course denial to the course applicant.

(b) The board may cancel approval of training courses for failure to comply with any of the requirements of this chapter, providing false information, or failure to provide the board or its designee access to the course and/or other information necessary to assure compliance with board statutes and rules.

(9) In the event the board's designee disapproves an EMT training course, the application will be considered by the board during the next regularly scheduled board meeting or the lead instructor and/or service medical director may request in writing an alternate regularly scheduled board meeting.

AUTH: 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE IX because training and approval of training courses previously were delegated to DPHHS. The board needs NEW RULE IX to ensure that it regulates the training and approval of training courses for EMTs as required under 50-6-203, MCA, and because the previous rules did not allow for flexibility in modifying standards for medical practice where appropriate. This rule will allow the board the flexibility to incorporate updated standards of medical practice as they develop and relate to emergency medical systems.

NEW RULE X EXAMINATIONS (1) Effective January 1, 2004, examinations for endorsements conducted on behalf of the board must be conducted in accordance with the policies and procedures established by the board.

(2) An EMS medical director shall be responsible for the conduct of all locally administered examinations and shall assure that all board policies and procedures are followed. EMS medical directors may delegate duties where appropriate. Except in the case of first responder and basic EMT levels, the EMS medical director may not delegate the administration of the NREMT written examination.

(3) Examination materials must be requested from the board by the EMS medical director on forms prescribed by the board 30 days prior to offering an examination. Examination materials will be sent to the medical director from the board office within seven working days of the request. EMS medical directors shall return the completed examination material within seven working days after the examination has been given.

(4) When conducting NREMT EMT-I and EMT-P examinations, the board shall designate the national registry representative. The EMS medical director shall request a

NREMT representative on a form prescribed by the board not less than 90 days prior to the EMT-I or EMT-P examinations.

AUTH: 50-6-203, MCA
IMP: 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE X because the board requires that all licensed EMTs except for first responders licensed prior to January 1, 2004, be national registry registered in order to practice. This new rule allows first responders licensed prior to January 1, 2004, to be grandfathered into the licensing structure. The exams are standardized, national examinations provided by the national registry that can be offered at a local level in order to reduce costs.

NEW RULE XI LEVELS OF EMT LICENSURE INCLUDING ENDORSEMENTS (1) The board issues four levels of licenses for EMTs. Each level has endorsements that may be added to an EMT license. Endorsements do not have to be acquired in the order listed below and may consist of one or more combinations within each EMT level. The levels of licensure and endorsements are as follows:

- (a) For EMT - first responder (EMT-F) licenses:
 - (i) EMT-F/immobilization (EMT-F 1);
 - (ii) EMT-F/monitoring (EMT-F 2); and
 - (iii) EMT-F/ambulance (EMT-F 3).
- (b) For EMT - basic (EMT-B) licenses:
 - (i) EMT-B/airway (EMT-B 1);
 - (ii) EMT-B/monitoring (EMT-B 2);
 - (iii) EMT-B/IV and IO (intervenous infusion and interosseous infusion) initiation (EMT-B 3);
 - (iv) EMT-B/IV and IO maintenance (EMT-B 4);
 - (v) EMT-B/endotracheal intubation, for patients more than eight years old (EMT-B 5); and
 - (vi) EMT-B/medication (EMT-B 6).
- (c) For EMT - intermediate (EMT-I) licenses:
 - (i) EMT-I/needle decompression/surgical airway (EMT-I 1);
 - (ii) EMT-I/immunizations (EMT-I 2);
 - (iii) EMT-I/drips and pumps (EMT-I 3); and
 - (iv) EMT-I/12 lead transmit (EMT-I 4).
- (d) For EMT - paramedic (EMT-P) licenses:
 - (i) EMT-P/12 lead interpretation (EMT-P 1);
 - (ii) EMT-P/medications (EMT-P 2);
 - (iii) EMT-P/fibrinolytic with 12 lead interpretation (EMT-P 3); and
 - (iv) EMT-P/critical care transport (EMT-P 4).

AUTH: 50-6-203, MCA
IMP: 37-1-131, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE XI because the board is implementing the USDOT curriculums for

1999 which are substantially upgraded from the USDOT curriculums for 1985 which are currently in place. Endorsement levels are necessary to prevent EMTs licensed under the 1985 USDOT curriculums from being limited to a lesser level of licensure which would adversely impact many communities in Montana which depend on their EMTs for a level of licensure authorized under the 1985 USDOT curriculum. If EMTs who were previously licensed at a higher level could no longer serve their communities at that level, the cost to train and recruit new EMTs would adversely affect emergency medical care delivered to patients in rural Montana communities.

NEW RULE XII INITIAL EMT COURSE REQUIREMENTS (1) An EMT-F course shall be managed by a lead instructor. The lead instructor shall maintain overall responsibility for the quality, consistency and management of the course. The lead instructor shall:

(a) conduct the EMT-F courses in accordance with current board-approved USDOT curriculum, including revisions and statewide protocols, policies and procedures;

(b) document student skill proficiency on forms prescribed and supplied by the board;

(c) complete the course within six months of the date the course commences; and

(d) provide at least one instructor per six students when practical skills are taught.

(2) An EMT-B course shall be managed by a lead instructor. The lead instructor shall maintain overall responsibility for the quality, consistency and management of the course. The lead instructor shall:

(a) conduct the EMT-B courses in accordance with current board-approved USDOT curriculum, including revisions, and statewide protocols, policies and procedures;

(b) document student skill proficiency on forms prescribed and supplied by the board;

(c) complete the course within 12 months of the date the course commences;

(d) provide at least one instructor per six students when practical skills are taught; and

(e) provide a minimum of 10 hours of clinical experience with an EMS or in a local hospital emergency room.

(3) An EMT-I or EMT-P course shall be managed by a lead instructor under the supervision of a service medical director. The lead instructor and service medical director shall maintain overall responsibility for the quality, consistency and management of the course. The lead instructor shall:

(a) conduct the EMT-I and EMT-P courses in accordance with current board-approved USDOT curriculum, including revisions and statewide protocols, policies and procedures;

(b) document student skill proficiency on forms prescribed and supplied by the board;

(c) provide clinical experience as specified in the

- approved curriculum and in accordance with this chapter; and
- (d) provide that the course is completed as follows:
 - (i) the EMT-I course, within 18 months from the starting date of course; and
 - (ii) the EMT-P course, within 24 months from the starting date of course;
 - (e) provide clinical experiences with no fewer than one clinical preceptor for every two students;
 - (f) provide a sufficient patient volume to allow students to complete all clinical experiences within the course dates;
 - (g) provide EMT-I course clinical facilities that include but are not limited to:
 - (i) an emergency department with physician staffing;
 - (ii) intensive care beds or coronary care beds; and
 - (iii) an EMS licensed at or above the EMT advanced level;
- and
- (h) provide for the EMT-P course clinical facilities that include, but are not limited to:
 - (i) an emergency department with physician staffing;
 - (ii) intensive care beds or coronary care beds;
 - (iii) operating/recovery room;
 - (iv) pediatric beds;
 - (v) labor/delivery room/newborn nursery;
 - (vi) psychiatric beds;
 - (vii) morgue;
 - (viii) radiology department;
 - (ix) respiratory therapy department; and
 - (x) an EMS licensed at or above the EMT advanced level.

AUTH: 50-6-203, MCA
IMP: 37-1-131, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE XII because the board is adopting the USDOT 1999 curriculum which require a substantially different initial course and because the initial course will be offered by a lead instructor licensed by the board who can be disciplined by the board if he or she fails to comply with the board's rules, policies and procedures. Courses previously offered under the 1985 USDOT curriculum were offered by unlicensed individuals who could not be disciplined for violating the board's directives. Additionally, the board is required by 50-6-203, MCA, to adopt rules regarding curriculum and training.

NEW RULE XIII EMT CLINICAL REQUIREMENTS (1) EMT-B programs must assure that the student completes, as a minimum, 10 hours of observational time with an EMS, or in an emergency room if an EMS is not readily available. During this time the student shall:

- (a) have at least two patient contacts during which the student can observe patient care; and
- (b) have at least two patient contacts in which the student conducts a patient assessment.

(2) EMT-I and EMT-P programs must assure that the student completes, as a minimum, the clinical contact requirements identified in the board-approved USDOT curriculum, including revisions.

AUTH: 50-6-203, MCA
IMP: 37-1-131, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE XIII because the board is modifying its clinical requirements in order to be consistent with and incorporate the 1999 USDOT curriculum and because it is necessary to allow the board flexibility to modify its clinical requirements as medical practice changes.

NEW RULE XIV PROCEDURES FOR REVISION OF BOARD-APPROVED EMT CURRICULUM AND STATEWIDE PROTOCOLS

(1) At the regularly scheduled January and July board meetings or no less than twice per year, an individual, EMS or any other organization may initiate a petition for revisions to the board-approved EMT curriculum and/or statewide protocols.

(2) The petition must be submitted on a form prescribed by the board with the following supporting documentation:

(a) a written recommendation and/or position statement for revision to the board-approved curriculum and/or statewide protocols; and

(b) literature supporting the petitioner's recommendations and/or position.

(3) Upon receiving the petition application, the board will proceed in three phases, as follows:

(a) the board will consider the petitioner's initial petition to determine whether or not to proceed with public comment for the proposed revision. If approved, the board will schedule public comment for the petition during the next regularly scheduled board meeting;

(b) the board will accept public comment to gather information and take testimony regarding the proposed recommendations for revision of the USDOT curriculum and/or statewide protocols; and

(c) the board will consider the information and comments and approve or deny the proposed revision.

(4) The board shall approve the proposed revision:

(a) when it is demonstrated to the satisfaction of the board that granting the petitioner's request for revision of the board-approved curriculum and/or statewide protocols is necessary to provide appropriate standards of medical care;

(b) where, in the case of an individual service approval, the board finds that the public's interest in granting the revision clearly outweighs the interest of maintaining uniform board-approved USDOT curriculum, including revisions and/or statewide protocols; and

(c) where, in the opinion of the board, the revisions will provide adequate public health, safety and welfare protection.

AUTH: 50-6-203, MCA
IMP: 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE XIV because the board's statutory obligation to protect the public requires that it have a fair and speedy process by which curriculum and protocols can be modified to ensure that the highest standards of care are available to the public in Montana in any and all emergency situations.

NEW RULE XV SCOPE OF PRACTICE (1) An EMT or a student in an approved course may only provide advanced skills (skills above the EMT-B licensure level) when:

(a) under the direct supervision of the EMS medical director who is taking responsibility for the EMT or student's actions; or

(b) operating with an EMS and functioning under formal, written and board-approved standing orders or protocols.

(2) An EMT currently licensed and in good standing in another state may function during a state and/or federally managed incident under the basic life support protocols adopted by the board, but shall:

(a) limit the EMT's practice to the duration of the state and/or federally managed incident;

(b) practice within the geographic area, whether on federal, state or private land, designated as being within the state and/or federally managed incident;

(c) practice at the basic level, even if the EMT is licensed at a higher level in another state; and

(d) provide proof of current licensure and good standing in another state.

(3) In the event of a bio-terrorism attack in which chemical agents are used or suspected as being used, EMTs at all levels who are appropriately trained are authorized by the board to carry auto-injectors and administer them as instructed to themselves and any others.

AUTH: 50-6-203, MCA
IMP: 37-1-131, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE XV because 50-6-203, MCA, mandates that the board adopt rules relating to scope of practice. Previous rules were silent about scope of practice relating to performance during state and/or federal managed emergency disaster incidents. This rule also allows for exemptions with regard to scope of practice under specific and limited circumstances.

NEW RULE XVI MANAGEMENT OF INFECTIOUS WASTES (1) Each EMT licensed by the board shall store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA.

(2) Used sharps shall be properly packaged and labeled within the meaning of 75-10-1005, MCA, as required by the occupational safety and health administration (OSHA). If OSHA has no such requirements, the EMT shall place used sharps in a heavy, leak proof, puncture-resistant container and secure the lid with reinforced strapping tape. The container shall bear the words "used medical sharps" on a distinctive label taped or securely glued on the container.

AUTH: 50-6-203, MCA
IMP: 37-1-131, 50-6-203, MCA

REASON: There is reasonable necessity to adopt NEW RULE XVI in order to make the language that had appeared in the previous rule more technically correct. Because the board is proposing to repeal all previous rules and because this rule as it was drafted was medically-technically incorrect, it is necessary to adopt this new rule to correct the technical references.

6. The Board of Medical Examiners proposes to repeal the following rules:

24.156.1801 DEFINITIONS found at ARM pages 24-15501 through 15507.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, MCA

24.156.1802 EMERGENCY MEDICAL SERVICES BUREAU - DUTIES found at ARM pages 24-15507 and 24-15508.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, MCA

24.156.1803 APPLICATION - PROGRAM APPROVAL found at ARM page 24-15508.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, 50-6-205, MCA

24.156.1804 CANDIDATES - CERTIFICATION found at ARM page 24-15509.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, 50-6-205, MCA

24.156.1805 EQUIVALENCY found at ARM pages 24-15509 through 24-15511.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, 50-6-205, MCA

24.156.1806 SUSPENSION OR REVOCATION OF CERTIFICATION

found at ARM pages 24-15511 through 24-15513.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 37-1-131, 50-6-203, 50-6-204, 50-6-205, MCA

24.156.1807 MANAGEMENT OF INFECTIOUS WASTES found at ARM page 24-15513.

AUTH: 37-1-131, 50-6-203, 75-10-1006, MCA
IMP: 75-10-1006, MCA

24.156.1901 EMT-BASIC: ACTS ALLOWED found at ARM page 24-15551.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-204, MCA

24.156.1902 EMT-BASIC: COURSE REQUIREMENTS found at ARM pages 24-15551 and 24-15552.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, MCA

24.156.1903 EMT-BASIC: STUDENT PREREQUISITES found at ARM page 24-15552.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, MCA

24.156.1904 EMT-BASIC: CERTIFICATION found at ARM pages 24-15552 and 24-15553.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, MCA

24.156.1905 EMT-BASIC: RECERTIFICATION found at ARM page 24-15553.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, MCA

24.156.2001 EMT-ADVANCED: ACTS ALLOWED found at ARM pages 24-15581 and 24-15582.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-205, MCA

24.156.2002 EMT-ADVANCED: COURSE REQUIREMENTS found at ARM pages 24-15582 through 24-15585.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-205, MCA

24.156.2003 EMT-ADVANCED: STUDENT ELIGIBILITY found at

ARM page 24-15585.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-205, MCA

24.156.2004 EMT-ADVANCED: CERTIFICATION found at ARM page 24-15586.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, 50-6-205, MCA

24.156.2005 EMT-ADVANCED: RECERTIFICATION found at ARM page 24-15586.

AUTH: 50-6-203, MCA
IMP: 50-6-205, MCA

24.156.2011 EMT-DEFIBRILLATION: ACTS ALLOWED found at ARM page 24-15601.

AUTH: 50-6-203, MCA
IMP: 50-6-204, MCA

24.156.2012 EMT-DEFIBRILLATION: COURSE REQUIREMENTS found at ARM pages 24-15601 and 24-15602.

AUTH: 50-6-203, MCA
IMP: 50-6-204, MCA

24.156.2013 EMT-DEFIBRILLATION: STUDENT ELIGIBILITY found at ARM page 24-15602.

AUTH: 50-6-203, MCA
IMP: 50-6-204, MCA

24.156.2014 EMT-DEFIBRILLATION: CERTIFICATION found at ARM pages 24-15602 and 24-15603.

AUTH: 37-1-131, 50-6-203, MCA
IMP: 50-6-203, 50-6-204, MCA

REASON: There is reasonable necessity to repeal these rules because they are based on the outdated 1985 curriculum that no longer meets the medical needs of Montana patients in emergency situations. Advances in medical technology and protocols require that rules based on the 1999 USDOT curriculum be adopted in place of these repealed rules. The board also notes that it is proposing to repeal 21 existing rules and replace them with only 16 new rules.

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 the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513,

Helena, Montana 59620-0513, by facsimile to (406) 841-2363, or by e-mail to dlibsmed@state.mt.us, and must be received no later than 5:00 p.m., October 1, 2003.

8. An electronic copy of this Notice of Public Hearing is available through the Department's and Board's site on the World Wide Web at <http://discoveringmontana.com/dli/med>. 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 e-mail address does not excuse late submission of comments.

9. The Board of Medical Examiners 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 Medical Examiners administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2363, e-mailed to dlibsmed@state.mt.us, or may be made by completing a request form at any rules hearing held by the agency.

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

11. Anne O'Leary, attorney, has been designated to preside over and conduct the public hearings.

12. The Board of Medical Examiners will meet on November 21 and 22, 2003, at its offices, 301 South Park Avenue (fourth floor), Helena, Montana, during its regularly scheduled meeting, to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed rule changes. Members of the public are welcome to attend and listen to the Board's deliberations.

BOARD OF MEDICAL EXAMINERS
Anne M. Williams, M.D., CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State August 18, 2003

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

In the matter of the)
amendment of ARM 37.14.1002)
and 37.14.1003 pertaining to)
radiation general safety)
provisions)

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT

TO: All Interested Persons

1. On September 17, 2003, at 10:00 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice or provide reasonable accommodations at the public hearing site. If you need to request an accommodation, contact the department no later than 5:00 p.m. on September 8, 2003, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@state.mt.us.

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.14.1002 DEFINITIONS As used in this subchapter:

(1) remains the same.

~~(2)~~ (3) "Enabling switch or momentary switch" means an underwriters laboratory (UL) or factory mutual (FM) switch so constructed that a single depression by the operator will provide a single exposure and that continuous pressure by the operator does not provide a continuous or multiple exposure.

~~(3)~~ (2) "Diagnostic-type tube housing" means an x-ray tube housing so constructed that leakage radiation at a distance of one meter from the target cannot exceed 100 milliroentgens in one hour when the tube is operated at any of its specified ratings.

(4) through (22) remain the same.

AUTH: Sec. 50-79-201 and 75-3-201, MCA

IMP: Sec. 50-79-101, 50-79-102, 50-79-103 and 75-3-201,
MCA

37.14.1003 GENERAL SAFETY PROVISIONS (1) Diagnostic x-ray systems, for use on humans, and their associated components certified pursuant to the federal diagnostic x-ray standard

shall be maintained in compliance with applicable requirements of such standard as set forth in Title 21, Code of Federal Regulations 21 CFR, chapter I, subchapter J, as revised on April 1, 2003. The department may waive compliance with the specific requirements of this subchapter by an existing machine or installation if the registrant demonstrates, to the department's satisfaction, achievement through other means of radiation protection equivalent to that required by this chapter.

(2) through (4)(e) remain the same.

(5) The general shielding safety requirements are as follows:

~~(a) Before beginning construction of a new facility for the utilization of x rays for diagnostic or therapeutic purposes, or prior to the modification of any such facility, floor plans detailing proposed equipment arrangement and shielding precautions shall be submitted to a qualified expert.~~

~~(b) The qualified expert shall review the floor plans to determine whether the plans are consistent with NCRP Report No. 49, or its successor, whether the plans meet the requirements of Title 10, part 20 of the Code of Federal Regulations, and whether the plans meet the requirements of this subchapter.~~

~~(c) Within 30 days of reaching a determination that the floor plans meet the criteria stated in (5)(b), the qualified expert shall submit to the department a written report containing, at a minimum, the following information:~~

~~(i) name, address, and credentials of the qualified expert;~~

~~(ii) facility site name, address, and telephone number;~~

~~(iii) facility owner's name, address, and telephone number;~~

~~(iv) whether the report pertains to construction of a new facility, or modification of an existing facility;~~

~~(v) name and address of the manufacturer or facility from which the equipment was purchased;~~

~~(vi) the date of installation; and~~

~~(vii) the qualified expert's opinion that the proposed equipment arrangement and shielding precautions are consistent with NCRP Report No. 49 and No. 51, and are in compliance with the requirements of Title 10, part 20 of the Code of Federal Regulations, and the requirements of this subchapter.~~

~~(d) Each installation shall be provided with such primary protective barriers and/or secondary protective barriers as are necessary to assure compliance with ARM 37.14.705, 37.14.708 and 37.14.709. This requirement shall be deemed to be met if the thickness of such barriers are determined by a qualified expert to be consistent with NCRP Report No. 49 and No. 51.~~

(a) Before construction, the floor plans and equipment arrangement of medical installations (new or modifications of existing installations) utilizing x-rays for diagnostic or therapeutic purposes shall be submitted to a qualified expert for determination of shielding requirements consistent with National Council on Radiation Protection (NCRP) and Measurements Reports No. 49 and 51, and 10 CFR part 20, as revised on January 1, 2003.

(b) A letter shall be submitted by the qualified expert to the department within 30 days of the project completion. The letter must contain at least the following information:

- (i) name, address and credentials of the qualified expert;
- (ii) facility site name, address and telephone number;
- (iii) facility owner's name, address and telephone number;
- (iv) date of installation;
- (v) name and address of the manufacturer; or
- (vi) if a used or reconditioned device is installed, the name and address of the previous facility or the owner of origin.

(c) Each installation shall be provided with such primary protective barriers and/or secondary protective barriers as are necessary to assure compliance with ARM 37.14.705, 37.14.708 and 37.14.709. This requirement shall be deemed to be met if the thickness of such barriers are equivalent to those as computed by a qualified expert and are consistent with the NCRP Reports No. 49 and 51 and 10 CFR part 20, as revised on January 1, 2003.

(d) Lead barriers shall be ~~bounded~~ bonded to panels of rigid supporting material in such a manner that they will not sag or cold-flow because of their own weight and shall be protected against mechanical damage. Lead shielding less than one mm thick shall be bonded to panels of some rigid supporting material. The minimum allowable thickness of lead is 0.79mm (1/32 inches or two pounds per square foot).

(e) Joints between different kinds of protective materials shall be so designed that the overall protection afforded by the barrier is not impaired.

(f) Joints at the floor and ceiling shall be so designed that the overall protection is not impaired.

(g) Windows, window frames, doors, and door frames shall have the same lead equivalent as that required of the adjacent wall.

(h) Holes in protective barriers shall be covered so that overall protection is not impaired.

(6) For new and modified installations only, the following are minimum design requirements for medical x-ray machine operator booths in conjunction with ARM 37.14.1006, 37.14.1010, 37.14.1011, 37.14.1012, 37.14.1020, 37.14.1021 and 37.14.1022. The requirements specified under (6), (7), (8) and their subsections do not apply to podiatry and veterinary installations. The requirements specified under (6) through (6)(b)(iii), (6)(d) through (6)(f)(ii) do not apply to dental installations. See (7) and (8) for dental panoramic and cephalometric requirements.

(a) The operator shall be allotted 0.7 sq. meters (7.5 sq. ft.) or more of unobstructed floor space in the x-ray booths.

(i) The 0.7 sq. meters (7.5 sq. ft.) of minimum space specified under (6)(a) shall be a geometric configuration where no dimension is less than 61.0 centimeters (2.0 ft.).

(ii) The allotted space shall exclude an encumbrance by the console, such as an overhang, cables or other similar encroachment.

(iii) An extension of straight line drawn between any

point on the edge of the booth shielding and the nearest vertical edge of a vertical cassette holder, corner of the examination table or any part of the tube housing assembly shall not impinge on the unobstructed space.

(iv) The booth walls shall be 2.1 meters high (7.0 ft.) or more and shall be permanently fixed.

(v) When a door or moveable panel is used as the integral part of the booth structure, it must have a permissive device, which will prevent an exposure when the door panel is not closed.

(b) The operator's switch for the radiographic machine shall be fixed within the booth. The switch shall:

(i) be located so that it is impossible to make an exposure when the operator is outside of the protected area;

(ii) allow the operator to use the available viewing windows; and

(iii) be constructed so that a single depression by the operator will provide a single exposure and that continuous pressure by the operator does not provide a continuous or multiple exposure.

(c) Each booth shall have at least one viewing device, which shall:

(i) be placed so the operator can have full view of the entries into the room; and

(ii) be placed so that the operator can view the patient during exposure.

(d) When the viewing system is a window, the following requirements also apply:

(i) The window shall have a visible area of 930 square centimeters (1.0 square foot) or more; and

(ii) The glass shall have the same lead equivalence or more as that required in the booth's wall where the glass is mounted.

(e) When the viewing system is by mirrors, the mirrors shall be located to accomplish the general requirements under (6)(c).

(f) When the viewing system is by electronic means (for example, tv):

(i) the camera shall be located to accomplish the general requirements under (6)(c); and

(ii) there shall be an alternative viewing system as a backup for electronic failure.

(7) Dimensions of primary beam shielding shall exceed the largest possible beam size by 30.5 centimeters (1.0 foot) or more in every direction. Cephalometric primary beam shielding shall be deemed adequate if, for a maximum workload of 20 films a week, two-pound lead is installed (for occupied areas).

(8) A viewing device shall be present in dental panoramic and cephalometric x-ray installations, so that the requirements of (6)(c) are met.

(9) National Council on Radiation Protection and Measurements Reports No. 49 and 51, 10 CFR part 20, as revised on January 1, 2003 and 21 CFR, chapter I, subchapter J, as

revised on April 1, 2003, are incorporated into this chapter by this reference. The reports and CFR pertain to requirements for radiation protection and measurements. Copies of National Council on Radiation Protection and Measurements Reports No. 49 and 51, 10 CFR part 20 and 21 CFR, chapter I, subchapter J are available for viewing at the Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, Helena, MT.

AUTH: Sec. 50-79-201, 50-79-202, 50-79-204, 75-3-201 and 75-3-204, MCA

IMP: Sec. 50-79-101, 50-79-102, 50-79-103, 50-79-104, 50-79-105, 50-79-106, 50-79-107, 50-79-108, 50-79-201, 50-79-202, 50-79-203, 50-79-204 and 75-3-201, MCA

3. The primary purpose of ARM Title 37, chapter 14, is to regulate sources of radiation, including the use of x-ray systems for diagnostic and therapeutic purposes, and the protection of facility employees engaged in the operation of x-ray systems. The Department has become aware of concerns regarding the current rules expressed by healthcare providers, architects, radiological health physicists and radiation safety officers. Some of said concerns are that the current rules (as they pertain to the use of x-ray systems) are vague, difficult to understand, and provide little or no guidance regarding the general design of x-ray facilities (including shielding), appropriate reference materials, or desired training, experience, and credentials of persons qualified to determine compliance.

The Department has reviewed the current rules, and agrees with many of these criticisms. It is therefore necessary for the Department to amend the current rules in order to provide for better protection of facility personnel engaged in the operation of x-ray systems. In order to address the shortcomings of the current rules, the Department proposes to adopt the foregoing amendments to ARM 37.14.1002 and 37.14.1003.

The proposed amendments define certain professionals deemed to be of sufficient education and training to determine compliance with ARM Title 37, chapter 14, and require review of plans by said professionals prior to construction of new facilities or modification of current facilities. The proposed amendments also identify reference materials to which said professionals must refer, and state minimum specifications for shielding.

The alternatives are to either permit persons with a lesser level of education, training, or experience to perform said calculations, or to require a greater level of education, training and experience. Allowing persons with a lesser level of education, training, or experience to perform said calculations could result in a potential risk of Department approval of x-ray systems and facilities which do not adequately protect facility employees from exposure to radiation.

Requiring a greater level of education, training and experience could result in a situation where no professional within the state would have sufficient education, training and experience to satisfy the requirements of the rule.

The Department also proposes the designation of Title 10, part 20 of the Code of Federal Regulations as revised January 1, 2003, and the National Council on Radiation Protection and Measurements Reports No. 49 and No. 51 as appropriate measures of compliance with ARM Title 37, chapter 14. CFR Title 10, part 20, contains the federal standards for protection against ionizing radiation by which owners and operators of x-ray facilities are bound. NCRP Report No. 49, which provides guidance for low diagnostic energy photons, is the most current industry standard manual pertaining to radiation protection. Report No. 51 refers to the use of high therapeutic radiation.

Because facilities are already required to comply with CFR Title 10, part 20 and Title 21, chapter I, subchapter J, and because NCRP Reports No. 49 and 51 are the most current widely-accepted, comprehensive manuals available in this field, the alternatives to adoption of CFR Title 10, part 20 and NCRP Reports No. 49 and No. 51 would be to either not provide outside references to which qualified experts must refer, or to restate the entire contents of the federal rules and Reports No. 49 and No. 51 within ARM Title 37, chapter 14.

The result of not providing for outside references would be that no guidance would be provided to qualified experts pertaining to their determination of compliance with ARM Title 37, chapter 14, leaving a determination of compliance within the absolute discretion of the qualified expert. This, in turn, could lead to inconsistent interpretation and application of ARM Title 37, chapter 14. The result of restating the entirety of the applicable federal rules and Reports No. 49 and No. 51 in ARM Title 37, chapter 14, would be to dramatically increase the length of the state rules without any recognizable benefit or increase in safety to facility employees.

The Department also proposes specification of a minimum allowable thickness of lead shielding in ARM 37.14.1003. It is the Department's position that the proposed specifications provide for the minimum amount of shielding necessary to protect facility employees involved in the operation of x-ray systems. The alternatives are to not set a minimum thickness, to set a minimum thickness at a lesser level than specified in the proposed amendments, or to set a minimum thickness at a level greater than specified in the proposed amendments.

The result of not setting a minimum requirement is to leave the determination to the discretion of the facility or a qualified expert inspecting plans for the facility, which could result in inconsistent interpretation and application of ARM Title 37, chapter 14, and possibly in an inadequate level of protection of

facility employees. The result of setting a minimum thickness at a lesser level than specified in the proposed amendments would be to provide for an inadequate level of protection of facility employees. The result of setting a minimum thickness at a level greater than specified in the proposed amendments would be to increase the expense of construction without resulting in a measurable benefit to facility employees.

The proposed amendments to ARM Title 37, chapter 14, will neither increase nor decrease a monetary amount to which facilities affected by the proposed amendments pay or receive.

4. Interested persons may submit their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on September 25, 2003. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

5. The Office of Legal Affairs, Department of Public Health and Human Services has been designated to preside over and conduct the hearing.

Dawn Sliva
Rule Reviewer

John Chappuis for
Director, Public Health
and Human Services

Certified to the Secretary of State August 18, 2003.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 42.12.101,) ON PROPOSED AMENDMENT
42.12.106, and 42.12.111,)
relating to processing fees)
and fingerprinting requirements))
for liquor license applications)

TO: All Concerned Persons

1. On September 18, 2003, at 1:30 p.m., a public hearing will be held in the Fourth Floor Conference Room of the Sam W. Mitchell Building, at Helena, Montana, to consider the amendment of ARM 42.12.101, 42.12.106, and 42.12.111 relating to processing fees and fingerprint requirements for liquor license applications.

Individuals planning to attend the hearing shall enter the building through the east doors of the Sam W. Mitchell Building, 125 North Roberts, Helena, Montana.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue not later than 5:00 p.m., September 8, 2003, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 5805, Helena, Montana 59604-5805; telephone (406) 444-2855; fax (406) 444-3696; or e-mail canderson@state.mt.us.

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

42.12.101 APPLICATION FOR LICENSE (1) through (5) remain the same.

(6) The license application must include:

(a) the processing fee required for the applicable license as stated in ARM 42.12.111;

(b) a copy of the proposed agreement to transfer the interest in the license, if applicable;

(c) proof of possessory interest in the premises by the applicant;

(d) any required loan documents; ~~and~~

(e) a complete set of fingerprints, provided on the department's form FD-258 (obtained and certified by a local law enforcement agency, the department, or a private security company which has been approved by the department), for each person required to complete a personal history statement as specified by this rule; and

(f) any other documentation required to determine licensing or premises qualifications.

(7) remains the same.

AUTH: Sec. 16-1-303, MCA

IMP: Sec. 16-4-105, 16-4-201, 16-4-204, 16-4-220, 16-4-402, 16-4-414, and 16-4-502, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.12.101 because the 2003 legislature enacted 16-4-414, MCA, which requires fingerprints for applicants, managers, and individuals holding 10% or more stock, officers and directors of a corporation that is an applicant for a liquor license. The department is also adding 16-6-414, MCA, as an implementing cite for this rule.

42.12.106 DEFINITIONS The following definitions apply to this sub-chapter:

(1) through (18) remain the same.

~~(19) "Special event" as it relates to an application for a special beer and wine permit or the use of a catering endorsement means an out of the ordinary, infrequent occurrence which is short in duration and can be construed to be either a picnic, fair, convention, reception, civic or community enterprise, or sporting event lasting one or more consecutive days. A business promotion, with the exception of a grand opening for a new business, is not a special event. For example, a business year end inventory sale or a wine tasting at a special sale would not be considered a special event.~~

(20) through (22) remain the same but are renumbered (19) through (21).

AUTH: Sec. 16-1-303, MCA

IMP: Sec. 16-1-106, 16-3-311, 16-4-105, 16-4-205, 16-4-207, 16-4-301, 16-4-402, 16-4-404, 16-4-413, 16-4-420, and 16-4-423, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.12.106 to strike the definition for "special event" because it is now found in 16-1-106, MCA, and is no longer necessary in the rule.

42.12.111 PROCESSING FEES (1) The following are the fees to be charged for processing endorsement and license applications:

(a) through (e) remain the same.

(f) Restaurant beer/wine license ~~\$100~~ \$200

(g) through (4) remain the same.

(5) A fingerprint processing fee, in the amount indicated on the application form, must accompany each application.

AUTH: Sec. 16-1-303, MCA

IMP: Sec. 16-1-302, and 16-1-303, 16-4-414, and 16-4-420, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.12.111 because the 2003 legislature amended the law through Senate Bill 40 to allow the department to establish

the processing fee for restaurant beer/wine (RBW) licenses by rule. The department processes approximately 20 RBW licenses and the economic impact from this increase will be approximately \$2,000 annually.

This bill requires applicants to submit fingerprints that must be processed through the Montana Department of Justice and the Federal Bureau of Investigation (FBI). Each of those agencies has a processing fee that must be paid in advance of processing the fingerprints. The collective amount of those two charges will be stated on the department's application form and included in the application fees. The department will submit the appropriate amount to each agency with each set of fingerprints. None of those fees will be retained by the department so there will not be an economic impact to the department from this fingerprinting fee.

The department is adding two new implementing cites to this rule which address the processing fee for RBW and fingerprints.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to:

Cleo Anderson
Department of Revenue
Director's Office
P.O. Box 5805
Helena, Montana 59604-5805

and must be received no later than September 26, 2003.

5. Cleo Anderson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

6. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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.

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request,

which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding particular subject matter or matters. Such written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Linda M. Francis
LINDA M. FRANCIS
Director of Revenue

Certified to Secretary of State August 18, 2003

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

In the matter of the)
adoption of an emergency) NOTICE OF ADOPTION OF A
rule closing Placid Lake) TEMPORARY EMERGENCY RULE

TO: All Concerned Persons

1. The Fish, Wildlife and Parks Commission (commission) believes the following reasons justify the adoption of a temporary emergency rule:

(a) There is an immediate need for a source of water for aircraft dropping water on the Boulder/Rattlesnake fire and perhaps other fires. The use of the aircraft are part of Northern Rockies interagency fire management.

(b) The aircraft scoop and pump water while passing low and slow over the surface of a lake.

(c) If anyone is on the lake while one of the aircraft is loading water, there would be an immediate and extreme danger both to anyone on the lake, and to the crew of the aircraft.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied any other way, the commission intends to adopt the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will posted at the reservoir. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 16 of the 2003 Montana Administrative Register.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on August 25, 2003, to advise us of the nature of the accommodation that you need. Please contact Brandi Fisher, Fish, Wildlife and Parks, 1420 East Sixth Ave., P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456.

3. The temporary emergency rule is effective August 14, 2003.

4. The text of the temporary emergency rule provides as follows:

RULE I PLACID LAKE CLOSURE (1) Placid Lake is located in Missoula County south of the town of Seeley Lake.

(2) Placid Lake is closed to all boating, sailing, floating, and swimming and any other occupation of the surface of the lake.

(3) This rule is effective as long as Placid Lake is needed as a source of water for fighting wildfires. The commission delegates its authority to the department, in consultation with the commissioner in the region, to determine when Placid Lake is again safe for boating, sailing, floating, and swimming and any other occupation of the surface of the lake.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule will expire as soon as the department determines the reservoir is again safe for boating, sailing, floating and swimming and any other occupation of the surface of the lake. This will depend on the extent and duration of wildfires in the area. Signs restricting use of the reservoir will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Brandi Fisher, Fish, Wildlife and Parks, 1420 East Sixth Ave., P.O. Box 200701, Helena, MT 59620-0701 or email to brfisher@state.mt.us.

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 the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Ave., Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

9. The Environmental Quality Council has been notified of the adoption of this temporary emergency rule.

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

BY: /s/ M. Jeff Hagener
M. Jeff Hagener, Secretary
Fish, Wildlife and Parks
Commission

BY: /s/ Robert N. Lane
Robert N. Lane
Rule Reviewer

Certified to the Secretary of State August 14, 2003

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

In the matter of the)
repeal of an emergency) NOTICE OF REPEAL OF A
rule closing Placid Lake) TEMPORARY EMERGENCY RULE

TO: All Concerned Persons

1. On August 14, 2003, the Fish, Wildlife and Parks Commission (commission) adopted a temporary emergency rule closing Placid Lake. Aircraft used the surface of the lake to scoop and pump water for dropping on the Boulder/Rattlesnake fire. This situation constituted an imminent peril to the public health, safety, and welfare of anyone using the lake. Within the rule, the commission delegated its authority to the Department of Fish, Wildlife and Parks (department) to determine, in consultation with the commissioner in the region, when the reservoir was again safe for boating, sailing, floating and swimming and any other occupation of the surface of the lake. Notice of this rule action was published on August 28, 2003, at page 1874 of the 2003 Montana Administrative Register, Issue No. 16.

2. As of August 18, 2003, water is no longer being taken from Placid Lake by aircraft for fighting wildfires. The department now determines that Placid Lake in Missoula County is safe for boating, sailing, floating, and swimming and any other occupation of the surface of the lake and repeals the emergency rule.

3. This repeal of the temporary emergency rule is effective at noon on August 18, 2003.

BY: /s/ M. Jeff Hagener
M. Jeff Hagener, Director
Department of Fish, Wildlife
and Parks

BY: /s/ Robert N. Lane
Robert N. Lane
Rule Reviewer

Certified to the Secretary of State August 18, 2003

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

In the matter of the)
adoption of an emergency) NOTICE OF ADOPTION OF A
rule closing Nevada Lake) TEMPORARY EMERGENCY RULE

TO: All Concerned Persons

1. The Fish, Wildlife and Parks Commission (commission) believes the following reasons justify the adoption of a temporary emergency rule:

(a) There is an immediate need for a source of water for aircraft dropping water on the Helmsville fire and perhaps other fires. The use of the aircraft are part of Northern Rockies interagency fire management.

(b) The aircraft scoop and pump water while passing low and slow over the surface of a lake.

(c) If anyone is on the lake while one of the aircraft is loading water, there would be an immediate and extreme danger both to anyone on the lake, and to the crew of the aircraft.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied any other way, the commission intends to adopt the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at the reservoir. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 16 of the 2003 Montana Administrative Register.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on August 25, 2003, to advise us of the nature of the accommodation that you need. Please contact Brandi Fisher, Fish, Wildlife and Parks, 1420 East Sixth Ave., P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456.

3. The temporary emergency rule is effective August 18, 2003.

4. The text of the temporary emergency rule provides as follows:

RULE I NEVADA LAKE CLOSURE (1) Nevada Lake is located in Powell County.

(2) Nevada Lake is closed to all boating, sailing, floating, and swimming and any other occupation of the surface of the lake.

(3) This rule is effective as long as Nevada Lake is needed as a source of water for fighting wildfires. The commission delegates its authority to the department, in consultation with the commissioner in the region, to determine when Nevada Lake is again safe for boating, sailing, floating, and swimming and any other occupation of the surface of the lake.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule will expire as soon as the department determines the reservoir is again safe for boating, sailing, floating and swimming and any other occupation of the surface of the lake. This will depend on the extent and duration of wildfires in the area. Signs restricting use of the reservoir will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Brandi Fisher, Fish, Wildlife and Parks, 1420 East Sixth Ave., P.O. Box 200701, Helena, MT 59620-0701 or email to brfisher@state.mt.us.

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 the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Ave., Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

9. The Environmental Quality Council has been notified of the adoption of this temporary emergency rule.

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

BY: /s/ M. Jeff Hagener
M. Jeff Hagener, Secretary
Fish, Wildlife and Parks
Commission

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

Certified to the Secretary of State August 18, 2003

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

In the matter of the)
repeal of an emergency) NOTICE OF REPEAL OF A
rule closing Nevada Lake) TEMPORARY EMERGENCY RULE

TO: All Concerned Persons

1. On August 18, 2003, the Fish, Wildlife and Parks Commission (commission) adopted a temporary emergency rule closing Nevada Lake. The rule was effective on filing with the Secretary of State. Aircraft pilots planned to use the surface of the lake to scoop and pump water for dropping on the Helmsville fire. This situation constituted an imminent peril to the public health, safety, and welfare of anyone using the lake. Within the rule, the commission delegated its authority to the Department of Fish, Wildlife and Parks (department) to determine, in consultation with the commissioner in the region, when the reservoir was again safe for boating, sailing, floating and swimming and any other occupation of the surface of the lake. Notice of this rule action was published on August 28, 2003, at page 1878 of the 2003 Montana Administrative Register, Issue No. 16.

2. Shortly after this closure, a decision was made not to use the lake because it was too short to be safely used by aircraft as a source of water. The department now determines that Nevada Lake in Powell County is safe for boating, sailing, floating, and swimming and any other occupation of the surface of the lake and repeals the emergency rule.

3. This repeal of the temporary emergency rule is effective upon filing with the Secretary of State on August 18, 2003.

BY: /s/ M. Jeff Hagener
M. Jeff Hagener, Director
Department of Fish, Wildlife
and Parks

BY: /s/ Robert N. Lane
Robert N. Lane
Rule Reviewer

Certified to the Secretary of State August 18, 2003

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of ARM 8.56.409,) AND ADOPTION
8.56.413, 8.56.602A, 8.56.602B,)
8.56.602C and 8.56.607 pertaining)
to fee schedule, temporary)
permits, permits - practice)
limitations, course requirements)
for limited permit applicants,)
permit examinations, and permit)
fees, and the adoption of NEW)
RULE I, related to fee abatements)

TO: All Concerned Persons

1. On May 22, 2003, the Board of Radiologic Technologists published MAR Notice No. 8-56-27 regarding the public hearing on the proposed amendment and adoption of the above-stated rules at page 1033 of the 2003 Montana Administrative Register, issue no. 10.

2. A public hearing was held on June 27, 2003 to consider the proposed amendment and adoption. Only written comments were received prior to the close of the public comment period.

3. The Board has amended ARM 8.56.409, 8.56.413, 8.56.602B and 8.56.607 and adopted NEW RULE I (8.56.609) exactly as proposed.

4. The Board has amended ARM 8.56.602A and 8.56.602C as proposed but with the following changes, stricken matter interlined, new matter underlined:

8.56.602A PERMITS - PRACTICE LIMITATIONS (1) through (3) remain as proposed.

(4) A student of an ARRT ~~approved~~ recognized radiologic technologist program is allowed to perform procedures with portable fluoroscopy equipment (also known as c-arm), provided the student has submitted documentation to the board that:

(a) identifies the student as being enrolled in an ARRT ~~approved~~ recognized radiology program;

(b) through (d) remain as proposed.

(5) If a student of an ARRT ~~approved~~ recognized radiologic technologist program has completed the first two semesters of the program or its equivalent, as determined by the board, and has become a limited permit holder, that person may perform procedures while operating portable fluoroscopy equipment and may be compensated.

AUTH: 37-14-202, MCA
IMP: 37-14-301, 37-14-306, MCA

8.56.602C PERMIT EXAMINATIONS (1) through (6) remain as proposed.

(7) Student permit applications (two semesters or its equivalent in an ARRT ~~approved~~ recognized radiologic technologist program) who have failed the general examination twice must re-take the general examination plus all six category exams.

(8) Temporary permit applicants (ARRT ~~approved~~ recognized program graduates) who have failed the ARRT exam three times must take the general exam plus all six category exams.

(9) and (10) remain as proposed.

AUTH: 37-14-202, MCA
IMP: 37-14-306, MCA

5. The board received written comments and responds to those comments as follows:

COMMENT 1: The ARRT commented that it does not approve radiologic technologist programs, but that it recognizes programs that are accredited by certain accreditation entities.

RESPONSE 1: The Board has amended the rules to reflect the distinction made by the ARRT.

COMMENT 2: The ARRT noted that the bone densitometry equipment operators examination is merely administered by the ARRT, and passage of the operators examination does not result in any ARRT credential. The ARRT stated that the equipment operators examination is a completely separate examination from the ARRT's own post-primary examination in bone densitometry. The ARRT also stated that the equipment operators examination is not administered to ARRT candidates.

RESPONSE 2: The Board appreciates the clarification offered by the ARRT and will act accordingly.

BOARD OF RADIOLOGIC TECHNOLOGISTS
JOHN ROSENBAUM, CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State August 18, 2003.

16-8/28/03

Montana Administrative Register

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

In the matter of the proposed)
amendment of ARM 24.30.102)
and 24.30.107, relating to) NOTICE OF AMENDMENT
recording and reporting)
occupational injuries and)
illness)

TO: All Concerned Persons

1. On July 17, 2003, the Department of Labor and Industry published MAR Notice No. 24-30-170 regarding the proposed amendment of the above stated rules at page 1445, 2003 Montana Administrative Register, issue number 13.

2. A public hearing was held in Helena on August 8, 2003. No comments were received from members of the public, but agency personnel offered one comment. No written comments were received prior to the closing of the comment period on August 15, 2003.

3. After consideration of the comments, the Department has amended ARM 24.30.102 and 24.30.107 exactly as proposed.

4. The Department has thoroughly considered all of the comments made. The comment received, and the Department's response, are as follows:

Comment 1: Agency personnel commented that the new forms required by the amendment to ARM 24.30.107(1)(b) for recording and reporting occupational injuries should be implemented as of January 1, 2004 in order to be consistent with other calendar year recordkeeping requirements.

Response 1: The Department agrees and will implement use of the new form described in the amendment to ARM 24.30.107(1)(b) as of January 1, 2004.

/s/ KEVIN BRAUN
Kevin Braun,
Rule Reviewer

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: August 18, 2003.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF ADOPTION
of New Rule I (ARM 42.2.320))
relating to the administrative)
fee to repay the bond debt for)
the new computer system)

TO: All Concerned Persons

1. On July 17, 2003, the department published MAR Notice No. 42-2-718 regarding the proposed adoption of the above-stated rule relating to the administrative fee necessary to repay the bond debt to the Montana board of investments for the costs incurred to develop the new computer system for the department at page 1513 of the 2003 Montana Administrative Register, issue no. 13.

2. A public hearing was held on August 11, 2003, to consider the proposed adoption. No one appeared at the hearing and no written comments were received.

3. Therefore, the department adopts the above-stated rule as proposed.

4. An electronic copy of this Adoption Notice is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Adoption Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Linda M. Francis
LINDA M. FRANCIS
Director of Revenue

Certified to Secretary of State August 18, 2003

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF ADOPTION AND
adoption of New Rules I (ARM) AMENDMENT
42.19.405), II (ARM 42.19.406),)
III (ARM 42.18.127), and IV)
(ARM 42.19.503); and amendment)
of ARM 42.19.501, 42.19.506,)
42.20.102, and 42.20.105)
relating to property taxes)

TO: All Concerned Persons

1. On July 17, 2003, the department published MAR Notice No. 42-2-719 regarding the proposed adoption of the above-stated rules relating to property taxes at page 1516 of the 2003 Montana Administrative Register, issue no. 13.

2. A public hearing was held on August 11, 2003, to consider the proposed adoptions and amendments. No one appeared at the hearing to testify and no written comments were received. However, the department introduced an amendment to the title of New Rule III (ARM 42.18.127) as follows:

42.18.127 PROPERTY TAX FEE APPRAISAL REQUIREMENTS WHEN TAXPAYER DENIES THE DEPARTMENT ACCESS TO PROPERTY TO CONDUCT AN APPRAISAL AND/OR AUDIT (1) through (4) remain as proposed.
AUTH: Sec. 15-1-201 and 15-7-139, MCA
IMP: Sec. 15-7-139, MCA

3. The department adopts New Rules I (ARM 42.19.405), II (42.19.406), and IV (42.19.503); and amends ARM 42.19.501, 42.19.506, 42.20.102, and 42.20.105 as proposed. The department adopts New Rule III (42.18.127) with the amendment shown above.

4. An electronic copy of this Adoption Notice is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Adoption Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Linda M. Francis
LINDA M. FRANCIS
Director of Revenue

Certified to Secretary of State August 18, 2003

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of)	NOTICE OF ADOPTION,
of New Rules I (42.20.601),)	AMENDMENT, TRANSFER AND
II (42.20.701), III (42.20.610),)	AMENDMENT, AND REPEAL
and IV (42.20.750); amendment of)	
ARM 42.20.302 and 42.20.303;)	
transfer and amendment of ARM)	
42.20.134 (42.20.655), 42.20.139)	
(42.20.615), 42.20.141 (42.20.605),)	
42.20.142 (42.20.680), 42.20.143)	
(42.20.670), 42.20.144 (42.20.660),)	
42.20.145 (42.20.665), 42.20.146)	
(42.20.675), 42.20.147 (42.20.620),)	
42.20.148 (42.20.630), 42.20.149)	
(42.20.635), 42.20.150 (42.20.625),)	
42.20.152 (42.20.650), 42.20.153)	
(42.20.640), 42.20.159 (42.20.645),)	
42.20.160 (42.20.705), 42.20.162)	
(42.20.710), 42.20.164 (42.20.715),)	
42.20.165 (42.20.735), 42.20.166)	
(42.20.720), 42.20.167 (42.20.725),)	
42.20.168 (42.20.730), 42.20.169)	
(42.20.740), and 42.20.170)	
(42.20.745); and repeal of ARM)	
42.20.135, 42.20.140, 42.20.151,)	
42.20.154, 42.20.155, 42.20.157,)	
42.20.161, and 42.20.163 relating)	
to agricultural and forest land)	
properties)	

TO: All Concerned Persons

1. On July 17, 2003, the department published MAR Notice No. 42-2-717 regarding the proposed adoption, amendment, transfer and amendment, and repeal of the above-stated rules relating to agricultural and forest land properties at page 1464 of the 2003 Montana Administrative Register, issue no. 13.

2. A public hearing was held on August 7, 2003, to consider the proposed adoption, amendment, transfer and amendment, and repeal. Mary Whittinghill of the Montana Taxpayers Association attended the hearing but offered no oral comments. No written comments were received.

3. Two references were inadvertently shown for ARM 42.20.710. The correct rule number for transfer of ARM 42.20.170 is ARM 42.20.745. Therefore, the department adopts, amends, transfers and amends, and repeals the above-stated rules as proposed.

4. An electronic copy of this Adoption Notice is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Adoption Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Linda M. Francis
LINDA M. FRANCIS
Director of Revenue

Certified to Secretary of State August 18, 2003

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 42.31.131, 42.31.202,)
and 42.31.221 relating to)
cigarette and tobacco taxes)

TO: All Concerned Persons

1. On July 17, 2003, the department published MAR Notice No. 42-2-720 regarding the proposed amendment of the above-stated rules relating to cigarette and tobacco taxes at page 1527 of the 2003 Montana Administrative Register, issue no. 13.

2. A public hearing was held on August 13, 2003, to consider the proposed amendments. Mark Staples appeared on behalf of the Montana Wholesalers and Distributors Association. Mr. Staples offered two amendments to the rules and the department concurs with these amendments as shown below:

42.31.131 CIGARETTE TAX REFUNDS/DISTRIBUTIONS

(1) Cigarette tax refunds/distributions will be issued as provided in (2), (3) and (4). All cigarette TAX refunds will be calculated assuming a .83% discount rate unless documentation is provided supporting a higher discount rate.

(2) Refund claims by a cigarette manufacturer OR WHOLESALER must contain a notarized affidavit that:

(a) the cigarette tax refund claimed is for state of Montana cigarette tax insignia which are affixed to the unsalable cigarettes;

(b) credit or refund for the net cost of the tax insignia has been given to a Montana cigarette wholesaler; and

(3) through (6) remain as proposed.

AUTH: Sec. 16-11-103, MCA

IMP: Sec. 15-1-503, 16-11-112, and 16-11-156, MCA

3. Therefore, the department amends ARM 42.31.131 with the amendments shown above and amends ARM 42.31.202 and 42.31.221 as proposed.

4. An electronic copy of this Adoption Notice is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Adoption Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Linda M. Francis
LINDA M. FRANCIS
Director of Revenue

Certified to Secretary of State August 18, 2003

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF ADOPTION
of new rule I regarding)
requirements for filing)
trademark applications,)
renewals, and assignments)

TO: All Concerned Persons

1. On June 12, 2003, the Secretary of State published MAR Notice No. 44-2-121 regarding the proposed adoption of the above-stated rule at page 1183 of the 2003 Montana Administrative Register, Issue No. 11.

2. After considering the comments, the Secretary of State has adopted New Rule I, ARM 44.5.141 with the following changes (deleted matter stricken, new matter underlined):

NEW RULE I (44.5.141) REQUIREMENTS FOR FILING TRADEMARK APPLICATIONS, RENEWALS, AND ASSIGNMENTS (1) through (1)(b) remain as proposed.

(c) the information provided must include the class or classes that best describes the goods or services selected from the classes of goods and services available at www.sos.state.mt.us or at www.uspto.gov or from the secretary of state's office.

(2) The classes of goods and services used by the Montana secretary of state's office shall conform with ~~is adopted from~~ the United States patent and trademark office.

(3) through (3)(b)(ii) remain as proposed.

(4) The requirements for filing an assignment or statement of change of ownership or other instruments related to the mark are as follows:

(a) through (b) remain as proposed.

AUTH: 2-4-201, 30-13-311 and 31-13-331, MCA

IMP: 30-13-311 and 31-13-331, MCA

Comment 1:

Robert Griffin, Attorney with Crowley, Haughey, Hanson, Toole & Dietrich law firm, provided language changes in sections (1), (2) and (4) to better reflect the intent of the law.

Response 1:

The Secretary of State agrees and has amended the rule accordingly.

Comment 2:

Robert Griffin, Attorney with Crowley, Haughey, Hanson, Toole & Dietrich law firm, suggested that (3)(b)(i) and (ii) be deleted because the information is already provided under the registration of a mark.

Response 2:

The Secretary of State believes the information provided in (3)(b)(i) and (ii) provides useful guidance for those who need to renew trademarks. House Bill 323 requires them to use the new list of goods and services which conforms with the United States patent and trademark office.

/s/ Bob Brown
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 18th day of August, 2003.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the repeal)	NOTICE OF REPEAL,
of ARM 44.6.101 Uniform)	AMENDMENT, AND ADOPTION
Commercial Code Filing Fees,)	
44.6.102 UCC Refiling Fees,)	
44.6.107 Agriculture Filing)	
Fees, the amendment of ARM)	
44.6.104 Federal Tax Lien)	
Fees, 44.6.105 UCC Filing)	
Fees, 44.6.110 Title 71 Lien)	
Requirements, and the)	
adoption of new rules I)	
through V regarding UCC)	
Filings, Farm Bill Master)	
List, and On-line UCC Lien)	
Filings)	

TO: All Concerned Persons

1. On June 12, 2003, the Secretary of State published MAR Notice No. 44-2-119 regarding the proposed repeal, amendment and adoption of the above-stated rules at page 1170 of the 2003 Montana Administrative Register, Issue No. 11.

2. After considering the comments, the Secretary of State has repealed ARM 44.6.101, 44.6.102 and 44.6.107 with the following changes (deleted matter stricken, new matter underlined):

44.6.101 FEES FOR FILING NEW UNIFORM COMMERCIAL CODE SECURED TRANSACTIONS DOCUMENTS COVERING AGRICULTURAL PROPERTY

AUTH: ~~30-9A-502~~ 30-9A-525 and 30-9A-526, MCA
IMP: 30-9A-502, MCA

44.6.102 FEES FOR REFILING EXISTING UNIFORM COMMERCIAL CODE SECURED TRANSACTIONS DOCUMENTS COVERING AGRICULTURAL PROPERTY

AUTH: ~~30-9A-501~~ 30-9A-525 and 30-9A-526, MCA
IMP: 30-9A-501, MCA

44.6.107 FEES FOR FILING AGRICULTURAL LIENS

AUTH: ~~30-9A-502~~ 30-9A-525 and 30-9A-526, MCA
IMP: 30-9A-502 and 71-3-125, MCA

3. After considering the comments, the Secretary of State has amended ARM 44.6.104 and 44.6.105 exactly as proposed, and has amended 44.6.110 with the following changes (deleted matter stricken, new matter underlined):

44.6.110 DEFINITIONS AND FORMAT REQUIREMENTS FOR THE FILING OF A TITLE 71 LIEN (1) A Title 71 lien filing includes:

- (a) farm laborer's liens;
- (b) thresher's liens;
- (c) crop liens for seed or grain;
- (d) hail insurance liens; and
- (e) spraying and dusting liens.

(2) Requirements for filing the notice of a Title 71 lien are as follows:

- (a) through (g) remain as proposed.

AUTH: 30-9A-526, MCA

IMP: 30-9A-502, MCA

4. After considering the comments, the Secretary of State has adopted RULE I, ARM 44.6.108; RULE II, ARM 44.6.111; RULE III, ARM 44.6.109; RULE IV, ARM 44.6.112 exactly as proposed; and has adopted RULE V, ARM 44.6.113 with the following changes (deleted matter stricken, new matter underlined):

RULE V (44.6.113) DEFINITIONS AND REQUIREMENTS FOR ON-LINE FILING (1) through (9) remain as proposed.

(a) the requirements set forth under Title 30, chapter 9A, MCA; ~~and or~~

- (b) through (14) remain as proposed.

AUTH: 30-9A-526, MCA

IMP: 30-9A-502 and 71-3-125, MCA

5. The Secretary of State has thoroughly considered all of the comments received. A summary of the comments and the Secretary of State's responses are as follows:

GENERAL COMMENTS:

Comment 1: Bob Pyfer, Senior Vice President and General Counsel for the Montana Credit Union Association supported the proposals and noted that it was a good idea to clarify the rules.

Response 1: The Secretary of State appreciates the comments.

Comment 2: John MacMaster, Legislative Counsel, advised that a more appropriate authority for the repealed rules is 30-9A-525 and 30-9A-526, MCA.

Response 2: The Secretary of State agrees and has amended the cites accordingly.

Comment 3: Bob Pyfer, Senior Vice President and General Counsel for the Credit Union Association requested some

clarification of the Title 71 liens so that agricultural crops would be included.

Response 3: The Secretary of State agrees with the recommendation and has amended ARM 44.6.110 accordingly.

Comment 4: Bob Pyfer, Senior Vice President and General Counsel for the Credit Union Association requested that the 'and' be changed to 'or' in section (9)(a) of New Rule V, to clarify that a customer does not have to file both lien documents in order to complete an on-line filing.

Response 4: The Secretary of State agrees and has amended the rule accordingly.

/s/ Bob Brown
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 18th day of August, 2003.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

and

- ▶ Office of Economic Development.

Education and Local Government Interim Committee:

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

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

- ▶ Department of Public Health and Human Services.

Law and Justice Interim Committee:

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

Energy and Telecommunications Interim Committee:

- ▶ Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

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

State Administration, and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2003. This table includes those rules adopted during the period July 1, 2003 through September 30, 2003 and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2003, 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 2002 and 2003 Montana Administrative Registers.

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

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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 July 2003, appear. Vacancies scheduled to appear from September 1, 2003, through November 30, 2003, 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 August 6, 2003.

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 JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Abstinence Education Advisory Council (Public Health and Human Services)			
Sen. Sherm Anderson	Governor	not listed	7/16/2003
Deer Lodge			3/11/2004
Qualifications (if required): legislator			
Aging Advisory Council (Public Health and Human Services)			
Ms. Wesleta Branstetter	Governor	reappointed	7/31/2003
Billings			7/18/2006
Qualifications (if required): public member			
Ms. Eloise England	Governor	reappointed	7/31/2003
Heart Butte			7/18/2006
Qualifications (if required): public member			
Mr. George Erickson	Governor	Feller	7/31/2003
Great Falls			7/18/2006
Qualifications (if required): public member			
Board of Athletics (Labor and Industry)			
Mr. Don Vegge	Governor	Vandolah	7/8/2003
Billings			4/25/2006
Qualifications (if required): public member			
Board of Crime Control (Justice)			
Sen. Mack Cole	Governor	Keenan	7/1/2003
Forsyth			1/1/2005
Qualifications (if required): public member			
Mr. Dwight MacKay	Governor	Bookout-Reinicke	7/1/2003
Billings			1/1/2007
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Crime Control (Justice) cont.			
Mr. Jim Oppedahl Helena	Governor	McCarter	7/1/2003 1/1/2005
Qualifications (if required): public member			
Ms. Margaret (Peg) Shea Missoula	Governor	Gray	7/1/2003 1/1/2005
Qualifications (if required): public member			
Board of Directors of the Montana Consensus Council (not listed)			
Ms. Anne Hedges Helena	Minority Leader	not listed	7/2/2003 0/0/0
Qualifications (if required): none specified			
Sen. Bob Keenan Bigfork	Senate President	not listed	7/2/2003 0/0/0
Qualifications (if required): none specified			
Rep. Monica J. Lindeen Huntley	Minority Leader	not listed	7/2/2003 0/0/0
Qualifications (if required): none specified			
Board of Funeral Service (Labor and Industry)			
Mr. Douglas D. Lowry Big Timber	Governor	reappointed	7/9/2003 7/1/2008
Qualifications (if required): mortician			
Board of Hearing Aid Dispensers (Labor and Industry)			
Dr. Paul J. Byorth Billings	Governor	reappointed	7/10/2003 7/1/2007
Qualifications (if required): otolaryngologist			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Hearing Aid Dispensers (Labor and Industry) cont.			
Ms. Beckie Hoffmann Butte	Governor	reappointed	7/10/2003 7/1/2007
Qualifications (if required): hearing aid dispenser with no masters			
Ms. Barbara Tamietti Stockett	Governor	Tash	7/10/2003 7/1/2007
Qualifications (if required): public member			
Mr. Steve Wilson Helena	Governor	Burk	7/10/2003 7/1/2007
Qualifications (if required): hearing aid dispenser with no masters			
Board of Pharmacy (Labor and Industry)			
Ms. Colette Bernica Great Falls	Governor	reappointed	7/9/2003 7/1/2008
Qualifications (if required): public member			
Board of Professional Engineers and Land Surveyors (Labor and Industry)			
Mr. Haley Beaudry Butte	Governor	reappointed	7/7/2003 7/1/2007
Qualifications (if required): professional engineer			
Mr. Vic Cundy Bozeman	Governor	Scarrah	7/7/2003 7/1/2007
Qualifications (if required): professional engineer involved in teaching engineering			
Ms. Paulette Ferguson Missoula	Governor	reappointed	7/7/2003 7/1/2007
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Professional Engineers and Land Surveyors (Labor and Industry) cont.			
Mr. James Hahn Billings	Governor	Allen	7/7/2003 7/1/2007
Qualifications (if required): professional surveyor			
Board of Public Accountants (Labor and Industry)			
Mr. Thomas Shea Bozeman	Governor	Stover	7/16/2003 7/1/2008
Qualifications (if required): certified public accountant			
Board of Radiologic Technologists (Labor and Industry)			
Mr. Thomas A. Carter Shelby	Governor	Christman	7/1/2003 7/1/2006
Qualifications (if required): radiologic technologist			
Board of Research and Commercialization (Commerce)			
Mr. John Youngberg Bozeman	Governor	Spalinger	7/17/2003 7/1/2005
Qualifications (if required): public member			
Board of Sanitarians (Board of Sanitarians)			
Ms. Denise Moldroski Livingston	Governor	reappointed	7/1/2003 7/1/2006
Qualifications (if required): registered sanitarian			
Board of Veterinary Medicine (Labor and Industry)			
Dr. Jean Lindley Miles City	Governor	reappointed	7/31/2003 7/31/2008
Qualifications (if required): veterinarian			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Water Well Contractors (Natural Resources and Conservation)			
Mr. Kevin Haggerty Bozeman	Governor	not listed	7/30/2003 7/1/2006
Qualifications (if required): water well contractor			
Coal Board (Commerce)			
Mr. Jim Smitham Butte	Governor	Sutton	7/14/2003 1/1/2007
Qualifications (if required): representative of business and District 2			
Commission on Community Service (Labor and Industry)			
Ms. Nancy Coopersmith Helena	Governor	reappointed	7/15/2003 7/1/2006
Qualifications (if required): representative of K-12 education			
Mr. George Dennison Missoula	Governor	reappointed	7/15/2003 7/1/2006
Qualifications (if required): representative of higher education			
Mr. Donald Kettner Glendive	Governor	reappointed	7/15/2003 7/1/2006
Qualifications (if required): representative of private citizens			
Major John Walsh Helena	Governor	reappointed	7/15/2003 7/1/2006
Qualifications (if required): representative of Military Affairs			
Committee on Telecommunications Access Services (Public Health and Human Services)			
Mr. David Davis Great Falls	Governor	Eck	7/2/2003 7/1/2006
Qualifications (if required): non-disabled senior citizen			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Committee on Telecommunications Access Services (Public Health and Human Services) cont.			
Mr. Gary Duncan Helena	Governor	reappointed	7/2/2003 7/1/2006
Qualifications (if required): representative of the largest local exchange company in the state of Montana			
Ms. Lynn Harris Missoula	Governor	reappointed	7/2/2003 7/1/2006
Qualifications (if required): audiologist			
Ms. Christy Keto Havre	Governor	McGree	7/2/2003 7/1/2006
Qualifications (if required): representative of an interLATA interexchange carrier			
Economic Development Advisory Council (Commerce)			
Mr. Jim Atchison Colstrip	Governor	not listed	7/23/2003 7/23/2006
Qualifications (if required): public member			
Ms. Kathie Bailey Lewistown	Governor	not listed	7/23/2003 7/23/2005
Qualifications (if required): public member			
Mr. Evan Barrett Butte	Governor	not listed	7/23/2003 7/23/2004
Qualifications (if required): public member			
Mr. Steve Holland Bozeman	Governor	not listed	7/23/2003 7/23/2006
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Economic Development Advisory Council (Commerce) cont.			
Ms. Jane Karas Kalispell	Governor	not listed	7/23/2003 7/23/2006
Qualifications (if required):	public member		
Mr. James Klessans Joliet	Governor	not listed	7/23/2003 7/23/2005
Qualifications (if required):	public member		
Ms. Erin Lutts Glendive	Governor	not listed	7/23/2003 7/23/2006
Qualifications (if required):	public member		
Mr. Tony Rudbach Missoula	Governor	not listed	7/23/2003 7/23/2004
Qualifications (if required):	public member		
Mr. Mark Sansaver Wolf Point	Governor	not listed	7/23/2003 7/23/2006
Qualifications (if required):	tribal government representative		
Mr. Mark A. Simonich Helena	Governor	not listed	7/23/2003 7/23/2005
Qualifications (if required):	director of the Department of Commerce		
Mr. Paul Tuss Havre	Governor	not listed	7/23/2003 7/23/2004
Qualifications (if required):	public member		
Ms. Linda Twitchell Wolf Point	Governor	not listed	7/23/2003 7/23/2005
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Economic Development Advisory Council (Commerce) cont.			
Ms. Anita Varone	Governor	not listed	7/23/2003
Helena			7/23/2004
Qualifications (if required): public member			
Ms. Elaina Zempel	Governor	not listed	7/23/2003
Conrad			7/23/2004
Qualifications (if required): public member			
Electronic Government Advisory Council (Administration)			
Mr. M. Jeff Hagener	Governor	reappointed	7/23/2003
Helena			6/18/2005
Qualifications (if required): representative of a state agency			
Ms. Wendy Keating	Governor	Galt	7/23/2003
Helena			6/18/2005
Qualifications (if required): representative of a state agency			
Mr. Christian Mackay	Governor	Gianforte	7/23/2003
Billings			6/18/2005
Qualifications (if required): public member			
Mr. James E. Reno	Governor	reappointed	7/23/2003
Billings			6/18/2005
Qualifications (if required): representative of local government			
Mr. Gene Vuckovich	Governor	reappointed	7/23/2003
Anaconda			6/18/2005
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Energy Consumer Protection Task Force (Governor's Office)			
Mr. John Alke Helena	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Mr. Bill Drummond Missoula	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Mr. John Hines Helena	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Rep. Alan Olson Roundup	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Mr. Thomas Power Missoula	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Mr. Bob Rowe Missoula	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Sen. Chuck Swysgood Helena	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		
Mr. Michael Uda Helena	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Energy Consumer Protection Task Force (Governor's Office) cont.			
Mr. David Wheelihan Great Falls	Governor	not listed	7/30/2003 7/30/2004
Qualifications (if required): public member			
Governor's Public Health Care Advisory Council (Public Health and Human Services)			
Ms. Tanya Ask Helena	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of the insurance industry			
Mr. Bob Bartholomew Helena	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of senior citizens			
Ms. Mary Caferro Helena	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): public member			
Rep. Edith J. Clark Sweet Grass	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of the legislature			
Ms. Twila Costigan Helena	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): consumer			
Ms. June Hermanson Billings	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): consumer			
Ms. Rose Hughes Helena	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of long term care			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Public Health Care Advisory Council (Public Health and Human Services) cont.			
Rep. Dan Hurwitz White Sulphur Springs	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of the legislature			
Rep. Betty Lou Kasten Brockway	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): public member			
Mr. James Kiser Butte	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of hospitals			
Dr. R.D. Marks Missoula	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): physician			
Dr. Gary Mihelish Helena	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): dentist			
Mr. John Pipe Poplar	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of Native Americans			
Rep. Trudi Schmidt Great Falls	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of the legislature			
Rep. Loren Soft Billings	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of chemical dependency			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Public Health Care Advisory Council (Public Health and Human Services) cont.			
Dr. Patsy Vargo Conrad	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of rural health			
Mr. Jonathan Windy Boy Box Elder	Governor	not listed	7/10/2003 12/31/2004
Qualifications (if required): representative of the legislature			
Grant Review Committee (Governor's Office)			
Ms. Jody Brandt Helena	Governor	not listed	7/17/2003 6/30/2007
Qualifications (if required): representative of the Department of Revenue			
Ms. Ingrid Childress Helena	Governor	not listed	7/17/2003 6/30/2007
Qualifications (if required): representative of the Department of Labor and Industry			
Mr. Dave Gibson Helena	Governor	not listed	7/17/2003 6/30/2007
Qualifications (if required): representative of the Governor's Office			
Mr. John Kramer Great Falls	Governor	not listed	7/17/2003 6/30/2007
Qualifications (if required): representative of the private sector representing economic development			
Mr. Joe McClure Billings	Governor	not listed	7/17/2003 6/30/2007
Qualifications (if required): representative of the private sector representing economic development			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
HIV/AIDS Advisory Council (Public Health and Human Services)			
Ms. Tonya Santoro Helena	Governor	Sherratt	7/16/2003 11/26/2004
Qualifications (if required): student representative			
Information Technology Board (Administration)			
Ms. Linda Francis Helena	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of a state agency			
Ms. Gail Gray Helena	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of a state agency			
Mr. William Kennedy Billings	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of local government			
Mr. Mike McGrath Helena	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of a state agency			
Ms. Jan Sensibaugh Helena	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of a state agency			
Ms. Mary Sexton Choteau	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of local government			
Mr. Bill Slaughter Helena	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of a state agency			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Information Technology Board (Administration) cont.			
Mr. Mike Strand Helena	Governor	not listed	7/25/2003 0/0/0
Qualifications (if required): representative of private sector			
Interagency Coordinating Council for State Prevention Programs (Public Health and Human Services)			
Mr. Marko Lucich Butte	Governor	Counts	7/8/2003 7/1/2005
Qualifications (if required): representative of prevention programs and services			
Mr. William Snell Billings	Governor	reappointed	7/8/2003 7/1/2005
Qualifications (if required): representative of prevention programs and services			
Judicial Standards Commission (Justice)			
Ms. Patty Jo Henthorn Big Timber	Governor	reappointed	7/25/2003 7/1/2007
Qualifications (if required): public member			
Judge Edward P. McLean Missoula	elected	not listed	7/1/2003 6/30/2007
Qualifications (if required): none specified			
Mental Disabilities Board of Visitors (Governor's Office)			
Ms. Cindy Dolan Great Falls	Governor	reappointed	7/9/2003 7/1/2005
Qualifications (if required): consumer of mental health services			
Ms. Kathleen Driscoll Donovan Hamilton	Governor	reappointed	7/9/2003 7/1/2005
Qualifications (if required): consumer representative			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Mental Disabilities Board of Visitors (Governor's Office) cont.			
Ms. Gay Moddrell Kalispell	Governor	reappointed	7/9/2003 7/1/2005
Qualifications (if required): consumer of developmental disabilities services			
Montana Consensus Council (Administration)			
Ms. Phyllis Denton Dillon	Governor	not listed	7/8/2003 7/1/2005
Qualifications (if required): public member			
Mr. LeRoy Not Afraid Crow Agency	Governor	not listed	7/8/2003 7/1/2005
Qualifications (if required): public member			
Mr. Jon Sesso Butte	Governor	not listed	7/8/2003 7/1/2005
Qualifications (if required): public member			
Dr. Nelson Wert Townsend	Governor	not listed	7/8/2003 7/1/2005
Qualifications (if required): public member			
Montana Cooperative Agricultural Pest Survey Advisory Council (Agriculture)			
Mr. Gary Adams Helena	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): USDA APHIS PPQ			
Mr. Steve Baril Helena	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): Montana Department of Agriculture			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Cooperative Agricultural Pest Survey Advisory Council (Agriculture) cont.			
Ms. Sue Blodgett Bozeman	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): Montana State University Extension Service			
Ms. Holly Brosten Kalispell	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): Montana Grain Growers Association			
Ms. Robin Childers Missoula	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): Montana Nursery and Landscape Association			
Mr. Greg Denitto Missoula	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): USDA Forest Service			
Mr. Jack Lake Ronan	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): Montana Potato Improvement Association			
Mr. Bob Peterson Bozeman	Director	not listed	7/1/2003 7/1/2005
Qualifications (if required): Montana State University			
Montana Historical Society Board of Trustees (Historical Society)			
Dr. Thomas A. Foor Missoula	Governor	reappointed	7/9/2003 7/1/2008
Qualifications (if required): archeologist			
Mr. William M. Holt Lolo	Governor	reappointed	7/9/2003 7/1/2008
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Historical Society Board of Trustees (Historical Society) cont.			
Ms. Sharon Lincoln Billings	Governor	McCarthy	7/9/2003 7/1/2008
Qualifications (if required): public member			
Montana Mint Committee (Agriculture)			
Mr. Ken Smith Kalispell	Governor	reappointed	7/1/2003 7/1/2006
Qualifications (if required): mint grower			
Motorcycle Safety Advisory Committee (Board of Regents)			
Mr. Ladd Paulson Billings	Governor	reappointed	7/1/2003 7/1/2007
Qualifications (if required): peace officer			
Mr. Dal Smilie Helena	Governor	reappointed	7/1/2003 7/1/2007
Qualifications (if required): representative of a motorcycle riding group			
Petroleum Tank Release Compensation Board (Environmental Quality)			
Mr. Terry Cosgrove Helena	Governor	Sharon	7/25/2003 6/30/2006
Qualifications (if required): public member			
Mr. Frank Schumacher Great Falls	Governor	Hornbacher	7/25/2003 6/30/2006
Qualifications (if required): service station dealer			
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks)			
Mr. George Bettas Stevensville	Governor	Gustafson	7/1/2003 6/30/2005
Qualifications (if required): sportsman			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks) cont.			
Mr. Don Bothwell Kalispell Qualifications (if required): sportsman	Governor	Dunn	7/1/2003 6/30/2005
Mr. Jamie Byrne Ekalaka Qualifications (if required): outfitter	Governor	Noble	7/1/2003 6/30/2005
Ms. Darlyne Dascher Fort Peck Qualifications (if required): landowner	Governor	not listed	7/1/2003 6/30/2005
Sen Ken "Kim" Hansen Harlem Qualifications (if required): legislator	Governor	McNutt	7/1/2003 6/30/2005
Rep. Michael Lange Billings Qualifications (if required): legislator	Governor	Clark	7/1/2003 6/30/2005
Ms. Donna McDonald Alder Qualifications (if required): outfitter	Governor	Billing	7/1/2003 6/30/2005
Mr. Michael Nathe Redstone Qualifications (if required): landowner	Governor	reappointed	7/1/2003 6/30/2005
Mr. Thomas Pugrud Winnett Qualifications (if required): landowner	Governor	Hougen	7/1/2003 6/30/2005

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Private Land/Public Wildlife Advisory Council (Fish, Wildlife, and Parks) cont.			
Mr. Vito Quatraro Bozeman	Governor	Rademacher	7/1/2003 6/30/2005
Qualifications (if required): sportsman			
Mr. Jack Rich Seeley Lake	Governor	Wilkinson	7/1/2003 6/30/2005
Qualifications (if required): outfitter			
Ms. Mary Jo Ridgeway Miles City	Governor	Lorenz	7/1/2003 6/30/2005
Qualifications (if required): sportswoman			
Mr. Craig Roberts Lewistown	Governor	Dart	7/1/2003 6/30/2005
Qualifications (if required): landowner and a sportsman			
Mr. Paul Roos Ovando	Governor	reappointed	7/1/2003 6/30/2005
Qualifications (if required): outfitter			
Mr. Todd Tash Dillon	Governor	Marxer	7/1/2003 6/30/2005
Qualifications (if required): landowner			
Mr. Dan Walker Billings	Governor	reappointed	7/1/2003 6/30/2005
Qualifications (if required): member of the Fish, Wildlife, and Parks Commission			
State Banking Board (Administration)			
Mr. Robert J. Gersack Billings	Governor	reappointed	7/1/2003 7/1/2006
Qualifications (if required): state bank officer of a large size bank			

BOARD AND COUNCIL APPOINTEES FROM JULY 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Banking Board (Administration) cont.			
Mr. Russ Ritter Helena	Governor	Skelton	7/1/2003 7/1/2006
Qualifications (if required): public member			
State Electrical Board (Labor and Industry)			
Mr. Burl French Kalispell	Governor	Stoddard	7/9/2003 7/1/2008
Qualifications (if required): licensed electrician			
Teachers' Retirement Board (Administration)			
Mr. Scott A. Dubbs Lewistown	Governor	reappointed	7/31/2003 7/1/2008
Qualifications (if required): teaching profession and a member of the retirement system			
Telecommunications Access Services (Public Health and Human Services)			
Mr. Eric Eck Helena	Governor	reappointed	7/2/2003 7/1/2006
Qualifications (if required): representative of the Montana Public Service Commission			

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Medical Examiners (Commerce) Dr. Faust Alvarez, Helena Qualifications (if required): doctor of medicine	Governor	9/1/2003
Board of Outfitters (Commerce) Mr. Raymond Rugg, Superior Qualifications (if required): hunting and fishing outfitter	Governor	10/1/2003
Mr. Richard Pasquale, Cascade Qualifications (if required): fishing outfitter	Governor	10/1/2003
Board of Psychologists (Commerce) Dr. Marian Martin, Billings Qualifications (if required): psychologist	Governor	9/1/2003
Department of Corrections Advisory Council (Corrections) Rep. Dorothy Bradley, Bozeman Qualifications (if required): public member	Governor	11/13/2003
Rev. Steven Rice, Miles City Qualifications (if required): public member	Governor	11/13/2003
Sen. Royal C. Johnson, Billings Qualifications (if required): public member	Governor	11/13/2003
Mr. Dennis McCave, Billings Qualifications (if required): public member	Governor	11/13/2003
Rep. Jim Shockley, Victor Qualifications (if required): public member	Governor	11/13/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Department of Corrections Advisory Council (Corrections) cont.		
Sen. Tom Zook, Miles City Qualifications (if required): public member	Governor	11/13/2003
Sen. Bill Tash, Dillon Qualifications (if required): public member	Governor	11/13/2003
Lt. Gov. Karl Ohs, Harrison Qualifications (if required): public member	Governor	11/13/2003
Ms. Deborah Kim Christopher, Polson Qualifications (if required): public member	Governor	11/13/2003
Rep. Steve Gallus, Butte Qualifications (if required): public member	Governor	11/13/2003
Rep. Carol C. Juneau, Browning Qualifications (if required): public member	Governor	11/13/2003
Mr. Stewart Stadler, Whitefish Qualifications (if required): public member	Governor	11/13/2003
Mr. Bill Furois, East Helena Qualifications (if required): public member	Governor	11/13/2003
Ms. Gloria Edwards, Bozeman Qualifications (if required): public member	Governor	11/13/2003
Ms. Leah Acord, Bozeman Qualifications (if required): public member	Governor	11/13/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Department of Corrections Advisory Council (Corrections) cont. Dr. Pat McGree, Butte Qualifications (if required): public member	Governor	11/13/2003
Mr. Tony Pfaff, Deer Lodge Qualifications (if required): public member	Governor	11/13/2003
Mr. Tom Blaz, Anaconda Qualifications (if required): public member	Governor	11/13/2003
Mr. Dick Boutillier, Great Falls Qualifications (if required): public member	Governor	11/13/2003
Ms. Lindsay Clodfelter, Missoula Qualifications (if required): public member	Governor	11/13/2003
Mr. Marty Lambert, Bozeman Qualifications (if required): public member	Governor	11/13/2003
Mr. Allan Underdal, Shelby Qualifications (if required): public member	Governor	11/13/2003
Historical Preservation Review Board (Montana Historical Society) Ms. Kathy Doeden, Miles City Qualifications (if required): public member	Governor	10/1/2003
Mr. Chris King, Winnett Qualifications (if required): public member	Governor	10/1/2003
Ms. Germaine White, St. Ignatius Qualifications (if required): public member	Governor	10/1/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Lewis and Clark Bicentennial Commission (Historical Society)		
Mr. John G. Lepley, Fort Benton Qualifications (if required): public member	Governor	10/1/2003
Ms. Kathy Doeden, Miles City Qualifications (if required): public member	Governor	10/1/2003
Mr. Darrell Martin, Hays Qualifications (if required): representative of a Montana Indian tribe	Governor	10/1/2003
Montana Geographic Information Council (Administration)		
Mr. Tony Herbert, Helena Qualifications (if required): designee of the director of the Department of Administration	Governor	11/28/2003
Ms. Karen Strege, Helena Qualifications (if required): state librarian	Governor	11/28/2003
Mr. Jon Sesso, Butte Qualifications (if required): representative of local government	Governor	11/28/2003
Mr. Lance Clampitt, Denver Qualifications (if required): representative of federal government	Governor	11/28/2003
Mr. Stuart Blundell, Helena Qualifications (if required): representative of private business active in land information systems	Governor	11/28/2003
Mr. Richard Aspinall, Bozeman Qualifications (if required): representative of the university system	Governor	11/28/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Geographic Information Council (Administration) cont.		
Mr. Art Pembroke, Helena Qualifications (if required): representative of local government	Governor	11/28/2003
Mr. Michael Randall, Helena Qualifications (if required): representative of the Montana Department of Transportation	Governor	11/28/2003
Mr. Chris Smith, Helena Qualifications (if required): designee of a director of a state agency	Governor	11/28/2003
Mr. Steve Shannon, Butte Qualifications (if required): representative of public utilities	Governor	11/28/2003
Mr. Ken Jenkins, Missoula Qualifications (if required): president of the Montana Association of Land Surveyors	Governor	11/28/2003
Mr. Martin Prather, Missoula Qualifications (if required): representative of federal government	Governor	11/28/2003
Ms. Dolores Cooney, Helena Qualifications (if required): designee of a director of a state agency	Governor	11/28/2003
Mr. Harold Blattie, Helena Qualifications (if required): representative of local government	Governor	11/28/2003
Mr. Tom Deiling, Billings Qualifications (if required): representative of federal government	Governor	11/28/2003
Ms. Kathie Jewell, Billings Qualifications (if required): representative of the Montana GIS Interagency Technical Working Group	Governor	11/28/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Geographic Information Council (Administration) cont.		
Mr. R.J. Zimmer, Helena	Governor	11/28/2003
Qualifications (if required):	representative of the Montana Local Government GIS Coalition	
Mr. Don Wetzel, Jr., Billings	Governor	11/28/2003
Qualifications (if required):	representative of Montana tribes	
Montana Vocational Rehabilitation Council (Public Health and Human Services)		
Mr. David E. Boyd, Sr., Poplar	Director	10/1/2003
Qualifications (if required):	federally mandated business industry and labor position	
Mr. Mike Hermanson, Billings	Director	10/1/2003
Qualifications (if required):	federally mandated advocate position	
Mr. Wayne Nankivel, Helena	Director	11/26/2003
Qualifications (if required):	federally mandated business industry and labor position	
Noxious Weed Management Advisory Council (Agriculture)		
Rep. Bob Gilbert, Sidney	Director	10/12/2003
Qualifications (if required):	Montana Weed Control Association	
Mr. Bob Marks, Clancy	Director	10/12/2003
Qualifications (if required):	consumer group	
Mr. Charles M. Jarecki, Polson	Director	10/12/2003
Qualifications (if required):	at-large member	
Director W. Ralph Peck, Helena	Director	10/12/2003
Qualifications (if required):	Director	
Mr. Bob Ullom, Billings	Director	10/12/2003
Qualifications (if required):	herbicide dealer and applicator	

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Management Advisory Council (Agriculture) cont.		
Ms. Carol Sparks, Plevna Qualifications (if required): livestock production	Director	10/12/2003
Ms. Josie Dahlberg, Brockton Qualifications (if required): agriculture crop production	Director	10/12/2003
Ms. Ramona Ehnes, Great Falls Qualifications (if required): sportsman/wildlife group	Director	10/12/2003
Mr. Jerry Marks, Missoula Qualifications (if required): biological research and control	Director	10/12/2003
Mr. Jack Eddie, Dillon Qualifications (if required): Western County representative	Director	10/12/2003
Mr. Jerry Weber, Joliet Qualifications (if required): Eastern County representative	Director	10/12/2003
SABHRS Executive Advisory Council (Administration)		
Mr. Tony Herbert, Helena Qualifications (if required): Tier 1/Administration	Director	11/15/2003
Mr. Mike Billings, Helena Qualifications (if required): Tier 2/DPHHS	Director	11/15/2003
Mr. Terry Johnson, Helena Qualifications (if required): Tier 1/Legislative Branch	Director	11/15/2003
Ms. Lynn Chenoweth, Helena Qualifications (if required): Tier 3	Director	11/15/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
SABHRS Executive Advisory Council (Administration) cont. Ms. Cathy Muri, Helena Qualifications (if required): Tier 1/Administration	Director	11/15/2003
Ms. Jane Hamman, Helena Qualifications (if required): Tier 1/Governor's Office	Director	11/15/2003
Ms. Frieda Houser, Helena Qualifications (if required): Tier 5	Director	11/15/2003
Mr. John McEwen, Helena Qualifications (if required): Tier 1/Administration	Director	11/15/2003
Ms. Tammy Peterson, Helena Qualifications (if required): Tier 3	Director	11/15/2003
Ms. Ann Bauchman, Helena Qualifications (if required): Tier 4	Director	11/15/2003
Ms. Teri Juneau, Helena Qualifications (if required): Tier 4	Director	11/15/2003
Mr. Darrell Zook, Helena Qualifications (if required): Tier 2/MDT	Director	11/15/2003
Ms. Julia Dilly, Helena Qualifications (if required): Tier 2/OPI	Director	11/15/2003
D.J. Whitiker, Helena Qualifications (if required): Tier 2/CHE	Director	11/15/2003
Mr. David Clark-Snustad, Helena Qualifications (if required): Tier 3	Director	11/15/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
SABHRS Executive Advisory Council (Administration) cont. Ms. Ann Danzer, Helena Qualifications (if required): Tier 4	Director	11/15/2003
Kris Schmitz, Helena Qualifications (if required): Tier 6	Director	11/15/2003
State Emergency Response Commission (Military Affairs) Mr. Craig B. Palmer, Helena Qualifications (if required): representing the Department of Justice	Governor	10/1/2003
Mr. Paul Spengler, Helena Qualifications (if required): representing local emergency medical responders	Governor	10/1/2003
Sen. Barry "Spook" Stang, Helena Qualifications (if required): public member	Governor	10/1/2003
Sen. Thomas Beck, Helena Qualifications (if required): representative of the Governor's Office	Governor	10/1/2003
Mr. Thomas Ellerhoff, Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	10/1/2003
Mr. William T. Rhoads, Butte Qualifications (if required): representing a Montana utility company	Governor	10/1/2003
Mr. Clifford Brophy, Columbus Qualifications (if required): representing local law enforcement agencies	Governor	10/1/2003
Mr. Seldon Weedon, Great Falls Qualifications (if required): representing state fire organizations	Governor	10/1/2003

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont.		
Mr. Tim Murphy, Missoula	Governor	10/1/2003
Qualifications (if required): representing the Department of Natural Resources and Conservation		
Mr. Donald Skaar, Helena	Governor	10/1/2003
Qualifications (if required): representing the Department of Fish, Wildlife, and Parks		
Mr. Terry Phillips, Helena	Governor	10/1/2003
Qualifications (if required): representing state fire organizations		
Ms. Carole Raymond, Forsyth	Governor	10/1/2003
Qualifications (if required): representing local emergency medical responders		
Mr. Jim Greene, Helena	Governor	10/1/2003
Qualifications (if required): representing the National Guard		
Mr. Royce A. Shipley, Great Falls	Governor	10/1/2003
Qualifications (if required): representing Malmstrom Air Force Base		
Ms. Lorrie Leighton-Boster, Helena	Governor	10/1/2003
Qualifications (if required): representative of Department of Public Health and Human Services		
Mr. Jim Hyatt, Helena	Governor	10/1/2003
Qualifications (if required): Department of Transportation representative		
Mr. Steve Larson, Helena	Governor	10/1/2003
Qualifications (if required): representative of local fire departments		
Mr. Frank Tobel, Helena	Governor	10/1/2003
Qualifications (if required): representative of the National Guard		

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Emergency Response Commission (Military Affairs) cont.		
Mr. Jim Johnson, Missoula	Governor	10/1/2003
Qualifications (if required): representative of a railroad company		
Ms. Jolene Jacobson, Pablo	Governor	10/1/2003
Qualifications (if required): representative of the Tribal Emergency Response Committee		
Tow Truck Dispute Resolution Advisory Council (Attorney General)		
Mr. Bert Obert, Helena	Attorney General	10/1/2003
Qualifications (if required): highway patrol		
Mr. Maurice W. Quanbeck, Bozeman	Attorney General	10/1/2003
Qualifications (if required): tow truck industry		
Mr. Dennis Eddelmon, Helena	Attorney General	10/1/2003
Qualifications (if required): motor carrier services division		
Trauma Care Committee (Public Health and Human Services)		
Dr. Joseph Leal, Glendive	Governor	11/2/2003
Qualifications (if required): representing the Eastern Regional Trauma Advisory Committee		
Dr. Michael B. Orcutt, Great Falls	Governor	11/2/2003
Qualifications (if required): representing the Central Regional Trauma Advisory Committee		
Dr. Kendall Flint, Browning	Governor	11/2/2003
Qualifications (if required): representing Indian Health Service		
Dr. Gregory J. Moore, Missoula	Governor	11/2/2003
Qualifications (if required): representing the Western Regional Trauma Advisory Committee		

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Trauma Care Committee (Public Health and Human Services) cont.		
Ms. Colleen Overcast, Chinook	Governor	11/2/2003
Qualifications (if required):	representing Montana Emergency Medical Services Association	
Mr. Michael P. McGree, Butte	Governor	11/2/2003
Qualifications (if required):	representing the Montana Private Ambulance Operators	
Dr. Douglas Kuntzweiler, Clancy	Governor	11/2/2003
Qualifications (if required):	representing the American College of Emergency Physicians	
Dr. Thomas Bennett, Billings	Governor	11/2/2003
Qualifications (if required):	representing the Eastern Regional Trauma Advisory Committee	
Upland Game Bird Advisory Council (Fish, Wildlife, and Parks)		
Mr. Ben Deeble, Missoula	Director	11/1/2003
Qualifications (if required):	none specified	
Mr. Robert Eng, Bozeman	Director	11/1/2003
Qualifications (if required):	none specified	
Mr. Richard Kirstein, Scobey	Director	11/1/2003
Qualifications (if required):	none specified	
Mr. Marty Lau, Great Falls	Director	11/1/2003
Qualifications (if required):	none specified	
Mr. Dale Manning, Missoula	Director	11/1/2003
Qualifications (if required):	none specified	
Mr. Ellis Misner, Fairfield	Director	11/1/2003
Qualifications (if required):	none specified	

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2003 through NOVEMBER 30, 2003

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upland Game Bird Advisory Council (Fish, Wildlife, and Parks) cont. Mr. Pat Pierson, Red Lodge Qualifications (if required): none specified	Director	11/1/2003
Mr. Craig Roberts, Lewistown Qualifications (if required): none specified	Director	11/1/2003
Mr. Dale Tribby, Miles City Qualifications (if required): none specified	Director	11/1/2003
Mr. Ben Williams, Livingston Qualifications (if required): none specified	Director	11/1/2003
Mr. Lowell Young, Plentywood Qualifications (if required): none specified	Director	11/1/2003
Water and Wastewater Operators Advisory Council (Environmental Quality) Mr. Robert Cottom, Dillon Qualifications (if required): wastewater treatment plant operator holding a valid certificate	Governor	10/16/2003
Youth Justice Advisory Council (Commerce) Dr. Marshall White, Jr., Hamilton Qualifications (if required): physician whose practice includes obstetrics	Governor	9/1/2003