

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

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 The Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the repeal	)	NOTICE OF PROPOSED
of ARM 2.21.1001 through	)	REPEAL
2.21.1004 and 2.21.1011	)	
pertaining to Parental Leave	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On April 14, 2005, the Department of Administration proposes to repeal ARM 2.21.1001 through 2.21.1004, and 2.21.1011 pertaining to Parental Leave.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m. on March 11, 2005, to advise us of the nature of the accommodation that you need. Please contact Constance Enzweiler, State Personnel Division, Department of Administration, P.O. Box 200127, Helena, MT 59620-0127; telephone (406) 444-3794; Montana Relay Service 711; FAX (406) 444-0703; or e-mail cenzweiler@mt.gov.

3. The Department proposes to repeal the rules as follows:

2.21.1001 SHORT TITLE found at ARM page 2-749.

AUTH: Sec. 2-18-604, MCA  
IMP: Sec. 2-18-601 and 2-18-606, MCA

2.21.1002 POLICY AND OBJECTIVES found at ARM page 2-749.

AUTH: Sec. 2-18-604, MCA  
IMP: Sec. 2-18-601 and 2-18-606, MCA

2.21.1003 DEFINITIONS found at ARM page 2-749.

AUTH: Sec. 2-18-604, MCA  
IMP: Sec. 2-18-601 and 2-18-606, MCA

2.21.1004 PARENTAL LEAVE REQUESTS found at ARM page 2-750.

AUTH: Sec. 2-18-604, MCA  
IMP: Sec. 2-18-601 and 2-18-606, MCA

2.21.1011 CLOSING found at ARM page 2-750.1.

AUTH: Sec. 2-18-604, MCA

IMP: Sec. 2-18-601 and 2-18-606, MCA

REASON: Through the passage of Senate Bill 117, the 58th regular session of the Montana Legislature amended the Montana Administrative Procedure Act at 2-4-102(11), MCA. The Legislature clarified that rules concerning the internal management of state government are excluded from the Montana Administrative Procedure Act provided they do not affect the private rights or procedures available to the public. The Department of Administration believes the parental leave rules only concern the implementation of parental leave for state employees; they have no effect on the general public. Therefore, in the interests of administrative efficiency and cost savings, it is necessary to repeal these rules from ARM.

4. Concerned persons may submit their data, views or arguments in writing to Constance Enzweiler, State Personnel Division, Department of Administration, P.O. Box 200127, Helena, MT 59620-0127; or e-mail [cenzweiler@mt.gov](mailto:cenzweiler@mt.gov). Comments must be received no later than 5:00 p.m. March 31, 2005.

5. If persons who are directly affected by the proposed repeal wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Constance Enzweiler, State Personnel Division, Department of Administration, P.O. Box 200127, Helena, MT 59620-0127; or e-mail [cenzweiler@mt.gov](mailto:cenzweiler@mt.gov) to be received no later than 5:00 p.m. March 24, 2005.

6. If the Department of Administration receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons 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 is greater than 25 based on the number of state employees.

7. The Department of Administration maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding personnel rules. Such written request may be mailed or delivered to Hal Peck, Department of Administration, State Personnel Division, P.O. Box 200127, Helena, MT 59620-0127; e-mailed to [hpeck@mt.gov](mailto:hpeck@mt.gov); or made by completing a request form at any rules hearing held by the Department of Administration.

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

By: /s/ Janet Kelly  
Janet Kelly, Director,  
Department of Administration

By: /s/ Dal Smilie  
Dal Smilie, Rule Reviewer

Certified to the Secretary of State February 14, 2005.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
proposed amendment of ARM	)	AMENDMENT
10.58.103 relating to review	)	
of professional educator	)	NO PUBLIC HEARING
preparation programs	)	CONTEMPLATED

TO: All Concerned Persons

1. On April 4, 2005, the Board of Public Education proposes to amend ARM 10.58.103 relating to review of professional educator preparation programs.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on March 14, 2005 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:

10.58.103 VISITATIONS (1) All professional educator preparation programs shall be visited for approval every ~~five~~ seven years or on an adjusted schedule based upon coordination with national accreditation or upon request of an institution.  
(2) through (4) remain the same.

AUTH: Sec. 20-2-114  
IMP: Sec. 20-2-121

Statement of Reasonable Necessity: The Board of Public Education finds it reasonable and necessary to amend this rule to change the cycle for approval of educator preparation programs from five years to seven years to conform with the current cycle for review by the national council for accreditation of teacher education (NCATE).

4. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to the Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601 or by e-mail to smeloy@bpe.montana.edu to be received no later than 5:00 p.m. on March 24, 2005.

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 the Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601, or by e-mail to smeloy@bpe.montana.edu. A written request for hearing must be received no later than 5:00 p.m. on March 24, 2005.

6. If the Board of Public Education 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 amendment; 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 three persons based on approximately 30 college deans and other persons involved in accreditation review in the State of Montana.

7. The Board of Public Education 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 rules promulgated by the Board. Such written request may be mailed or delivered to the Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601, faxed to the office at (406) 444-0847, 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 February 14, 2005.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment )	NOTICE OF PUBLIC HEARING ON
of ARM 17.8.102, 17.8.103, )	PROPOSED AMENDMENT
17.8.202, 17.8.302, 17.8.602, )	
17.8.767, 17.8.802, 17.8.902, )	(AIR QUALITY)
17.8.1002, 17.8.1102, )	
17.8.1202, 17.8.1302, )	
17.8.1305, 17.8.1310, )	
17.8.1402, and 17.8.1502, )	
pertaining to incorporation by )	
reference of current federal )	
regulations and other )	
materials into air quality )	
rules )	

TO: All Concerned Persons

1. On March 23, 2005, at 1:30 p.m., the Board of Environmental Review will hold a public hearing in Room 111, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., March 14, 2005, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email ber@mt.gov.

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

17.8.102 INCORPORATION BY REFERENCE--PUBLICATION DATES

(1) Unless expressly provided otherwise, in this chapter where the board has:

(a) adopted a federal regulation by reference, the reference is to the July 1, ~~2003~~ 2004, edition of the Code of Federal Regulations (CFR);

(b) adopted a section of the United States Code (USC) by reference, the reference ~~refers~~ is to the ~~1994~~ 2000 edition of the USC ~~and Supplement I (2002)~~;

(c) remains the same.

(d) adopted another rule of the department or of another agency of the state of Montana by reference, the reference is to the December 31, ~~2003~~ 2004, edition of the Administrative Rules of Montana (ARM).

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.103 INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED DOCUMENTS (1) through (2) remain the same.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~ (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~ 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198 or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~and the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328 P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) ~~at~~ the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 as described in (3)(c).

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.202 INCORPORATION BY REFERENCE (1) through (1)(f) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~, (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~, 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~and the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328 P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) ~~at~~ the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402 as described in (3)(c).

AUTH: 75-2-111, 75-2-203, MCA  
IMP: 75-2-203, MCA

17.8.302 INCORPORATION BY REFERENCE (1) through (1)(f) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~, (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~, 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~and the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) at the libraries of each of the 10 EPA regional offices.

(4) Copies of the CFR may be obtained from the Superintendent of Documents, U.S. Government Printing Office, as described in (3)(c) Washington, DC 20402.

AUTH: 75-2-111, 75-2-203, MCA  
IMP: 75-2-203, MCA

17.8.602 INCORPORATION BY REFERENCE (1) remains the same.

(2) A copy of ARM Title 17, chapter 53, subchapter 5, is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~, (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~, 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~and the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov;

web: <http://www.gpoaccess.gov>; and

(d) at the libraries of each of the 10 EPA regional offices.

(4) Copies of the CFR may be obtained from the ~~Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402~~ as described in (3)(c).

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.767 INCORPORATION BY REFERENCE (1) through (1)(c) remain the same.

~~(d) 40 CFR 52.21, specifying requirements for prevention of significant deterioration of air quality;~~

(e) through (h) remain the same but are renumbered (d) through (g).

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the ~~Air Resources Management Bureau, Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.~~

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650, (800) 553-6847 or (703) 605-6000; fax: (703) 321-8547, 605-6900; Internet: orders@ntis.fedworld.gov email: orders@ntis.gov; web: http://www.ntis.gov;~~

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198 or (513) 589-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: <http://www.epa.gov/ncepihom>;

(c) ~~the~~ U.S. Government Printing Office, ~~Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328 P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and~~

(d) at the libraries of each of the 10 EPA regional offices.

(4) Copies of the CFR may be obtained from the U.S. Government Printing Office, ~~Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328~~ as described in (3)(c).

AUTH: 75-2-111, 75-2-204, MCA

IMP: 75-2-211, 75-2-215, MCA

17.8.802 INCORPORATION BY REFERENCE (1) through (1)(g) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained ~~at~~ from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650,~~ (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547,~~ 605-6900; Internet: ~~orders@ntis.fedworld.gov,~~ email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, ~~and or (513) 489-8190;~~ fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) ~~at~~ the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 as described in (3)(c).

(5) The Standard Industrial Classification Manual (1987) (~~order no. PB 87-100012~~) and the guidelines on air quality models (revised) (~~1986 1993~~) (EPA publication no. 450/278-027R order number PB93-213213) and supplement A (~~1987~~) C (1995) (order number PB95-246401) may be obtained from the US Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 NTIS, as described in (3)(a).

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.902 INCORPORATION BY REFERENCE (1) through (1)(f) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650,~~ (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547,~~ 605-6900; Internet: ~~orders@ntis.fedworld.gov,~~ email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, ~~and or (513) 489-8190;~~ fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) at the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the ~~Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402~~ as described in (3)(c).

(5) The Standard Industrial Classification Manual (1987) may be obtained from the ~~US Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (order no. PB 87 1000 12)~~ NTIS, as described in (3)(a).

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.1002 INCORPORATION BY REFERENCE (1) through (1)(f) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained ~~at~~ from:

(a) the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: (703) 487-4650, (800) 553-6847 or (703) 605-6000; fax: (703) 321-8547, 605-6900; Internet: orders@ntis.fedworld.gov, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) the National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, and or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) at the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the ~~Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402~~ as described in (3)(c).

(5) The Standard Industrial Classification Manual (1987) may be obtained from the ~~US Department of Commerce, National Technical Information Service~~ NTIS, 5285 Port Royal Road, Springfield, VA 22161 (order no. PB 87 100012) as described in (3)(a).

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.1102 INCORPORATION BY REFERENCE (1) through (1)(b) remain the same.

(2) A copy of materials incorporated by reference in this

subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~, (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~, 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, ~~and or (513) 489-8190~~; fax (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328~~, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) ~~at~~ the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the ~~Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402~~ as described in (3)(c).

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.1202 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board ~~hereby~~ adopts and incorporates by reference the following:

(a) through (g) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~, (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~, 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: http://www.ntis.gov;

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, ~~and or (513) 489-8190~~; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) ~~the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328~~, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) ~~at~~ the libraries of each of the 10 EPA Regional Offices regional offices.

(4) Copies of the CFR may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402 as described in (3)(c).

(5) The Standard Industrial Classification Manual (1987) (Order No. PB 87 100012) may be obtained from the US Department of Commerce, National Technical Information Service NTIS, 5285 Port Royal Road, Springfield, VA 22161 as described in (3)(a).

AUTH: 75-2-217, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1302 INCORPORATIONS BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates herein by reference the following:

(a) 40 CFR Part 93, subpart A, which sets forth the conformity to state or federal implementation plans of transportation plans, programs and projects developed, funded or approved under Title 23 USC or the Federal Transit Act with the following changes:

(i) 40 CFR 93.102(c), as it applies to federally funded projects, is not incorporated;

(ii) 40 CFR 93.102(d) is not incorporated;

(iii) 40 CFR 93.105 is not incorporated. ARM 17.8.1305 and 17.8.1306 replace 40 CFR 93.105(b) and (c)(7). ARM 17.8.1310 replaces 40 CFR 93.105(c)(1) through (3), and (6). ARM 17.8.1311 replaces 40 CFR 93.105(c)(4) and (5). ARM 17.8.1312 replaces 40 CFR 93.105(d). ARM 17.8.1313 replaces 40 CFR 93.105(e). All references in the incorporated regulations are adjusted accordingly.

(iv) the second sentence of 40 CFR 93.112 is not incorporated.

(v) 40 CFR 93.118(e)(1), beginning "or beginning 45 days" and ending "transportation conformity purposes" is not incorporated.

(vi) 40 CFR 93.119(c)(2), after "calendar year 1990," is not incorporated.

(vii) 40 CFR 93.120(a)(2) third sentence beginning "during the first 120 days" is not incorporated;

(viii) 40 CFR 93.121(a) beginning "the requirements of one of the following are met" and 40 CFR 93.121(a)(1) in its entirety, are not incorporated;

(ix) 40 CFR 93.122(a)(4)(ii) is rewritten "The written commitments to control measures that are not included in the transportation plan and transportation improvement program must be obtained prior to a conformity determination and such commitments must be fulfilled."

(x) 40 CFR 93.124(b), second sentence beginning "such an implementation plan revision" is not incorporated;

(xi) 40 CFR 93.125(c) is rewritten "Written commitments to mitigation measures must be obtained prior to a positive conformity determination and project sponsors must comply with such commitments."

(2) Copies of federal materials incorporated by reference in this subchapter may be obtained from:

(a) ~~the~~ National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, phone: ~~(703) 487-4650, (800) 553-6847 or (703) 605-6000; fax: (703) 321-8547, 605-6900; Internet: orders@ntis.fedworld.gov, email: orders@ntis.gov; web: http://www.ntis.gov;~~

(b) ~~the~~ National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, ~~and or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;~~

(c) ~~the~~ U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) ~~at~~ the libraries of each of the 10 EPA regional offices.

(3) Copies of the CFR may be obtained from the U.S. government printing office, as described in (2)(c).

AUTH: 75-2-111, MCA

IMP: 75-2-202, MCA

17.8.1305 CONSULTATION REQUIREMENTS: APPLICABILITY

(1) and (2) and Tables A through D remain the same.

TABLE E

Table E heading is revised as follows:

TABLE E

ACTION: Determination that a transportation plan or TIP revision or amendment merely adds or deletes exempt projects listed in 40 CFR 93.134126.

RESPONSIBLE ENTITY: MPO or MDT.

Table E remains the same.

AUTH: 75-2-111, MCA

IMP: 75-2-202, MCA

17.8.1310 SPECIAL ISSUES (1) In conducting consultations pursuant to ARM 17.8.1306, responsible entities shall ensure that the following special issues are addressed, when applicable:

(a) and (b) remain the same.

(c) evaluating whether projects otherwise exempted from meeting the requirements of 40 CFR Part 93, subpart A (see 40 CFR 93.134126 and 93.135127) should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason (see Table E);

(d) remains the same.

(e) identifying, as required by 40 CFR 93.131(d)123(b), projects located at sites in PM<sub>10</sub> nonattainment areas ~~which that~~ have vehicle and roadway emission and dispersion characteristics ~~which that~~ are essentially identical to those at sites for which ~~have~~ violations have been verified by monitoring, and therefore

require quantitative PM<sub>10</sub> hot-spot analysis (see Table D, action step number 1);

(f) choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas as required by 40 CFR 93.109~~(g)~~(1)(2)(iii) (see Table D, action step number 1);

(g) through (j) remain the same.

AUTH: 75-2-111, MCA

IMP: 75-2-202, MCA

17.8.1402 INCORPORATIONS BY REFERENCE (1) through (1)(a)(iv) remain the same.

(2) Copies of federal materials incorporated by reference in this subchapter may be obtained from:

(a) National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: (800) 553-6847 or (703) 605-6000; fax: (703) 605-6900; email: orders@ntis.gov; web: <http://www.ntis.gov>;

(b) National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198 or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: <http://www.epa.gov/ncepihom>;

(c) U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, phone: (866) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: <http://www.gpoaccess.gov>; and

(d) the libraries of each of the 10 EPA regional offices.

(3) Copies of the CFR may be obtained from the U.S. government printing office, as described in (2)(c).

AUTH: 75-2-111, MCA

IMP: 75-2-202, MCA

17.8.1502 INCORPORATION BY REFERENCE (1) through (1)(f) remain the same.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: ~~(703) 487-4650~~, (800) 553-6847 or (703) 605-6000; fax: (703) ~~321-8547~~, 605-6900; Internet: ~~orders@ntis.fedworld.gov~~, email: orders@ntis.gov; web: <http://www.ntis.gov>;

(b) the National Service Center for Environmental Publications and Information (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198, and or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: <http://www.epa.gov/ncepihom>;

(c) the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328, P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800;

fax: (202) 512-2104; email: [orders@gpo.gov](mailto:orders@gpo.gov); web: <http://www.gpoaccess.gov>; and

(d) ~~at the libraries of each of the 10 EPA Regional Offices regional offices.~~

(4) Copies of the CFR may be obtained from the ~~Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402~~ as described in (3)(c).

AUTH: 75-2-217, 75-2-218, MCA

IMP: 75-2-217, 75-2-218, MCA

REASON: The Board is proposing to amend the air quality rules to adopt the current editions of federal regulations, state statutes, and state rules that are incorporated by reference. This is necessary to maintain primacy from the U.S. Environmental Protection Agency (EPA) over air quality regulation in the state.

The Board is proposing to amend ARM 17.8.102 to adopt revisions to federal regulations published in the Federal Register between July 1, 2003, and June 30, 2004, that are included in the July 1, 2004, edition of the Code of Federal Regulations (CFR). Revisions include minor amendments to various monitoring and recordkeeping requirements, technical amendments to the national emission standards for hazardous air pollutants (NESHAPs) for kraft pulp mills, amendments to emission standards for bulk gasoline terminals and gasoline distribution facilities, and promulgation of NESHAPs for stationary reciprocating internal combustion engines and lime manufacturing plants. The proposed amendments also would adopt changes to federal air quality statutes.

The Board is proposing to amend ARM 17.8.103, 17.8.202, 17.8.302, 17.8.602, 17.8.767, 17.8.802, 17.8.902, 17.8.1002, 17.8.1102, 17.8.1202, 17.8.1302, and 17.8.1502 to update the addresses for obtaining copies of documents referenced in the rules, and to amend 17.8.1402 to add these addresses.

The Board is proposing to amend ARM 17.8.767 by deleting the incorporation by reference of 40 CFR 52.21, the federal prevention of significant deterioration of air quality (PSD) program. This incorporation by reference is unnecessary because ARM Title 17, chapter 8, subchapter 8, contains the state's PSD program.

The Board is proposing to amend the subchapter 13 rules to maintain consistency between federal regulations and the state rules. Pursuant to 42 USC 7401-7671q, Montana is required to adopt regulations into the state implementation plan (SIP) that ensure that all federally-funded highway transportation projects conform to SIP provisions that attain and maintain the national ambient air quality standards (NAAQS) (conformity rules). In July 2004, EPA published revisions to the federal conformity regulations in 40 CFR Part 93, Subpart A, in response to a 1999 federal court ruling that directed EPA to make changes incorporating the new ozone and PM-2.5 standards. The Board's proposed amendments include adoption and incorporation by reference of EPA's final regulations. The proposed amendments

also include revisions to several internal references to the federal regulations necessitated by renumbering of many of the federal regulations.

In 1999, following the federal court ruling and pending EPA's promulgation of revised conformity regulations, the Board adopted ARM 17.8.1302(1)(a)(i) through (xi) to provide a temporary solution that harmonized the incorporation by reference of existing federal regulations with the federal court ruling. The Board now is proposing to delete these provisions because they will no longer be necessary if the Board adopts the revised federal regulations.

The Board also is proposing other amendments to ARM 17.8.102, 17.8.1302, and 17.8.1310 to eliminate redundant words and to update grammar and punctuation. These editorial amendments are not intended to change the meaning of the rules.

The Board also will take testimony on submission of the proposed amendments to EPA as proposed revisions to the SIP.

4. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386; or emailed to ber@mt.gov, no later than 5:00 p.m., March 30, 2005. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Thomas Bowe, attorney for the Board, or another attorney for the Agency Legal Services Bureau, has been designated to preside over and conduct the hearing.

6. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; emailed to ber@mt.gov; or may be made by completing a request form at any rules hearing held by the Board.

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

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

David M. Rusoff  
DAVID M. RUSOFF  
Rule Reviewer

BY: Joseph W. Russell  
JOSEPH W. RUSSELL, M.P.H.,  
Chairman

Certified to the Secretary of State February 14, 2005.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF PUBLIC
of proposed New Rules I through V	)	HEARING ON
pertaining to operation of the	)	PROPOSED ADOPTION
Criminal Intelligence Information	)	
Section and access of	)	
participating law enforcement	)	
agencies to information	)	
maintained by the Criminal	)	
Intelligence Information Section	)	

TO: All Concerned Persons

1. On March 21, 2005, at 9:30 a.m., the Montana Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the adoption of proposed New Rules I through V pertaining to operation of the Criminal Intelligence Information Section created pursuant to 44-5-501, MCA, and access of participating law enforcement agencies to information maintained by the Criminal Intelligence Information Section.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Justice no later than 5:00 p.m. on March 14, 2005, to advise us of the nature of the accommodation that you need. Please contact Ali Bovington, Department of Justice, Office of the Attorney General, P.O. Box 201401, Helena, MT 59620-1401; (406) 444-2026; Fax (406) 444-3549; e-mail abovington@mt.gov.

3. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS (1) "Central criminal intelligence file" means a computer system used for collecting, reviewing, storing, referencing, indexing, and disseminating criminal intelligence information, consisting of four current databases:

(a) "DCI/intel database" means a database containing information submitted by the Montana division of criminal investigation.

(b) "Dangerous drugs database" means a database containing information submitted by regional drug task forces and high intensity drug trafficking area task forces.

(c) "General database" means a database containing information submitted by persons authorized to investigate crimes in Montana.

(d) "Montana highway patrol database" means a database containing information submitted by the Montana highway patrol executive protection unit.

(2) "Confidential" means a designation of a criminal intelligence file assigned when a file contains:

(a) information pertaining to an actual, ongoing investigation being conducted by a law enforcement agency;

(b) information identifying a person who has acted as an informant for a law enforcement agency; or

(c) information which is "confidential criminal justice information" as specified in Title 44, chapter 5, MCA, and identified as such by the person submitting such information to the criminal intelligence information section.

(3) "Criminal intelligence security agreement" means a legal contract between a participating agency and the criminal intelligence information section, wherein the criminal intelligence information section agrees to provide information to a participating agency in consideration for the participating agency's agreement to maintain the security of information provided.

(4) "Interim file" means a designation given to a criminal intelligence file that does not meet the criteria for designation as a permanent file.

(5) "Need-to-know" means establishment of the fact that a person authorized to request information from a criminal intelligence file actually requires the information for a purpose directly concerning investigation of a crime enumerated in Title 45, MCA.

(6) "Participating agency" means an agency enumerated in 44-5-506, MCA, and specifically approved as a participating agency, upon successful application to the criminal intelligence advisory council.

(7) "Permanent file" means a designation given to a criminal intelligence file wherein a person or entity may be identified by name or other unique identifying characteristic (e.g., date of birth, social security number, driver's license number, address, numerical identifier assigned to corporation) at the time of file entry.

(8) "Restricted" means a designation of a criminal intelligence file assigned when a file contains information that has not been identified as confidential criminal justice information but concerns or describes strategies or techniques intended or actually employed by law enforcement in an ongoing investigation.

(9) "Right-to-know" means establishment of the fact that a person requesting information from any criminal intelligence file is authorized as a law enforcement officer to do so, and is making the request in an official capacity.

(10) "Section supervisor" means the supervisor of the criminal intelligence information section designated by the attorney general pursuant to 44-5-505, MCA.

(11) "Security control form" means a form wherein a person within a participating agency authorized to request or

receive information from the criminal intelligence information section discloses personal identification information.

(12) "Statement of understanding" means a legal contract between a participating agency and the criminal intelligence information section wherein the participating agency shall agree to maintain certain standards regarding security of information and the constitutional rights of citizens in consideration for the provision of information by the criminal intelligence information section.

(13) "Temporary file" means a designation given to a criminal intelligence file that consists only of an inquiry for information made of the criminal intelligence information section by an authorized participating agency.

(14) "Unclassified" means a designation of a criminal intelligence file exclusively containing information, which is public criminal justice information as specified in 44-5-104(13), MCA.

AUTH: 44-5-505, MCA  
IMP: 44-5-501, 44-5-502, 44-5-503, 44-5-504, 44-5-505, 44-5-506, 44-5-511, and 44-5-515, MCA

NEW RULE II CONTENT OF CRIMINAL INTELLIGENCE FILES

(1) Any entry of information in any criminal intelligence file must consist of an identification of a specific suspected criminal act enumerated in Title 45, MCA.

(2) Neither the central criminal intelligence file nor any database maintained by the criminal intelligence information section shall contain:

(a) an entry of information exclusively based on an individual or group's support for a cause which could be considered unpopular;

(b) an entry of information exclusively based on the race or ethnic background of an individual or group;

(c) an entry of information exclusively based on the religious or political affiliations of an individual or group;

(d) an entry of information exclusively based on the preferences, orientations, personal habits or predilections of an individual or group; and

(e) an entry of information exclusively based on associations between persons which are not criminal in nature.

AUTH: 44-5-505, MCA  
IMP: 44-5-501, 44-5-502, 44-5-503, 44-5-504, 44-5-505, 44-5-506, 44-5-511, and 44-5-515, MCA

NEW RULE III DESIGNATION OF CRIMINAL INTELLIGENCE INFORMATION FILES FOR PURPOSES OF DETERMINING ALLOWABLE PERIOD OF RETENTION BY CRIMINAL INTELLIGENCE INFORMATION SECTION

(1) The criminal intelligence information section shall designate, based on file content, the length of time for which any file may be maintained.

(2) Files shall be designated and retained as follows:

(a) files designated as "temporary" shall be retained no more than two years;

(b) files designated as "permanent" shall be retained no more than five years. A permanent file may be retained longer than five years upon demonstration of a compelling reason to the criminal intelligence advisory council. In the event the criminal justice advisory council finds compelling reason to retain a file longer than five years, the council shall present such compelling reason to the attorney general who shall ultimately determine whether any particular files shall be retained;

(c) files designated as "interim" shall be retained no more than 60 days. An interim file may be retained longer than 60 days upon demonstration of a compelling reason to the section supervisor. In the event a file designated as interim is retained longer than one year, the section supervisor shall demonstrate a compelling reason for retention of the file to the criminal intelligence advisory council. In the event the council finds a compelling reason to retain the file, the council shall present such compelling reason to the attorney general who shall ultimately determine whether any particular file shall be retained.

AUTH: 44-5-505, MCA  
IMP: 44-5-501, 44-5-502, 44-5-503, 44-5-504, 44-5-505, 44-5-506, 44-5-511, and 44-5-515, MCA

NEW RULE IV DISSEMINATION OF INFORMATION CONTAINED IN THE CENTRAL CRIMINAL INTELLIGENCE FILE (1) Information contained in a criminal intelligence file designated as confidential shall not be disseminated without the express, written authorization of the person originally submitting the information.

(2) Information contained in a criminal intelligence file designated as restricted shall not be disseminated unless the person or agency requesting the information has demonstrated to the criminal intelligence information section:

- (a) a right-to-know; and
- (b) a need-to-know.

(3) Information contained in a criminal intelligence file designated as unclassified may be disseminated without restriction to the person or agency requesting such information.

AUTH: 44-5-505, MCA  
IMP: 44-5-501, 44-5-502, 44-5-503, 44-5-504, 44-5-505, 44-5-506, 44-5-511, and 44-5-515, MCA

NEW RULE V PARTICIPATION OF AUTHORIZED AGENCIES WITH THE CRIMINAL INTELLIGENCE INFORMATION SECTION AND ACCESS BY AUTHORIZED AGENCIES TO CENTRAL CRIMINAL INTELLIGENCE FILES

(1) No participating agency shall be granted access to information maintained by the criminal intelligence

information section prior to approval of the agency's application by the criminal intelligence advisory council.

(2) The application of a participating agency shall include an executed criminal intelligence security agreement wherein the participating agency must agree to the following terms in consideration for information provided by the criminal intelligence information section:

(a) access to information provided by the criminal intelligence information section must be limited to persons within the participating agency demonstrating both a right-to-know and need-to-know;

(b) the participating agency must protect and preserve security of information provided and prevent unauthorized disclosure of information;

(c) the participating agency must agree to destroy any information at the request of the criminal intelligence information section determined by the criminal intelligence information section to be unreliable, misleading or obsolete;

(d) the participating agency shall maintain complete and accurate records of any request for information, receipt of information and use of information provided by the criminal intelligence information section to a degree where any transaction involving a request for, or exchange of, information may be audited at any time by the Montana department of justice;

(e) the participating agency shall provide to the criminal intelligence information section a complete list of the names, official assignments, birth dates and social security numbers of all persons within a participating agency who will be authorized to request or receive information from the criminal intelligence information section;

(f) the participating agency shall agree to compliance with the complete provisions of United States Code of Federal Regulations (CFR) Title 28, part 23, and Title 44, chapter 5, MCA, and any administrative rule regarding criminal intelligence or criminal justice information promulgated by the Montana department of justice.

(3) Any person within a participating agency who shall request information or be authorized to receive information from the criminal intelligence information section shall complete in full and execute a security control form, wherein the person must disclose the following:

(a) first, middle and last name;

(b) the participating agency by which the person is employed;

(c) title or rank within a participating agency;

(d) any current assignment relevant to requests for or receipt of information;

(e) address, telephone number, facsimile number and electronic mail address of the participating agency;

(f) date of birth;

(g) place of birth;

(h) social security number; and

(i) mother's maiden name.

(4) The application of a participating agency shall include an executed statement of understanding wherein the participating agency must attest to the following terms in consideration for information provided by the criminal intelligence information section:

(a) that the participating agency may be the recipient of confidential information;

(b) that disclosure of information may not occur without the express approval of the Montana division of criminal investigation administrator;

(c) that no person within a participating agency, authorized to request or receive information, shall retain or use information for any purpose other than the investigation of criminal acts, including but not limited to personal, economic or political purposes;

(d) that the participating agency is responsible for the security, safekeeping and storage of all information received from the criminal intelligence information section in a manner approved by the criminal intelligence information section;

(e) that no authorized person within the participating agency or the participating agency itself shall compile or attempt to compile information exclusively regarding a citizen's political or religious affiliations, sexual orientation, or acceptance or advocacy of any cause which could conceivably be considered unpopular;

(f) that no authorized person within the participating agency or the participating agency itself shall engage in illegal activity in the collection of information or direct another to use illegal means to collect information;

(g) that no authorized person within a participating agency, upon termination or any change in employment or assignment status, shall disclose or disseminate information obtained by participation with the criminal intelligence information section;

(h) that all requests for or receipt of information must be predicated on investigation of a specific crime enumerated in Title 45, MCA; and

(i) that the participating agency and all authorized persons within that agency have been instructed as to the necessity of preserving the security of information contained in databases maintained by the criminal intelligence information section and that any breach of agreements or statements of understanding will subject the participating agency and members of that agency to termination of participation with the criminal intelligence information section, and possible civil action or criminal prosecution.

AUTH: 44-5-505, MCA  
IMP: 44-5-501, 44-5-502, 44-5-503, 44-5-504, 44-5-505, 44-5-506, 44-5-511, and 44-5-515, MCA

4. The new rules are necessary to provide guidance as to operation of the Criminal Intelligence Information Section, and provide guidance as to responsibilities of agencies

authorized to participate in information sharing with the Criminal Intelligence Information Section. The new rules are further necessary to safeguard the individual privacy rights of citizens guaranteed by the Montana Constitution.

5. Concerned persons may submit their data, views, or arguments concerning the proposed adoption either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Ali Bovington, Assistant Attorney General, Office of the Attorney General, P.O. Box 201401, Helena, MT 59620-1401; Fax (406) 444-3549; e-mail [abovington@mt.gov](mailto:abovington@mt.gov) to be received no later than March 25, 2005.

6. Ali Bovington, Assistant Attorney General, Office of the Attorney General, P.O. Box 201401, Helena, MT 59620-1401, has been designated to preside over and conduct the hearing.

7. The Department of Justice maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices of rules regarding the Crime Control Division, the Central Services Division, the Forensic Sciences Division, the Gambling Control Division, the Highway Patrol Division, the Law Enforcement Academy, the Division of Criminal Investigation, the Legal Services Division, the Motor Vehicle Division, the Justice Information Systems Division, or any combination thereof. Such written request may be mailed or delivered to the Office of the Attorney General, Attn: Interested Party List, P.O. Box 201401, Helena, MT 59620-1401, faxed to the office at (406) 444-3549, emailed to [abovington@mt.gov](mailto:abovington@mt.gov), or may be made by completing a request form at any rules hearing held by the Department.

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

By: /s/ Mike McGrath  
MIKE MCGRATH  
Attorney General

/s/ Ali Bovington  
ALI BOVINGTON, Rule Reviewer

Certified to the Secretary of State February 14, 2005.

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

In the matter of the proposed	)	NOTICE OF PUBLIC HEARING
amendment of ARM 8.32.305,	)	ON PROPOSED AMENDMENT
educational requirements and other	)	
qualifications applicable to	)	
advanced practice registered	)	
nursing, ARM 8.32.307, clinical	)	
nurse specialist practice	)	
ARM 8.32.801, application	)	
for	)	
initial approval, ARM 8.32.807,	)	
special reports, ARM 8.32.1504,	)	
initial application requirements	)	
for prescriptive authority, and	)	
ARM 8.32.1506 special limitations	)	
related to the prescribing of	)	
controlled substances	)	

TO: All Concerned Persons

1. On March 30, 2005, at 9:00 a.m., a public hearing will be held in room 489 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing no later than 5:00 p.m., March 24, 2005, to advise us of the nature of the accommodation that you need. Please contact Andy Carter, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2340; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdnur@mt.gov.

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

8.32.305 EDUCATIONAL REQUIREMENTS AND OTHER QUALIFICATIONS APPLICABLE TO ADVANCED PRACTICE REGISTERED NURSING (1) through (3) remain the same.

~~(a) After July 1, 2005, the board will not recognize newly certified psychiatric CNSs who provide medical diagnoses and treatments. Individuals intending to practice in this manner will be required to be certified as psychiatric nurse practitioners. Those psychiatric mental health CNSs certified in Montana prior to July 1, 2005 will continue to be recognized in Montana.~~

~~(b) Psychiatric CNSs certified in a state other than Montana prior to July 1, 2005, may be recognized in Montana.~~

(4) and (5) remain the same.

AUTH: 37-1-319, 37-8-202, MCA  
IMP: 37-8-202, 37-8-409, MCA

8.32.307 CLINICAL NURSE SPECIALIST PRACTICE (1) remains the same.

~~(2) For the psychiatric clinical nurse specialist certified before July 1, 2005, the practice of that clinical nurse specialist also includes the independent and collaborative practice of psychiatric nursing and management of expert level psychiatric nursing care to individuals or groups of individuals. The practice requires the integration of clinical knowledge with clinical practice, and may include pharmacological management.~~

AUTH: 37-8-202, MCA  
IMP: 37-8-202, MCA

REASON: It is reasonable and necessary to delete subsections (a) and (b) in ARM 8.32.305(3) and to delete 8.32.307(2) because following adoption of these sunset provisions phasing out recognition of the newly certified Psychiatric-Clinical Nurse Specialists (P-CNSs) and requiring Psychiatric-Nurse Practitioners (P-NPs) certification instead, the Board received information from professional associations of both psychiatric clinical nurse specialists and psychiatric nurse practitioners that the two certifications are equivalent. Based on the new evidence, the Board proposes to reverse its prior decision to phase out recognition of newly certified P-CNSs. It is necessary to do so now before the sunset provisions take effect on July 1, 2005. It is reasonable and necessary to supplement the citations to the Board's rulemaking authority and implementation statutes.

8.32.801 APPLICATION FOR INITIAL APPROVAL (1) An educational institution wishing to establish a program in nursing and to secure initial approval shall submit to the board, ~~at least two calendar years in advance of expected opening date, a statement of intent to establish a program in nursing. Any exceptions must be approved by the full board. a feasibility study by either December 1 or September 1 for review at the board's January or October, respectively, board meetings. For programs under the jurisdiction of the Montana board of regents, a common document shall be submitted.~~

(2) ~~The feasibility study is required at least one calendar year before the expected implementation date and must include at least the following information:~~

(a) through (i) remain the same.

(3) When the data submitted in the feasibility study are reviewed, the board may request additional information and may conduct a site visit to evaluate the information submitted ~~as the board may deem necessary. The board will review the feasibility study at their January or October board meeting.~~

(4) through (5)(b) remain the same.

(c) For programs under the jurisdiction of the Montana board of regents, the board will make a recommendation to the Montana board of regents concerning the quality of the proposed program's curriculum, faculty and clinical experiences and will make its final decision on approval only after receiving notification of the program's approval from the board of regents. The program may then admit students who shall be eligible upon completion of the program to take the licensing examination.

(6) Between six months and one year following the feasibility study, the board shall review and conduct a site visit utilizing the initial application and feasibility study for the proposed program, and may grant initial approval following board review. Any communications from the board must be sent to the program director and the leadership of the parent institution. ~~The program may then admit students who shall be eligible upon completion of the program to take the licensing examination.~~

(7) remains the same.

(8) Following graduation of the first class, a self-study report of compliance with ARM Title 8, chapter 32, subchapter 11, shall be submitted and a site visit ~~shall~~ may be made, ~~for consideration of full approval of the program.~~

~~(9) Only materials received at least 30 days before the next scheduled board meeting will be considered by the board.~~

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: Both the Montana Board of Regents (Regents) and the Montana Board of Nursing (Board) have review and approval functions relating to proposed nursing education programs and program changes proposed by schools of nursing within the Montana University System (MUS). The Board also has a review and approval function relating to nursing education programs proposed by private and tribal colleges in Montana such as Carroll College and Salish-Kootenai College which are not part of MUS. The Regents requested that the Board work with it to coordinate and streamline the review and approval processes and minimize duplications of effort. The Regents also preferred that the Board make a recommendation to it regarding a proposed nursing education program's curriculum, faculty qualifications, and clinical experiences before the Regents take their final action on a program proposal. The proposed amendments are the product of discussions between the boards. The proposed amendments eliminate the excessive and unnecessary two-year lead-time for submittal of letters of intent prior to the proposed implementation date for a program. The amendments also coordinate submittal dates for program proposals with Regents' meeting dates to facilitate orderly processing of proposals.

8.32.807 SPECIAL REPORTS (1) through (1)(b) remain the same.

~~(c) significant change in faculty composition or size;~~

~~(d) significant change in teaching affiliations including, but not limited to, clinical affiliations or partnerships;~~

~~(e) (c) significant changes in enrollment by 10 or more students, progression and graduation rates and other program outcome indicators;~~

(f) through (i) remain the same but are renumbered (d) through (g).

~~(i) (h) any expansion defined by the board. requiring one or more of the following:~~

~~(i) the addition of two or more faculty to the program;~~

~~(ii) the addition of clinical experiences at the medical settings currently used by the program;~~

~~(iii) the addition of clinical experiences at medical settings used by the program, but using nontraditional times or nontraditional instructional methods;~~

~~(iv) the reallocation of internal funds that require a reduction in other academic program budgets.~~

(2) The board will review the special reports at their January or October board meetings. For programs under the jurisdiction of the Montana board of regents, the board will make a recommendation to the Montana board of regents concerning the substantive change. If the board does not complete its review and recommendations in January or October, it shall do so at its next quarterly meeting.

(2) through (4) remain the same but are renumbered (3) through (5).

~~(5) (6) Fourteen copies of the special report must be sent to the board office for distribution to board members and staff. The special report will be considered by the board at the first regularly scheduled meeting that occurs more than 29 days following receipt of the special report at the board office. No further information will be considered by the board if not submitted at least 30 days before the meeting.~~

(6) through (9) remain the same but are renumbered (7) through (10).

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-301, 37-8-302, MCA

REASON: The amendments are necessary to clarify the types and magnitudes of changes to existing nursing education programs which require prior approval of the Board. In the past there has been confusion in that regard. The proposed amendment also coordinates the Board of Regents' and the Board of Nursing's review and approval of substantive changes to nursing education programs.

8.32.1504 INITIAL APPLICATION REQUIREMENTS FOR PRESCRIPTIVE AUTHORITY (1) through (1)(c) remain the same.

(d) a description of the method of referral and documentation in client records, ~~in accordance with ARM 8.32.1507~~; and

(e) through (2) remain the same.

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: It is reasonable and necessary to amend this rule because it contains an internal reference to a rule that was previously repealed.

8.32.1506 SPECIAL LIMITATIONS RELATED TO THE PRESCRIBING OF CONTROLLED SUBSTANCES (1) through (3) remain the same.

~~(4) An APRN shall not prescribe refills of controlled substances unless the refill prescription is in writing.~~

AUTH: ~~37-1-131~~, 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: It is reasonable and necessary to delete section (4) of this rule because it is redundant. Refilling prescriptions for controlled substances is covered under the more comprehensive rule 8.32.1505(4)(a). It is reasonable and necessary to supplement the citations to the Board's rule making authority.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdnur@mt.gov](mailto:dlibsdnur@mt.gov), and must be received no later than 5:00 p.m., April 7, 2005.

5. 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://www.nurse.mt.gov>. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Nursing maintains a list of interested persons who wish to receive notices of rulemaking actions

proposed by this Board. Persons who wish to have their name added to the list shall make a written request 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 Nursing administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdnur@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

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

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

BOARD OF NURSING  
KAREN POLLINGTON, RN, PRESIDENT

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

Certified to the Secretary of State February 14, 2005.

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

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 24.141.403, ) ON PROPOSED AMENDMENT  
licensee responsibilities )

TO: All Concerned Persons

1. On March 18, 2005, at 9:00 a.m., a public hearing will be held in room 489 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact Mr. George Edwards no later than 5:00 p.m., March 11, 2005, to advise us of the nature of the accommodation you need. Please contact Mr. George Edwards, State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdele@mt.gov.

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

24.141.403 LICENSEE RESPONSIBILITIES (1) through (5) remain the same.

(6) The responsible electrician of a licensed electrical contractor is responsible for timely obtaining any permit or inspection required by the state of Montana or the state or local building code enforcement entity and is responsible for ensuring that the work performed meets the requirements of the state of Montana and the national electrical code.

(7) and (8) remain the same.

AUTH: 37-1-131, 37-68-201, MCA  
IMP: 37-1-308, 37-1-316, 37-1-317, 37-68-301, 37-68-315, MCA

REASON: The board has determined that it is reasonable and necessary to amend this rule because many circumstances have been recently reported where the permits required are not being obtained prior to commencement of electrical work. In addition, the required inspections are not being performed because after licensees finish their electrical work the work is covered by subsequent construction tasks. As a consequence, the public may be jeopardized because faulty electrical work will not be detected and electrical short circuits and fires may result.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted by mail to: Mr. George Edwards, State Electrical Board, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdele@mt.gov](mailto:dlibsdele@mt.gov) and must be received no later than 5:00 p.m., March 28, 2005.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's website on the World Wide Web at <http://www.electrician.mt.gov>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The State Electrical Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all State Electrical Board administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdele@mt.gov](mailto:dlibsdele@mt.gov) or may be made by completing a request form at any rules hearing held by the agency.

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

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

STATE ELECTRICAL BOARD  
TONY MARTEL, PRESIDENT

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

Certified to the Secretary of State February 14, 2005.

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment ) NOTICE OF AMENDMENT  
of ARM 2.59.1701 and 2.59.1704 )  
pertaining to definitions and )  
license renewal of mortgage )  
brokers and loan originators )

TO: All Concerned Persons

1. On December 16, 2004, the Division of Banking and Financial Institutions published MAR Notice No. 2-2-350 regarding the proposed amendment of the above-stated rules at page 2959 of the 2004 Montana Administrative Register, issue number 24.

2. The Division of Banking and Financial Institutions has amended ARM 2.59.1701 and 2.59.1704 exactly as proposed.

3. The Division has thoroughly considered all comments made. A summary of the comments received and the response by the Division are as follows:

Comment 1: Two mortgage broker licensees each stated that they support the proposed rule amendments.

Response 1: The Division acknowledges and appreciates the two comments supporting these amendments.

By: /s/ Janet Kelly  
Janet Kelly, Director  
Department of Administration

By: /s/ Dal Smilie  
Dal Smilie, Rule Reviewer

Certified to the Secretary of State February 14, 2005.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment ) NOTICE OF AMENDMENT  
of ARM 17.8.335 pertaining to )  
Maintenance of Air Pollution )  
Control Equipment for Existing ) (AIR QUALITY)  
Aluminum Plants )

TO: All Concerned Persons

1. On October 21, 2004, the Board of Environmental Review published MAR Notice No. 17-217 regarding a notice of public hearing on the proposed amendment of the above-stated rule at page 2456, 2004 Montana Administrative Register, issue number 20.

2. The Board has amended the rule exactly as proposed.

3. The following comments were received and appear with the Board's responses:

COMMENT NO. 1: The Columbia Falls Aluminum Company (CFAC) commented that they agree with the intent of the existing rule and disagree with the proposed changes to the rule allowing enforcement of the maximum achievable control technology (MACT) regulations by the Department. CFAC states that the proposed changes will not allow them to operate in compliance with applicable requirements while performing preventive maintenance. CFAC believes it should be allowed protection from enforcement by the Department if it follows the requirements of the rule and believes that this protection will not be provided if the Department is allowed to exercise enforcement discretion in determining compliance with rules and regulations during maintenance periods for air pollution control equipment.

RESPONSE: The Board believes that the rule amendment is necessary to maintain state delegation of the federal MACT standards. The Board understands that the state does not have the ability to exempt a facility from compliance with federal requirements like the MACT standards. The Board believes that it is important to retain MACT delegation, that the current rule endangers the MACT delegation by prohibiting the Department from enforcing MACT standards, and that the rule, ultimately, does not provide protection to the facility from enforcement. The Board believes it is appropriate to allow the use of enforcement discretion for enforcement of applicable MACT standards during periods of scheduled maintenance at the facility.

COMMENT NO. 2: The U.S. Environmental Protection Agency (EPA) commented that the proposed revision to ARM 17.8.335 addresses EPA's concerns regarding the Department's ability to maintain delegation of federal MACT standards.

RESPONSE: The Board agrees with EPA that the proposed changes satisfy EPA's concerns over enforcement of the MACT

standard during periods of scheduled maintenance and allows the state to preserve MACT delegation.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

David M. Rusoff  
DAVID M. RUSOFF  
Rule Reviewer

By: Joseph W. Russell  
JOSEPH W. RUSSELL, M.P.H.  
Chairman

Certified to the Secretary of State, February 14, 2005.

BEFORE THE BOARD OF VETERINARY MEDICINE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the transfer ) NOTICE OF TRANSFER  
of ARM 8.64.101 through )  
8.64.910, pertaining to the )  
board of veterinary medicine )

TO: All Concerned Persons

1. Pursuant to Chapter 483, Laws of Montana 2001, effective July 1, 2001, the Board of Veterinary Medicine was transferred from the Department of Commerce to the Department of Labor and Industry, ARM Title 24, Chapter 225.

2. The Department of Labor and Industry has determined that the transferred rules will be numbered as follows:

<u>OLD</u>	<u>NEW</u>	
8.64.101	24.225.101	Board Organization
8.64.201	24.225.201	Procedural Rules
8.64.202	24.225.202	Public Participation Rules
8.64.401	24.225.301	Definitions
8.64.402	24.225.401	Fee Schedule
8.64.409	24.225.405	Support Personnel
8.64.510	24.225.410	Record-Keeping Standards
8.64.406	24.225.415	Management Of Infectious Wastes
8.64.403	24.225.420	Inspection And Sanitation
8.64.502	24.225.501	Temporary Permits
8.64.501	24.225.503	<u>Examination</u> Application Requirements ( <del>Examination</del> )
8.64.503	24.225.504	Examination For Licensure
8.64.509	24.225.507	Licensure <u>Endorsement</u> Of Out-Of- State Applicants ( <del>Endorsement</del> )
8.64.504	24.225.510	Annual Renewal Of Certificate Of Registration
8.64.505	24.225.511	Continuing Education
8.64.506	24.225.515	Forfeiture Of License And Restoration
8.64.508	24.225.550	Unprofessional Conduct
8.64.801	24.225.701	Definitions - Limitation On Practice
8.64.802	24.225.704	<del>Applications</del> <u>Requirements And</u> <u>Qualifications</u> For Certification <del>—Qualification</del>
8.64.803	24.225.706	<del>Certificate</del> <u>Certification</u> Examinations — <u>And</u> Reexaminations
8.64.804	24.225.709	Annual Renewal And Continuing Education
8.64.806	24.225.715	Record Keeping

8.64.805	24.225.720	Use Of Specific Drugs - <u>And</u> Supervision <u>Requirements</u>
8.64.807	24.225.750	Unprofessional Conduct
8.64.901	24.225.901	Definitions
8.64.902	24.225.904	<del>Application for Initial</del> <del>Certification as a Certified</del> <del>Euthanasia Technician</del> <u>Requirements - And</u> <u>Qualifications - For</u> <u>Certification and Endorsement As</u> <u>A Certified Euthanasia</u> <u>Technician</u>
8.64.903	24.225.907	Board-Approved Training Program Criteria
8.64.904	24.225.910	Certified Euthanasia Technician Test Criteria
8.64.905	24.225.920	<del>Initial</del> Application For Certified Euthanasia Agencies
8.64.906	24.225.921	Certified Euthanasia Agency Inspection Criteria - Notification of Deficiencies And Corrections
8.64.909	24.225.925	Annual Renewal Of Certificate - <u>For</u> Technicians - <u>And</u> Certified Agencies
8.64.907	24.225.926	Termination Of Certified Euthanasia Technician Employment - <u>And</u> Lapse Of Certificate
8.64.908	24.225.930	Approved Euthanasia Drugs
8.64.910	24.225.950	Unprofessional Conduct
8.64.408	24.225.2401	Complaint Procedure
8.64.407	24.225.2405	Screening Panel

3. The transfer of rules is necessary because this board was transferred from the Department of Commerce to the Department of Labor and Industry by the 2001 legislature by Chapter 483, Laws of Montana 2001.

BOARD OF VETERINARY MEDICINE

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

Certified to the Secretary of State February 14, 2005.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.141.405, and ARM 24.141.506 )  
pertaining to fee schedule and )  
master electrician qualifications )

TO: All Concerned Persons

1. On October 7, 2004, the State Electrical Board published MAR Notice No. 24-141-28 regarding the public hearing on the proposed amendment of the above-stated rules relating to fee schedule and master electrician license qualifications, at page 2349 of the 2004 Montana Administrative Register, issue no. 19.

2. On November 9, 2004, at 9:00 a.m., a public hearing was conducted in Helena, Montana. No members of the public were present at the public hearing. In addition, no written comments were received prior to the closing of the comment period.

3. The Board has amended ARM 24.141.405 and ARM 24.141.506 exactly as proposed.

MONTANA STATE ELECTRICAL BOARD  
TONY MARTEL, PRESIDENT

/s/ KEITH KELLY  
Keith Kelly Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

Certified to the Secretary of State February 14, 2005.

**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<br>Subject                    | 1. Consult ARM topical index.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute<br>Number and<br>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, 2004. This table includes those rules adopted during the period September 1, 2004 through December 31, 2004 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, 2004, 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 2003 and 2004 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 January 2005 appear. Vacancies scheduled to appear from March 1, 2005, through May 31, 2005, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 8, 2005.

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

**BOARD AND COUNCIL APPOINTEES FROM JANUARY 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Environmental Review</b> (Environmental Quality)			
Mr. Don Marble Chester	Governor	Shanahan	1/24/2005 1/1/2009
Qualifications (if required): having expertise or background in local government planning			
Mr. Bill Rossbach Missoula	Governor	Hudson	1/24/2005 1/1/2009
Qualifications (if required): public member			
Ms. Robin Shropshire Helena	Governor	Fishbaugh	1/24/2005 1/1/2009
Qualifications (if required): having expertise or background in hydrology			
Ms. Gayle Skunk Cap Browning	Governor	Smith	1/24/2005 1/1/2009
Qualifications (if required): having expertise or background in environmental science			
<b>Board of Housing</b> (Commerce)			
Ms. Audrey Black Eagle Lodge Grass	Governor	Welch	1/24/2005 1/1/2009
Qualifications (if required): public member			
Mr. J.P. Crowley Helena	Governor	Redinger	1/24/2005 1/1/2009
Qualifications (if required): public member			
Mr. Jeff Rupp Bozeman	Governor	Oser	1/24/2005 1/1/2009
Qualifications (if required): public member			

**BOARD AND COUNCIL APPOINTEES FROM JANUARY 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Housing</b> (Commerce) cont.			
Ms. Elizabeth Scanlin Red Lodge	Governor	Savage	1/24/2005 1/1/2009
Qualifications (if required): attorney			
<b>Board of Oil and Gas Conservation</b> (Natural Resources and Conservation)			
Mr. Don Bradshaw Fort Benton	Governor	Ballard	1/28/2005 1/1/2009
Qualifications (if required): representative of the oil and gas industry			
Sen. Linda J. Nelson Medicine Lake	Governor	Kolstad	1/28/2005 1/1/2009
Qualifications (if required): landowner with minerals			
Mr. Wayne Smith Valier	Governor	Kennedy	1/28/2005 1/1/2009
Qualifications (if required): representative of the oil and gas industry			
Ms. Joan Stahl Forsyth	Governor	Willis	1/28/2005 1/1/2009
Qualifications (if required): public member			
<b>Board of Public Education</b> (Education)			
Ms. Diane Fladmo Glendive	Governor	reappointed	1/19/2005 2/1/2009
Qualifications (if required): representative of District 2			
<b>Coal Board</b> (Commerce)			
Mr. Dan Dutton Belfry	Governor	Royan	1/28/2005 1/1/2009
Qualifications (if required): resident of District 1			

**BOARD AND COUNCIL APPOINTEES FROM JANUARY 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Coal Board</b> (Commerce) cont.			
Mr. Chad Fenner Hardin	Governor	Knapp	1/28/2005 1/1/2009
Qualifications (if required): resident of an impact area/District 2			
Mr. Gerald Navratil Sidney	Governor	Feda	1/28/2005 1/1/2009
Qualifications (if required): resident of District 2			
Mayor John Williams Colstrip	Governor	Evans	1/28/2005 1/1/2009
Qualifications (if required): resident of an impact area/District 2			
<b>Commissioner of Political Practices</b> (Secretary of State)			
Mr. Gordon Higgins Helena	Governor	Vaughey	1/1/2005 1/1/2011
Qualifications (if required): appointed			
<b>Director Department of Administration</b> (Administration)			
Director Janet Kelly Helena	Governor	Darkenwald	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Agriculture</b> (Agriculture)			
Director Nancy K. Peterson Helena	Governor	Peck	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Commerce</b> (Commerce)			
Director Anthony J. Priete Helena	Governor	Simonich	1/3/2005 0/0/0
Qualifications (if required): none specified			

**BOARD AND COUNCIL APPOINTEES FROM JANUARY 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Director Department of Corrections</b> (Corrections)			
Director Bill Slaughter Helena	Governor	reappointed	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Environmental Quality</b> (Environmental Quality)			
Director Richard Oppen Helena	Governor	Sensibaugh	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Fish, Wildlife, and Parks</b> (Fish, Wildlife, and Parks)			
Director Jeff Hagener Helena	Governor	reappointed	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Labor and Industry</b> (Labor and Industry)			
Director Keith Kelly Helena	Governor	Keating	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Military Affairs</b> (Military Affairs)			
Major General Randall Mosley Helena	Governor	Prendergast	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Natural Resources and Conservation</b> (Natural Resources and Conservation)			
Director Mary Sexton Helena	Governor	Clinch	1/3/2005 0/0/0
Qualifications (if required): none specified			

**BOARD AND COUNCIL APPOINTEES FROM JANUARY 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Director Department of Public Health and Human Services</b> (Public Health and Human Services)			
Director Robert Wynia Helena	Governor	Gray	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Revenue</b> (Revenue)			
Director Dan R. Bucks Helena	Governor	Alme	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Director Department of Transportation</b> (Transportation)			
Director James A. Lynch Helena	Governor	Galt	1/3/2005 0/0/0
Qualifications (if required): none specified			
<b>Fish, Wildlife, and Parks Commission</b> (Fish, Wildlife, and Parks)			
Mr. Shane Colton Billings	Governor	Walker	1/6/2005 1/1/2009
Qualifications (if required): representative of District 5			
Sen. Steve Doherty Great Falls	Governor	Lane	1/6/2005 1/1/2009
Qualifications (if required): representative of District 3			
Mr. Victor Workman Whitefish	Governor	Murphy	1/6/2005 1/1/2009
Qualifications (if required): representative of District 1			

**BOARD AND COUNCIL APPOINTEES FROM JANUARY 2005**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Judicial Nomination Commission</b> (Justice)			
Ms. Monica Conrad Paoli Missoula	Governor	Hill	1/19/2005 1/1/2009
Qualifications (if required): lay member whose occupation is a former foundation fundraiser			
<b>Judicial Nomination Commission</b> (Supreme Court)			
Ms. Martha Sheehy Billings	Supreme Court	not listed	1/1/2005 12/31/2008
Qualifications (if required): none specified			
<b>Montana Heritage Preservation and Development Commission</b> (Commerce)			
Sen. Dale Mahlum Missoula	Governor	Lawton	1/1/2005 5/23/2007
Qualifications (if required): involved in community planning			
<b>State Tax Appeals Board</b> (Administration)			
Sen. Sue Bartlett Helena	Governor	Nelson	1/24/2005 1/1/2011
Qualifications (if required): public member			

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Architects</b> (Labor and Industry) Mr. Eugene Vogl, Billings Qualifications (if required): licensed architect	Governor	3/27/2005
<b>Board of Athletics</b> (Labor and Industry) Mr. John C. Kinna, Fairfield Qualifications (if required): public member	Governor	4/25/2005
<b>Board of Clinical Laboratory Science Practitioners</b> (Commerce) Mr. John Michael Long, Glendive Qualifications (if required): clinical lab science practitioner	Governor	4/16/2005
Dr. Peter A.F. Smith, Kalispell Qualifications (if required): physician	Governor	4/16/2005
<b>Board of County Printing</b> (Administration) Mr. Verle L. Rademacher, White Sulphur Springs Qualifications (if required): representative of the printing industry	Governor	4/1/2005
Ms. Nancy Clark, Ryegate Qualifications (if required): public member	Governor	4/1/2005
Mr. Curtis H. Starr, Malta Qualifications (if required): representative of the printing industry	Governor	4/1/2005
Ms. Marianne Roose, Eureka Qualifications (if required): County Commissioner	Governor	4/1/2005
Ms. Julie Jordan, Miles City Qualifications (if required): County Commissioner	Governor	4/1/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Dentistry</b> (Commerce) Dr. Paul Sims, Butte Qualifications (if required): dentist	Governor	3/29/2005
<b>Board of Directors of State Compensation Insurance Fund</b> (Administration) Mr. Herbert Leuprecht, Butte Qualifications (if required): representative of private industry and a policy holder	Governor	4/28/2005
Mr. Derek Grewatz, Missoula Qualifications (if required): licensed insurance producer	Governor	4/28/2005
Mr. Jack Morgenstern, Lewistown Qualifications (if required): representative of private enterprise and a policyholder	Governor	4/28/2005
Mr. Mark Cole, Shelby Qualifications (if required): policyholder and representing private enterprise	Governor	4/28/2005
<b>Board of Hail Insurance</b> (Agriculture) Ms. Lillian Ostendorf, Powderville Qualifications (if required): public member	Governor	4/18/2005
<b>Board of Livestock</b> (Livestock) Mr. Jerry E. Leep, Amsterdam Qualifications (if required): dairy producer	Governor	3/1/2005
Mr. Bob Lee, Judith Gap Qualifications (if required): cattle producer	Governor	3/1/2005
Mr. Jeremy Kinross-Wright, Big Timber Qualifications (if required): swine producer	Governor	3/1/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Nursing Home Administrators</b> (Commerce) Ms. Deborah M. Wilson, Kalispell Qualifications (if required): nursing home administrator	Governor	5/28/2005
<b>Board of Optometry</b> (Commerce) Dr. Cynthia Johnson, Bozeman Qualifications (if required): optometrist	Governor	4/3/2005
<b>Board of Plumbing</b> (Commerce) Ms. Marlene Jackson, Glasgow Qualifications (if required): public member	Governor	5/4/2005
<b>Board of Real Estate Appraisers</b> (Labor and Industry) Mr. Donald Andrews, Ronan Qualifications (if required): real estate appraiser	Governor	5/1/2005
Mr. Douglas Mackay, Billings Qualifications (if required): real estate appraiser	Governor	5/1/2005
<b>Board of Realty Regulation</b> (Commerce) Ms. Vicky Hammond, Missoula Qualifications (if required): real estate broker and a Democrat	Governor	5/9/2005
<b>Commission on Practice of the Supreme Court</b> (Supreme Court) Mr. John Warren, Dillon Qualifications (if required): none specified	elected	5/3/2005
Ms. Mary Jo Ridgeway, Miles City Qualifications (if required): none specified	elected	5/3/2005
Mr. Stephen R. Brown, Jr., Havre Qualifications (if required): none specified	elected	5/3/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Governor's Council on Families</b> (Public Health and Human Services) Mr. Stan Rathman, Choteau Qualifications (if required): public member	Governor	4/29/2005
Ms. Floral Goodman, Laurel Qualifications (if required): public member	Governor	4/29/2005
Ms. Melissa Sundberg, Florence Qualifications (if required): public member	Governor	4/29/2005
Rep. John Sinrud, Belgrade Qualifications (if required): public member	Governor	4/29/2005
Mr. Jeff Greer, Missoula Qualifications (if required): public member	Governor	4/29/2005
Mr. Tom Burnett, Belgrade Qualifications (if required): public member	Governor	4/29/2005
Ms. Arlene Diehl, East Helena Qualifications (if required): public member	Governor	4/29/2005
Dr. Paul Olson, Kalispell Qualifications (if required): public member	Governor	4/29/2005
Ms. Annette Friesen, Billings Qualifications (if required): public member	Governor	4/29/2005
Mr. Rick Robinson, Lame Deer Qualifications (if required): public member	Governor	4/29/2005
Mr. Ed Matter, Havre Qualifications (if required): public member	Governor	4/29/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Governor's Council on Families</b> (Public Health and Human Services) cont. Ms. Laurie Koutnik, Helena Qualifications (if required): public member	Governor	4/29/2005
Ms. Amber Gundlach, Baker Qualifications (if required): public member	Governor	4/29/2005
Ms. Maria Jimenez, Helena Qualifications (if required): public member	Governor	4/29/2005
Ms. Annette Osen, Bozeman Qualifications (if required): public member	Governor	4/29/2005
Mr. Steven Fred Geisser, Townsend Qualifications (if required): public member	Governor	4/29/2005
<b>Great Falls College of Technology MSU Executive Board</b> (University System) Mr. Jack King, Great Falls Qualifications (if required): public member	Governor	4/15/2005
<b>Helena College of Technology UM Executive Board</b> (University System) Mr. Eric Schindler, East Helena Qualifications (if required): public member	Governor	4/15/2005
<b>MSU Billings Executive Board</b> (University System) Mr. Jeffery J. Oven, Billings Qualifications (if required): public member	Governor	4/15/2005
<b>MSU Northern Executive Board</b> (University System) Mr. David C. Henry, Havre Qualifications (if required): public member	Governor	4/15/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Missouri River Basin Advisory Council</b> (Natural Resources and Conservation) Ms. Diane Brandt, Glasgow Qualifications (if required): public member	Governor	3/4/2005
Mr. Don Pfau, Lewistown Qualifications (if required): public member	Governor	3/4/2005
Director Bud Clinch, Helena Qualifications (if required): DNRC Director	Governor	3/4/2005
Mr. Jim Rector, Glasgow Qualifications (if required): public member	Governor	3/4/2005
Mr. Ron Miller, Glasgow Qualifications (if required): public member	Governor	3/4/2005
Mr. Steve Page, Glasgow Qualifications (if required): public member	Governor	3/4/2005
Mr. John Foster, Lewistown Qualifications (if required): public member	Governor	3/4/2005
Mr. Boone A. Whitmer, Wolf Point Qualifications (if required): public member	Governor	3/4/2005
Mr. Buzz Mattelin, Brockton Qualifications (if required): public member	Governor	3/4/2005
<b>Montana Alberta Bilateral Advisory Council</b> (Commerce) Sen. Glenn A. Roush, Cut Bank Qualifications (if required): member of the Montana Senate	Governor	5/12/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Alberta Bilateral Advisory Council</b> (Commerce) cont. Sen. Jerry Black, Shelby Qualifications (if required): member of the Montana Senate	Governor	5/12/2005
Director David A. Galt, Helena Qualifications (if required): Director of the Department of Transportation	Governor	5/12/2005
Director Mark A. Simonich, Helena Qualifications (if required): Director of the Department of Commerce	Governor	5/12/2005
Director W. Ralph Peck, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	5/12/2005
Lt. Governor Karl Ohs, Harrison Qualifications (if required): chairman	Governor	5/12/2005
Mr. Mark Cole, Shelby Qualifications (if required): representative of private sector (transportation)	Governor	5/12/2005
Rep. Edith J. Clark, Sweet Grass Qualifications (if required): member of the Montana House of Representatives	Governor	5/12/2005
Rep. John L. Musgrove, Havre Qualifications (if required): member of the Montana House of Representatives	Governor	5/12/2005
Mr. Dave Gibson, Helena Qualifications (if required): representative of the Office of the Governor	Governor	5/12/2005
Mr. Joe Horel, Rudyard Qualifications (if required): representative of private sector (agriculture)	Governor	5/12/2005
Mr. Lynn Cornwell, Glasgow Qualifications (if required): representative of the private sector	Governor	5/12/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Heritage Preservation and Development Commission</b> (Historical Society)		
Ms. Maureen Averill, Bigfork Qualifications (if required): member of the Tourism Advisory Council	Governor	5/23/2005
Mr. Brian Cockhill, Helena Qualifications (if required): Montana historian	Governor	5/23/2005
Rep. Jeanette S. McKee, Hamilton Qualifications (if required): experienced in historic preservation	Governor	5/23/2005
<b>Montana Potato Advisory Committee</b> (Agriculture)		
Mr. Steve McCullough, Townsend Qualifications (if required): none specified	Director	5/20/2005
Mr. Sid Schutter, Manhattan Qualifications (if required): none specified	Director	5/20/2005
Mr. Dan Lake, Ronan Qualifications (if required): none specified	Director	5/20/2005
<b>Montana State University Executive Board</b> (University System)		
Mr. Lee Oldenburger, Manhattan Qualifications (if required): public member	Governor	4/15/2005
<b>Montana State Veterans Cemetery Advisory Council</b> (Military Affairs)		
Mr. Mickey Nelson, Helena Qualifications (if required): technical expert	Director	5/1/2005
Ms. Alma Dickey, Helena Qualifications (if required): Prisoners of War	Director	5/1/2005
Mr. George Paul, Helena Qualifications (if required): Military Order of the Cooties	Director	5/1/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana State Veterans Cemetery Advisory Council</b> (Military Affairs) cont. Mr. Jim Heffernan, Helena Qualifications (if required): Marine Corps League	Director	5/1/2005
Mr. M. Herbert Goodwin, Helena Qualifications (if required): First Special Service Force	Director	5/1/2005
Mr. Robert C. McKenna, Helena Qualifications (if required): technical expert	Director	5/1/2005
Mr. George Poston, Helena Qualifications (if required): Disabled American Veterans	Director	5/1/2005
Ms. Eve Longfellow, Helena Qualifications (if required): Veterans of Foreign Wars Auxiliary	Director	5/1/2005
Mr. Don Buffington, Conrad Qualifications (if required): 40 & 8	Director	5/1/2005
Mr. Joe Foster, Helena Qualifications (if required): none specified	Director	5/1/2005
Mr. Bob Schwegel, Fort Harrison Qualifications (if required): Veterans of Foreign Wars	Director	5/1/2005
Mr. Gary White, Helena Qualifications (if required): American Legion	Director	5/1/2005
Ms. JoAnn Ellison, Anaconda Qualifications (if required): American Legion Auxiliary	Director	5/1/2005
Mr. Arlie Rognstad, Helena Qualifications (if required): Military Order of the Purple Heart	Director	5/1/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana State Veterans Cemetery Advisory Council</b> (Military Affairs) cont. Mr. Mike Hampson, Helena Qualifications (if required): Vietnam Veterans of America	Director	5/1/2005
Mr. Chris Denning, Fort Harrison Qualifications (if required): Department of Military Affairs	Director	5/1/2005
<b>Montana Tech of the University of Montana Executive Board</b> (University System) Mr. Daniel T. Berube, Anaconda Qualifications (if required): public member	Governor	4/15/2005
<b>Montana Vocational Rehabilitation Council</b> (Public Health and Human Services) Mr. Dennis Moore, Billings Qualifications (if required): federally mandated parent organization position	Director	3/3/2005
<b>Montana Voluntary Employee Beneficiary Association Advisory Council</b> (Administration) Mr. Thomas Schneider, Helena Qualifications (if required): none specified	Director	3/1/2005
Ms. Beth McLaughlin, Helena Qualifications (if required): none specified	Director	3/1/2005
Mr. Tom Bilodeau, Helena Qualifications (if required): none specified	Director	3/1/2005
Ms. Coleen Balzarini, Great Falls Qualifications (if required): none specified	Director	3/1/2005
Ms. Sheila Cozzie, Helena Qualifications (if required): none specified	Director	3/1/2005
Mr. Glen Leavitt, Helena Qualifications (if required): none specified	Director	3/1/2005

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2005 through MAY 31, 2005

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Voluntary Employee Beneficiary Association Advisory Council</b> (Administration) cont.		
Mr. Todd Watkins, Kalispell Qualifications (if required): none specified	Director	3/1/2005
Mr. Don Kinman, Helena Qualifications (if required): none specified	Director	3/1/2005
<b>Public Employees' Retirement Board</b> (Administration)		
Mr. Terry Teichrow, Helena Qualifications (if required): public employee	Governor	4/1/2005
<b>State Library Commission</b> (State Library)		
Mr. Alvin Randall, Troy Qualifications (if required): public member	Governor	5/22/2005
Ms. Gail Staffanson, Sidney Qualifications (if required): public member	Governor	5/22/2005
<b>University of Montana Executive Board</b> (University System)		
Col. Sam A. Roberts, Missoula Qualifications (if required): public member	Governor	4/15/2005
<b>University of Montana Western Executive Board</b> (University System)		
Ms. Maryellen Wilkerson, Dillon Qualifications (if required): public member	Governor	4/15/2005