

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 2

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 4.4.301,)	AMENDMENT
4.4.305, 4.4.309, 4.4.310,)	
4.4.311, 4.4.313, 4.4.315,)	NO PUBLIC HEARING
4.4.316, and 4.4.319 relating)	CONTEMPLATED
to hail insurance)	

TO: All Concerned Persons

1. On February 28, 2004, the Montana Department of Agriculture proposes to amend the above stated rules relating to hail insurance.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on February 12, 2004, to advise us of the nature of the accommodation that you need. Please contact Lee Boyer at the Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-2402; TTY: (406) 444-4687; Fax: (406) 444-5409; or E-mail: agr@state.mt.us.

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

4.4.301 ADJUSTMENT OF HAIL LOSS (1) remains the same.

(2) The cost of cutting, pulling, binding or harvesting in any manner shall not be considered in measuring the extent of the loss. ~~P~~, provided however, that payment of the loss be limited to not more than the estimated value of the damaged crop before the hail.

(3) The value of the loss shall be based on the ~~price of similar undamaged grain at the insured's marketing place~~ amount of hail insurance coverage purchased per acre.

AUTH: 80-2-201, MCA
IMP: 80-2-244, MCA

REASON: (2) Remove unnecessary word; (3) Hail losses are paid based on the percentage of crop lost to hail damage not to exceed the amount of coverage purchased per acre.

4.4.305 PROVISIONS OF COVERAGE (1) through (1)(d) remain the same.

(e) no liability is assumed on mustard or flax until 75% of the plants are four inches tall, and on sugar beets until they are thinned 75% of the plants have 12 or more leaves.

AUTH: 80-2-201, MCA
IMP: 80-2-244, MCA

REASON: Due to technological advances in seed planters, sugar beets are no longer thinned. This proposed change meets the hail adjustment standards developed by the National Crop Insurance Industry.

4.4.309 FILING OF APPLICATION FOR REDUCTION AND SCHEDULE

(1) When an application for reduction of ~~levy premium~~ is filed ~~with the state board of hail insurance at Helena and~~ approved, the rate on such crops withdrawn shall be computed in proportion to the time the insurance is in force, and in accordance with the maximum rate established ~~herein~~ for the zone in which said crops are growing. ~~No application will be approved if the value of the crop exceeds \$5.00 per acre.~~

	spring crops		winter crops
Before July 6th inclusive	1/4 rate	Before June 17th	1/4 rate
Between July 6th		Between June 17th	
and 12th	1/2 rate	and 23rd	1/2 rate
After July 12th	full rate	After June 23rd	full rate

AUTH: 80-2-201, MCA
IMP: 80-2-229, MCA

REASON: The 2001 Montana State Legislature changed the way state funds were delivered to the state Treasury. These changes affected the hail insurance program and when those changes were written into statute, the legislature also changed the words "levy" and "levies" to either "fees" or "premiums." We propose changing these same words in the rules to match the statutes.

The \$5.00 per acre value is no longer used in calculating whether or not the producer is eligible for a reduction in premium.

4.4.310 SPECIAL CROPS REDUCTION (1) All growers of grain and other special crops seeking a reduction of ~~levy premium~~ shall be subject to the ~~above~~ dates in ARM 4.4.309 ~~except as follows: Five five~~ days additional shall be allowed:

(a) all growers in the counties ~~touching~~ adjoining the Canadian border; and ~~also to~~

(b) those in other counties where the insured crops are growing at an elevation in excess of 3,500 feet above sea level.

(2) remains the same.

AUTH: 80-2-201, MCA
IMP: 80-2-229, MCA

REASON: The 2001 Montana State Legislature changed the way state funds were delivered to the state Treasury. These

changes affected the hail insurance program and when those changes were written into statute, the legislature also changed the words "levy" and "levies" to either "fees" or "premiums." We propose changing these same words in the rules to match the statutes.

4.4.311 RECEIPT OF REFUND (1) To receive a refund of any surplus funds declared by the hail board, a policy holder must have his ~~hail-levy~~ premium paid in full by July 1st of the following crop season.

AUTH: 80-2-201, MCA
IMP: 80-2-222, MCA

REASON: The 2001 Montana State Legislature changed the way state funds were delivered to the state Treasury. These changes affected the hail insurance program and when those changes were written into statute, the legislature also changed the words "levy" and "levies" to either "fees" or "premiums." We propose changing these same words in the rules to match the statutes.

4.4.313 LOSSES EXCEEDING THE ~~LEVY~~ PREMIUM FOR THAT YEAR
(1) If the losses for any year exceed the ~~levies~~ premiums for that year plus the reserve fund, if any, then the payment on losses shall be prorated ~~share-and-share-alike~~ among all suffering loss by hail.

AUTH: 80-2-201, MCA
IMP: 80-2-244, MCA

REASON: The 2001 Montana State Legislature changed the way state funds were delivered to the state Treasury. These changes affected the hail insurance program and when those changes were written into statute, the legislature also changed the words "levy" and "levies" to either "fees" or "premiums." We propose changing these same words in the rules to match the statutes.

4.4.315 LIABILITY TO CEASE FOR STATE BOARD OF HAIL INSURANCE (1) remains the same.
(a) The crops are headed, mowed, or harvested in any manner except that liability against damage by hail will continue in force on grain or any other crops which ~~has~~ have been bound, shocked, or windrowed until the insured has had a reasonable time to complete harvesting or threshing. ~~The extended liability will not cover additional damage caused by wind or rain.~~
(b) through (d) remain the same.
~~(c) When the amount of the allowance is adjusting a loss under any policy equals the value of the crops figured under ARM 4.4.301 Adjustment of Hail Loss.~~

AUTH: 80-2-201, MCA

IMP: 80-2-244, MCA

REASON: (1)(a) Statute states that this program only insures against hail damage; therefore it is not necessary to state there is no coverage for wind or rain loss; (e) No longer relevant.

4.4.316 LIABILITY ON ALL CROPS (1) The liability on all crops insured will expire ~~after~~ October 1 at 11:59 p.m.

AUTH: 80-2-203, MCA
IMP: 80-2-241, MCA

REASON: Unnecessary word.

4.4.319 DISPUTED APPRAISAL (1) If a party files a claim and is dissatisfied with the ~~determination of the final~~ determination of the adjustment, the party may appeal the determination pursuant to 80-2-201 and 80-2-243, MCA.

(2) remains the same.

AUTH: 80-2-201, MCA
IMP: 80-2-243, MCA

REASON: The word "determination" is used too many times in this rule which makes the rule difficult to understand. This change makes the meaning of the sentence clearer.

4. Concerned persons may submit their data, views or arguments concerning this proposed amendment in writing to Lee Boyer at the Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or E-mail: agr@state.mt.us. Any comments must be received no later than February 26, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Lee Boyer at the Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-2402; TTY: (406) 444-4687; Fax: (406) 444-5409; or E-mail: agr@state.mt.us. A written request for hearing must be received no later than February 26, 2004.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in

the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 200 persons based on 2000 hail insurance policy holders.

7. The Department of Agriculture 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 noxious weed seed free forage, noxious weeds, alfalfa seed, agriculture in Montana schools program, agriculture development, pesticides, warehouseman, produce, mint, seed, alternative crops, wheat research and marketing, rural development and/or hail. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or E-mail: agr@state.mt.us or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

8. An electronic copy of this Notice of Proposed Amendment is available through the Department's website at www.agr.state.mt.us, under the Administrative Rules section. The Department strives to make the electronic copy of the 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.

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

/s/ Ralph Peck
Ralph Peck
Director

/s/ Tim Meloy
Tim Meloy, Attorney
Rules Reviewer

Certified to the Secretary of State, January 16, 2004.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING
proposed amendment) ON PROPOSED AMENDMENT
of ARM 10.55.907)
relating to distance,)
online, and technology)
delivered learning)

TO: All Concerned Persons

1. On February 24, 2004 at 9:00 a.m. a public hearing will be held in room 102-A of the Office of the Commissioner of Higher Education building at 2500 Broadway, Helena, Montana, to consider the amendment of a rule relating to distance, online, and technology delivered learning.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on February 10, 2004 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

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

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED LEARNING (1) ~~Distance learning means technology assisted individual and classroom instruction that connects students and teachers who are physically removed from each other. This rule establishes requirements for distance, online, and technology delivered learning programs and/or courses that fulfill elementary or middle grades basic education programs and/or high school graduation requirements.~~

~~(2) This rule applies to instruction that is counted for credit toward promotion and/or graduation.~~

~~(3) School districts may receive and/or provide distance, online, and technology delivered learning programs.~~

(a) School districts receiving distance, online, and technology delivered learning programs to supplement instruction may utilize distance, online, and technology delivered learning as they would other supplementary resources without restriction.

(b) Distance, online, and technology delivered learning programs and/or courses shall meet school district adopted learner expectations or align with state content and performance standards.

~~(4) Receiving school districts may use distance learning to supplement instruction or as primary instruction.~~

~~(a) School districts receiving distance learning to supplement classroom instruction may utilize distance learning as they would other supplementary classroom resources without restriction.~~

~~(b) School districts receiving distance learning as the primary source of classroom instruction shall annually demonstrate in the fall report to the office of public instruction that their distance learning instruction provides students equal opportunity to meet or exceed content and performance standards.~~

~~(5) (3) Except as provided in (4)(3)(a), a teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed hold Montana certification and endorsement in the area of instruction with such license granted as a result of the completion of a professional educator preparation program accredited by NCATE and/or a state board of education. School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator assigned for each course and available to the students.~~

~~(a) In the event a teacher of distance learning is not Montana certified and endorsed in the area of instruction, the receiving school district shall provide a facilitator who is Montana certified but need not be endorsed in the area of instruction. When a teacher of distance, online, and technology delivered learning programs and/or courses is not licensed and endorsed as provided in this rule, the facilitator must hold a Montana educator license.~~

~~(b) When a teacher of distance, online and technology delivered learning programs is licensed is Montana certified and endorsed in the area of instruction, as provided in this rule, the receiving school district's facilitator need not be certified licensed.~~

~~(c) School districts receiving distance learning as the primary source of accredited classroom instruction shall prepare and supervise facilitators. Whether licensed or not, the distance, online, and technology delivered learning facilitator shall receive in-service training on technology delivered instruction pertaining to:~~

- ~~(i) the course organization;~~
- ~~(ii) classroom management;~~
- ~~(iii) technical aspects of the delivery method;~~
- ~~(iv) strategies for use of distance learning;~~
- ~~(v) monitoring of student testing;~~
- ~~(vi) and securing other services as needed.~~

~~(4) Montana school districts providing distance, online, and technology delivered learning shall comply with the teacher load requirements of ARM 10.55.713(3).~~

~~(6) A distance learning class at each site shall meet class size standards.~~

~~(7) Montana school districts providing distance learning shall annually:~~

~~(a) register with the office of public instruction;~~

~~(b) verify their teachers of distance learning are Montana certified and endorsed in their areas of instruction; and~~

~~(c) demonstrate the students they serve have ongoing contact with their distance learning teachers.~~

~~(8) (5) Providers of Distance, online, and technology delivered learning providers programs, other than Montana school districts, shall annually:~~

~~(a) register with the office of public instruction;~~

~~(b) verify the professional qualifications, including Montana teacher certification licensure and endorsement if possessed, of their teachers of distance, online, and technology delivered programs and/or courses learning; and~~

~~(c) provide the course description including the content and delivery model for each distance, online, and technology delivered program and/or course provided to Montana schools; and~~

~~(e) (d) demonstrate that the students they serve have ongoing contact with their teachers of distance, online, and technology delivered learning teachers programs and/or courses.~~

~~(9) School districts receiving distance learning as a primary source of classroom instruction from a provider other than another Montana school district shall, by July 1 of the year following the instruction, complete and submit an approved evaluation form to the office of public instruction.~~

AUTH: Sec. 20-2-114, MCA

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

4. Statement of Reasonable Necessity: Section 20-2-121(7), MCA, requires the Board of Public Education to adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102, MCA. These proposed changes in accreditation rules are necessary because of the ever-changing landscape of distance education, increased questions regarding access, and issues related to the competency and qualifications of providers. The proposed changes are based upon the recommendations of a committee of educators representing the Montana School Boards Association, Montana Rural Education Association, Montana Small Schools Alliance, MEA-MFT, Certification Standards and Practices Advisory Council, the Board of Public Education and the Office of Public Instruction, who reviewed the current accreditation standard for distance education over a period of eight months. Changes were recommended for the following reasons:

- update reporting procedures and timeline given new electronic Annual Data Collection reporting process;
- reflect the changing nature of distance learning since the current rule was adopted; and

- address the need to provide training for facilitators of distance, online, and technology delivered education.

5. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on February 26, 2004.

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

7. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding distance, online, and technology delivered learning or other education related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@bpe.montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

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

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

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

Certified to the Secretary of State January 16, 2004.

BEFORE THE BOARD OF PUBLIC ACCOUNTANTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 8.54.410,) ON PROPOSED AMENDMENT,
pertaining to fees, the) ADOPTION AND REPEAL
proposed adoption of NEW RULES)
I through VI, and the proposed)
repeal of ARM 8.54.402 through)
8.54.405 and 8.54.407, all)
related to examinations)

TO: All Concerned Persons

1. On February 20, 2004, at 10:00 a.m., a public hearing will be held at the offices of the Board of Public Accountants, in room 487, 301 South Park Avenue, 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 this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Accountants no later than 5:00 p.m., on February 13, 2004, to advise us of the nature of the accommodation that you need. Please contact Susanne Criswell, Board of Public Accountants, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2389; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdpac@state.mt.us.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The Board is required by 37-50-302, MCA, to ensure that candidates for initial certification as a certified public accountant pass an examination. The Uniform CPA Exam is the only nationally recognized examination for public accountants, and the Board has recognized it for years as the basis for candidates to demonstrate their knowledge of accounting principles. Until 2004, the Uniform CPA Exam was administered solely as a "paper and pencil" test. As of 2004, the authors and owners of the Uniform CPA Exam are no longer offering the examination in the "pencil and paper" format, and will be offering only in a computer-based format. No feasible alternative examination exists, nor is there any alternative accounting examination that is recognized within the profession of public accounting or by state boards of public accounting. Accordingly, the Board concludes that there is reasonable necessity to adopt new rules to accommodate and implement the new computer-based testing format, to amend certain existing rules to accommodate and implement the computer-based testing format, and to repeal certain existing rules regarding examinations. Except as otherwise noted, this general statement of reasonable necessity

applies to all of the rules proposed for adoption, amendment or repeal.

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

8.54.410 FEE SCHEDULE (1) through (1)(e) remain the same.

(f) Initial examination	
(i) examination application and grading fee	225
(ii) examination administration (seating) fee	
(paid directly to contractor)	95
(g) Re-examination	
(i) per section application and grading fee	50
(ii) examination administration (seating) fee	
(paid directly to contractor)	95
(h) Examination proctor fee	
(paid directly to contractor)	95
<u>(f) Application as candidate for examination</u>	<u>25</u>

(i) through (m) remain the same, but are renumbered (g) through (k).

~~(2) Fees identified as being "paid directly to contractor" must be paid directly by the candidate to the board's contractor. The candidate will be furnished with explicit directions regarding the name and address of the applicable contractor to whom payment must be sent.~~

~~(a) Fees paid directly to a contractor are not refundable by the board.~~

AUTH: ~~37-1-134,~~ 37-50-203, 37-50-204, MCA
IMP: 37-1-134, 37-50-204, 37-50-308, 37-50-314, 37-50-317, MCA

FISCAL IMPACT: Based on the number of candidates applying to the Board to sit for the Uniform CPA Exam in 2003, and assuming that roughly the same number of individuals apply to the Board to sit for the exam, the Board estimates that approximately 250 persons will be affected by the proposed changes. Because of the changes in the way applications are processed, and the changes in the way the examination is being administered (via a computer-based system), and the increased level of contracting out services to non-governmental entities, the Board is unable to provide a meaningful estimate of the cumulative net impact of the proposed fee changes. However, the Board believes that the estimated annual revenue from the application fee, \$6,750, is (as required by 37-1-134, MCA) commensurate with the expected average annual cost of providing those reasonable accommodations required by law for persons with disabilities, and for Board expenses associated with special processing for non-routine applications.

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

NEW RULE I IMPLEMENTATION OF THE COMPUTER-BASED UNIFORM CERTIFIED PUBLIC ACCOUNTANT EXAMINATION (1) It is the intent

of the board to offer only the computer-based version of the examination. As soon as a computer-based version of the uniform certified public accountant examination is available, the board will recognize it. The board expects that the computer-based version of the examination will be available for use starting in April 2004.

(2) The rules in this sub-chapter will apply after [the effective date of this rule].

(3) Each portion of the computer-based examination may be taken once each calendar quarter by any given applicant.

AUTH: 37-50-204, 37-50-308, MCA

IMP: 37-50-204, 37-50-302, 37-50-303, 37-50-308, MCA

NEW RULE II EXAMINATIONS (1) All applicants shall meet the educational requirements of ARM 8.54.408 prior to submission of an application and be approved by the board to sit for the examination.

(2) Before being issued a certificate as a certified public accountant or registered as a licensed public accountant (except applicants being registered as licensed public accountants under 37-50-304, MCA), all applicants shall pass the professional ethics for CPAs course developed by the American institute of certified public accountants (AICPA).

(3) The board adopts the development and scoring services of the AICPA and the computer delivery and digital photograph services by the board's contractors.

(4) Each application must be accompanied by a non-refundable fee and all required supporting documents, including three moral character references, transcripts and foreign academic credentials service, inc. (FACS) evaluations of foreign credentials, as appropriate.

(5) The passing score on each section is 75, subject to the granting of credit requirements of [NEW RULES IV and V].

(6) The board may contract for:

(a) examination database and reporting services; and

(b) examination administrative services.

(7) Eligible applicants shall make the necessary contacts to schedule the time and place for examination at an approved test site and pay all applicable fees. Once the candidate obtains a notice to schedule from the board or the board's contractor, the applicant has six months to sit for at least one test section. If the time expires without sitting for at least one test section, the applicant will need to reapply.

(8) An applicant who fails to take the examination as scheduled forfeits all application fees.

AUTH: 37-50-204, 37-50-308, MCA

IMP: 37-50-204, 37-50-302, 37-50-303, 37-50-308, MCA

NEW RULE III EXAMINATION CREDITS - OUT-OF-STATE CANDIDATES

(1) The board will recognize credits for any part of the computer-based uniform certified public accountant examination passed in other jurisdictions, provided those credits meet the

requirements of 37-50-204, MCA, and the applicable rules of the board, and were earned under circumstances comparable to those in Montana.

AUTH: 37-50-204, 37-50-308, MCA
IMP: 37-50-204, 37-50-302, 37-50-303, 37-50-308, 37-50-309, MCA

NEW RULE IV GRANTING OF EXAMINATION CREDIT (1) Upon implementation of the computer-based examination, an applicant may take test sections individually and in any order. Credit for any test section(s) passed is valid for 18 months from the actual date the applicant took the test section.

(a) An applicant for a certificate as a certified public accountant needs to pass all four test sections within a rolling 18-month period which begins on the date the first test section was taken and passed. An applicant may take any section of the examination up to four times during a one-year period but cannot retake any failed test section in any one three-month testing period. In the event all four test sections are not passed in the rolling 18-month period, credit for any test section passed outside the 18-month period will expire and that test section must be retaken.

(b) An applicant for a license as a licensed public accountant needs to pass any three test sections within a rolling 18-month period which begins on the date the first test section was taken and passed. An applicant may take any section of the examination up to four times during a one-year period but cannot retake any failed test section in any one three-month testing period. In the event three test sections are not passed in the rolling 18-month period, credit for any test section passed outside the 18-month period will expire and that test section must be retaken.

(2) The 18-month period in which to pass all required sections of the examination may be extended if a hardship exception is approved by the board.

AUTH: 37-50-204, 37-50-308, MCA
IMP: 37-50-204, 37-50-302, 37-50-303, 37-50-308, MCA

NEW RULE V TRANSITION RULE FOR APPLICANTS WHO HAVE PRE-COMPUTER-BASED EXAMINATION CONDITIONAL CREDIT (1) An applicant who has earned conditional credit on the paper-and-pencil examination at the implementation date of the computer-based examination will retain conditional credit for the corresponding test sections of the computer-based examination as follows:

<u>paper-&-pencil exam section</u>	<u>computer-based exam section</u>
auditing	auditing and attestation (A&A)
financial accounting and reporting (FARE)	financial accounting and reporting (FAR)

accounting and reporting
(ARE)

regulation (REG)

business law and professional
responsibilities (LPR)

business environment and
concepts (BEC)

(2) Applicants who have attained conditional status under the paper and pencil examination as of the implementation date of the computer-based examination are allowed a transition period to complete any remaining test sections. The transition period lasts until the earlier of the following occurs:

(a) the applicant has exhausted the number of examination attempts remaining under the paper-and-pencil examination; or

(b) the remaining time that the applicant had under the paper-and-pencil examination to retake test sections not yet passed has expired.

(3) If an applicant that conditioned under the paper-and-pencil examination does not pass all remaining sections during the transition period, conditioned credit earned under the paper-and-pencil examination will expire, and the applicant will lose credit for those sections. However, any computer-based test section passed during the applicable transition period is subject to the granting of credit provisions of the computer-based examination. An applicant who conditioned under the paper-and-pencil examination will not lose credit for a section of the computer-based examination that is passed during the applicable transition period, even though more than 18 months may have elapsed from the date the section is passed.

(4) An applicant shall retain credit for any and all test sections of the examination passed in another state provided such credits meet the requirements of 37-50-204, MCA, and the applicable rules, and were earned under circumstances comparable to those in Montana.

AUTH: 37-50-204, 37-50-308, MCA

IMP: 37-50-204, 37-50-302, 37-50-303, 37-50-308, MCA

NEW RULE VI CHEATING (1) Cheating by a candidate in applying for, taking, or subsequent to taking the examination will be deemed to invalidate any score otherwise earned by a candidate on any test section of the examination. Cheating may warrant summary expulsion from the test site, and disqualification by the board from taking the examination for a specified period of time. For purposes of this rule, the following actions or attempted activities, among others, may be considered cheating:

(a) falsifying or misrepresenting education credentials or other information required for admission to the examination;

(b) communication between candidates inside or outside the test site or copying another candidate's answers while the examination is in progress;

(c) communication with others inside or outside the site while the examination is in progress;

(d) substitution of another person to sit in the test site in place of a candidate;

(e) reference to crib sheets, textbooks or other material or electronic media (other than that provided to the candidate as part of the examination) inside or outside the test site while the examination is in progress;

(f) violating the nondisclosure prohibitions of the examination or aiding or abetting another in doing so; or

(g) retaking or attempting to retake a test section by an individual holding a valid certificate or by a candidate who has unexpired credit for having already passed the same test section, unless the individual has been directed to retake a test section pursuant to board order or unless the individual has been expressly authorized by the board to retake the test section.

AUTH: 37-50-204, 37-50-308, MCA

IMP: 37-50-204, 37-50-302, 37-50-303, 37-50-308, MCA

6. The rules as proposed to be repealed are as follow:

8.54.402 EXAMINATIONS found at ARM pages 8-1477 and 8-1478.

AUTH: 37-1-131, 37-50-201, 37-50-308, MCA

IMP: 37-1-101, 37-50-308, MCA

8.54.403 OUT-OF-STATE CANDIDATES FOR EXAMINATION found at ARM page 8-1478.

AUTH: 37-1-131, 37-50-201, 37-50-308, MCA

IMP: 37-1-101, 37-50-308, MCA

8.54.404 EXAMINATION CREDITS - OUT-OF-STATE CANDIDATES found at ARM page 8-1479.

AUTH: 37-50-309, MCA

IMP: 37-50-309, MCA

8.54.405 CONSECUTIVE EXAMINATIONS AND REEXAMINATION REQUIREMENTS found at ARM pages 8-1479 through 8-1481.

AUTH: 37-50-203, 37-50-204, 37-50-308, MCA

IMP: 37-50-204, 37-50-308, MCA

8.54.407 QUALIFICATION FOR A LICENSE AS LICENSED PUBLIC ACCOUNTANT found at ARM pages 8-1481 and 8-1482.

AUTH: 37-50-203, 37-50-304, MCA

IMP: 37-50-303, 37-50-304, 37-50-308, MCA

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

Public Accountants, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdpac@state.mt.us and must be received no later than 5:00 p.m., February 27, 2004.

8. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://discoveringmontana.com/dli/pac> under the Board of Public Accountants rule notice section. The Department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its 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.

9. The Board of Public Accountants 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 Public Accountants administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Public Accountants, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdpac@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

10. The Board of Public Accountants will meet on March 10, 2004, at 9:00 a.m., via telephone conference call at the Board's offices, 301 South Park Avenue, room 430, Helena, to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendments, adoptions and repeals. Members of the public are welcome to listen to the Board's deliberations.

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

12. Mark Cadwallader, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PUBLIC ACCOUNTANTS
PATRICK W. HANLEY, CPA, CHAIR

/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 January 16, 2004

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

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 24.126.301,) ON PROPOSED AMENDMENT,
definitions, ARM 24.126.401,) ADOPTION AND REPEAL
fee schedule, and)
ARM 24.126.2301, unprofessional)
conduct, the proposed adoption)
of NEW RULE I, display of)
license, and the proposed repeal)
of ARM 24.126.403, purpose of)
the board)

TO: All Concerned Persons

1. On February 18, 2004, at 9:00 a.m., a public hearing will be held in room 438, Park Avenue Building, 301 South Park Avenue, 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 this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Chiropractors no later than 5:00 p.m., on February 11, 2004, to advise us of the nature of the accommodation that you need. Please contact Cheryl Smith, Board of Chiropractors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2393; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdcchi@state.mt.us.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: Based on public comment received by the Board to MAR Notice No. 8-12-25, the Board has made revisions based on those comments and is presenting a revised proposal for public comment. A copy of MAR Notice No. 8-12-25 can be found in the 2003 Montana Administrative Register, Issue No. 10, at page 1021, published on May 22, 2003.

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

24.126.301 DEFINITIONS (1) "Chaperone" as used in 37-12-607, MCA, means an individual delegated to ensure proper behavior on the part of the provider and the patient during the course of a physical examination or treatment.

(1) remains the same but is renumbered (4).

(2) and (3) remain the same.

AUTH: 37-1-131, ~~37-1-136~~, 37-1-319, 37-12-201, MCA

IMP: 37-12-104, 37-12-201, MCA

REASON: The Board proposes to define "chaperone" as used in ARM 24.126.2301, UNPROFESSIONAL CONDUCT, to clarify the purpose of the chaperone. There is reasonable necessity to define the term to avoid the argument that discipline shouldn't be imposed because the role of a chaperone wasn't defined in rule. The issue has arisen in the context of claims that certain licensees were engaged in inappropriate conduct while purportedly examining or treating patients. Please also see the statement of reasonable necessity for the proposed amendments to ARM 24.126.2301.

The Board proposes to renumber the current list of definitions in order that they can be alphabetized, in keeping with the style guidelines recommended by the Secretary of State.

24.126.401 FEE SCHEDULE (1) and (2) remain the same.
(3) Renewal fee
(a) Active license 100 150
(3)(b) through (12) remain the same.

AUTH: 37-1-134, 37-12-201, MCA
IMP: 37-1-134, 37-12-201, 37-12-302, ~~37-12-303~~, 37-12-304, 37-12-307, MCA

REASON: There is reasonable necessity to amend ARM 24.126.401 because 37-1-134, MCA requires that the Board set fees commensurate with costs. Cash projections for the Board indicated that it is reasonably necessary to make the proposed change in the renewal fee.

The Board estimates that approximately 303 persons, all active status licensees, will be affected by the proposed fee change. The estimated annual increase in revenue is approximately \$15,150. Under the proposed fee schedule the Board's projected annual revenue for FY '04 is \$50,925.48 and for FY '05 (with proposed fee increase) is \$58,452.00.

The Board's recharge will increase by approximately \$8,139.00 in FY '04 and \$9,234.00 in FY '05. The recharge calculation is based on Board allocated FTEs. The percentage of total board allocated FTE is based on the daily time distribution sheet, personal service charges for the HCLB personal allocation without investigator (4 FTE) HCLB Bureau budget, Business Standard Division recharge, and BSD legal allocation. BSD has implemented the alternative pay plan with those increases reflected in the Board's recharge. The Board last raised its fees in 1990.

With regard to MAR Notice No. 8-12-25, comments were received why the fee increase was applied to only active license renewals. The Board's response to those comments was that it believes it is appropriate to impose the fee increase on renewals of active licenses since active licenses constitute more work for the Board (i.e., complaints are received on

chiropractors practicing in the state, rather than those not practicing).

24.126.2301 UNPROFESSIONAL CONDUCT (1) For the purpose of implementing the provisions of 37-1-316, MCA, the board further defines unprofessional conduct as follows:

~~(1)(a)~~ using or causing to be used advertising matter which contains:

~~(a)(i)~~ misstatements, falsehoods, misrepresentations or distorted and fabulous statements relative to cures or treatments;

~~(b)(ii)~~ statements which may in any way reflect against a fellow licensee including statements which imply superiority over another licensee or health care professional; or

~~(c)(iii)~~ personal advertising claiming particular abilities, features or accomplishments regarding the licensee or areas of specialty practice unless documentation of such abilities, features, accomplishments or specialties are documented with the board prior to placing the advertisement-;

~~(2)(b)~~ ~~Engaging engaging~~ in or soliciting sexual relations with a patient, sexual misconduct either verbal or physical, sexual contact, sexual exploitation or a sex offense, as defined in 45-2-101, MCA, when such act or solicitation is related to the practice of chiropractic;

~~(3)(c)~~ ~~Violating violating~~ any state or federal statute or administrative rule regulating the practice of chiropractic including any statute or rule defining or establishing standards of patient care or professional conduct of practice;

~~(4)(d)~~ ~~Engaging engaging~~ in, or being involved in, "fee splitting" in which a licensee gives or receives payments or fees in referral of a patient to any professional;

~~(5)(e)~~ ~~Soliciting soliciting~~ or accepting, for services rendered, assigned payments from any third-party payer as payment in full, if the effect is to eliminate the need of payment by the patient of any required deductible or co-payment applicable on the patient's health benefit plan, except as hereinafter provided-;

~~(f)~~ ~~Collecting collecting~~ fees or charges for services or treatment different from the fee or charge the licensee submits to a third-party payer for that service or treatment, except as hereinafter provided. ~~These rules are~~ This subsection is intended to prohibit offering the above listed practices to the public as well as the actual practices, except that, in instances where the intent is not to collect an excessive remuneration from the third-party payer, but rather to provide services at a reduced rate to a patient unable to afford the deductible or co-payment, the services may be performed for a lesser charge or fee. The burden of proof for establishing that this is the case shall be on the licensee;

~~(6)(g)~~ ~~Engaging engaging~~ in, or providing services or treatments which are in excess of those warranted by either the patients' condition and response or the practice technique, methodology or modality applied and are not consistent with the seriousness of diagnosis;

~~(7)(h) Participating participating~~ in, or conducting, research projects on patients or the public without first obtaining written authorization from the board;

~~(8)(i) Failing failing~~ to make reports and records available to the board upon request, failure to cooperate with a board investigation or knowingly giving false information to the board;

(j) performing an examination, chiropractic manipulation, or adjustment inter-vaginally;

~~(9)(k) Performing performing~~ an adjustment ~~of the coccyx through the vagina~~ inter-rectally unless the following conditions are met:

~~(a) the coccyx cannot be adjusted rectally or the patient is offered and declines the option of the rectal technique;~~

(i) a written consent form is signed by the patient for each adjustment. The consent form must clearly offer external adjustment options;

(ii) the inter-rectal adjustment must be diagnosis related;

~~(b)(iii) the coccyx adjustment is performed with the use of a disposable finger cot or rubber glove; and~~

~~(c)(iv) a female attendant chaperone is required to be present at all times the patient is examined and the coccyx adjustment is being performed by a male chiropractor. treated~~ inter-rectally;

(10) through (14) remain the same but are renumbered (l) through (p).

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

~~(16)(r) failing to keep adequate patient records in compliance with the following requirements;~~ that are

~~(a) all records must be legible and contain at a minimum;~~

(i) through (viii) remain the same.

AUTH: 37-1-131, 37-1-319, 37-12-201, MCA

IMP: 37-1-131, 37-1-307, 37-1-308, 37-1-309, 37-1-311, 37-1-312, 37-1-316, 37-12-201, MCA

REASON: There is reasonable necessity to amend ARM 24.126.2301 in order to clarify those acts that constitute unprofessional conduct and to make technical corrections to the form of the rule in order to conform with the style requirements of the Secretary of State's Administrative Rules Bureau.

The new (j) addresses the prohibition of inter-vaginal adjustments for chiropractors.

The Board proposes to amend (9) to address professional boundary issues that have recently been questioned by both patients and licensees. In addition, the Board proposes to strike "coccyx" and replace the wording where appropriate with "inter-rectal" or "inter-rectally". The Board proposes to require written consent from the patient prior to the licensee performing an adjustment inter-rectally. The Board believes the consent form will better

inform the patient that the adjustment is an internal adjustment and not an external adjustment. The Board has encountered situations in complaints wherein the patient has indicated that an external adjustment has not been offered as an option. The Board further proposes to clarify for the practitioner that only after diagnosis and written consent by the patient can the practitioner perform an inter-rectal adjustment. The Board further proposes to remove the requirement that a "female attendant" be present at all times when the patient is being examined or treated inter-rectally. The Board believes the "female attendant" requirement is unduly restrictive. The Board wants a chaperone (a third party), as defined in the proposed amendments to ARM 24.126.301, present for protection to the patient as well as the practitioner, but it does not necessarily have to be a female.

In MAR Notice No. 8-12-25, the Board proposed insertion of the words "inter-vaginal" or "inter-vaginally" into (1)(k). Due to comments received that stated that there is no recognized inter-vaginal adjustment and therefore was no need for the proposed wording, the Board agreed and removed the words "inter-vaginal" and "inter-vaginally" from all parts that appeared in subsection (1)(k). Subsequently, based on comments received for MAR Notice No. 8-12-25, existing rule ARM 24.126.2301 subsection (1)(j) reflects the inter-vaginal chiropractic adjustments or manipulations are prohibited.

The Board proposes to strike the wording in (9)(a) for clarity.

There is reasonable necessity to make numbering of the rule consistent with the style guidelines recommended by the Administrative Rules Bureau of the Secretary of State's office. In addition, there is reasonable necessity to update and correct the statutory citations in the authorizing and implementing citations to Montana statutes.

5. The proposed new rule provides as follows:

NEW RULE I DISPLAY OF LICENSE (1) The form of license is to be made and approved by the board and signed by the applicant pursuant to 37-1-104, MCA.

(2) All persons engaged in the practice of chiropractic must display their license in a conspicuous place for members of the public to view.

(3) Licenses must not be defaced, altered or duplicated for display requirements.

(4) Licensees shall immediately notify the board of lost, damaged or destroyed licenses and obtain a duplicate license by submitting a written request to the board.

AUTH: 37-1-104, 37-12-201, MCA
IMP: 37-1-104, 37-12-201, MCA

REASON: A recent legislative audit cited the board for not
2-1/29/04 MAR Notice No. 24-126-27

having a rule implementing the requirement for form and display of license as stated in 37-12-201(3)(d), MCA. This new rule is being proposed to address this citation.

6. The Board of Chiropractors proposes to repeal the following rule:

24.126.403 PURPOSE OF THE BOARD [previously ARM 8.12.403]
found at ARM page 24-10021 [previously ARM page 8-351].

AUTH: 37-12-201, MCA
IMP: 37-12-104, MCA

REASON: The Board believes there is reasonable necessity to repeal this entire rule because the rule does not accurately state the purpose of the Board. The Board does not wish to amend the language of the rule because the Board believes that existing statutes adequately identify the purpose of the Board protecting the public health, safety and welfare as it relates to the practice of chiropractic.

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 Chiropractors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibschi@state.mt.us, and must be received no later than 5:00 p.m., February 26, 2004.

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/chi>. 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.

9. The Board of Chiropractors 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 Chiropractors administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of

Chiropractors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdcchi@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. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF CHIROPRACTORS
Pamela Blanchard, D.C., President

/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 January 16, 2004.

BEFORE THE STATE COMPENSATION INSURANCE FUND
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF AMENDMENT
amendment of ARM 2.55.320)	
pertaining to classifications)	
of employments, 2.55.323)	
pertaining to overall rate)	
levels, and 2.55.409)	
pertaining to expense)	
constants)	

TO: All Concerned Persons

1. On October 30, 2003, the Montana State Fund published MAR Notice No. 2-55-33 regarding the proposed amendment of the above stated rules at page 2321 of the 2003 Montana Administrative Register, issue number 20.

2. The Montana State Fund Board of Directors has amended ARM 2.55.320, 2.55.323 and 2.55.409 exactly as proposed.

3. No comments or testimony concerning the rules were received.

/s/ Nancy Butler
Nancy Butler, General Counsel
Rule Reviewer

/s/ Herb Leuprecht
Herb Leuprecht
Chairman of the Board

/s/ Dal Smilie
Dal Smilie, Chief Legal Counsel
Rule Reviewer

Certified to the Secretary of State January 16, 2004

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

In the matter of the amendment)
of ARM 12.9.211 pertaining to) NOTICE OF AMENDMENT
the Teton-Spring Creek Bird)
Preserve)

TO: All Concerned Persons

1. On July 31, 2003, the Fish, Wildlife and Parks Commission (commission) and the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-294 regarding the amendment of ARM 12.9.211 pertaining to the Teton-Spring Creek Bird Preserve at page 1592 of the 2003 Montana Administrative Register, Issue Number 14.

2. The commission and department have amended ARM 12.9.211 with the following changes, stricken matter interlined, new matter underlined:

12.9.211 TETON-SPRING CREEK BIRD PRESERVE BOUNDARY ADJUSTMENT (1) The boundary of the Teton-Spring Creek bird preserve established by 87-5-405, MCA, is adjusted as delineated on the December 19, 2003, Teton-Spring Creek Bird Preserve Map, incorporated by reference as part of this rule. This map may be obtained by contacting the department region four headquarters at 4600 Giant Springs Road, Great Falls, MT 59405, (406) 454-5840. ~~by changing the eastern boundary in sections 12 and 13 in township 24 north, range 5 west, to the Truchot Road. This boundary adjustment removes all land in section 12 and all land in the northern 1/4 of section 13 in township 24 north, range 5 west from inclusion within the preserve.~~

~~(2) The boundary of the Teton Spring Creek bird preserve is further adjusted to remove from inclusion within the preserve the following land owned by Pat Saylor or Bernice Van Setten in township 24 north, range 5 west:~~

~~(a) in section 4, PT. of SW1/4SW1/4;~~

~~(b) in section 9, N1/2;~~

~~(c) in section 10, PT. of NW1/4, SW1/4, S1/2SE1/4, PT. of N1/2SE1/4;~~

~~(d) in section 13, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, W1/2SE1/4, PT. of SW1/4SW1/4;~~

~~(e) in section 14, E1/2NE1/2, PT. of W1/2NE1/4, PT. of E1/2SE1/4; and~~

~~(f) all of section 15.~~

AUTH: 87-1-301, 87-5-402, MCA

IMP: 87-1-305, 87-1-401, MCA

3. A public hearing was held in Choteau at the public library, August 21, 2003, 7:00 p.m. to 9:00 p.m. Fifty-one people attended. Included in that figure were Commissioner John

Lane; Area Warden, Tom Flowers; Area Biologists, Quentin Kujala and Gary Olson; and Hearing Officer, Mike Aderhold. Thirteen people spoke at the hearing. A majority of those offering comments expressed their concern for human safety if the commission allowed hunting with firearms on the properties subject to the petition to withdraw from the preserve. The two petitioners (Saylor & Van Setten), their attorney and one other landowner (Bryan) endorsed the petition to withdraw property from the preserve. Two others conditioned their support of the petition to withdraw with "no firearm use."

The commission received 7 letters, 11 e-mails and 1 phone call - a total of 19 comments signed by 27 people. In addition the commission received a petition requesting that the areas being withdrawn from the preserve remain a firearms free corridor. This petition had 26 signatures. Some citizens testified at the hearing, sent a letter and also signed a petition. There were 8 comments against the petition to withdraw the lands from the preserve, 8 comments endorsing the petition to withdraw lands from the preserve, and 3 comments that did not mention the petition but advocated for "archery-only hunting." Six people, who neither spoke nor sent a letter, made their views known by signing the petition requesting a firearms free corridor. In all, 39 people expressed themselves in the rulemaking process.

4. The following is a summary of the comments received which appear with the commission's responses:

COMMENT 1: Three landowners within the preserve asked for relief from an over population of deer within the preserve resulting in crop damage. They stated that this damage was severely impacting the profitability of their ranches.

RESPONSE: On December 11, 2003, the commission approved the withdrawal of the petitioned properties from the preserve (lands belonging to Pat Saylor, Ottis and Sylvia Bryan, Bernice Wilt and son Keith Van Setten, and Scarlett Schock) and other public property (see response to comment 18). The commission also proposed that the withdrawn lands be made a "Special Weapons Restricted Area" in the tentative deer season adjustment process, which is now out for public comment. Last, the commission authorized an archery only, game damage hunt within the boundaries of old preserve for January 2004. The withdrawal of the petitioned properties is effective January 30, 2004.

COMMENT 2: A number of individuals opposed changing the preserve boundaries so that deer could be harvested with firearms. These commenters stated that they thought the department was not doing enough to use archery as a hunting method to keep deer numbers at a reasonable level within the preserve. A number of suggestions were offered in place of the boundary change:

*Over-the-counter permits for archery hunting

- *Streamlining the system for buying archery permits
- *Allowing each permit holder to take from five to an unlimited number of deer
- *Allowing hunting of more does or either-sex tags
- *Extending the archery season
- *Scheduling game damage hunts
- *Hiring professional marksmen to shoot excess numbers of deer in the area

RESPONSE: Since 1980, the commission has tried various methods to reduce deer numbers within the preserve.

Over-the-counter permits for archery hunting. From 1986 through 2003, the department sold whitetail either sex, either species A-tags over-the-counter for this area. In 1987 and 1988 the commission authorized B-tags permitting the tag holder to take an unlimited number of antlerless whitetail. The department sold these B-tags locally. In addition from 1986 on, an over-the-counter, antlerless whitetail tag has been available.

Streamlining the system for buying archery permits. The permitting system was a little confusing and archers did not take full advantage of this opportunity for additional permits. The department plans to simplify and continue this extended archery opportunity within the current preserve. The department has tried to make permits easier to obtain by selling them over-the-counter or locally.

Allowing each permit holder to take from five to an unlimited number of deer. In 1987 and 1988 the commission authorized B-tags permitting the tag holder to take an unlimited number of antlerless whitetail. The department has used various tag combinations over the years to allow hunters to take from two to an unlimited number of deer. In the 2003 hunting season, various permits allowed the taking of up to six deer. Despite these additional hunting opportunities, the commission and department continue to get game damage complaints from landowners.

Allowing hunting of more does or either-sex tags. Since 1980, deer A-tags for either sex, either species have been available. Additionally, since 1982 a hunter could draw for an additional antlerless tag. Various combinations of permits have allowed hunters to take multiple deer during the 20 year period.

Extending the archery season. The normal archery season is approximately 45 days long. In 1981 the commission started extending the archery season in the preserve by lengthening the season to 79 days. From 1981 to 1987, the preserve hunting seasons were 79 to 86 days long. In 1987 the commission extended the season again, making the season 118 days. Since 1987, the preserve hunting season has been from 116 to 122 days long, well over twice the length of the normal archery hunting season.

Scheduling game damage hunts. The commission has the authority and the option to implement a January/February, archery only, game damage hunt. These options are considered annually on an as needed basis. However, since this area already averaged hunting seasons of 107 days during the past 24 years, the commission and department doubted that additional game damage hunts would significantly reduce deer numbers in the preserve.

Hiring professional marksmen to shoot excess numbers of deer in the area. To date, outside professional marksmen have not been employed by the commission and department to kill deer. The commission and department are currently involved with over thirty suburban situations and believe hiring and insuring marksmen is cost prohibitive and unnecessary. The commission and department prefer to control deer populations with public hunting.

COMMENT 3: One individual supporting the boundary change wondered who would pay for professional marksmen if that option was employed.

RESPONSE: The bill would be paid out of the department's License Revenue Account which is funded by people purchasing state hunting licenses.

COMMENT 4: A number of people supported the boundary change, citing the large deer population and property damage from the abundance of deer.

RESPONSE: The commission and department concur and adopted the boundary change with a special weapons restricted area in the lands removed from the preserve.

COMMENT 5: The most frequently stated concern of those opposing the preserve boundary change was concern over safety. A number of individuals expressed fears of potential shooting injury or death to those living near or passing by the preserve.

RESPONSE: The commission and department recognize that allowing firearms use in an area that has not allowed firearms use since 1923 is a change. The commission and department also recognize that the large deer population in the area of the former preserve could attract more than the average number of hunters to this area. In order to address hunting safety concerns in this area, a Special Weapons Restricted Area was adopted when the boundary was altered.

Weapons are restricted to traditional, low-tech hunting instruments, such as archery equipment, crossbows, handguns, shotguns, and muzzleloaders, as defined in the state's general regulations (pages 15, 16 and 17 in the 2003 Montana Hunting Regulations, Deer, Elk and Antelope). This is safer because: 1) hunters are alerted to the additional need to be cautious by the general weapons restriction, and 2) the traditional weapons have

a shorter range than high powered rifles and modified handguns, modified shotguns, modified muzzleloaders, and modified archery equipment.

In the fall of 2002, after a proposal for a limited game damage hunt was denied, two frustrated landowners in the preserve retained an attorney and on December 12, 2002, they petitioned the withdrawal of their property from the preserve. To allow withdrawal or not allow withdrawal was the choice facing the commission and department and the subject of this rulemaking process.

In all, 52 individuals got involved in this discussion. Only 18 people commented on the withdrawal issue. Just about everyone said they were concerned about safety. The department documented the safety concerns and discussed internally and with Commissioner John Lane how similar concerns had been handled in other areas over the last 20 years. The department and commission looked at all of the "archery only" hunting areas and sites where "Special Weapon Restricted Areas" had been created. It was generally felt that a "Special Weapons Restricted Area" offered more options for deer reduction and honored the local experience of the landowners.

Regarding general hunting safety, the 2003 edition of the Montana Hunter Education Manual published by the Montana Department of Fish, Wildlife and Parks published the following statistics:

Outdoor Activity	Number of Participants	Annual Injuries	Injuries per 100,000 Participants
Football	15,500,000	424,665	2,740
Bicycling	64,500,000	604,566	937
Swimming	60,300,000	130,286	216
Hunting-related Shooting	15,000,000	1,094	7

According to the National Safety Council, hunting is among the safest outdoor activities. In a 15-year period between 1984 and 1999, Montana had 138 hunting related, firearms accidents. In 66 of those accidents, the shots were self inflicted. In the 72 accidents where people were shot by someone else, half were less than 10 yards away. Only six were shot by someone more than 100 yards away. Thirty-five of the accidents happened in getting in or out of a vehicle.

COMMENT 6: Several individuals commented that the real safety issue was traffic accidents from deer/automobile collisions caused by the over-population of deer within the preserve.

RESPONSE: In the five-year period from 1997 through 2002, Montana Department of Transportation maintenance personnel reported 126 whitetail deer and 6 mule deer carcasses in the seven mile stretch between mile marker 42 and 49 on U.S. Route 89 through the preserve. There were 14 crash investigator's reports with "collision with wild animal" coded as the first and most harmful event recorded by the Montana Highway Patrol Records Bureau for the same location and time period.

The commission and department hope that a decrease in deer population will result from this boundary change and that automobile/deer accidents will also decrease.

COMMENT 7: A few individuals opposed the boundary change because they believed bow hunters won't enjoy hunting in this area as much if gun hunting is allowed. Another individual stated that area property owners' economic concerns are more important than the archery hunters' concerns about having excellent archery hunting.

RESPONSE: In making these decisions the commission and department must balance a variety of interests. Hunting, economic, social, and safety are a few of the factors that the commission and department weigh. The commission and department believe that a majority of Montanans would not enjoy a hunting experience that came at the expense of their neighbors' ability to support their families.

COMMENT 8: The Board of Commissioners for Teton County and one private citizen expressed their support for the boundary change, provided that that a buffering zone or Special Weapons Restricted Area was employed to allay safety concerns.

RESPONSE: The commission and department concur and adopted a "Special Weapons Restricted Area" in the area removed from the preserve by the boundary change.

In 23 suburban areas of Montana where most of the land is private, the commission, over the last 25 years, has created "Special Weapons Restricted Areas." Hunting in these areas is limited to traditional shooting instruments, which are defined in the hunting regulations.

The commission allows the use of these restricted weapons but hunters are not guaranteed hunting opportunity or use of these special weapons. If landowners decide not to allow use of these special weapons on their property, they are under no obligation to allow hunters to use them. That decision is generally left up to the individual landowners.

COMMENT 9: A few individuals said they opposed the boundary change even with the Special Weapons Restricted Area because advances in technology have changed the efficiency of weapons. Specifically, one commenter mentioned that Remington's new

Premier Core-Lokt Ultra Bonded Sabot Slug, and bolt-action muzzleloaders have a much longer "effective" and "maximum" range than similar firearms (shotguns, muzzleloaders and handguns) had years ago.

RESPONSE: Sabots and breech loaded muzzleloaders are not allowed in a Special Weapons Restricted Area.

COMMENT 10: One individual stated that the purpose of the preserve was to increase game bird populations. That objective has been achieved and the preserve should be eliminated entirely.

RESPONSE: Since the preserve was originally adopted by legislative act, it can be repealed only by legislative act.

COMMENT 11: One individual stated that the purpose of the game preserve was safety, and the preserve boundaries should be kept as they are to maintain that purpose.

RESPONSE: The primary purpose for designating preserves was to enhance game populations. The establishment of preserves as a wildlife management technique in Montana dates back to 1911 and the creation of the Snow Creek, Pryor Mountain and Gallatin Preserves. Human safety was not mentioned in the legislation.

COMMENT 12: One individual believed that landowners wanted the boundary change because they received monetary offers from outfitters for hunting, not because deer populations were too high.

RESPONSE: The commission and department have no way of knowing what offers landowners have or have not received from other interests. However, the commission and department do know that deer populations in this area are causing traffic problems and agricultural damage.

COMMENT 13: A few bow hunters commented that landowners are complaining about over population of deer but denying bow hunters hunting access to the landowner's property.

RESPONSE: Hunting is the most effective and efficient means the department has to control (manage) a deer population. If hunters cannot get access to good deer habitat they cannot reduce the deer numbers in that area.

Landowners often complain that hunters ignore the conditions placed on them when permission to access private land is granted. Landowners cite misuse of vehicles, littering, disturbance of livestock, fences and standing crops.

All of the major landowners in the preserve said they allow a reasonable amount of hunting.

COMMENT 14: A few individuals cited their support of the boundary change stating that archery hunting has not kept deer numbers within reasonable limits.

RESPONSE: This is the complaint of the petitioning landowners. The commission addressed serious deer damage in this area in 1979, 1986, 1995 and 2002. Between 1982 and 1999, the commission tried various multiple tag archery seasons. In 1987 and 1988 the commission offered unlimited B-tags sold locally. Deer remained a problem.

It may be theoretically possible to control a deer population with archery only hunting, but there are no good examples in Montana.

COMMENT 15: One individual thought the department should have spent more time discussing alternatives to the boundary change with landowners in the area. Another individual stated that he has had to deal with 20 years of problems while the department tried various methods to solve those problems. He said he is tired of "waiting to see" if one strategy or another works and needs the problem solved now.

RESPONSE: The commission and department have spent a large amount of time discussing alternatives with landowners and trying to solve the game damage problem. In 1979, the commission and department proposed a rule to abandon the Teton-Spring Creek Bird Preserve so that hunters could control deer in this area. There was local opposition and the commission and department abandoned the idea. Deer damage continued and in 1981 the state legislature amended 87-5-405, MCA, to allow a special archery season on the preserve. Over the next 20 years the commission experimented with 20 different seasons changing season length, number of licenses, and gender restrictions.

The landowners suffering deer damage were very familiar with many different alternatives used to reduce the damage. They were familiar with the commission's 20-year effort to control deer with archery and seasons up to 122 days long. They were angry that the limited shotgun game damage solution that was proposed in 2002 (that had worked in other suburban areas) was locally rejected. In frustration, two landowners petitioned to get out of the preserve.

The commission and department hope that changing the preserve boundaries and allowing the Special Weapons Restricted Area will solve the problem.

COMMENT 16: A few people were opposed to the boundary change because they chose to live in the area because the preserve was there. Another cited that the preserve has existed historically and he would hate to see the preserve disappear.

RESPONSE: Landowners, large and small, desiring to remain in this preserve will be able to do so following the petitioned withdrawals.

The commission's and department's problem is a wildlife management issue. The commission has a legal requirement and the jurisdiction to resolve the problem of game damage and deer overpopulation in the area. Historically, the commission has reduced the number of preserves in Montana from 46 in 1936 to 6 in 2003. There is no biological reason to continue this preserve.

COMMENT 17: One individual maintained that the commission and department should not change the boundaries without a Montana Environmental Policy Act (MEPA) review.

RESPONSE: An Environmental Assessment (EA) was prepared for public review. Copies of this EA were sent to 53 people and organizations that were on the mailing list for this issue. The EA was placed on the department website. There was a late story in the Choteau Acantha that gave readers less than a week to respond. The department inadvertently made the mistake of not sending the local newspaper a copy of the EA in a timely fashion.

The EA comment period lasted 32 days - September 26 through October 27, 2003. A total of 6 written comments and one phone call were received. One comment endorsed the petition for withdrawal. One opposed withdrawal. Two letter writers and eight petition signers were new to the issue. All mentioned safety concerns. The petitioners requested that the preserve as now defined remain "firearm free."

No one advanced a single biological reason to continue the preserve. In the case of the Teton-Spring Creek Bird Preserve, the original objective of expanding the ring-necked pheasant population has been achieved.

Very strong views were expressed about the danger of using firearms. The commission and department concede that there is risk associated with handling any hunting instrument. The commission and department also concur with the contention that technological advances in sporting arms have altered the performance of these instruments.

The commission has addressed changes by refining the definition of "traditional sporting arms" and created "Special Weapons Restricted Areas" in subdivided (developed) areas. To date hunting in these areas, as tracked by the State's Hunter Education Program leaders, has been safe and effective.

No evidence was advanced to show that where these special regulations have been in place there is a safety problem. No evidence was advanced to indicate that the Teton-Spring Creek

Valley is substantially different from other developed areas where restricted hunting occurs.

Based on this analysis, the Decision Notice in the MEPA process signed by department Region 4 Supervisor Mike Aderhold, December 3, 2003, found in favor of accommodating the two initial petitioners and subsequent petitioners. This decision also determined that this action did not have a significant effect on the human environment.

COMMENT 18: During the MAPA process, two other landowners petitioned to have their property removed from the game preserve.

RESPONSE: During the discussion of this issue, three additional landowners (Ottis and Sylvia Bryan, and Scarlett Schock) controlling two preserve parcels in the Teton Valley asked that their land also be withdrawn from the preserve.

Since accommodating the petitioners would leave an unmanageable preserve, the local game warden talked to the mayor of the City of Choteau, the Teton County Commissioners and the Conrad Area Manager of the Department of Natural Resources and Conservation and asked them if lands they were responsible for in the preserve (isolated bench land tracts out of the Teton Valley) could be eliminated from the preserve to get a contiguous, manageable preserve. All three entities studied the question and responded "yes." The commission and department considered this change and adopted it.

COMMENT 19: One individual stated that firearm hunting may not be any more effective than archery hunting in this area.

RESPONSE: Of all the whitetail deer taken during the 2001 through 2003 hunting seasons, archers took 4% with a success rate of less than 15%. During the same time period, hunters using guns took 95% of the total whitetail deer taken with a success rate of over 40%. This information is found in the department's 2001, 2002, and 2003 hunter surveys.

However, it is true that access to hunting is an issue in this area. The land supporting the deer in this area is privately owned. The success of any hunting program in controlling deer numbers depends on a reasonable amount of hunting access. The commission cannot control that access.

COMMENT 20: Two citizens asked if the commission and department considered the petition for no firearm use within the preserve boundaries as they existed before the rule amendment.

RESPONSE: The commission and department considered the petition for no firearm use within the existing preserve boundary. The commissioners and the director were personally sent copies of one or more versions of these petitions by Dr. John Murnane.

The petitions were made part of the official record and reviewed by the department and the commission at their December 11, 2003, meeting.

Mike Aderhold, hearing officer and Region 4 Supervisor also received an original and two copies of the identical petition. All said the same thing:

"We the undersigned request that a corridor, as defined by the Teton/Spring Creek Bird Preserve, remain a firearms free zone for reasons of human safety."

The first petition had 13 signatures and was presented at the August 21, 2003, public hearing. The second petition was presented near the conclusion of the Montana Environmental Policy Act process October 27, 2003. This second petition was a continuation of the first petition and it had 11 additional signatures. The third petition was turned over at a Choteau meeting with Dr. Murnane, December 10, 2003. It had two additional signatures for a total of 26. Nineteen of the petition signers lived in the preserve and represented about half of the landowners in the preserve.

By: /s/ M. Jeff Hagener
M. Jeff Hagener,
Secretary, Fish, Wildlife and
Parks Commission, and
Director, Department of Fish,
Wildlife and Parks

By: /s/ Martha C. Williams
Martha C. Williams
Rule Reviewer

Certified to the Secretary of State January 16, 2004

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

In the matter of the)	NOTICE OF AMENDMENT,
amendment of ARM 24.156.625,)	ADOPTION AND REPEAL
unprofessional conduct, the)	
adoption of NEW RULES)	
I-XVI, and the 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, all pertaining))	
to emergency medical)	
technician licensure)	

TO: All Concerned Persons

1. On August 28, 2003, the Board of Medical Examiners published MAR Notice No. 24-156-60 regarding the public hearing on the proposed amendment, adoption and repeal of the above-stated rules relating to emergency medical technician licensure at page 1841 of the 2003 Montana Administrative Register, issue no. 16.

2. On September 20, 2003 and September 25, 2003, public hearings on the proposed amendment, adoption and repeal of the above-stated rules were conducted in Glasgow and Helena, and members of the public spoke at the public hearings. In addition, written comments were received prior to the closing of the comment period on October 1, 2003.

3. The Board of Medical Examiners (Board) has thoroughly considered all of the comments made. A summary of the comments received (grouped by rule) and the Board's responses are as follows:

ARM 24.156.625 UNPROFESSIONAL CONDUCT:

Comment 1: Three comments were received in opposition to amending this rule to define unprofessional conduct to include failing, as a medical director, to supervise, manage, direct and train EMTs. Two commenters stated that the amendment places too much emphasis on the medical director and is punitive and insulting because it places this conduct in the same category as sexual exploitation and jeopardizes the physician's license even though the physician generally serves without compensation as a

medical director. A third commenter stated that the medical director is not in a position of management and does not personally supervise EMTs.

Response 1: The Board acknowledges the first two commenters' statements and notes that unprofessional conduct includes a number of behaviors, acts and omissions that are not equally weighted in terms of how the Board considers them. However, the Board believes that it is important to define failure to supervise adequately as a medical director in the category of unprofessional conduct so that physicians engaging in egregious conduct can be disciplined. The Board notes that the increased level of responsibility of the ALS providers is reflected in the emphasis placed on the medical director.

The Board agrees with the third commenter that the medical director supervises, appropriately directs and trains EMTs, PA-Cs and residents, but does not manage EMTs, PA-Cs or residents. The Board affirms that the medical director does manage a medical assistant under the physician's supervision. The Board voted to delete the word "manage" from ARM 24.156.625(1)(x), (z) and (aa).

NEW RULE I (ARM 24.156.2701) DEFINITIONS:

Comment 2: One comment was received that asked the Board to include specific language about the levels of EMT licensure and endorsements in the definition of "approved program."

Response 2: The Board believes that there is no need for specific language because the approval is encompassing of any and all courses approved by the Board.

Comment 3: One comment was received that proposed that the definition of "clinical preceptor" in NEW RULE I(5) be clarified to specify a physician or registered nurse as a clinical preceptor.

Response 3: The Board does not agree with this proposed change because the rule as it is written means an individual trained to a level greater than a student. Listing all of the specialties and health care professionals who could be preceptors would be unduly cumbersome in a definition. In addition, such a specific list might give rise to an inference that an inadvertently omitted specialty or class of persons was not authorized to act as a preceptor.

Comment 4: One comment was received that strongly supported the definition of EMS as pre-hospital care and transportation because it comports with 50-6-302(4), MCA.

Response 4: The Board acknowledges the comment.

Comment 5: Two comments were received that questioned the

definition of "EMS" in NEW RULE I(7) as "what is commonly referred to as an ambulance service". The comments noted that the ambulance is only a portion of the service and that non-transporting units are the lifeline of the patient until the hand-off to the ambulance.

Response 5: The Board agrees that the definition of "emergency medical service" should not include the language "EMS is the official designation for what is commonly referred to as an ambulance service" and voted to delete that language from the rule.

Comment 6: One comment was received that proposed a different definition for NEW RULE I(7). The commenter asked that EMS be defined as "the combination of people and resources necessary to provide an emergency response to the public that is often multi-jurisdictional and always 'all-encompassing' from the initiation of a call for help to the return of the patient to the community."

Response 6: After lengthy discussion the Board voted to amend the definition to include the concept of EMS as being furnished by a combination of persons licensed by the Board and resources licensed by the Department of Public Health and Human Services.

Comment 7: One comment was received in support of the definition in NEW RULE I(8) of an EMT as "any pre-hospital emergency care personnel licensed by the board."

Response 7: The Board acknowledges the comment.

Comment 8: One comment was received that proposed a different definition for NEW RULE I(13), "EMT Service."

Response 8: Upon consideration, the Board realized that NEW RULE I(13) was redundant and encompassed in NEW RULE I(7). The Board voted to delete NEW RULE I(13) and thanks the commenter for bringing this to its attention.

Comment 9: One comment proposed changing the definition in NEW RULE I(19) of "service medical director" to include advanced practice registered nurses.

Response 9: The Board believes that pursuant to 50-6-203, MCA, it has rule-making responsibility regarding EMTs, including certification and other performance-related matters. The Board, as the governmental entity that is responsible for the regulation of the practice of medicine as well as the certification of EMTs, believes it is appropriate that the Board be able to ensure that its licensees and certificate holders are directly accountable to the Board for matters pertaining to professional conduct. The Board specifically wants all service medical directors to be persons licensed by and under the jurisdiction of the Board of Medical Examiners. This includes

PA-Cs who practice dependently under a physician's supervision. The Board notes that advanced practice registered nurses are not (as nurses) subject to the jurisdiction of the Board. The inclusion of advanced practice registered nurses within the definition of "service medical director" could lead to a situation where a service medical director was not accountable to the Board, and arguably not subject to the Board's rules.

Comment 10: One comment proposed that service medical directors be compensated or receive assistance with additional costs in their liability insurance.

Response 10: The Board does not have the authority to specify the economic relationship between a licensee acting as a service medical director and the service entity (which may be either a public sector or private sector entity). As to the liability insurance problem, the Board notes that there already is statutory protection for volunteer service medical directors.

Comment 11: With respect to NEW RULE I(19), one commenter suggested that rural doctors may not have the time to spend with EMS and that something "more in the middle" should be allowed as medical directors. Another comment was received that stated that rural providers would be hard hit by the financial costs associated with this definition.

Response 11: The Board acknowledges the comments. As to rural doctors not having time to spend with EMS, the Board reiterates its belief that service medical directors must be licensed by and under the jurisdiction of the Board. If the commenter means by the phrase "something more in the middle" means that individuals not licensed by the Board should be allowed, the Board believes (as noted in Response 9) such individuals are not appropriate to serve as service medical directors.

The Board is uncertain what personal financial costs associated with this definition would fall upon rural providers, unless the comment means a rural ambulance service might have to pay for a medical director.

NEW RULE II (ARM 24.156.2705) UNPROFESSIONAL CONDUCT:

Comment 12: One comment was received in support of NEW RULE II(1)(x) which holds instructors responsible for courses taught under their direction.

Response 12: The Board acknowledges the comment.

Comment 13: Two comments were received in opposition to NEW RULE II(1)(x). One of the commenters stated that his license would be on the line, even though he is not reimbursed for teaching, and that he might not precept because of this rule. The second commenter stated that too much responsibility was placed on the preceptor and that preceptors would refuse to

precept since they aren't being reimbursed.

Response 13: The Board considered both comments, but believes that the fact that a person voluntarily precepts, without compensation, doesn't affect the responsibility of the preceptor. The same professional standards apply whether the individual is compensated or not. The rule formalizes the already accepted standards regarding preceptors. The Board concludes the rule does not place an additional burden on preceptors.

NEW RULE IV (ARM 24.156.2713) EMT LICENSE APPLICATION:

Comment 14: One comment was received that questioned whether the information from a National Practitioner Data Bank (NPDB) self-query is useful, or just another fee imposed on the applicant.

Response 14: The Board has found, in the past, that NPDB self-queries are important sources of information that would otherwise not have been discovered about applicants. NPDB self-queries are especially valuable in instances in which applicants licensed in one particular health care profession are sanctioned; if these applicants seek licensure in another health care profession or in another jurisdiction, the Board might not know about the previous problems without the self-query. As such, the Board concludes that requiring NPDB self-queries is an appropriate step in protecting the public health and safety. The Board believes the cost is a small imposition considering the problems that the self-queries eliminate.

NEW RULE V (ARM 24.156.2715) OUT-OF-STATE EMT APPLICANT:

Comment 15: One comment was received that questioned whether registered nurses (RNs) would no longer be able to be grandfathered into the EMT-P level.

Response 15: The Board emphasizes that NEW RULE V is for out-of-state applicants. For the purposes of section 37-1-204, MCA, the Board defines "substantially equivalent" to mean training in accordance with Board-approved USDOT curriculum standards, passage of written or practical exams or, in the opinion of the Board, training, experience and passage of an exam equivalent to current Board standards. On-the-job training does not qualify an applicant. However, having the training, experience and exam qualification to be nationally registered would be deemed "substantially equivalent" by the Board.

NEW RULE VI (ARM 24.156.2717) EMT LICENSE RENEWAL

Comment 16: Staff noticed that NEW RULE VI(3)(a) apparently erroneously included a January 1, 2007, deadline.

Response 16: The Board agrees that the January 1, 2007,

deadline in NEW RULE VI(3)(a) is in error. A person with an existing first responder license or first responder/ambulance license has several renewal options. First, if the individual wants to have an EMT-F license, the individual can either go through the usual National Registry of Emergency Medical Technicians (NREMT) process as provided in subsection (3)(a) or take the 16 hour course, as provided in subsection (3)(b). If the person wants to simply renew an existing first responder license, the person may do so for the period through 2006, as provided by section (4). However, section (4) provides that after December 31, 2006, the Board will not renew the "first responder" class of licenses. A person wanting to provide first responder services after January 1, 2007, will be required to hold an EMT-F license.

NEW RULE VIII (ARM 24.156.2731) FEES:

Comment 17: Two comments were received that opposed the new fees, especially the late fee, as being excessive and likely to drive off "already scarce rural EMTs."

Response 17: The Board acknowledges the concerns expressed. In light of the transition from a no-fee system of registration by DPHHS to a fee-based licensing system operated by the Board, and the fact that many EMTs are either volunteers or government agency staff, the Board is not adopting a late fee at this time, and has amended the rule accordingly. The Board notes that it intends to start charging appropriate late fees in 2007, as part of making sure that the EMT licensing program is self-supporting.

Comment 18: One commenter identified a typographical error in subsection (1)(g), that "EMT-D" should be "EMT-B".

Response 18: The Board agrees with the comment and has amended the rule accordingly.

NEW RULE X (ARM 24.156.2745) EXAMINATIONS:

Comment 19: Seven comments were received in opposition to NEW RULE X. Those commenters were opposed to local examination, felt that the exam system in place was excellent, and wanted State oversight. The commenters also stated they feared inconsistencies, irregularities, delays and increased costs if local examinations were permitted.

Response 19: The Board acknowledges the concerns. In re-reading the proposed text of section (2) of the rule, the Board has determined that part of the language was improperly punctuated and thus distorted the meaning of the rule. The Board has determined that in order to maintain examination security, consistency and accountability the medical director must be personally present during the administration of the basic level examination. The Intermediate and Paramedic level

examinations require a representative of the National Registry and board designee to administer the examination in order to maintain consistency and accountability. Additionally, because the content of the exams will be mandated by the National Registry, applicants will be able to take courses and exams at any location. The cost is expected to be less than the approximately \$175 per applicant that the state is currently paying for examination. The Board voted to clarify the language of NEW RULE X regarding the role of service medical directors in administering examinations.

NEW RULE XI (ARM 24.156.2751) LEVELS OF EMT LICENSURE INCLUDING ENDORSEMENTS:

Comment 20: Five comments were received that supported the new categories of EMS skill levels but were concerned about possible Medicare and Medicaid reimbursement problems with EMT-Bs starting intravenous infusions (IVs). The commenters stated that if EMT-Bs are allowed to start IVs, the federal reimbursement plans will consider IVs to be a basic skill and ALS services will lose out.

Response 20: The Board acknowledges the concerns, but concludes that the issue has been resolved because anything above EMT-B, without any endorsements, is considered to be ALS and requires a medical director. BLS is any provider that functions at the level of EMT-B (basic) without endorsement or levels, which includes EMT-Fs (first responders). The Board voted to clarify this by including definitions of ALS and BLS in NEW RULE I.

Comment 21: One comment was received in which the commenter stated the he was being asked to endorse levels without knowing what the levels entailed.

Response 21: The Board believes that NEW RULE XI specifically and adequately sets out what the levels entail by designating each level with the description of the tasks entailed in each level.

Comment 22: One commenter was opposed to EMT-Is performing immunizations and proposed adding the language "only related to disaster preparedness and response" to NEW RULE XI(1)(c)(ii). The same commenter also opposed the listing of "drips and pumps" in NEW RULE XI(1)(c)(iii) as an EMT-I task, stating that drips and pumps used for medications other than for pediatric patients are allowable only at the EMT-P level. The commenter urged greater specificity in this new rule and generally expressed concern that tasks that previously were EMT-P tasks were now EMT-I tasks, and that EMT-B tasks were now what were previously EMT-I tasks, reflecting a "drift downward" that might affect patient safety.

Response 22: The Board acknowledges the comment but concludes that the new curriculum provides more training involving

additional tasks, which thereby improves the standard of care provided to the public. The Board notes that the new rules provide for progressive levels of increased training and skills. An EMT-B who wants to add skills needs to have the EMT's local medical director agree to the training and extra responsibility. The Board concludes that additional training can only improve the services provided to the patient population.

The Board declines to amend the rule to include the suggested language regarding EMTs providing immunizations only for "disaster preparedness and response" because of potential for unduly limiting care during legitimate health care emergencies for which a disaster declaration had not been issued by the Governor. An example of such a situation is an outbreak of influenza in a rural community. While there might be a public health emergency within that community which requires immunizing all local residents, such an emergency would probably not likely rise to the level of the Governor declaring a formal "disaster." The Board concludes that including the suggested language would unduly limit the use of EMTs in responding to public health emergencies, and therefore is not in the best interest of preserving the public health, safety and welfare.

Comment 23: One comment was received that opposed the new levels and urged that the National Registry levels be maintained.

Response 23: The Board believes that it is in the best interest of Montana and Montanans to modify the National Registry levels by allowing supplemental endorsements to the National Registry levels. The Board notes that because of the substantial differences between scope of the 1985 version of the curriculum and the 1999 version, a strict adherence to National Registry levels could have the effect, as an example of prohibiting an EMT with 15 years experience in starting IVs from being able to continue to provide that level of service (starting IVs) until the EMT had completed whatever version(s) of the new curriculum that includes starting IVs. The Board concludes that due to Montana's rural character, and the relative scarcity of health care providers (especially in pre-hospital emergency care) that it is justified in allowing supplemental endorsements.

NEW RULE XII (ARM 24.156.2754) INITIAL EMT COURSE REQUIREMENTS:

Comment 24: One comment was received that questions the need for minimum times as opposed to "street clinical time" in initial course requirements.

Response 24: The Board appreciates this comment but directs the commenter to the curricula for guidelines for the amount of time to perform certain tasks, the list of skills that must be satisfactorily performed, and types of clinical contacts with particular ages of patients. While it appears that the minimum

hours set in the rules may lower time requirements for initial courses, the details in the curricula ensure that the skills acquired during the clinical hours must be satisfactorily performed. If the skills cannot be learned and satisfactorily performed after achieving the minimum hours, more clinical time would necessarily be required.

NEW RULE XIV (ARM 24.156.2761) PROCEDURES FOR REVISION OF BOARD-APPROVED EMT CURRICULUM AND STATEWIDE PROTOCOLS:

Comment 25: Two comments were received that opined that the procedures were too cumbersome, time-consuming and unresponsive to individual services. One commenter suggested conditional approval pending official adoption or a process "similar to other professions."

Response 25: The Board notes that since 1993 every application for protocol revision has been provisionally approved because there was no other mechanism in place. Without a process the Board was unable to update the curriculum because there was no efficient way to allow change without sacrificing standards or acting arbitrarily. This process allows the Board to consider requests for change in a timely manner and eliminates the possibility of making changes without having the time to review all of the information provided by the requesting party.

NEW RULE XV (ARM 24.156.2771) SCOPE OF PRACTICE:

Comment 26: One comment was received that questioned whether the rule applied to all licensed personnel or just to EMTs in a pre-hospital setting.

Response 26: This rule applies to EMTs and EMT students in an approved course under the conditions stated in the rule.

Comment 27: One comment was received that stated that the new rule would greatly limit the possibility of providing clinical experiences for EMT-Is and EMT-Ps. The commenter suggested specific wording to eliminate the problem.

Response 27: The Board agrees that the suggested wording is appropriate and voted to amend NEW RULE XV by adopting the commenter's wording.

4. After consideration of the comments, the Board has amended the following rule as proposed, with the following changes, stricken matter interlined, new matter underlined:

24.156.625 UNPROFESSIONAL CONDUCT (1) through (1)(w) remain as proposed.

(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) remains as proposed.

(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) remains as proposed.

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

5. After consideration of the comments, the Board has adopted NEW RULE II (ARM 24.156.2705), NEW RULE III (ARM 24.156.2711), NEW RULE IV (ARM 24.156.2713), NEW RULE V (ARM 24.156.2715), NEW RULE VII (ARM 24.156.2719), NEW RULE IX (ARM 24.156.2741), NEW RULE XI (ARM 24.156.2751), NEW RULE XII (ARM 24.156.2754), NEW RULE XIII (ARM 24.156.2757), NEW RULE XIV (ARM 24.156.2761), and NEW RULE XVI (ARM 24.156.2775) exactly as proposed.

6. After consideration of the comments, the Board has adopted NEW RULE I (ARM 24.156.2701), NEW RULE VI (ARM 24.156.2717), NEW RULE VIII (ARM 24.156.2731), NEW RULE X (ARM 24.156.2745), and NEW RULE XV (ARM 24.156.2771) as proposed, with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I (ARM 24.156.2701) DEFINITIONS For purposes of the rules set forth in this sub-chapter, the following definitions apply:

(1) "Advanced life support" or "ALS" means any provider that functions at any endorsement level above EMT-B.

(1) and (2) remain as proposed but are renumbered (2) and (3).

(4) "Basic life support" or "BLS" means any provider that functions at the endorsement level of:

(a) EMT-F;

(b) EMT-F with any endorsements; or

(c) EMT-B without any endorsements.

(3) through (6) remain as proposed but are renumbered (5) through (8).

~~(7)~~(9) "Emergency medical service" or "EMS" means a pre-hospital care and transportation provider furnished by a combination of persons licensed by the board and resources that are 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) through (12) remain as proposed but are renumbered (10) through (14).

~~(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) through (20) remain as proposed but are renumbered (15) through (21).

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

NEW RULE VI (ARM 24.156.2717) EMT LICENSE RENEWAL (1) through (3) remain as proposed.

- (a) become NREMT registered ~~by January 1, 2007;~~ or
- (b) through (7) remain as proposed.

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

NEW RULE VIII (ARM 24.156.2731) FEES (1) through (1)(f) remain as proposed.

(g) ~~EMT-D~~ EMT-B biennial renewal fee 30.00

(h) and (i) remain as proposed.

~~(j) late renewal fee 150.00~~

(k) through (m) remain as proposed, but are renumbered (j) through (l).

(2) remains as proposed.

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

NEW RULE X (ARM 24.156.2745) EXAMINATIONS (1) remains as proposed.

(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.~~ ~~Except~~ in the case of first responder and basic EMT levels. ~~7~~ The EMS medical director may not delegate the administration of the NREMT written examination for the EMT-F or EMT-B levels.

(3) and (4) remain as proposed.

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

NEW RULE XV (ARM 24.156.2771) 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.~~

An EMT licensed or endorsed beyond the EMT-B level may

perform any acts allowed within the EMT's licensure level or endorsement level when:

(a) under the direct observation of an EMS medical director who is taking responsibility for the EMT; or

(b) operating under a Montana licensed EMS service, licensed at or above the level of the individual and functioning under the formal, written board-approved standing orders or protocols; or

(c) participating in a continuing education program.

(2) An EMT may perform beyond the level of the EMT's individual licensure when functioning as a student in an approved course and under the direct observation of a clinical preceptor. The EMT must perform within the acts allowed at the level for which the EMT is a student candidate.

(3) Except as provided in (2), an EMT may not perform any acts that are beyond the EMT's level of licensure or endorsement.

(2) and (3) remain as proposed but are renumbered (4) and (5).

AUTH: 50-6-203, MCA

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

7. After consideration of the comments, the Board has repealed 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 exactly as proposed.

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

/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 January 16, 2004.

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

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 37.78.102 and ARM)
37.82.101 pertaining to)
temporary assistance for needy)
families (TANF), medical)
assistance, purpose and)
incorporation of policy)
manuals)

TO: All Interested Persons

1. On December 11, 2003, the Department of Public Health and Human Services published MAR Notice No. 37-310 pertaining to the public hearing on the proposed amendment of the above-stated rules relating to temporary assistance for needy families (TANF), medical assistance, purpose and incorporation of policy manuals, at page 2741 of the 2003 Montana Administrative Register, issue number 23.

2. The Department has amended ARM 37.78.102 and 37.82.101 as proposed.

3. No comments or testimony were received.

Dawn Sliva
Rule Reviewer

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

Certified to the Secretary of State January 16, 2004.

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 September 30, 2003. This table includes those rules adopted during the period October 1, 2003 through December 31, 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 September 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.

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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 December 2003, appear. Vacancies scheduled to appear from February 1, 2004, through April 30, 2004, 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 January 7, 2004.

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 DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Aging Advisory Council (Public Health and Human Services)			
Ms. Patricia Saindon Helena	Governor	Swenson	12/16/2003 7/18/2005
Qualifications (if required): public member			
Board of Research and Commercialization Technology (Commerce)			
Ms. Luanne Belcourt Box Elder	Governor	Smith, Jr.	12/11/2003 7/1/2004
Qualifications (if required): Native American			
Burial Preservation Board (Administration)			
Mr. Melbert Eaglefeathers Butte	Governor	reappointed	12/2/2003 8/22/2005
Qualifications (if required): public member			
Mr. Carl Fourstar Poplar	Governor	reappointed	12/2/2003 8/22/2005
Qualifications (if required): representative of the Assiniboine Tribe			
Mr. Tony Incashola Pablo	Governor	reappointed	12/2/2003 8/22/2005
Qualifications (if required): representative of the Salish and Kootenai Tribe			
Mr. John Murray Browning	Governor	Talksabout	12/2/2003 8/22/2005
Qualifications (if required): representative of the Blackfeet Tribe			
Mr. Stephen Platt Helena	Governor	reappointed	12/2/2003 8/22/2005
Qualifications (if required): representative of the State Historical Preservation Office			

BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Burial Preservation Board (Administration) cont.			
Dr. Randall Skelton	Governor	reappointed	12/2/2003
Missoula			8/22/2005
Qualifications (if required): physical anthropologist			
Department of Corrections Advisory Council (Corrections)			
Mr. Tom Blaz	Governor	not listed	12/12/2003
Anaconda			12/12/2005
Qualifications (if required): public member			
Mr. Dick Boutilier	Governor	not listed	12/12/2003
Great Falls			12/12/2005
Qualifications (if required): public member			
Rep. Dorothy Bradley	Governor	not listed	12/12/2003
Bozeman			12/12/2005
Qualifications (if required): public member			
Judge Deborah Kim Christopher	Governor	not listed	12/12/2003
Polson			12/12/2005
Qualifications (if required): public member			
Ms. Lindsay Clodfelter	Governor	not listed	12/12/2003
Missoula			12/12/2005
Qualifications (if required): public member			
Ms. Gloria Edwards	Governor	not listed	12/12/2003
Bozeman			12/12/2005
Qualifications (if required): public member			
Mr. Kent Funyak	Governor	not listed	12/12/2003
Great Falls			12/12/2005
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Corrections Advisory Council (Corrections) cont.			
Mr. Bill Furois East Helena	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Rep. Steve Gallus Butte	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Rep. Carol C. Juneau Browning	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Mr. Marty Lambert Bozeman	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Mr. Dennis McCave Billings	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Dr. Pat McGree Butte	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Lt. Gov. Karl Ohs Harrison	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		
Mr. Tony Pfaff Deer Lodge	Governor	not listed	12/12/2003 12/12/2005
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Corrections Advisory Council (Corrections) cont.			
Rev. Steven Rice	Governor	not listed	12/12/2003
Miles City			12/12/2005
Qualifications (if required): public member			
Rep. Scott Sales	Governor	not listed	12/12/2003
Bozeman			12/12/2005
Qualifications (if required): public member			
Rep. Jim Shockley	Governor	not listed	12/12/2003
Victor			12/12/2005
Qualifications (if required): public member			
Judge Stewart Stadler	Governor	not listed	12/12/2003
Whitefish			12/12/2005
Qualifications (if required): public member			
Sen. Bill Tash	Governor	not listed	12/12/2003
Dillon			12/12/2005
Qualifications (if required): public member			
Mr. Allan Underdal	Governor	not listed	12/12/2003
Shelby			12/12/2005
Qualifications (if required): public member			
Sen. Tom Zook	Governor	not listed	12/12/2003
Miles City			12/12/2005
Qualifications (if required): public member			
Governor's Council on Worklife Wellness (Public Health and Human Services)			
Ms. Lynda Blades	Governor	not listed	12/1/2003
Helena			12/2/2005
Qualifications (if required): state agency representative			

BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Worklife Wellness (Public Health and Human Services) cont.			
Ms. Maggie Bullock Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): state agency representative			
Mr. Cliff Christian Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): special interest group representative			
Ms. LaDonna Grotbo Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): state agency representative			
Mr. Jim Kaiser Bismarck, ND	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): retail sales service representative			
Mr. Kurt Keller Bozeman	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): higher education representative			
Ms. Vonda Lancaster Billings	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): special interest group representative			
Mr. James Lindsey Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): insurer			
Mr. Garfield Littlelight Billings	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required): Indian Health Service representative			

BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Worklife Wellness (Public Health and Human Services) cont.			
Ms. Jo-Emily Magsig Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	insurer		
Ms. Gail Mooney Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	public school staff		
Mr. John Pipe Wolf Point	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	tribal health government representative		
Ms. Ronna Rahlf Billings	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	retail sales service representative		
Mr. Brad Roy Kalispell	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	health care representative		
Mr. Cas Sprouffske Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	retail sales service representative		
Ms. Diane West Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	state agency representative		
Ms. Kate Wilson Helena	Governor	not listed	12/1/2003 12/2/2005
Qualifications (if required):	health care representative		

BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2003

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Worklife Wellness (Public Health and Human Services) cont.			
Ms. Jill Young	Governor	not listed	12/1/2003
Missoula			12/2/2005
Qualifications (if required): health care representative			
Governor's Public Health Care Advisory Council (Public Health and Human Services)			
Mr. Rick Kirn	Governor	not listed	12/11/2003
Poplar			12/31/2004
Qualifications (if required): Native American			
Montana Alfalfa Seed Committee (Agriculture)			
Mr. Tom Helm	Governor	Martinson	12/21/2003
Toston			12/21/2006
Qualifications (if required): alfalfa seed grower			
Mr. John Wold	Governor	reappointed	12/21/2003
Laurel			12/21/2006
Qualifications (if required): alfalfa seed grower			
Water and Wastewater Operators' Advisory Council (Environmental Quality)			
Mr. Tony Porrazzo	Governor	Leivo	12/17/2003
Polson			10/16/2006
Qualifications (if required): water treatment plant operator			
Mr. Roger Skogen	Governor	Cottom	12/17/2003
Valier			10/16/2009
Qualifications (if required): wastewater treatment plant operator			

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Architects (Commerce) Mr. Thomas R. Wood, Bozeman Qualifications (if required): representative of MSU-Bozeman School of Architecture	Governor	3/27/2004
Board of Architects (Labor and Industry) Mr. John Fontaine, Glasgow Qualifications (if required): public member	Governor	3/27/2004
Board of Athletics (Commerce) Mr. Gary Langley, Helena Qualifications (if required): public member	Governor	4/25/2004
Board of Dentistry (Commerce) Dr. Michael McCarthy, Billings Qualifications (if required): dentist	Governor	3/29/2004
Ms. Deana Standley, Great Falls Qualifications (if required): dental hygienist	Governor	3/29/2004
Board of Optometry (Commerce) Dr. Douglas McBride, Billings Qualifications (if required): optometrist	Governor	4/3/2004
Board of Public Education (Education) Ms. Joyce A. Silverthorne, Dixon Qualifications (if required): Democrat representing District 1	Governor	2/1/2004
Board of Regents of Higher Education (Education) Mr. Ed Jasmin, Bigfork Qualifications (if required): Republican from District 1	Governor	2/1/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Research and Commercialization Technology (Commerce)		
Mr. Tom Kaiserski, Columbus	House Speaker	2/11/2004
Qualifications (if required): none specified		
Capital Finance Advisory Council (Administration)		
Mr. Dick Anderson, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Board of Investments		
Sen. Bea McCarthy, Anaconda	Governor	2/14/2004
Qualifications (if required): legislator		
Sen. Chuck Swysgood, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Budget Office		
Sen. Royal C. Johnson, Billings	Governor	2/14/2004
Qualifications (if required): legislator		
Mr. Jim Currie, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Transportation		
Mr. Bob Thomas, Stevensville	Governor	2/14/2004
Qualifications (if required): representative of the Board of Housing		
Mr. Mark A. Simonich, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Commerce		
Mr. W. Ralph Peck, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Agriculture		
Mr. Bud Clinch, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Natural Resources and Conservation		

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Capital Finance Advisory Council (Administration) cont.		
Mr. Mark Semmens, Great Falls Qualifications (if required): representative of the Board of Regents	Governor	2/14/2004
Ms. Jan Sensibaugh, Helena Qualifications (if required): representative of the Department of Environmental Quality	Governor	2/14/2004
Ms. Michelle Barstad, Helena Qualifications (if required): representative of the Montana Facility Finance Authority	Governor	2/14/2004
Mr. Scott Darkenwald, Helena Qualifications (if required): representative of the Department of Administration	Governor	2/14/2004
Commission on Practice of the Supreme Court (Justice)		
Mr. Bruce A. Fredrickson, Billings Qualifications (if required): elected	elected	4/27/2004
Governor's Council on Organ and Tissue Donor Awareness (Public Health and Human Services)		
Gov. Judy Martz, Helena Qualifications (if required): representative of donor families and state government	Governor	3/25/2004
Mr. Ted Marchion, Anaconda Qualifications (if required): representative of donor recipients	Governor	3/25/2004
Mr. Paul Buck, Missoula Qualifications (if required): ex-officio member	Governor	3/25/2004
Ms. Jan Hendrix, Kalispell Qualifications (if required): ex-officio member	Governor	3/25/2004
Ms. Sandi Stroot, Superior Qualifications (if required): ex-officio member	Governor	3/25/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Council on Organ and Tissue Donor Awareness (Public Health and Human Services)		
cont.		
Mr. Dean Roberts, Helena	Governor	3/25/2004
Qualifications (if required):	representative of the Department of Justice	
Ms. Mary Hainlin, Helena	Governor	3/25/2004
Qualifications (if required):	representative of donor families	
Rev. Kenneth Mottram, Kalispell	Governor	3/25/2004
Qualifications (if required):	representative of clergy	
Ms. Jennifer Keck, Conrad	Governor	3/25/2004
Qualifications (if required):	representative of donor recipients	
Ms. Maggie Bullock, Helena	Governor	3/25/2004
Qualifications (if required):	Department of Public Health and Human Services representative	
Mr. Tim Reardon, Helena	Governor	3/25/2004
Qualifications (if required):	organ donor recipient	
Mr. John Pipe, Wolf Point	Governor	3/25/2004
Qualifications (if required):	organ donor recipient and a Native American	
Ms. Rosemary Wolter, Billings	Governor	3/25/2004
Qualifications (if required):	family donor and businessperson	
Helena College of Technology of the U of M Executive Board (University System)		
Mr. Ronald S. Mercer, Helena	Governor	4/15/2004
Qualifications (if required):	public member	

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Abstinence Education Advisory Council (Public Health and Human Services)		
Dr. Tom Rasmussen, Helena Qualifications (if required): public member	Governor	3/11/2004
Sen. Sherm Anderson, Deer Lodge Qualifications (if required): legislator	Governor	3/11/2004
Sen. Duane Grimes, Clancy Qualifications (if required): legislator	Governor	3/11/2004
Ms. Geraldine (Jeri) Snell, Miles City Qualifications (if required): public member	Governor	3/11/2004
Ms. Jessie Stinger, Polson Qualifications (if required): public member	Governor	3/11/2004
Mr. Gary Swant, Deer Lodge Qualifications (if required): public member	Governor	3/11/2004
Mr. Bryce Skjervem, Helena Qualifications (if required): public member	Governor	3/11/2004
Mr. Jim Good, Bozeman Qualifications (if required): public member	Governor	3/11/2004
Ms. Joleen Spang, Lame Deer Qualifications (if required): public member	Governor	3/11/2004
Ms. Traci Hronek, Great Falls Qualifications (if required): public member	Governor	3/11/2004
Rep. Kenneth D. Peterson, Billings Qualifications (if required): legislator	Governor	3/11/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Abstinence Education Advisory Council (Public Health and Human Services) cont. Ms. Julie Ippolito, Helena Qualifications (if required): public member	Governor	3/11/2004
Ms. Judy LaPan, Sidney Qualifications (if required): public member	Governor	3/11/2004
Mr. Matt Antonich, Kremlin Qualifications (if required): public member	Governor	3/11/2004
Mr. Collins Lawlor, Helena Qualifications (if required): youth representative	Governor	3/11/2004
Ms. Elisabeth Dellwo, Helena Qualifications (if required): youth representative	Governor	3/11/2004
Ms. Elaine Collins, Helena Qualifications (if required): public member	Governor	3/11/2004
Montana Economic Advisory Council (Governor) Mr. Tom Scott, Billings Qualifications (if required): member of EDAG	Governor	2/14/2004
Rep. Dave Kasten, Brockway Qualifications (if required): public member	Governor	2/14/2004
Mr. Jerry Driscoll, Helena Qualifications (if required): public member	Governor	2/14/2004
Mr. Scott Mendenhall, Cardwell Qualifications (if required): public member	Governor	2/14/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Economic Advisory Council (Governor) cont. Mr. Turner Askew, Whitefish Qualifications (if required): member of EDAG	Governor	2/14/2004
Ms. Sharron Quisenberry, Bozeman Qualifications (if required): public member	Governor	2/14/2004
Mr. Will Weaver, Great Falls Qualifications (if required): public member	Governor	2/14/2004
Montana Health Coalition (Public Health and Human Services) Dr. Paul S. Donaldson, Helena Qualifications (if required): none specified	Director	2/1/2004
Mr. Paul Peterson, Missoula Qualifications (if required): none specified	Director	2/1/2004
Sen. Duane Grimes, Clancy Qualifications (if required): none specified	Director	2/1/2004
Mr. Larry Robinson, Ronan Qualifications (if required): none specified	Director	2/1/2004
Ms. Kris Kleinschmidt, Great Falls Qualifications (if required): none specified	Director	2/1/2004
Ms. Kristianne Wilson, Billings Qualifications (if required): none specified	Director	2/1/2004
Rep. Edith J. Clark, Sweet Grass Qualifications (if required): none specified	Director	2/1/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Health Coalition (Public Health and Human Services) cont. Mr. Garfield Little Light, Billings Qualifications (if required): none specified	Director	2/1/2004
Ms. Mary Caferro, Helena Qualifications (if required): none specified	Director	2/1/2004
Ms. Laurie Francis, Livingston Qualifications (if required): none specified	Director	2/1/2004
Ms. Marianne Krpan, Helena Qualifications (if required): none specified	Director	2/1/2004
Ms. Claudia Clifford, Helena Qualifications (if required): none specified	Director	2/1/2004
Mr. James Holcomb, Great Falls Qualifications (if required): none specified	Director	2/1/2004
Ms. Connie Welsh, Helena Qualifications (if required): none specified	Director	2/1/2004
Mr. Dave Young, Bozeman Qualifications (if required): none specified	Director	2/1/2004
Ms. Joan Bowsher, Helena Qualifications (if required): none specified	Director	2/1/2004
Ms. Kathy Jensen, Plentywood Qualifications (if required): none specified	Director	2/1/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State University Billings Executive Board (University System) Ms. Carol Willis, Billings Qualifications (if required): public member	Governor	4/15/2004
Montana State University Executive Board (University System) Ms. Beatrice Taylor, Bozeman Qualifications (if required): public member	Governor	4/15/2004
Montana State University Great Falls College of Technology Executive Board (University System) Ms. Susan Humble, Great Falls Qualifications (if required): public member	Governor	4/15/2004
Montana State University Northern Executive Board (University System) Mr. Doug Ross, Havre Qualifications (if required): public member	Governor	4/15/2004
Montana Tech of the University of Montana Executive Board (University System) Mr. Tad Dale, Butte Qualifications (if required): public member	Governor	4/15/2004
Multi-state Tax Compact Advisory Council (Revenue) Mr. Alec Hansen, Helena Qualifications (if required): representing the political subdivisions of Montana	Director	2/27/2004
Mr. Gordon Morris, Helena Qualifications (if required): representing the political subdivisions of Montana	Director	2/27/2004
Mr. Kurt Alme, Helena Qualifications (if required): Director of the Department of Revenue	Director	2/27/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Peace Officers Standards and Training Advisory Council (Justice)		
Mr. Mike Batista, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Montana Law Enforcement Academy		
Mr. Shawn T. Driscoll, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Montana Highway Patrol		
Mr. Jim Smith, Helena	Governor	2/14/2004
Qualifications (if required): representative of the League of Cities and Towns		
Ms. Elaine Allestad, Big Timber	Governor	2/14/2004
Qualifications (if required): representative of the Board of Crime Control		
Mr. Christopher Miller, Deer Lodge	Governor	2/14/2004
Qualifications (if required): representative of the Montana Attorneys Association		
Mr. Dennis McCave, Billings	Governor	2/14/2004
Qualifications (if required): representative of the Montana Detention Officers Association		
Mr. John Strandell, Great Falls	Governor	2/14/2004
Qualifications (if required): representative of the Sheriffs and Peace Officers Association		
Dr. Ray Murray, Missoula	Governor	2/14/2004
Qualifications (if required): representative of the public		
Mr. Gary Fjelstad, Forsyth	Governor	2/14/2004
Qualifications (if required): representative of the Montana Association of Counties		
Mr. John Ramsey, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Fish Wildlife and Parks		

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Peace Officers Standards and Training Advisory Council (Justice) cont.		
Mr. Bill Dove, Bozeman	Governor	2/14/2004
Qualifications (if required): representative of the Police Protective Association		
Dr. James W. Burfeind, Missoula	Governor	2/14/2004
Qualifications (if required): representative of criminal justice educators		
Ms. Winnie Ore, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Corrections		
Ms. Shanna Bulik-Chism, Great Falls	Governor	2/14/2004
Qualifications (if required): representative of juvenile detention administrators		
Ms. Anne Kindness, Billings	Governor	2/14/2004
Qualifications (if required): representative of 9-1-1 services		
Mr. Mark Tymrak, Bozeman	Governor	2/14/2004
Qualifications (if required): representative of the Police Chiefs Association		
Mr. Greg Hintz, Missoula	Governor	2/14/2004
Qualifications (if required): representative of the Deputy Sheriff's Association		
Mr. Jack Wiseman, Helena	Governor	2/14/2004
Qualifications (if required): representative of the Department of Livestock		
Public Employees' Retirement Board (Administration)		
Mr. Jay Klawon, Hamilton	Governor	4/1/2004
Qualifications (if required): experienced in investment management		
State 9-1-1 Advisory Council (Administration)		
Mr. Larry J. Bonderud, Shelby	Director	3/1/2004
Qualifications (if required): Montana League of Cities and Towns		

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State 9-1-1 Advisory Council (Administration) cont. Dr. Drew Dawson, Helena Qualifications (if required): Department of Public Health and Human Services	Director	3/1/2004
Mr. Jim Oppedahl, Helena Qualifications (if required): Montana Board of Crime Control	Director	3/1/2004
Mr. Jim Anderson, Helena Qualifications (if required): Department of Military Affairs	Director	3/1/2004
Mr. Mike Strand, Helena Qualifications (if required): Montana Independent Telecommunications Systems	Director	3/1/2004
Mr. Bob Jones, Great Falls Qualifications (if required): Montana Association of Chiefs of Police	Director	3/1/2004
Mr. Bert Obert, Helena Qualifications (if required): Montana Highway Patrol	Director	3/1/2004
Mr. Ronald Rowton, Lewistown Qualifications (if required): Montana Sheriff's and Peace Officers Association	Director	3/1/2004
Mr. Geoff Feiss, Helena Qualifications (if required): Montana Telephone Association	Director	3/1/2004
Ms. Sherry Cargill, Boulder Qualifications (if required): Montana Association of Counties	Director	3/1/2004
Mr. Dan Hawkins, Helena Qualifications (if required): Association of Public Safety Communications Officials	Director	3/1/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State 9-1-1 Advisory Council (Administration) cont. Mr. Richard Brumley, Lewistown Qualifications (if required): Montana Emergency Medical Services Association	Director	3/1/2004
Mr. Chuck Winn, Bozeman Qualifications (if required): Montana State Fire Chiefs Association	Director	3/1/2004
Mr. Joe Calnan, Montana City Qualifications (if required): Montana State Volunteer Fire Fighters Association	Director	3/1/2004
Ms. Wilma Puich, Butte Qualifications (if required): Association of Disaster and Emergency Services Coordinators	Director	3/1/2004
Mr. Larry Sheldon, Helena Qualifications (if required): Qwest Communications	Director	3/1/2004
Ms. Jody Pierce, Helena Qualifications (if required): Public Safety Answering Point representative	Director	3/1/2004
Mr. Don Hollister, Kalispell Qualifications (if required): PTI Communications	Director	3/1/2004
Mr. Mark Yahne, Cedar City, UT Qualifications (if required): Western Wireless	Director	3/1/2004
Ms. Andrea Homier, Helena Qualifications (if required): Verizon Wireless	Director	3/1/2004
Mr. Tom Kuntz, Red Lodge Qualifications (if required): Montana Public Safety Communications Council	Director	3/1/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State 9-1-1 Advisory Council (Administration) cont. Ms. Jenny Hansen, Helena Qualifications (if required): Department of Administration 9-1-1 Program	Director	3/1/2004
State Board of Hail Insurance (Agriculture) Mr. Keith Arntzen, Hilger Qualifications (if required): public member	Governor	4/18/2004
University of Montana Executive Board (University System) Ms. Arlene Breum, Missoula Qualifications (if required): public member	Governor	4/15/2004
University of Montana Western Executive Board (University System) Ms. Betty Iverson, Dillon Qualifications (if required): public member	Governor	4/15/2004
Upper Clark Fork River Remediation and Restoration Education Advisory Council (Environmental Quality)		
Mr. Larry Curran, Butte Qualifications (if required): member of the public active in conservation or recreation	Governor	4/1/2004
Mr. John Hollenback, Gold Creek Qualifications (if required): conservation district representative	Governor	4/1/2004
Ms. Judy H. Jacobson, Butte Qualifications (if required): representative of local government	Governor	4/1/2004
Ms. Sally Johnson, Missoula Qualifications (if required): representative of the public	Governor	4/1/2004
Mr. Haley Beaudry, Butte Qualifications (if required): engineer	Governor	4/1/2004

VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2004 through APRIL 30, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Clark Fork River Remediation and Restoration Education Advisory Council (Environmental Quality) cont.		
Mr. Jim Flynn, Anaconda Qualifications (if required): businessman	Governor	4/1/2004
Mr. Matt Clifford, Missoula Qualifications (if required): representative of a non-profit organization	Governor	4/1/2004
Ms. Carol Fox, Helena Qualifications (if required): Chief of the Natural Resource Damage Program	Governor	4/1/2004
Ms. Jan Sensibaugh, Helena Qualifications (if required): Director of the Department of Environmental Quality and a non-voting member	Governor	4/1/2004
Mr. M. Jeff Hagener, Helena Qualifications (if required): Director of the Department of Fish, Wildlife, and Parks and a non-voting member	Governor	4/1/2004
Mr. Gene Vuckovich, Anaconda Qualifications (if required): local development specialist	Governor	4/1/2004
Mr. Jules Waber, Deer Lodge Qualifications (if required): representative of local government	Governor	4/1/2004
Mr. Jerry Harrington, Butte Qualifications (if required): natural resource scientist	Governor	4/1/2004