

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 6

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after print 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 Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

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BEFORE THE BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.181.401, registration fee)
schedule, 24.181.402, licensing fee)
schedule, and 24.181.2101 renewals,)
pertaining to private alternative)
adolescent residential and outdoor)
programs)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On April 16, 2009, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) 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 Private Alternative Adolescent Residential or Outdoor Programs (board) no later than 5:00 p.m., on April 10, 2009, to advise us of the nature of the accommodation that you need. Please contact Cyndi Breen, Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdpap@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The Board of Private Alternative Adolescent Residential or Outdoor Programs (board) has determined it is reasonably necessary to amend fees to comply with 37-1-134, MCA, and keep the board's fees commensurate with costs. The Department of Labor and Industry (department), in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds by the 2009 renewal period.

The 2005 Montana Legislature created the board to register programs and gather data regarding the feasibility of program licensure. In FY 2005, 24 programs registered with the department and fees were collected to support the work of the board. The 2007 Legislature mandated full licensure of the programs. The ending cash balance in FY 2007 was \$4,865.

In FY 2008 the board set fees for registration, provisional licensing, and licensure renewal based on average daily census. Expenses for the board in FY 2008 totaled \$47,331, with revenue of \$23,626, which resulted in an ending cash balance of negative \$18,840. This required the board to obtain a loan to maintain operations until accruing additional revenue.

At the end of February 2009, total revenue received was \$56,240, total expenses were \$30,520, and the present cash balance was \$6,880.

Although the department and board anticipated that the number of licensed programs would increase during the 2008-2009 biennium, the number has decreased. Several programs have ceased operation over the past few months, including the largest and only program having 101 or more participants. The closures and resultant loss of revenue will critically impact the board and its ability to function. The board determined it is necessary to redistribute and increase fees as proposed to meet expenses and counter the anticipated decrease in annual revenue as a result of the program closures. The board is also adding a category to the fee structure to reallocate fees across five groups instead of four. The board estimates that approximately 17 programs will be affected by the proposed fee changes and will result in a cumulative increase in annual revenue of \$14,480.

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

24.181.401 REGISTRATION FEE SCHEDULE (1) and (2) remain the same.

(3) Registration fees are calculated ~~according to~~ by each program being assessed a base fee of \$500 to which is added an amount based on the program's average daily census: . Registration fees are collected at the time of application and allow an applicant to apply for a provisional license.

(a) 0-10 participants	\$ 500 <u>1080</u>
(b) 11- 50 <u>25</u> participants	3000 <u>2780</u>
(c) <u>26-50</u> participants	<u>5210</u>
(e) (d) 51-100 participants	6000 <u>8520</u>
(d) (e) 101 and more participants	9000

Programs with 101 and more participants must submit the base fee and contact the board for current information on the average daily census rate to determine the registration fee balance.

~~(4) For any program previously registered under the 2005 legislation and which registers between May 23, 2008 and June 30, 2008, such program will have until June 30, 2009, in which to complete the registration requirements.~~

~~(5) All programs registering between May 23, 2008 and June 30, 2008, are required, at the same time they submit their registration application and registration fee, to submit their provisional licensing fee.~~

(6) through (8) remain the same but are renumbered (4) through (6).

AUTH: 37-1-131 37-48-103, MCA

IMP: 37-1-134, 37-48-103, 37-48-107, MCA

24.181.402 LICENSING FEE SCHEDULE (1) remains the same.

(2) Licensing fees are ~~calculated according to~~ based on the program's average daily census at the time of application and are paid at 20% of the combined registration and licensing fees:

(a) 0-10 participants	\$ 260 <u>270</u>
(b) 11- 50 <u>25</u> participants	800 <u>695</u>

(c) <u>26-50 participants</u>	1300
(e) (d) 51-100 participants	1600 <u>2130</u>
(d) (e) 101 and more participants	2400

Programs with 101 and more participants must contact the board for current information on the average daily census rate to determine the licensing fee balance.

(4) remains the same but is renumbered (3).

AUTH: 37-1-131 37-48-103, MCA
 IMP: 37-1-134, 37-48-103, 37-48-106, MCA

REASON: The board is renumbering (4) to (3) to correct an error in previous notice MAR 24-181-2.

24.181.2101 RENEWALS (1) and (2) remain the same.

(3) The licensing renewal fees are calculated according to by each program being assessed a base fee of \$500 to which is added an amount based on the program's average daily census:

(a) 0-10 participants	\$ 760 <u>1350</u>
(b) 11-50 <u>25</u> participants	3800 <u>3475</u>
(c) <u>26-50 participants</u>	6510
(e) (d) 51-100 participants	7600 <u>10650</u>
(d) (e) 101 and more participants	11,400

Programs with 101 and more participants must submit the base fee and contact the board for current information on the average daily census rate to determine the renewal fee total.

(4) through (7) remain the same.

AUTH: 37-1-131, 37-48-103, MCA
 IMP: 37-1-131, 37-1-134, 37-1-141, MCA

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdpap@mt.gov, and must be received no later than 5:00 p.m., April 24, 2009.

6. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at www.paarp.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical

problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The 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, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdpap@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

9. Mike McCabe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PRIVATE ALTERNATIVE
ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
JOHN SANTA, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

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

Certified to the Secretary of State March 16, 2009

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of ARM)	NOTICE OF ADOPTION AND
New Rules I through VIII and repeal of)	REPEAL
4.12.1320, 4.12.1321, and 4.12.1432)	
relating to quarantines and pest)	
management standards)	

TO: All Concerned Persons

1. On February 12, 2009, the Montana Department of Agriculture published MAR Notice No. 4-14-160 relating to the public hearing on the proposed adoption and repeal of the above-stated rules at page 118 of the 2009 Montana Administrative Register, Issue Number 3.

2. On March 5, 2009, the Montana Department of Agriculture held a public hearing on the proposed adoption and repeal of the above stated rules.

3. The department has thoroughly considered the comment received. A summary of the comment received and the department's response follows:

COMMENT #1 The department received one comment advocating for a higher top penalty in the penalty matrix.

RESPONSE #1 The maximum penalty is set by law and cannot be changed by a rule.

4. The agency has adopted ARM New Rule I (4.12.1301), New Rule II (4.12.1302), New Rule III (4.12.1303), New Rule IV (4.12.1304), New Rule V (4.12.1305), New Rule VI (4.12.1306), New Rule VII (4.12.1307), New Rule VIII (4.12.1308), and repealed 4.12.1320, 4.12.1321, and 4.12.1432 exactly as proposed.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong
Ron de Yong, Director

/s/ Cort Jensen
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, March 16, 2009.

BEFORE THE MONTANA COAL BOARD
DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 8.101.201, 8.101.301,)	REPEAL
8.101.302, and 8.101.305, and repeal)	
of 8.101.303 and 8.101.311)	
pertaining to the policies of the)	
Montana Coal Board and applications)	
for Montana Coal Board grant)	
assistance)	

TO: All Concerned Persons

1. On October 23, 2008, the Department of Commerce published MAR Notice No. 8-101-70 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 2220 of the 2008 Montana Administrative Register, Issue Number 20.

2. The department has amended and repealed the above-stated rules as proposed.

3. The department has thoroughly considered the comments received. One comment was received in support of the proposed amendment and repeal.

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State March 16, 2009.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 10.57.102, 10.57.112,)	REPEAL
10.57.201, 10.57.201A, 10.57.215,)	
10.57.216, 10.57.301, 10.57.410)	
through 10.57.421, 10.57.424 through)	
10.57.430, 10.57.432 through)	
10.57.436, 10.57.601A and repeal of)	
ARM 10.57.104, 10.57.110,)	
10.57.220, 10.57.422, and 10.57.423)	
relating to educator licensure)	

TO: All Concerned Persons

1. On January 29, 2009, the Board of Public Education published MAR Notice No. 10-57-248 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 30 of the 2009 Montana Administrative Register, Issue Number 2.

2. The board has amended the following rules as proposed: ARM 10.57.112, 10.57.201A, 10.57.216, 10.57.301, 10.57.412, 10.57.413, 10.57.415, 10.57.416, 10.57.417, 10.57.418, 10.57.419, 10.57.421, 10.57.432, 10.57.433, 10.57.434, 10.57.435, and 10.57.436.

3. The board has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

10.57.102 DEFINITIONS (1) through (20)(a) remain as proposed.

(b) the school(s) they are claiming to hold or have held supervisory responsibilities over have noted there is no superintendent or principal by having the chair of the Board of Trustees ~~sign the school's Annual Data Collection report~~ submit evidence of the supervisory role of the county superintendent.

(21) and (22) remain as proposed.

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES (1) remains as proposed.

(2) Applicants for initial licensure who qualify under subchapter 4 and meet the following qualifications to practice ~~shall~~ may be licensed Class 1, 2, 3, or 6 as appropriate:

(a) and (b) remain as proposed.

~~(i) an applicant for initial Class 1, 2, or 3 licensure whose degree is more than five years old and who does not have current out-of-state licensure must have earned six semester credits within the five-year period preceding the effective date of the license;~~

~~(ii) an applicant for an initial Class 6 license whose degree is more than five years old and who does not have current out-of-state licensure must have earned six graduate semester credits within the five-year period preceding the effective date of the license;~~

(c) individuals who hold a current license from the National Board for Professional Teaching Standards in an area that can be licensed in Montana and have satisfied minimal educator licensure requirements as defined in ARM 10.57.102; or

(d) remains as proposed.

~~(e) (3) individuals seeking~~ Applicants for initial Class 1 or 2 licensure must verify completion of a supervised teaching experience either as part of an accredited professional educator preparation program or successfully complete one year of supervised internship in a state accredited elementary and/or secondary school or school district either in Montana or elsewhere.

(4) Applicants for initial Class 1, 2, or 3 licensure whose degree is more than five years old and who do not have current out-of-state licensure must have earned six semester credits within the five-year period preceding the effective date of the license.

(5) Applicants for an initial Class 6 license whose degree is more than five years old and who do not have current out-of-state licensure must have earned six graduate semester credits within the five-year period preceding the effective date of the license.

(3) through (6) remain as proposed but are renumbered (6) through (9).

10.57.215 RENEWAL REQUIREMENTS (1) through (3)(a)(iii) remain as proposed.

(iv) ~~comply in compliance~~ with (6) and (7); or

(b) through (7) remain as proposed.

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE (1) and (2) remain as proposed.

(a) meeting or exceeding the minimum educator licensure requirements in ARM 10.57.102~~(44)~~ (15);

(b) through (4) remain as proposed.

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE (1) through (2)(b) remain as proposed.

(c) three years of successful teaching experience as defined by ARM 10.57.102~~(20)~~ (21).

(3) and (4) remain as proposed.

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE – SUPERINTENDENT ENDORSEMENT (1) through (1)(b)(vi) remain as proposed.

~~(vii) three semester credits of college coursework in Montana school law and three semester credits of college coursework in Montana school finance. Applicants who meet all other requirements for the superintendent endorsement but lack these courses shall be issued the Class 3 license and must sign and file a plan of~~

~~professional intent with the Superintendent of Public Instruction agreeing to complete these courses by the first renewal of their Class 3 license.~~

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

~~(d) (i) licensure and endorsement as a K-12 principal; and~~

~~(e) (ii) a minimum of one year of administrative experience as defined in ARM 10.57.102(20) or a minimum of one year of a supervised Board of Public Education approved administrative internship as superintendent.~~

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

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE

(1) through (2)(a) remain as proposed.

(b) A Class 4B license shall be issued to individuals with at least a bachelor's degree, but who do not hold a valid Montana secondary level teaching license with the appropriate career and technical education endorsement; and

(2)(c) through (3)(a) remain as proposed.

(i) principles and/or philosophy of career and technical education; or

(3)(a)(ii) and (3)(b) remain as proposed.

(i) principles and/or philosophy of career and technical education; ~~and~~ or

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

(vii) career guidance in career and technical education; ~~and~~ or

(3)(c)(viii) through (4)(b)(vi) remain as proposed.

(vii) career guidance in career and technical education; or

(4)(b)(viii) remains as proposed.

10.57.424 CLASS 5 ALTERNATIVE LICENSE (1) through (3) remain as proposed.

(4) ~~A Class 5 alternative license holders are~~ licensee is not eligible for a Board of Public Education approved internship program in the same endorsement area subsequent to the Class 5 licensure expiration date.

(5) remains as proposed.

10.57.425 CLASS 5 ALTERNATIVE LICENSE – ELEMENTARY LEVEL (1) remains as proposed.

(a) meeting or exceeding the minimal educator licensure requirements set forth in ARM 10.57.102~~(14)~~ (15);

(1)(b) and (1)(c) remain as proposed.

(d) for those ~~licensees~~ applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program.

10.57.426 CLASS 5 ALTERNATIVE LICENSE – SECONDARY LEVEL

(1) through (1)(c) remain as proposed.

(d) for those ~~licensees~~ applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program.

10.57.427 CLASS 5 ALTERNATIVE LICENSE – SUPERINTENDENT

ENDORSEMENT (1) through (1)(d) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(iii) remain as proposed.

10.57.428 CLASS 5 ALTERNATIVE LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT (1) through (1)(c) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(ii) remain as proposed.

(iii) progress toward completion of requirements for the ~~superintendent~~ elementary principal endorsement.

10.57.429 CLASS 5 ALTERNATIVE LICENSE – SECONDARY PRINCIPAL ENDORSEMENT (1) through (1)(c) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(ii) remain as proposed.

(iii) progress toward completion of requirements for the ~~superintendent~~ secondary principal endorsement.

10.57.430 CLASS 5 ALTERNATIVE LICENSE – K-12 PRINCIPAL ENDORSEMENT (1) through (1)(c) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(ii) remain as proposed.

(iii) progress toward completion of requirements for the ~~superintendent~~ K-12 principal endorsement.

10.57.601A DEFINITION OF "IMMORAL CONDUCT" (1) remains as proposed.

(a) sexual contact, as defined in 45-2-101(67), MCA, or sexual intercourse as defined in 45-2-101(68), MCA, between a teacher, specialist, or administrator and a person the teacher, specialist, or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;

(1)(b) through (1)(d)(iii) remain as proposed.

(e) ~~falsifying, intentionally misrepresenting, willfully omitting, or being negligent in reporting information submitted to federal, state, and other governmental agencies such as professional qualifications, criminal history, and information submitted in the course of an official inquiry or investigation, college or professional development credit and/or degrees, academic awards, and employment history when applying for employment and/or licensure, or when recommending an individual for employment, promotion, or licensure.~~ submitting false credentials, omitting relevant information, or making any statement of material fact the applicant knows to be false to apply for a license, endorsement, employment, or promotion. False credentials include, but are not limited to:

(i) college degrees or credit from non-accredited or -approved colleges or

universities:

(ii) false professional development credit;

(iii) false academic awards; and

(iv) inaccurate employment history.

4. The board has repealed the following rules as proposed: ARM 10.57.104, 10.57.110, 10.57.220, 10.57.422, and 10.57.423.

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

COMMENT #1: Marco Ferro, on behalf of MEA-MFT, stated that he supported the rules as written with the exception of ARM 10.57.414(b)(vii). He would like to keep the language in that section that reads, "three semester credits of college coursework in Montana school law and three semester credits of college coursework in Montana school finance" and delete the remainder of that subsection to be similar to the Class 5 language that applies to Class 1, 2, or 6 licensure.

RESPONSE #1: The board thanks Mr. Ferro for his input and agrees with his comment. The board has amended ARM 10.57.414(b)(vii) by deleting the last sentence of that subsection.

COMMENT #2: Dave Puyear, on behalf of MREA, stated that he supported the rules as written with the exception of ARM 10.57.414(b)(vii). He recommended that the board amend this section to be similar to the Class 5 language. He believes it would eliminate any confusion between what is expected for licensure of teachers and administrators and would promote a seamless system of licensure.

RESPONSE #2: The board thanks Mr. Puyear for his input and agrees with his testimony. The board has amended ARM 10.57.414(b)(vii) by deleting the last sentence of that subsection.

COMMENT #3: Bob Vogel, on behalf of the MTSBA, stated he supported the rules as written and believes they are clear and straight forward. He pointed out what he considered to be substantive differences between teachers and administrators to support a rule which is different between the two professions.

RESPONSE #3: The board thanks Mr. Vogel for his support but disagrees with his testimony regarding the differences between teachers and administrators underlying his argument to leave the rule as noticed.

COMMENT #4: Darrell Rud, on behalf of SAM, stated his support for the rules as written.

RESPONSE #4: The board thanks Mr. Rud for his support but disagrees that the rule should go forward as noticed.

COMMENT #5: Claudette Morton, on behalf of the MSSA, stated her support for the rules as written with the exception of:

(a) ARM 10.57.414(b)(vii) which she believes should be written in a manner that acknowledges competency rather than as a matter of credits; and

(b) ARM 10.57.102(20)(b) which she feels is inconsistent with the OPI's current policy. She recommended the following language: "(b) the school(s) they are claiming to hold or have held supervisory responsibilities over have noted there is no superintendent or principal by having the chair of the Board of Trustees submit evidence of the supervisory role of the county superintendent."

RESPONSE #5: The board thanks Dr. Morton for her support. The board will take comment (a) under advice and has amended ARM 10.57.102(20)(b) as suggested.

COMMENT #6: Ann Gilkey, on behalf of the OPI, stated support for the rules and submitted written suggested nonsubstantive amendments to the rules for clarification, ease of reading, and consistency.

RESPONSE #6: The board thanks Ms. Gilkey for her support and has amended the rules as suggested.

/s/ Steve Meloy
Steve Meloy
Rule Reviewer

/s/ Patty Myers
Patty Myers, Chairperson
Board of Public Education

Certified to the Secretary of State March 16, 2009.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.106.2301 and 37.106.2311)
pertaining to hospice facilities)

TO: All Concerned Persons

1. On October 23, 2008, the Department of Public Health and Human Services published MAR Notice No. 37-455 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2255 of the 2008 Montana Administrative Register, Issue Number 20.

2. The department has amended ARM 37.106.2301 as proposed.

3. The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.106.2311 MINIMUM STANDARDS FOR A RESIDENTIAL HOSPICE FACILITY (1) through (9)(c) remain as proposed.

(10) A residential hospice must meet the following meal service, menu planning, and supervision standards:

(a) and (b) remain as proposed.

(c) the food service must establish and maintain standards relative to food sources, refrigeration, refuse handling, pest control, storage, preparation, procuring, serving, and handling that are sufficient to prevent food spoilage and transmission of infectious disease ~~shall comply with the Montana administrative rule requirements for compliance with ARM Title 37, chapter 110, subchapter 2, Food Service Establishments administered by the Food and Consumer Safety Section of the Department of Public Health and Human Services.~~

(d) through (13) remain as proposed.

AUTH: 50-5-103, 50-5-201, MCA

IMP: 50-5-210, MCA

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: In proposed amendment to ARM 37.106.2311(10)(c) it was stated that incorporating the food service establishment regulations would be overwhelming and burdensome for the small, residential facilities to implement. The proposed regulation change would have the potential to impede the delivery of residential hospice services, and/or the construction of any new facilities in the state.

RESPONSE #1: The department concurs and understands that the current regulations are sufficient in preventing the spread of infection or disease in residential hospice facilities. The department made its correction to proposed rule ARM 37.106.2311(10)(c) as shown above.

COMMENT #2: There was concern that the provisions referenced in the food services rules in Title 37, chapter 110, subchapter 2 are more stringent than necessary for residential hospice facilities.

RESPONSE #2: Please see response to comment #1.

/s/ Lisa A. Swanson
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State March 16, 2009.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.15.215 relating to senior)
interest income exclusions)

TO: All Concerned Persons

1. On February 12, 2009, the department published MAR Notice No. 42-2-806 regarding the proposed amendment of the above-stated rule at page 137 of the 2009 Montana Administrative Register, issue no. 3.

2. A public hearing was held on March 5, 2009 to consider the proposed amendment. No one appeared at the hearing to testify and no written comments were received.

3. The department amends ARM 42.15.215 as proposed.

4. An electronic copy of this Adoption Notice is available through the department's site on the World Wide Web at www.mt.gov/revenue, under "for your reference"; "DOR administrative rules"; and "upcoming events and proposed rule changes." The department strives to make the electronic copy of this Adoption Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State March 16, 2009

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

Use of the Administrative Rules of Montana (ARM):

Known
Subject

1. Consult ARM Topical Index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department 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 December 31, 2008. This table includes those rules adopted during the period January 1, 2009, through March 31, 2009, 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 include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2008, 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 2008 and 2009 Montana Administrative Register.

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

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BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in February 2009 appear. Vacancies scheduled to appear from April 1, 2009, through June 30, 2009, 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 March 1, 2009.

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 FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Aeronautics (Transportation)			
Mr. Bill Hunt Jr. Shelby	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): attorney and member of the Montana League of Cities and Towns			
Mr. Fred Leistiko Kalispell	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): representative of the Montana Airport Managers Association			
Mr. Roger Lincoln Gildford	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): member of the Montana Aerial Applicators Association			
Ms. Tricia McKenna Bozeman	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): representative of the Montana Chamber of Commerce			
Rep. Ted Schye Fort Peck	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): member of the Montana Pilots Association			
Board of Chiropractors (Labor and Industry)			
Dr. John Sando Butte	Governor	reappointed	2/12/2009 1/1/2012
Qualifications (if required): practicing chiropractor with at least one year experience			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Chiropractors (Labor and Industry) cont.			
Ms. Alice Whiteman Missoula Qualifications (if required): public representative	Governor	Heger	2/12/2009 1/1/2012
Board of Crime Control (Justice)			
Commissioner Mike Anderson Havre Qualifications (if required): local government representative	Governor	reappointed	2/9/2009 1/1/2013
Ms. Mikie Baker-Hajek Great Falls Qualifications (if required): community organization representative	Governor	reappointed	2/9/2009 1/1/2013
Attorney General Steve Bullock Helena Qualifications (if required): representative of state law enforcement	Governor	McGrath	2/9/2009 1/1/2013
Mr. James R. Cashell Bozeman Qualifications (if required): local law enforcement representative	Governor	reappointed	2/9/2009 1/1/2013
Chief Lyndon Erickson Glasgow Qualifications (if required): local law enforcement representative	Governor	reappointed	2/9/2009 1/1/2013

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Crime Control (Justice) cont.			
Mr. Harold F. Hanser Billings	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required):	public representative		
Mayor Pamela B. Kennedy Kalispell	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required):	local government representative and the Youth Justice Council	representative	
Mr. Steve McArthur Butte	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required):	community corrections representative		
Mr. Nickolas C. Murnion Jordan	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required):	local law enforcement representative		
Ms. Bonnie Wallem Kalispell	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required):	public representative		
Board of Environmental Review (Environmental Quality)			
Mr. Marvin Miller Butte	Governor	Skunk Cap	2/3/2009 1/1/2013
Qualifications (if required):	background or expertise in environmental science		

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Environmental Review (Environmental Quality) cont.			
Mr. Bill Rossbach Missoula Qualifications (if required): attorney	Governor	reappointed	2/3/2009 1/1/2013
Ms. Robin Shropshire Helena Qualifications (if required): background or expertise in hydrology	Governor	reappointed	2/3/2009 1/1/2013
Mr. Joseph Whalen Miles City Qualifications (if required): background or expertise in local government planning	Governor	Marble	2/3/2009 1/1/2013
Board of Labor Appeals (Labor and Industry)			
Mr. Brian Boland Great Falls Qualifications (if required): public representative	Governor	Logan	2/5/2009 1/1/2013
Mr. Norman Grosfield Helena Qualifications (if required): attorney	Governor	Best	2/5/2009 1/1/2013
Board of Occupational Therapy Practice (Labor and Industry)			
Ms. Sue Furey Missoula Qualifications (if required): public representative	Governor	reappointed	2/19/2009 12/31/2012

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Occupational Therapy Practice (Labor and Industry) cont.			
Ms. Lynn Yocom Anaconda	Governor	reappointed	2/19/2009 12/31/2012
Qualifications (if required): licensed occupational therapist			
Board of Oil and Gas Conservation (Natural Resources and Conservation)			
Mr. Donald D. Bradshaw Fort Benton	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): oil and gas industry representative			
Mr. Jay Gunderson Billings	Governor	Stahl	2/19/2009 1/1/2013
Qualifications (if required): public member			
Sen. Linda J. Nelson Medicine Lake	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): landowner with minerals			
Mr. Wayne Smith Valier	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): oil and gas industry representative			
Board of Optometry (Labor and Industry)			
Dr. Rock Svennungsen Shelby	Governor	reappointed	2/12/2009 4/3/2013
Qualifications (if required): registered optometrist			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Personnel Appeals (Labor and Industry)			
Mr. Quinton Nyman Helena	Governor	reappointed	2/26/2009 1/1/2013
Qualifications (if required): full-time employee of a labor union or an association recognized by the board			
Mr. Jay Reardon Helena	Governor	reappointed	2/26/2009 1/1/2013
Qualifications (if required): full-time employee of a labor union or an association recognized by the board			
Ms. Karla Stanton Billings	Governor	Whiteman	2/26/2009 1/1/2013
Qualifications (if required): management representative with collective bargaining experience			
Board of Public Accountants (Labor and Industry)			
Ms. Linda Harris Absarokee	Governor	Shea	2/12/2009 7/1/2013
Qualifications (if required): Certified Public Accountant			
Board of Public Assistance (Public Health and Human Services)			
Ms. Amy Christensen Helena	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required): resident of Montana			
Mr. Scott Sorensen Whitefish	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required): resident of Montana			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Radiologic Technologists (Labor and Industry)			
Dr. Hugh B. Cecil Kalispell Qualifications (if required): radiologist	Governor	reappointed	2/12/2009 7/1/2011
Dr. Jesse Cole Butte Qualifications (if required): doctor of medicine who employs radiologic technicians	Governor	Darby	2/12/2009 7/1/2011
Ms. Anna L. Hazen Fort Benton Qualifications (if required): permit holder	Governor	reappointed	2/12/2009 7/1/2011
Ms. Charlotte M. Kelley Helena Qualifications (if required): public representative	Governor	reappointed	2/12/2009 7/1/2011
Mr. Charles McCubbins Columbia Falls Qualifications (if required): radiologic technician	Governor	reappointed	2/12/2009 7/1/2011
Capital Investment Board (Commerce)			
Mr. Lawrence A. Anderson Great Falls Qualifications (if required): financial expert	Governor	reappointed	2/12/2009 1/1/2013

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capital Investment Board (Commerce) cont.			
Ms. Ellen Feaver Helena	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required):	financial expert		
Mr. Robert Pancich Great Falls	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required):	financial expert		
Coal Board (Commerce)			
Mr. Dan Dutton Belfry	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required):	representative from business and resident of District 1		
Mr. Chad Fenner Hardin	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required):	experience in public administration and planning and a resident of an impact area		
Mr. Gerald Navratil Sidney	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required):	resident of District 2		
Mayor John Williams Colstrip	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required):	experience in public administration and planning and a resident of an impact area		

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Facility Finance Authority (Commerce)			
Mr. James W. (Bill) Kearns Townsend	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): background in investments or finances			
Mr. Richard C. King Missoula	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): background in investments or finances			
Mr. Jon Marchi Polson	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): background in investments or finances			
Mr. Larry Putnam Helena	Governor	reappointed	2/19/2009 1/1/2013
Qualifications (if required): public member			
Fish, Wildlife and Parks Commission (Fish, Wildlife and Parks)			
Mr. Shane Colton Billings	Governor	not listed	2/4/2009 1/1/2013
Qualifications (if required): resident of District 5			
Mr. Ron Moody Lewistown	Governor	Doherty	2/4/2009 1/1/2013
Qualifications (if required): resident of District 3			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Fish, Wildlife and Parks Commission (Fish, Wildlife and Parks) cont.			
Rep. Bob Ream Helena	Governor	Workman	2/4/2009 1/1/2013
Qualifications (if required): resident of District 1			
Human Rights Commission (Labor and Industry)			
Ms. Maria E. Beltran Worden	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): public representative			
Ms. Linda Minich Jefferson City	Governor	Davis-Bird	2/9/2009 1/1/2013
Qualifications (if required): public representative			
Mr. Allen Secher Whitefish	Governor	reappointed	2/9/2009 1/1/2013
Qualifications (if required): public representative			
Lottery Commission (Administration)			
Sheriff Craig Anderson Glendive	Governor	reappointed	2/10/2009 1/1/2013
Qualifications (if required): representative of law enforcement			
Mr. Wilbur Rehmann Helena	Governor	reappointed	2/10/2009 1/1/2013
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Petroleum Tank Release Compensation Board (Environmental Quality)			
Ms. Theresa Blazicevich Stevensville	Director	reappointed	2/9/2009 6/30/2011
Qualifications (if required): environmental regulatory experience			
Mr. Steve Sendon Bozeman	Director	King	2/9/2009 6/30/2011
Qualifications (if required): banker			
Postsecondary Scholarship Advisory Council (Higher Education)			
Ms. Margaret Bird Browning	Governor	reappointed	2/19/2009 6/20/2011
Qualifications (if required): experience in financial aid at a postsecondary institution			
Professional Engineers and Land Surveyors (Labor and Industry)			
Rep. Hal Jacobson Helena	Governor	Nunn	2/12/2009 7/1/2010
Qualifications (if required): public representative			
Public Safety Officer Standards and Training Council (Justice)			
Mr. Steve Barry Helena	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required): Department of Corrections representative			
Sheriff Tony Harbaugh Miles City	Governor	reappointed	2/12/2009 1/1/2013
Qualifications (if required): Sheriff			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Public Safety Officer Standards and Training Council (Justice) cont.			
Ms. Georgette Hogan Hardin Qualifications (if required): county attorney	Governor	McCarthy	2/12/2009 1/1/2011
Mr. Robert M. McCarthy Butte Qualifications (if required): public representative	Governor	Tillman	2/12/2009 1/1/2013
Captain Dennis McCave Billings Qualifications (if required): detention center representative	Governor	reappointed	2/12/2009 1/1/2013
Mr. Raymond Murray Missoula Qualifications (if required): public representative	Governor	reappointed	2/12/2009 1/1/2013
Sergeant Greg Watson Whitehall Qualifications (if required): state government law enforcement representative	Governor	Reddick	2/12/2009 1/1/2013
Research and Commercialization Technology Board (Commerce)			
Mr. Michael Dolson Plains Qualifications (if required): public member (Native American)	Governor	reappointed	2/26/2009 7/1/2010

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Small Business Health Insurance Pool Board (State Auditor)			
Rep. Eve Franklin Helena	Governor	Whiting Sorrell	2/26/2009 0/0/0
Qualifications (if required): Governor's representative			
State Employee Charitable Giving Campaign Advisory Council (Administration)			
Ms. Marcia Armstrong Helena	Director	not listed	2/14/2009 2/14/2011
Qualifications (if required): employee representative			
Mr. Matthew Dale Helena	Director	not listed	2/14/2009 2/14/2011
Qualifications (if required): employee representative			
Mr. Joe Hamilton Helena	Director	not listed	2/14/2009 2/14/2011
Qualifications (if required): employee representative			
Ms. Shannon Lewis Helena	Director	not listed	2/14/2009 2/14/2011
Qualifications (if required): employee representative			
Mr. Jack Lynch Helena	Director	not listed	2/14/2009 2/14/2011
Qualifications (if required): employee representative			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Employee Charitable Giving Campaign Advisory Council (Administration) cont.			
Ms. Marie Matthews Helena Qualifications (if required): employee representative	Director	not listed	2/14/2009 2/14/2011
Mr. Rob Mayer Helena Qualifications (if required): employee representative	Director	not listed	2/14/2009 2/14/2011
Ms. Joy McGrath Helena Qualifications (if required): federal representative	Director	not listed	2/14/2009 2/14/2011
Ms. Kathy Miller Helena Qualifications (if required): federal representative	Director	not listed	2/14/2009 2/14/2011
Mr. Gary Owen Great Falls Qualifications (if required): federal representative	Director	not listed	2/14/2009 2/14/2011
Mr. Dave Paton Helena Qualifications (if required): employee representative	Director	not listed	2/14/2009 2/14/2011
Ms. Mary Wright Helena Qualifications (if required): employee representative	Director	not listed	2/14/2009 2/14/2011

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
9-1-1 Advisory Council (Administration) Mr. Chuck Winn, Bozeman Qualifications (if required): none specified	Director	5/1/2009
Mr. Joe Calnan, Montana City Qualifications (if required): none specified	Director	5/1/2009
Sheriff Cheryl Liedle, Helena Qualifications (if required): none specified	Director	5/1/2009
Mr. Fred Leistiko, Kalispell Qualifications (if required): none specified	Director	5/1/2009
Mr. Kevin Myhre, Lewistown Qualifications (if required): none specified	Director	5/1/2009
Ms. Kim Burdick, Fort Benton Qualifications (if required): none specified	Director	5/1/2009
Mr. Gary MacDonald, Wolf Point Qualifications (if required): none specified	Director	5/1/2009
Mr. Kerry O'Connell, Big Timber Qualifications (if required): none specified	Director	5/15/2009
Ms. Leah Erickson, Glasgow Qualifications (if required): none specified	Director	5/15/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
9-1-1 Advisory Council (Administration) cont. Commissioner Gary A. Macdonald, Wolf Point Qualifications (if required): none specified	Director	5/15/2009
Ms. Janet Boisvert, Harlem Qualifications (if required): Montana Emergency Medical Service Association representative	Director	5/1/2009
Board of Athletics (Labor and Industry) Mr. Don Vegge, Billings Qualifications (if required): public representative	Governor	4/25/2009
Board of Hail Insurance (Agriculture) Ms. Trudy Laas Skari, Chester Qualifications (if required): public member	Governor	4/18/2009
Board of Plumbers (Labor and Industry) Ms. Marlene Jackson, Glasgow Qualifications (if required): public representative	Governor	5/4/2009
Board of Real Estate Appraisers (Labor and Industry) Ms. Kathleen Susan Gallaher, Bozeman Qualifications (if required): public representative	Governor	5/1/2009
Mr. Darwin Ernst, Hamilton Qualifications (if required): real estate appraiser	Governor	5/1/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Realty Regulation (Labor and Industry) Mr. Dudley L. Tyler, Livingston Qualifications (if required): real estate salesperson</p>	Governor	5/9/2009
<p>Ms. Lucinda Willis, Polson Qualifications (if required): real estate salesperson</p>	Governor	5/9/2009
<p>Board of Regents (Higher Education) Mr. Mitchell Jessen, Dillon Qualifications (if required): student</p>	Governor	6/30/2009
<p>Chief Water Judge (not listed) Mr. C. Bruce Loble, Bozeman Qualifications (if required): none specified</p>	Chief Justice	6/30/2009
<p>Clinical Laboratory Science Practitioners (Labor and Industry) Dr. Thomas Bennett, Billings Qualifications (if required): doctor of medicine qualified to direct a high complexity laboratory</p>	Governor	4/16/2009
<p>Ms. Wendy Palmer, Raynesford Qualifications (if required): clinical laboratory science practitioner</p>	Governor	4/16/2009
<p>County Printing Board (Administration) Commissioner Marianne Roose, Eureka Qualifications (if required): County Commissioner</p>	Governor	4/1/2009
<p>Mr. Dan Killoy, Miles City Qualifications (if required): printing industry representative</p>	Governor	4/1/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>County Printing Board (Administration) cont. Mr. Milton Wester, Laurel Qualifications (if required): printing industry representative</p>	Governor	4/1/2009
<p>Mr. Calvin J. Oraw, Sidney Qualifications (if required): public representative</p>	Governor	4/1/2009
<p>Commissioner Gary A. Macdonald, Wolf Point Qualifications (if required): County Commissioner</p>	Governor	4/1/2009
<p>Electronic Government Advisory Council (Administration) Director Mary Sexton, Helena Qualifications (if required): agency representative</p>	Governor	6/18/2009
<p>Commissioner Ed Tinsley, Helena Qualifications (if required): local government official</p>	Governor	6/18/2009
<p>Mr. Shannon Hanson, Whitefish Qualifications (if required): public representative</p>	Governor	6/18/2009
<p>Mr. Tim Christensen, Missoula Qualifications (if required): public representative</p>	Governor	6/18/2009
<p>Mr. Christian Mackay, Helena Qualifications (if required): agency representative</p>	Governor	6/18/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Grant Review Committee (Commerce) Mr. Andy Poole, Helena Qualifications (if required): representative of the Department of Commerce	Governor	6/30/2009
Ms. Ingrid Childress, Helena Qualifications (if required): representative of the Department of Labor and Industry	Governor	6/30/2009
Ms. Joni Stewart, Cut Bank Qualifications (if required): representative of private sector	Governor	6/30/2009
Ms. Linda Beck, Billings Qualifications (if required): representative of private sector	Governor	6/30/2009
Mr. John Cech, Billings Qualifications (if required): representative of a two-year postsecondary institution	Governor	6/30/2009
Judicial Standards Commission (Justice) Judge Gary L. Day, Miles City Qualifications (if required): none specified	District Court	6/30/2009
Land Information Advisory Council (Administration) Director Dan R. Bucks, Helena Qualifications (if required): Department of Revenue representative	Governor	6/30/2009
Commissioner Connie Eissinger, Brockway Qualifications (if required): local government representative	Governor	6/30/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) cont.		
Mr. Lance Clampitt, Bozeman	Governor	6/30/2009
Qualifications (if required): United States Interior Department representative		
Mr. Art Pembroke, Helena	Governor	6/30/2009
Qualifications (if required): local government representative		
Director Jeff Hagener, Helena	Governor	6/30/2009
Qualifications (if required): Department of Fish, Wildlife and Parks representative		
Director Mary Sexton, Helena	Governor	6/30/2009
Qualifications (if required): Department of Natural Resources and Conservation representative		
Mr. Alex Philip, Missoula	Governor	6/30/2009
Qualifications (if required): private sector representative		
Director Jim Lynch, Helena	Governor	6/30/2009
Qualifications (if required): Department of Transportation representative		
Mr. Mike Birtles, Billings	Governor	6/30/2009
Qualifications (if required): United States Interior Department representative		
Ms. Catherine Maynard, Bozeman	Governor	6/30/2009
Qualifications (if required): United States Agriculture Department representative		
Mr. Don Patterson, Missoula	Governor	6/30/2009
Qualifications (if required): United States Agriculture Department representative		

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) cont. Mr. Lorin Peterson, Pablo Qualifications (if required): tribal government representative	Governor	6/30/2009
Mr. Ed Madej, Helena Qualifications (if required): private sector representative	Governor	6/30/2009
Mr. Ken Wall, Missoula Qualifications (if required): GIS professional	Governor	6/30/2009
Mr. Michael Sweet, Missoula Qualifications (if required): GIS professional	Governor	6/30/2009
Ms. Annette Cabrera, Billings Qualifications (if required): local government representative	Governor	6/30/2009
Ms. Christiane von Reichert, Missoula Qualifications (if required): university representative	Governor	6/30/2009
Mr. Rudy Cicon, Chester Qualifications (if required): land surveyor	Governor	6/30/2009
Library Commission (State Library) Mr. Donald Allen, Billings Qualifications (if required): public representative	Governor	5/22/2009
Mr. Ron Moody, Lewistown Qualifications (if required): public representative	Governor	5/22/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>MSU Billings Local Executive Board (University System) Rep. Paul Beck, Red Lodge Qualifications (if required): public representative</p>	Governor	4/15/2009
<p>Montana Cherry Commodity Advisory Committee (Agriculture) Mr. Jan Tusick, Ronan Qualifications (if required): reappointed</p>	Governor	5/3/2009
<p>Montana Heritage Preservation and Development Commission (Commerce) Mr. F. W. Bill Howell, West Yellowstone Qualifications (if required): tourist facility manager</p>	Governor	5/23/2009
<p>Ms. Mary Oliver, Ennis Qualifications (if required): business person</p>	Governor	5/23/2009
<p>Montana Noxious Weed Management Advisory Council (Agriculture) Mr. Terry Turner, Havre Qualifications (if required): representative of the Montana Weed Control Association</p>	Director	6/30/2009
<p>Ms. Pachy Burns, Big Timber Qualifications (if required): representative of a consumer group</p>	Director	6/30/2009
<p>Mr. Gary Olsen, Harlowton Qualifications (if required): representative of eastern counties</p>	Director	6/30/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Noxious Weed Management Advisory Council (Agriculture) cont. Mr. Todd Wagner, Glasgow Qualifications (if required): representative of agriculture crop production	Director	6/30/2009
Mr. Jim Story, Corvallis Qualifications (if required): representative of biological research and control	Director	6/30/2009
Mr. Jim Gordon, Huntley Qualifications (if required): representative of herbicide dealers and applicators	Director	6/30/2009
Ms. Margie Edsall, Sheridan Qualifications (if required): representative of western counties	Director	6/30/2009
Montana Potato Advisory Committee (Agriculture) Mr. Bill Buyan, Sheridan Qualifications (if required): none specified	Director	5/20/2009
Mr. Art Mangels, Dillon Qualifications (if required): none specified	Director	5/20/2009
Montana State University Executive Board - Northern (University System) Mr. Jupe Compton, Havre Qualifications (if required): public representative	Governor	4/15/2009
Montana State University Local Executive Board (University System) Mr. Jay Bentley, Bozeman Qualifications (if required): public representative	Governor	4/15/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State University-Great Falls College of Technology Local Executive Board (University System)		
Mr. Bryan Dunn, Great Falls Qualifications (if required): public representative	Governor	4/15/2009
Petroleum Tank Release Compensation Board (Environmental Quality)		
Mr. Steve Michels, Raynseford Qualifications (if required): service station dealer	Governor	6/30/2009
Ms. Adele J. Michels, Plentywood Qualifications (if required): public member	Governor	6/30/2009
Postsecondary Scholarship Advisory Council (Higher Education)		
Mr. LeRoy Schramm, Helena Qualifications (if required): experience in postsecondary education	Governor	6/20/2009
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks)		
Mr. Rick Miller, Colstrip Qualifications (if required): sportsperson	Governor	6/30/2009
Ms. Kathy Hadley, Deer Lodge Qualifications (if required): landowner	Governor	6/30/2009
Mr. Mike Penfold, Billings Qualifications (if required): sportsperson	Governor	6/30/2009
Mr. Jamie Byrne, Ekalaka Qualifications (if required): outfitter	Governor	6/30/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks) cont.		
Ms. Donna McDonald, Alder Qualifications (if required): outfitter	Governor	6/30/2009
Rep. John Ward, Helena Qualifications (if required): legislator	Governor	6/30/2009
Sen. Lane Larson, Billings Qualifications (if required): legislator	Governor	6/30/2009
Mr. Dan Vermillion, Livingston Qualifications (if required): Fish, Wildlife and Parks commissioner	Governor	6/30/2009
Mr. Gordon Haugen, Bozeman Qualifications (if required): sportsperson	Governor	6/30/2009
Mr. Max McDonald, Vaughn Qualifications (if required): landowner	Governor	6/30/2009
Mr. Doug Schott, Stevensville Qualifications (if required): outfitter	Governor	6/30/2009
Mr. Land Tawney, Missoula Qualifications (if required): sportsperson	Governor	6/30/2009
Mr. Richard Iverson, Culbertson Qualifications (if required): landowner	Governor	6/30/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks) cont. Ms. Lindsay Giem, Twin Bridges Qualifications (if required): landowner	Governor	6/30/2009
Mr. Brett Todd, Big Timber Qualifications (if required): outfitter	Governor	6/30/2009
Public Employees Retirement Board (Administration) Mr. Terrence Smith, Bozeman Qualifications (if required): public employee/defined contribution plan member	Governor	4/1/2009
Mr. Loren Bough, Big Sky Qualifications (if required): experience in investment management	Governor	4/1/2009
Reserved Water Rights Compact Commission (Natural Resources and Conservation) Mr. Chris D. Tweeten, Helena Qualifications (if required): none specified	Attorney General	6/1/2009
State Compensation Insurance Fund Board (Administration) Mr. Thomas R. Heisler, Great Falls Qualifications (if required): private enterprise	Governor	4/28/2009
State-Tribal Economic Development Commission (Governor) Ms. Caroline Brown, Harlem Qualifications (if required): representative of the Fort Belknap Community	Governor	6/30/2009
Mr. Shawn Real Bird, Garryowen Qualifications (if required): representative of the Crow Tribe	Governor	6/30/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State-Tribal Economic Development Commission (Governor) cont. Mr. Russell Boham, Great Falls Qualifications (if required): representative of the Little Shell Band of Chippewa	Governor	6/30/2009
Mr. Ronald Doney, Great Falls Qualifications (if required): representative of the Little Shell Band of Chippewa (alternate)	Governor	6/30/2009
UM-Western Local Executive Board (University System) General James Womack, Dillon Qualifications (if required): public representative	Governor	4/15/2009
University of Montana Local Executive Board (University System) Rep. Bob Ream, Helena Qualifications (if required): public representative	Governor	4/15/2009
University of Montana-Helena College of Technology Local Executive Board (University System) Ms. Pamela Carlson, Helena Qualifications (if required): public representative	Governor	4/15/2009
University of Montana-Montana Tech Local Executive Board (University System) Ms. Anna Gallus, Butte Qualifications (if required): public representative	Governor	4/15/2009
Water Judge of the Clark Fork River Basin Water Division (District Court) Judge Ted Mizner, Anaconda Qualifications (if required): elected	District Court	6/30/2009

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2009 THROUGH JUNE 30, 2009

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Water Judge of the Lower Missouri River Basin Water Division (District Court) Judge David Cybulski, Plentywood Qualifications (if required): elected	District Court	6/30/2009
Water Judge of the Upper Missouri River Basin Water Division (District Court) Judge Jeffrey Sherlock, Helena Qualifications (if required): elected	District Court	6/30/2009
Water Judge of the Yellowstone River Basin Water Division (District Court) Judge Joe L. Hegel, Forsyth Qualifications (if required): elected	District Court	6/30/2009
Western Interstate Commission for Higher Education (Higher Education) Ms. Mary Sheehy Moe, Great Falls Qualifications (if required): higher education representative	Governor	6/19/2009