

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 18

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The rule section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are found at the back of each register.

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

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BEFORE THE OFFICE OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
amendment of ARM 10.41.101	)	ON THE PROPOSED AMENDMENT,
through 10.41.104, 10.41.106,	)	AMENDMENT AND TRANSFER AND
10.41.109, 10.41.111,	)	REPEAL OF RULES RELATING TO
10.41.115, 10.41.118,	)	VOCATIONAL EDUCATION
10.41.120, 10.41.124 through)	
10.14.126, 10.41.130 and the)	
amendment and transfer of ARM)	
10.44.103, 10.44.104,)	
10.44.106 and 10.44.211 and the)	
repeal of 10.41.105, 10.41.107,)	
10.41.108, 10.41.116,)	
10.41.117, 10.41.119,)	
10.41.127, 10.41.129,)	
10.44.102 and 10.44.105)	
pertaining to vocational)	
education)	

TO: All Concerned Persons

1. On October 17, 2001, at 4:00 p.m. a public hearing will be held in the University room at the Holiday Inn, 5 Baxter Lane, Bozeman, Montana, to consider the amendment, amendment and transfer and repeal of the above stated rules relating to vocational education.

2. The Office of Public Instruction 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 Office of Public Instruction no later than 5:00 p.m. on October 2, 2001 to advise us of the nature of the accommodation that you need. Please contact Karla Beagles, P.O. Box 202501, Helena, MT 59620-2501, telephone: (406) 444-9019, TDD number: (406) 444-1812, FAX: (406) 444-1373.

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

10.41.101 DEFINITIONS Terms used in reference to career and vocational/technical education are defined as follows:

(1) "Additional costs" are those costs which exceed the average costs of classroom courses and include the following:

(a) career and vocational/technical education teacher salaries for career experience supervision, career and vocational/technical work experiences (excluding student compensation), curriculum or program development and programs that extend beyond the school year;

(b) stipends to career and vocational/technical education teachers for supervision of career and technical student

organizations;

(c) instructional supplies and equipment including repair, maintenance or leasing used in an approved program; and

(d) instructional-related travel expenses for an approved program or career and technical student organization.

(2) "Approved secondary career and vocational/technical programs" are high school programs that meet K-12 career and vocational/technical education standards and guidelines authorized by 20-8-303, MCA, and receive approval by the superintendent of public instruction.

(3) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

~~(1) Apprentice course. A course devoted to teaching vocational and related information to individuals pursuing a formal apprentice training program and registered with a recognized state or federal apprenticeship agency.~~

~~(2) Capital expenditure. Expenditures for the acquisition of fixed assets or additions to fixed assets (real and personal property). Real property expenditures for land, land improvements, buildings, building remodeling, building additions, building construction and personal property expenditures for machinery, equipment, furniture, fixtures, vehicles and tools which exceed \$300 in value.~~

~~(3) Consumer and homemaking education programs. Instructional programs, services, and activities at all educational levels for the occupations of homemaking including, but not limited to:~~

~~(a) consumer education;~~

~~(b) food nutrition;~~

~~(c) family living and parenthood education;~~

~~(d) child development and guidance;~~

~~(e) housing and home management (including resource management; and~~

~~(f) clothing and textiles.~~

(4) "Board of public education" means the board created by Article X, section 9, subsection (3) of the Montana Constitution and 2-15-1507, MCA.

(5) "Career and technical student organization" or "CTSO" means an organization of students in career and vocational/technical programs that serves members by providing opportunities for leadership, citizenship and skill development. Activities are an integral part of the program and are carried out at local, state and national levels in affiliation with the following organizations: FFA, family, career and community leaders of America (FCCLA), DECA, business professionals of America (BPA), SkillsUSA-VICA, and technology students association (TSA).

(6) "Career and vocational/technical education" means instruction that should include:

(a) classroom instruction;

(b) classroom related field and laboratory experience;

(c) work experiences, including cooperative work experience component; and

(d) activities of career and technical student organizations which are an integral part of program instruction.

(7) "Career and vocational/technical education course" means a semester of career and vocational/technical education study within an approved program where vocational/technical credit is given.

(8) "Career and vocational/technical education programs" means a planned sequence of secondary courses in the following program areas:

- (a) agriculture education;
- (b) business and marketing education;
- (c) family and consumer sciences education;
- (d) health occupations education; and
- (e) industrial technology education.

(9) "Career and vocational/technical instructor certification" means certification of instructors in accordance with the board of public education requirements and endorsed in the program area for which they are making application. As certification relates to program approval under ARM 10.44.103 [10.41.132] exceptions may be made by OPI for emerging career and vocational/technical programs where industry certification is required for a specific skill area, such as CISCO academies, and where such certification is an industry standard.

(10) "Career experience supervision" must include a minimum of five days of student-related instruction which relates to the program for which the enrollment report is generated and must be based on a contractual agreement between the school, teacher and district at the teacher's current rate of pay.

(11) "Career skills instruction" means instruction directly preparing students for employment and/or further education or training in a career cluster related to the field of study or profession.

(12) "Career title" means the common name by which a position is identified. The generally accepted source is the classification of instructional programs (CIP).

(13) "Funding distribution formula" means a formula determined by the superintendent of public instruction according to additional costs of career and vocational/technical education programs based on weighted factors. The funding formula shall be equally applied to each career and vocational/technical education program. The formula includes, but is not limited to:

(a) K-12 career and vocational/technical education enrollment;

(b) approved career and technical student organizations:

(i) approved chapters; and

(ii) number of members;

(c) career experience supervision of students beyond the school year for K-12 career and vocational/technical education; and

(d) district expenditures related to the K-12 career and vocational/technical education programs.

(14) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

(15) "K-12 career and vocational/technical education enrollment" is determined by the number of students reported on the enrollment form for an approved program in the same year that a state career and technical education application is submitted.

(16) "Local advisory committee" means a group of persons, the majority of whom are outside the education profession, who are representative of the community and are educated/trained/employed in careers related to the career and vocational/technical education programs.

(17) "Secondary career and vocational/technical education program" means a program of sequential courses for persons in high school (grades 9 through 12) which include:

(a) agriculture education;

(b) business and marketing education;

(c) industrial technology education;

(d) family and consumer sciences education;

(e) health occupations education; and

(f) trade and industrial education.

(18) "State director of K-12 career and vocational/technical education" means the person that is the state administrator of all elementary and secondary career and vocational/technical education programs under the state superintendent and that:

(a) administers the K-12 career and vocational/technical education policies adopted by the superintendent of public instruction;

(b) prepares curriculum guides for adoption by the superintendent of public instruction; and

(c) employs, with the confirmation of the superintendent of public instruction, professional staff consisting of individuals prepared in agriculture education, business and marketing education, family and consumer sciences education, and industrial technology education.

(19) "Superintendent of public instruction" means the state government official designated as a member of the executive branch by the Montana Constitution.

~~(4) Cooperative education. (20) "Work experience" means a A program component of career and vocational/technical education for persons who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational~~

~~instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program. that provides students with on-the-job training or simulated experiences related to their career and vocational/technical education program. The time requirement for students in work experience must be equivalent to the time requirement for credit to be earned.~~

~~(5) Cooperative program student. A student with a minimum of one hour per week, in addition to regular classes, devoted to discussion of working problems, assignments of special projects, etc..~~

~~(6) Executive officer of vocational education. The superintendent of public instruction is the executive officer, the legally designated state official directly responsible for the development of policies for K-12 vocational education.~~

~~(7) Job Training Partnership Act (JTPA), P.L. 97-300. An act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in a special need of such training to obtain productive employment. Vocational services of an educational and training nature provided under JTPA within districts shall be approved by the executive officer (state superintendent) for K-12 vocational education.~~

~~(8) Local advisory committee. A group of persons, usually outside the education profession, selected for the purpose of offering advice and counsel regarding vocational education to the educational institution.~~

~~(9) Major equipment. Fixed or movable articles, particularly designed and essential for use in a vocation, or training for a vocation, which cost \$300 or more per unit. (Not applicable to construction projects.)~~

~~(10) Major occupational headings.~~

~~(a) Agriculture Education~~

~~(b) Consumer Home Economics Education~~

~~(c) Marketing Education~~

~~(d) Health Occupations Education~~

~~(e) Home Economics Wage Earning Education~~

~~(f) Industrial Arts/Technology Education~~

~~(g) Business and Office Education~~

~~(h) Trade and Industrial Education~~

~~(i) Under these occupational headings there are many specific occupational or vocational fields of training.~~

~~(11) Minor equipment. Those fixed or movable articles particularly designed for and essential to the performance of work in a vocation, or training for a vocation, which cost less than \$300 per unit. (Not applicable to construction costs.)~~

~~(12) Montana council on vocational education. An independent council which is appointed by the governor. The council~~

advises the superintendent of public instruction on long-range planning, on the development of a state plan and on policy matters arising from administration of the state plan. It also provides technical assistance to local advisory councils when requested, assists the superintendent in the development of state evaluation procedures, consults with other agencies to determine manpower needs of the state and monitor evaluations.

(13) Occupational skills. Instruction directly preparing persons for employment in a specific occupation or a cluster of closely-related occupations in an occupational field.

(14) Occupational title. The common name by which a position is identified. The generally accepted source of nomenclature is the classification of instructional programs (CIP).

(15) Secondary program. Vocational education for persons in high school (span of grades beginning with grade 9 and ending with grade 12).

(16) State director of vocational education. The state administrator of all elementary and secondary vocational programs under the state superintendent.

(17) Support service programs. Skill assessment, day care costs, employment counseling, job placement and follow-up services.

(18) Vocational counselor. A vocationally and professionally trained person assisting individuals to understand their capabilities and interests, to choose a suitable vocation, and employment. Five principle functions are: placement, follow-up, information, testing and counseling.

(19) Vocational education. Organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; for purposes of this paragraph, the term "organized education program" means only:

(a) instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; and

(b) the acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment.

(20) Vocational education course. Vocational education subject matter and related learning experiences organized as part of a sequence of educational activities related to vocational preparation.

(21) Vocational education funds. All federal and state funds made available to the state for the purpose of providing vocational education or training in Montana, and local funds used for matching and/or maintenance of effort purposes as provided by law.

(22) Vocational education programs. A planned sequence of secondary courses leading to the development of skills and knowledge required for entry into a specific occupation developed and conducted in consultation with a local advisory committee. A program combines and coordinates related instruction of field, shop, laboratory, cooperative work or other

~~vocational experience which is of sufficient duration to develop competencies for employment.~~

~~(23) Vocational instruction. Instruction which is designed to prepare individuals for employment in a specific occupation or cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction may include:~~

- ~~(a) classroom instruction;~~
- ~~(b) classroom related field, shop and laboratory work;~~
- ~~(c) programs providing occupational work experiences, including cooperative education and related instructional aspects of apprenticeship programs; and~~
- ~~(d) activities of vocational student organizations which are an integral part of the vocational instruction.~~

~~(24) Vocational objective. The occupational outcome of training and other preparation as stated by an individual student. It is usually stated in terms of a specific job title.~~

~~(25) Vocational policy. Superintendent of public instruction policies for vocational education are directional statements that set forth the general intent and purpose of the superintendent and provide the necessary direction for development of administrative guidelines and procedures.~~

~~(26) Vocational student organization. An organization of students in vocational programs which serves members by providing opportunities for leadership, citizenship and character development. The organization enhances the vocational instructional program by providing motivation for personal achievement and appreciation of life roles. Activities are an integral part of the program and are carried out at local, state and national levels in affiliation with such organizations as the national FFA organization, future homemakers of America, distributive education clubs of America, business professionals of America, vocational industrial clubs of America, and technology student association.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. ~~20-7-302~~ 20-7-302.1, MCA

10.41.102 COMPREHENSIVE STATE PLAN (1) There shall be a comprehensive state plan for career and vocational/technical education in Montana. ~~The~~ superintendent of public instruction shall be the governing agent to disburse federal and state career and vocational/technical education funds and to plan, coordinate, govern and provide leadership for the state K-12 vocational education system.

(2) The state plan shall be included in the policies adopted by the superintendent of public instruction shall prepare the Montana state plan for K-12 vocational education in consultation with the commissioner of higher education, the Montana vocational education planning council of practitioners

~~and the Montana council on vocational education. The plan shall be prepared in accordance with policies and instructions of the superintendent of public instruction and with the department of education.~~

~~(3) The superintendent of public instruction shall certify that public hearings were held to permit people in the state a voice in its preparation.~~

~~(4) The approved state plan shall be the basis for operation and administration of K-12 vocational education.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. ~~20-16-102~~ 20-7-302.1, MCA

10.41.103 STATE DIRECTOR OF K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION SERVICES (1) The state director of K-12 career and vocational/technical education services is the appointed state administrator for career and vocational/technical education.

(2) The state director of K-12 career and vocational/technical education shall be responsible for implementing all policies adopted by the superintendent of public instruction for the administration of career and vocational/technical education.

~~(2) The state director of vocational education services is the appointed state administrator for vocational education.~~

~~(3) School controversies arising from secondary vocational courses and programs shall be governed by ARM 10.6.101 through 10.6.130.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.104 EMPLOYMENT OF STATE STAFF (1) The state director of K-12 career and vocational/technical education services shall employ, with the confirmation of have the authority to recommend employment of the necessary staff to assure the superintendent of public instruction, professional staff consisting of individuals prepared in agriculture education, business and marketing education, family and consumer sciences education, and industrial technology education that policies are adhered to and that state program specialists are available to serve the educational institutions of Montana which are offering vocational education programs.

~~(2) The state director of vocational education services shall implement a staff plan for a department of vocational education in the office of public instruction for the purposes of assuring the superintendent of public instruction that policies are adhered to and that knowledgeable program specialists are available.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.106 ACCOUNTABILITY (1) The state director of K-12

career and vocational/technical education services will determine that career and vocational/technical education activities within the state are being conducted according to federal and state rules and regulations.

(2) The state director of K-12 career and vocational/technical education services and staff will determine, through evaluation, auditing ~~er~~ and reporting procedures, that all approved programs in the state are being conducted according to state and federal laws, rules and regulations.

~~(3) The state director of vocational education services and staff shall seek the assistance of the Montana council on vocational education in reviewing state and federal laws, rules and regulations.~~

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-302.1, MCA

10.41.109 CONDUCT OF VOCATIONAL EDUCATION IN LOCAL DISTRICTS EXECUTION OF LOCAL CAREER AND VOCATIONAL/TECHNICAL EDUCATION PROGRAMS (1) Vocational education programs in local school districts shall be under the guidance of a properly certified administrator, supervisor or vocational instructor who has the responsibility to insure that local programs are of high quality. Instructors shall be certified in accordance with the board of public education requirements and endorsed in the program area for which they are making application. As certification relates to program approval under ARM 10.44.103 [10.41.132], exceptions may be made by OPI for emerging career and vocational/technical programs where industry certification is required for a specific skill area such as CISCO academies, and where such certification is an industry standard.

(2) Approved career and vocational/technical education programs shall be in compliance with state requirements, directives and laws.

(3) If a local administrator, supervisor or instructor fails to fulfill his/her responsibility, program deficiencies are not corrected within the program year, career and vocational/technical education funding may be withdrawn withheld or denied by the superintendent of public instruction.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-302.1, 20-7-303, MCA

10.41.111 ADMINISTRATION OF EMPLOYMENT AND TRAINING

(1) and (2) remain the same.

(3) It shall be the responsibility of the state director of K-12 career and vocational/technical education services to resolve conflicts of authority or interest and to insure that services are not needlessly duplicated.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.115 APPROVAL OF PROGRAMS (1) Secondary career and

vocational/technical education programs must have approval of the superintendent of public instruction prior to receipt of funds.

(2) The state director of K-12 career and vocational/technical education services shall recommend to the superintendent of public instruction which programs should be approved, based on established criteria and consistent with state and federal law.

~~(3) Programs shall have a vocational objective. Program subject matter must consist of the knowledge and skills required for the student's successful performance in the vocation. Program titles must may refer to vocational objectives and relate to classification of instructional program codes (CIP).~~

~~(4) All significant curriculum changes must be approved by the state director of vocational education services. Change requests are accomplished by submitting both the current and revised curricula, with a cover letter indicating the reason(s) for the change and the date that the change is to be effective. A syllabus for each approved vocational course in a program which the institution is offering must be on file.~~

~~(5) All programs having a licensure agency must meet requirements of that agency and must prepare the student to be licensed or certified by the statutory licensing board or agency of Montana, the federal government, or by any organization with widely accepted certification authority when state licensure is not required.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1 MCA

10.41.118 LOCAL ADVISORY COUNCILS COMMITTEE (1) ~~A local advisory council is to assist school administrators in determining programs to be offered, program evaluation, establishing priorities for building programs for vocational education facilities, and to review factors affecting all vocational programs. Local advisory councils shall have representation of both genders, racial and ethnic minorities found in the region the council serves. Student representation is recommended.~~

~~(2) Local advisory councils may be used in lieu of program advisory committees where:~~

~~(a) LEA's have three or fewer program offerings and where representation on the council is composed of representative members from the areas of vocational instruction consistent with subsection (1). committee is a group of persons who advise and assist decision makers on the design and maintenance of relevant career and vocational/technical education programs based on the assessed needs of the community, region, state, or nation. The advisory committee's primary function is to provide industry-specific information and assistance to the career and vocational/technical education program.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.120 STATE CAREER AND VOCATIONAL/TECHNICAL EDUCATION DATA COLLECTION INFORMATION SYSTEM (1) Institutions/schools offering career and vocational/technical education programs and/or courses shall ~~provide information to~~ report on a timely basis to enable the state director of K-12 career and vocational/technical education services ~~for a state educational information system to prepare required state and federal reports.~~

(2) Reporting forms developed by the state director of K-12 career and vocational/technical education services and approved by the superintendent of public instruction shall be furnished to the local institution.

(3) ~~Institutions/schools shall report on a timely basis to enable the state director of vocational education services to prepare required state and federal reports.~~

(4) Failure of institutions/schools to submit required information may result in loss of funding.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.124 ADEQUATE FUNDING (1) The superintendent of public instruction and the state director of K-12 career and vocational/technical education services shall work toward assuring adequate funding of Montana's career and vocational/technical education programs from all levels of government (federal, state and local).

(2) The state director of K-12 career and vocational/technical education service shall be prepared to conduct cost studies to determine funding requirements for career and vocational/technical programs.

(3) The state director of K-12 career and vocational/technical education services shall be prepared to provide to the superintendent of public instruction, governor and state legislature a complete analysis of career and vocational/technical education program budgets as requested.

(4) The state director of K-12 career and vocational/technical education services shall disseminate the program funding approval requirements to the educational institutions of Montana.

(5) ~~Distribution of federal funds shall be in accordance with the state plan.~~

AUTH: Sec. 20-3-106, 20-7-301, MCA

IMP: Sec. 20-7-302.1, 39-6-103, MCA

10.41.125 RESPONSIBILITY FOR DISBURSEMENT OF STATE AND FEDERAL FUNDS (1) The superintendent of public instruction shall be responsible for the disbursement of state and federal funds for elementary and secondary K-12 career and vocational/technical education.

(2) Federal career and vocational/technical education

funds shall be allocated to LEA's (local educational agencies) and OER's (other eligible recipients). The method used for allocation of funds shall be developed in accordance with state and federal laws.

~~(3) The superintendent of public instruction shall approve or disapprove all elementary and secondary school grant applications in accordance with procedures established in the state plan for vocational education.~~

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.126 CRITERIA FOR ALLOCATION OF FUNDS (1) Each agency requesting funds for a career and vocational/technical education program must submit an annual application. Approved programs shall be the only programs eligible for funding. "Standards and Guidelines for Secondary Career and Vocational/Technical Education in Montana" contains approval criteria for programs. In determining the allocation of vocational education funds to local educational agencies, the superintendent of public instruction shall consider such factors as: identified needs of vocational education for the population within the local district, region, state and the nation as measured by needs assessments; the compatibility of program offerings with the state's long range vocational education objectives; the additional cost of program offerings; local and state ability to support the program and any need for program duplication.

~~(2) In determining the basis for allocation of funds, the superintendent of public instruction shall consider state plan funding formula and other appropriate factors.~~

~~(3) Funding for vocational programs shall follow the state fiscal year.~~

~~(4) Each agency requesting funds for a vocational program must submit an annual application. Approved programs shall be the only programs eligible for funding.~~

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.130 CONDUCT OF EVALUATION (1) There shall be provisions for periodic and continuous evaluation at both state and local levels.

~~(2) Program evaluation shall be conducted periodically and may consist of self-evaluations, reviews of ongoing programs, on-site committee evaluations, and similar evaluation activities.~~

~~(3) Each fiscal year, secondary programs shall be evaluated by the state director of vocational education services and staff; every program must be evaluated once in a five year period.~~

~~(4) State staff members may visit institutions in order to obtain appropriate information. Institutions/schools shall provide data required, arrange for written materials to be made~~

available, and otherwise expedite the work of the person(s) making the visit.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

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

10.44.103 [10.41.132] ELIGIBILITY REQUIREMENTS FOR STATE CAREER AND VOCATIONAL/TECHNICAL EDUCATION FUNDING COSTS

(1) Each program must meet the K-12 "Standards and Guidelines for Secondary Career and Vocational/Technical Education in Montana" ~~vocational education standards~~ for an approved secondary career and vocational/technical education or ~~industrial arts and technology education~~ program to be eligible for state ~~vocational education~~ funding. Requirements common to all programs are:

(a) The program shall have the primary objective of developing skills leading to employment as well as entry into advanced career and vocational/technical training;

(b) Specific objectives shall be defined in terms of skills to be developed and related to a specific career by CIP code;

(c) Career and technical education student enrollment reports are required for funding;

(d) The program shall be determined by the career and vocational/technical education needs of students based on a needs assessment. Program information shall be projected for more than a one-year period;

(e) Programs shall be developed and conducted in consultation with an advisory council/committee;

(f) Instruction shall be based on an analysis of skills and knowledge required in the career cluster;

(g) The program shall develop personal, career and leadership skills that promote the transition from school to careers. Career and technical student organizations (CTSO's) that foster these skills are: FFA, FCCLA, DECA, BPA, SkillsUSA-VICA, and TSA;

(h) Provision shall be made for career and vocational/technical guidance and shall include, but not be limited to, career information and counseling;

(i) Prerequisite courses may be required which provide students with information and experience to make sound career, education and/or training choices;

(j) Instructors shall be certified in accordance with the board of public education requirements and endorsed in the program area for which they are making application. As certification relates to program approval under this rule, exceptions may be made by OPI for emerging career and technical programs where industry certification is required for a specific skill area, such as CISCO academies, and where such certification is an industry standard;

(k) Instructional equipment and facilities shall be modern and reflective of industry standards and adequate for the maintenance of acceptable education, health and safety standards;

(l) Provisions shall be made for follow-up of secondary graduates;

(m) The maximum number of students per class shall be determined with consideration given to instructional environment, equipment, supervision, safety, space and resources, and individual student instruction;

(n) Programs should be planned to provide a seamless system of organized educational activities;

(o) Programs shall ensure equal access for all students;

(p) Each school shall conduct a yearly career and vocational/technical program self-evaluation and submit a copy to the office of public instruction. The school shall cooperate with the office of public instruction in program review and evaluation activities;

(q) Local education agencies shall use career and vocational/technical education funds to add to or enhance local funds to improve career and vocational/technical programs. Funds will not be approved when it has been determined that replacement of local funds will occur. A school must not decrease the amount spent in the career and vocational/technical program from one year to the next, figured either on an aggregate or per student basis, unless "unusual circumstances" exist, such as large expenditures in previous years for equipment;

(r) Accounting procedures must use standard school accounting codes. The money received by the high school district must be deposited into the subfund of the miscellaneous programs fund established by 20-9-507, MCA and may be expended only for approved secondary K-12 career and vocational/technical education programs. The expenditure of the money must be reported in the annual trustees' report as required by 20-9-213, MCA.

(2) A school district must have operated an approved secondary career and vocational/technical education ~~or industrial arts and technology~~ education program in the immediate preceding year to be eligible for state vocational education funding.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, 20-7-305, MCA

10.44.104 [10.41.133] PROCEDURES FOR APPLYING TO RECEIVE STATE CAREER AND VOCATIONAL/TECHNICAL EDUCATION FUNDING

(1) School districts must ~~apply~~ make application to the superintendent of public instruction to receive state funding for the additional ~~vocational~~ program costs, using forms provided by the office of public instruction. Each ~~district~~ must submit the following:

(a) A proposal for approval for each new vocational program categorized by classification of instructional

~~program code(CIP) for which the school district is requesting funding.~~

~~(b) A proposal for renewal of approval for each on-going or previously approved secondary vocational program categorized by classification of instructional program code (CIP).~~

~~(c) An addendum for each cooperative vocational education program utilizing the cooperative method of instruction attached to a proposal for approval or renewal of approval of vocational education program.~~

~~(d) A student enrollment report submitted for each approved vocational program which will be used in the funding formula.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, MCA

10.44.106 [10.41.134] ACCOUNTING AND REPORTING (1) Each school district receiving state career and vocational/technical education funds for secondary vocational education and industrial arts and technology programs must deposit those funds into the miscellaneous program fund as established by 20-9-507, MCA and may be expended only for approved secondary career and vocational/technical education programs. The expenditure of the funds must be reported on the annual trustees' report as required by 20-9-203, MCA. and record the expenditures in miscellaneous fund 15 as vocational program expenditures pursuant to the vocational program expenditure section of the Montana Finance Manual.

~~(a) If at year end, school district expenditures for additional cost items of vocational programs in miscellaneous fund 15 are less than the amount of the state vocational program funding received in that year, as indicated by the annual trustees financial summary, the amount of the difference will be considered as the end-of-year vocational program fund balance. In the first year of a biennium the balance must be used to reduce the state vocational program payment due to the district in the ensuing year. In the second year of the biennium, or if a state vocational program payment is not due to that district in the ensuing year, the end-of-year vocational program fund balance must be refunded to the office of public instruction by July 15 of the ensuing fiscal year.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, MCA

10.44.211 [10.41.135] STANDARDS AND GUIDELINES FOR SECONDARY CAREER AND VOCATIONAL/TECHNICAL EDUCATION IN MONTANA

(1) The superintendent of public instruction hereby adopts and incorporates by reference "Standards and Guidelines for Secondary Career and Vocational/Technical Education," 2002 edition. which sets forth standards for K-12 vocational education courses and programs. A copy of the standards this document may be obtained from the State Director of K-12 Career and Vocational/Technical Education Services, Office of Public

Instruction, ~~Room 106, State Capitol~~ P.O. Box 202501, Helena, Montana 59620-2501.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-302.1, 20-7-303, MCA

5. The rules proposed for repeal follow.

10.41.105 DUTIES OF STATE STAFF found at page 10-457, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-302.1, MCA

10.41.107 MONTANA COUNCIL ON VOCATIONAL EDUCATION found at page 10-458, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-302.1, MCA

10.41.108 PUBLIC INFORMATION found at page 10-458, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-302.1, MCA

10.41.116 DETERMINATION OF PROGRAMS TO BE OFFERED found at page 10-460, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-301, MCA

10.41.117 VOCATIONAL PROGRAM DESIGN found at page 10-461, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-301, MCA

10.41.119 PROGRAM ADVISORY COMMITTEES found at page 10-461, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-16-104, MCA

10.41.127 APPROVED ELEMENTS OF COSTS found at page 10-464, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA
IMP: Sec. 20-7-301, MCA

10.41.129 PROGRAM EVALUATION found at page 10-464, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301 MCA

10.44.102 DEFINITION OF TERMS found at page 10-487,
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-303, MCA

10.44.105 FUNDING FORMULA found at page 10-489,
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-303, MCA

6. Statement of Reasonable Necessity: The Office of Public Instruction (OPI) proposes these amendments and repeals to comply with legislative changes enacted in House Bill 134 (2001). (House Bill 134 is effective July 1, 2001.) These amendments will bring OPI's administrative rules into compliance with statutory law. Several of the proposed amendments are "housekeeping" in nature. For example, the language in House Bill 134 changed the term "vocational education" to "career and vocational/technical education."

Among other things, House Bill 134 updated the secondary career and vocational/technical education funding formula to reflect fiscal data that are available to the OPI and eliminated parts of the old formula that called for fiscal data no longer collected by the OPI. The new statutory formula is also more equitable across all Career and Vocational/Technical Education programs.

Title 10, Chapter 44 is being amended and transferred into Chapter 41. The amendments will eliminate the separation of content between Chapters 41 and 44 and will condense language regarding K-12 Career and Vocational/Technical Education. Rather than having to find rules in two chapters, practitioners may now rely on one chapter of the Administrative Rules.

Much of the language in these rules that is being replaced or repealed is outdated and redundant. For instance, there is reference to the Montana Council for Vocational Education, which no longer exists.

In some cases, new language has been added to accommodate emerging Career and Vocational/Technical Education programs where industry certification is required for a specific skill area such as CISCO Academies and where certification is an industry standard.

7. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail

to the Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620-2501, or by e-mail to opirules@state.mt.us and must be received no later than 5:00 p.m. on October 18, 2001.

8. Jeffrey A. Weldon has been designated to preside over and conduct the hearing.

9. The Office of Public Instruction maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding career and vocational/technical education or other school related rulemaking actions. Such written request may be mailed or delivered to Legal Department, Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620-2501, faxed to the office at (406) 444-2893, or may be made by completing a request form at any rules hearing held by the Office of Public Instruction.

10. The bill sponsor requirements of 2-4-302, MCA, apply and have been fulfilled. The requirements of 20-1-501, MCA, have been fulfilled. Copies of this proposed rule notice have been sent to all tribal governments in Montana.

/s/ Linda McCulloch
Linda McCulloch
Superintendent
Office of Public Instruction

/s/ Jeffrey A. Weldon
Jeffrey A. Weldon
Rule Reviewer
Office of Public Instruction

Certified to the Secretary of State September 10, 2001.

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

In the matter of repeal of	)	NOTICE OF PROPOSED REPEAL
ARM 12.3.124 and the	)	AND AMENDMENT
amendment of ARM 12.3.135 and)	
12.3.155, clarifying	)	NO PUBLIC HEARING
procedures of the bonus point	)	CONTEMPLATED
system)	

TO: All Concerned Persons

1. On November 8, 2001, the Montana Fish, Wildlife and Parks Commission (commission) proposes to repeal ARM 12.3.124 which outlines a license preference system for combination licenses. The commission also proposes to amend ARM 12.3.135 and 12.3.155 to clarify some of the bonus point system procedures.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Fish, Wildlife and Parks no later than 5 p.m. September 28, 2001, to advise us of the nature of the accomodation that you need. Please contact Beth Smith at the Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701, Phone (406) 444-3792, Fax (406) 444-4952.

3. ARM 12.3.124, the rule proposed to be repealed, is on page 12-113 of the Administrative Rules of Montana.

AUTH: 87-1-304, MCA
IMP: 87-2-505, MCA

REASONABLE NECESSITY: Repeal of this rule was overlooked when the commission adopted the new bonus point system, which replaces this preference system.

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

12.3.135 BONUS POINTS: AWARD AND ACCUMULATION

(1) There is a bonus point program.

(2) An applicant for a permit/license drawing who is unsuccessful shall be awarded a bonus point for that species for each year the applicant is unsuccessful, if the applicant has elected to participate in the bonus point program. Bonus points are awarded only when a participant in the bonus point program is unsuccessful in a drawing. A person may not

"purchase" or be awarded a bonus point without applying for a license.

(3) The bonus point is awarded to the species, not the district-, except in the case of nonresident combination license classes B-10 and B-11, the bonus point applies to the license and not the species.

~~(3)~~ (4) An applicant's bonus points accumulate until the applicant is successful in drawing a permit/license for a species in their first choice district or until the applicant fails to apply for a permit/license for more than two consecutive years for a particular species. However, if the applicant is a Montana resident in full time active military status, as verified by military orders, said time period can be for as many additional years as the applicant is on active duty.

~~(4)~~ (5) If an applicant is successful in drawing a permit/license for a species in the first-choice district, the applicant loses all accumulated bonus points for that species only.

~~(5)~~ (6) Rejection of an application pursuant to ARM 12.3.140 is equivalent to failure to apply.

~~(6)~~ (7) Applicants who lose hunting and fishing privileges through court action will lose accumulated bonus points for all species.

AUTH: 87-1-301, MCA
IMP: 87-1-304, 87-2-506, 87-2-701, 87-2-702,
87-2-705, 87-2-706, MCA

REASONABLE NECESSITY: The intent of the bonus point program, which was studied by the 1998 Preference Advisory Committee and authorized by 1999 Legislature, is to grant bonus points to applicants who have elected to participate in the program by paying the bonus point fee, and who apply and are unsuccessful in a particular drawing. However, when we began implementing the program, we received numerous requests to purchase only the bonus point, without applying for a drawing. This amendment is to clarify the rule to specify that bonus points are earned only when an applicant applies for but is unsuccessful in a drawing.

12.3.155 BONUS POINTS: NONTRANSFERABILITY; APPLICABILITY TO A PARTY (1) The bonus points that have been accumulated by each applicant for each species may not be transferred to any other person or applied to any other species-, except bonus points accumulated by an individual for nonresident B-10 and B-11 general combination licenses may be transferred among the B-10 and B-11 general license categories for that individual.

(2) The number of bonus points applicable to a group of applicants who are applying as a party for each species is the quotient of the total number of bonus points held by the members of the party for a particular species, divided by the

number of applicants in the group, rounded to the nearest whole number.

AUTH: 87-1-301, MCA
IMP: 87-1-304, 87-2-506, 87-2-701, 87-2-702,
87-2-705, 87-2-706, MCA

REASONABLE NECESSITY: The department annually issues 11,500 general nonresident big game (deer and elk or elk only) licenses and 2,300 general nonresident deer combination licenses. The opportunity to purchase bonus points for these licenses was offered for the first time this year. This amendment clarifies that applicants are allowed to earn and use their bonus points among the three categories of general combination licenses, not just the particular license the applicant applied for. It was not the intent of the Preference Advisory Committee or the commission to make a nonresident apply for the B-10 or B-11 license every year and have his/her bonus points attached to only that specific category.

5. Concerned persons may submit their data, views or arguments in writing to Nancy Kraft, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701, Phone: (406) 444-2663, email: nkraft@state.mt.us, no later than October 19, 2001.

6. If persons who are directly affected by the proposed actions 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 Nancy Kraft, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701, no later than October 19, 2001.

7. If the agency receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed actions; from the appropriate administrative rule review committee of the legislature; from a governmental agency or subdivision; or from any association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 690 persons based on the average number of applicants for nonresident combination licenses and moose, sheep and goat licenses.

8. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and

mailing address of the person to receive the notice and specify the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East 6th Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

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

/s/ John F. Lynch
John F. Lynch
Agency Legal Counsel

/s/ Rich Lane
Rich Lane
Commission Chairman

Certified to the Secretary of State September 10, 2001

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

In the matter of the)	
amendment of ARM 12.2.501	)	NOTICE OF PUBLIC
declaring black-tailed and	)	HEARING ON THE
white-tailed prairie dogs to	)	PROPOSED AMENDMENT
be nongame wildlife in need)	
of management)	

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) will hold public hearings to consider the amendment of ARM 12.2.501 declaring black-tailed and white-tailed prairie dogs to be nongame wildlife in need of management. The hearings dates and places are as follows:

October 10, 2001, 7 p.m.
Great Northern Hotel
25 First East
Malta, MT

October 11, 2001, 7 p.m.
Guesthouse Inn
3111 Steel St.
Miles City, MT

October 12, 2001, 7 p.m.
Fish, Wildlife and Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT

October 15, 2001, 7 p.m.
Fish, Wildlife and Parks
Region 4 Headquarters
4600 Giant Springs Road
Great Falls, MT

2. The 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 department no later than 5:00 p.m. on October 5, 2001, to advise us of the nature of the accommodation that you need. Please contact Fay Moore, Fish, Wildlife and Parks, 1420 East Sixth Ave, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-2612, fax (406) 444-4952.

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

12.2.501 NONGAME WILDLIFE IN NEED OF MANAGEMENT (1) The following nongame wildlife species are determined by the department to be nongame wildlife in need of management within the meaning of the Nongame and Endangered Species Conservation Act, 87-5-101, MCA, et seq.: ~~Management regulations for these species will be issued annually by the department.~~

(a) ~~C~~rayfish - Pacifasticus spp.;

Orconectes spp.;

(b) ~~F~~reshwater mussels - all species of Pelecypoda;

(c) ~~Y~~ellow ~~P~~erch - Perca flavescens;

(d) ~~C~~rappie - Pomoxis;

(e) black-tailed prairie dogs - Cynomys ludovicianus;

(i) under 87-5-102, MCA, department management of black-tailed prairie dogs applies to public lands only; and

(f) white-tailed prairie dogs - Cynomys leucurus;

(i) under 87-5-102, MCA, department management of white-tailed prairie dogs applies to public lands only.

(2) Management regulations for these species will be issued annually by the department.

AUTH: 87-5-105, MCA

IMP: 87-5-105, MCA

4. Formation of the Montana Prairie Dog Working Group in 1996 was prompted by recognition of the important role that prairie dogs play in wildlife communities and the need to implement conservation measures for these species. Declaration of a species as "nongame wildlife in need of management" (87-5-105, MCA) is predicated upon "investigations relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data" (87-5-104, MCA). This requirement is fulfilled by information presented in the August 2000 draft of the Conservation Plan for Black-tailed and White-tailed Prairie Dogs in Montana, compiled by the Montana Prairie Dog Working Group. This requirement is also addressed by information presented in the November 3, 1999 Black-tailed Prairie Dog Conservation Assessment and Strategy, a regional planning effort developed by the 11 states within the range of the black-tailed prairie dog.

Objective number one of Montana's draft prairie dog conservation plan is to achieve legal status for prairie dogs as "nongame wildlife in need of management." The purpose of this change is twofold: 1) to balance existing statutory authority to control prairie dogs as pests, with legal authority to implement conservation measures designed to benefit prairie dogs, and 2) to respond with improved regulatory mechanisms to the February, 2000 finding by the U.S. Fish and Wildlife Service that the black-tailed prairie dog is "warranted but precluded" for listing as threatened under the federal Endangered Species Act.

To date, Montana statutes have addressed prairie dogs solely as pest species to be controlled. Prior to passage of HB 492

by the 2001 session of the Montana Legislature, the department's authority to declare prairie dogs to be "nongame wildlife in need of management" was disputable on the basis that, in addition to their status as nongame species (87-5-102, MCA), prairie dogs are also "otherwise classified" as vertebrate pests (80-7-1101, MCA) and as rodents for purposes of rodent control (7-22-2207(6), MCA). HB 492 clarified the department's authority to declare prairie dogs to be in need of management under 87-5-105, MCA, while simultaneously maintaining existing authority for the counties and the department of agriculture to manage prairie dogs under vertebrate pest and rodent control statutes.

In the absence of any accompanying regulation concerning take, designation of prairie dogs as "nongame wildlife in need of management" would prohibit all take of these species.

The authority for the department to establish annual shooting regulations rests in 87-5-105, MCA, and is guided by HB 492. HB 492 recognizes the need to conserve prairie dogs while acknowledging the continuing need to control prairie dog populations in nuisance situations. Adhering to HB 492, nothing in this rule shall be construed to apply to taking of prairie dogs on private lands by shooting or poisoning. HB 492 clarifies that 87-5-102 (5), MCA, cannot be interpreted to limit a landowner's ability to control prairie dog concentrations on private lands. The bill specifically provides for continued control by counties and the department of agriculture pursuant to (80-7-1101 and 7-22-2207(6), MCA). In addition, it provides that prairie dogs will continue to be subject to control by the department of natural resources on state school trust lands, as long as that management and control are consistent with any management plan approved by the department, the department of natural resources and conservation, and the department of agriculture.

Under designation of black-tailed and white-tailed prairie dogs as "nongame wildlife in need of management," the prerogative of the landowner to manage prairie dogs on private lands by shooting and poisoning remains unchanged. Prairie dog shooting on public lands will be regulated according to annual regulations adopted by the department. The dual purpose of such regulations shall be to 1) foster attainment and maintenance of prairie dog population goals outlined in the Conservation Plan for Black-tailed and White-tailed Prairie Dogs in Montana, developed by the Montana Prairie Dog Working Group, and 2) demonstrate improved regulatory mechanisms that ensure perpetuation of the state's prairie dog population. Criteria that shall guide formulation of annual shooting regulations include: status of prairie dog population and distribution goals in relation to management goals outlined in the state's prairie dog conservation plan; status and trend of species associated with prairie dogs (black-footed ferret, burrowing owl, mountain plover,

raptors); management of plague or other diseases affecting prairie dogs; and management of numbers and distribution of prairie dog shooters. Effects of shooting regulations will be evaluated and adjusted accordingly, on an annual basis.

Poisoning has not been deemed by the department or department of agriculture to be a limiting factor for prairie dogs in Montana. The primary reason that poisoning is not widespread in Montana is that it must be accomplished at landowner expense. Montana does not have a program that assists landowners with the cost of controlling prairie dogs.

In subsections (1)(a) through (d) of ARM 12.2.501 the scientific name is not new but underlining was needed to comply with Secretary of State formatting requirements. The underlining of scientific names will remain in the final rule. Also, in subsections (1)(e) through (f) the underlining of scientific names will remain in the final rule.

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 Heidi Youmans, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701, telephone (406) 444-2612, fax (406) 444-4952, e-mail fwpwld@state.mt.us, and must be received no later than October 22, 2001.

6. Rebecca Dockter Engstrom has been designated to preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Ave., Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

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

By: /s/ M. Jeff Hagener
M. Jeff Hagener
Director

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

Certified to the Secretary of State September 10, 2001

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING
amendment of	)	ON PROPOSED AMENDMENT
ARM 23.15.101, 23.15.102,)	
23.15.201, 23.15.202,)	
23.15.203, 23.15.205,)	
23.15.301, and 23.15.310,)	
creating the office of)	
victims services)	

TO: All Concerned Persons

1. On October 10, 2001 a public hearing will be held at 10:00 a.m. in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the amendment of ARM 23.15.101, 23.15.102, 23.15.201, 23.15.202, 23.15.203, 23.15.205, 23.15.301, and 23.15.310.

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 October 1, 2001 to advise us of the nature of the accommodation that you need. Please contact Ali Sheppard, Department of Justice, Office of Attorney General, P.O. Box 201401, Helena, MT 59620-1401; (406) 444-2026; FAX 406-444-3549.

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

23.15.101 FUNCTION OF THE DIVISION OFFICE OF VICTIMS SERVICES (1) The division of crime control office of victims services and restorative justice administers the Crime Victims Compensation Act, Title 53, chapter 9, ~~sections 101 to 133 part 1~~, MCA, through the crime victims unit.

AUTH: 53-9-104, MCA
IMP: 53-9-103, MCA

23.15.102 GENERAL DEFINITIONS ~~(1) "Division"~~ (5) "Office" is the ~~division of crime control office of victims services and restorative justice~~.

- (2) Remains the same, but is renumbered (7).
- (3) Remains the same, but is renumbered (2).
- (4) Remains the same, but is renumbered (6).
- (5) Remains the same, but is renumbered (1).

(3) "Deputy director" is the deputy director/chief of staff of the department of justice.

~~(6)~~ (4) "A Law enforcement officer" means a peace officer as defined in 46-1-202, MCA, or an employee of a youth court probation or child protective services agency.

AUTH: 53-9-104, MCA
IMP: 53-9-103, 53-9-125, 53-9-127, 53-9-128, MCA

23.15.201 CLAIM AND INITIAL DETERMINATION (1) through (4) remain the same.

(5) The division office will issue its initial determination accepting, denying, or reconsidering claims for compensation benefits.

AUTH: 53-9-104, MCA
IMP: 53-9-122, 53-9-124, 53-9-127, 53-9-128, MCA

23.15.202 REQUEST FOR HEARING (1) remains the same.

(2) The claimant's request must be in writing and state the action the claimant wishes the division office to take and the reasons the division office should take such action.

(3) ~~The unit's administrative officer~~ office administrator will review the request and all relevant evidence provided by the claimant, ~~and .~~ After review, the office administrator will recommend whether a hearing should be held or a revised order issued.

AUTH: 53-9-104, MCA
IMP: 53-9-122, 53-9-130, 53-9-131, MCA

23.15.203 HEARING (1) ~~The administrator may act as the hearing examiner or appoint a hearing examiner.~~ office administrator will refer the claim to a hearing examiner.

(2) through (4) remain the same.

(5) Within 20 days of the issuance of the proposed order, either party may file written exceptions to the order and request a review by the ~~division administrator if the division administrator did not act as hearing examiner, or a reconsideration by the division administrator if the division administrator acted as hearing examiner.~~ deputy director or the deputy director's designee.

(6) The division deputy director will issue a final order which is a final determination ~~by the division~~ as set forth in 53-9-131, MCA. This order is final for purposes of judicial review only if a review under (5) has been held.

AUTH: 53-9-104, MCA
IMP: 53-9-122, 53-9-130, 53-9-131, MCA

23.15.205 RECONSIDERATION OF CLAIMS UNDER 53-9-130, MCA

(1) The division office may reconsider a claim at the request of the claimant when no informal hearing under 53-9-122, MCA, was held, and when the time for requesting such hearing has expired.

(2) remains the same.

(3) and (3)(a) remain the same.

(b) state the reason why the division's office's prior decision should be reconsidered; and

(c) remains the same.

(4) ~~The unit's administrative officer~~ office administrator will review the request and all relevant evidence provided by the claimant and recommend whether the request should be granted or denied.

(5) The recommendation will be reviewed by the ~~division administrator~~ deputy director who may concur, reject, or modify the recommendation.

(6) A reconsideration may be done at any time if requested by the crime victims unit. The request will be reviewed by the ~~division administrator~~ deputy director who may grant, deny, or modify the determination requested as provided in (5).

AUTH: 53-9-104, MCA
IMP: 53-9-130, MCA

23.15.301 ATTORNEY FEES (1) The time, effort, involvement, and complexity of a claim are considered in determining whether or not attorney fees will be granted for attorneys representing claimants before the unit or ~~division office~~.

(2) remains the same.

AUTH: 53-9-104, MCA
IMP: 53-9-106, MCA

23.15.310 SUBROGATION AND ATTORNEY FEES (1) remains the same.

(2) The claimant or his or her attorney must provide a copy of the fee agreement between the claimant and attorney to the unit. The unit will provide a copy of the ~~division's office's~~ determination or order awarding or denying compensation benefits and any necessary documents to the attorney.

(3) At the conclusion of the civil action, if the ~~division office~~ recovers under its subrogation interest and the claimant wishes to recover a proportional share of costs and attorney fees from the ~~division office~~, the claimant or his or her attorney must provide an itemized list of the litigation costs and attorney fees to the ~~division office~~.

(a) After receiving its subrogation interest, the ~~division office~~ will authorize payment of its share of costs and attorney fees to the claimant as reimbursement if the claimant has properly paid all fees and costs, or to the attorney if the claimant has not paid such fees and costs.

AUTH: 53-9-104, MCA
IMP: 53-9-132, MCA

4. The above amendments are necessary to reflect the organizational changes that have occurred in the administration of the Crime Victims Compensation Act due to the passage of House Bill 637 and the creation of the office of victims services and restorative justice. The amendments also clarify the functions of the office administrator and the deputy director regarding claims under the Act.

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 Ali Sheppard, Assistant Attorney General, Attorney General's Office, P.O. Box 201401, Helena, MT 59620-1401, FAX (406) 444-3549, by surface mail, or be submitted electronically to contact doj@state.mt.us and must be received no later than October 18, 2001.

6. Ali Sheppard has been designated to preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the 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 crime victims compensation. Such written request may be mailed or delivered to the Attorney General's Office, Attn: Interested Party List, P.O. Box 201401, Helena, MT 59620, faxed to the office at (406) 444-3549, e-mailed to [contact doj@state.mt.us](mailto:doj@state.mt.us), 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, do not apply.

By: /s/ MIKE McGRATH
MIKE McGRATH, Attorney General
Department of Justice

/s/ ALI SHEPPARD
ALI SHEPPARD, Rule Reviewer

Certified to the Secretary of State September 10, 2001.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of ARM 42.21.113,)
42.21.123, 42.21.131,)
42.21.137, 42.21.138,)
42.21.139, 42.21.140,)
42.21.151, 42.21.153,)
42.21.155, 42.21.163, and)
42.22.1311 relating to)
trending schedules for)
property tax rules) NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On November 23, 2001, the Department proposes to amend ARM 42.21.113, 42.21.123, 42.21.131, 42.21.137, 42.21.138, 42.21.139, 42.21.140, 42.21.151, 42.21.153, 42.21.155, 42.21.163, and 42.22.1311 relating to trending schedules for property tax rules.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue no later than 5:00 p.m. on October 5, 2001, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 5805, Helena, Montana 59604-5805; telephone (406) 444-2855; fax number (406) 444-3696; e-mail address canderson@state.mt.us.

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

42.21.113 LEASED AND RENTAL EQUIPMENT (1) Leased or rental equipment which meets the criteria of 15-6-136, MCA, will be valued in the following manner:

(a) For equipment that has an acquired cost of \$0 to \$500, the department shall use a four-year trended depreciation schedule. The trended schedule will be the same as ARM 42.21.155, category 1.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	70%
1999 <u>2000</u>	43%
1998 <u>1999</u>	18%
1997 <u>1998 or and older</u>	8%

(b) For equipment that has an acquired cost of \$501 to \$1,500, the department shall use a five-year trended depreciation schedule. The trended schedule will be the same as ARM 42.21.155, category 2.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%
1999 <u>2000</u>	69%
1998 <u>1999</u>	52%
1997 <u>1998</u>	34%
1996 <u>1997</u> or <u>and</u> older	20%

(c) For equipment that has an acquired cost of \$1,501 to \$5,000, the department shall use a ten-year trended depreciation schedule. The trended schedule will be the same as ARM 42.21.155, category 8.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	92%
1999 <u>2000</u>	85%
1998 <u>1999</u>	77% <u>78%</u>
1997 <u>1998</u>	69%
1996 <u>1997</u>	61% <u>60%</u>
1995 <u>1996</u>	53% <u>52%</u>
1994 <u>1995</u>	43%
1993 <u>1994</u>	34%
1992 <u>1993</u>	28% <u>27%</u>
1991 <u>1992</u> or <u>and</u> older	23%

(d) For equipment that has an acquired cost of \$5,001 to \$15,000, the department shall use the trended depreciation schedule for heavy equipment. The schedule will be the same as ARM 42.21.131.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2001 <u>2002</u>	80%
2000 <u>2001</u>	65%
1999 <u>2000</u>	58% <u>53%</u>
1998 <u>1999</u>	53% <u>51%</u>
1997 <u>1998</u>	50% <u>47%</u>
1996 <u>1997</u>	46% <u>40%</u>
1995 <u>1996</u>	44% <u>39%</u>
1994 <u>1995</u>	43% <u>39%</u>
1993 <u>1994</u>	38% <u>32%</u>
1992 <u>1993</u>	36% <u>32%</u>
1991 <u>1992</u>	33% <u>30%</u>
1990 <u>1991</u>	30% <u>29%</u>
1989 <u>1990</u>	28% <u>27%</u>
1988 <u>1989</u>	27% <u>28%</u>
1987 <u>1988</u>	25% <u>26%</u>
1986 <u>1987</u>	24% <u>22%</u>
1985 <u>1986</u>	22% <u>21%</u>
1984 <u>1985</u>	21% <u>20%</u>
1983 <u>1984</u>	20%
1982 <u>1983</u> or <u>and</u> older	20%

(e) For rental video tapes the following schedule will be used:

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	25%
1999 <u>2000</u>	15%
1998 <u>1999 or and older</u>	10%

(2) and (3) remain the same.

(4) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201 and 15-23-108, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.21.113 to update the annual trend schedules for personal property because 15-8-111, MCA, requires the department to assess all property at 100% of its market value except as provided in 15-7-111, MCA. The statute does not address in detail how the department is to arrive at market value.

To determine the market value of certain property the department has historically used and adopted the concept of trending and depreciation. The method by which the trended depreciation schedules are derived is described in the existing rules, and that method is not being changed. However, the method does result in annual changes to the schedules. The courts have indicated that schedules of this nature should be included in the administrative rules of the department.

42.21.123 FARM MACHINERY AND EQUIPMENT (1) through (4) remain the same.

(5) The trended depreciation schedule referred to in (2) through (4) above is listed below and shall be used for tax year ~~2000~~ 2002. The schedule is derived by using the guidebook listed in (1) above as the data base. The values derived through use of the trended depreciation schedule will approximate average wholesale value.

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD</u> <u>AVERAGE WHOLESALE</u>
2001 <u>2002</u>	80%
2000 <u>2001</u>	65%
1999 <u>2000</u>	61%
1998 <u>1999</u>	58% <u>55%</u>
1997 <u>1998</u>	53%
1996 <u>1997</u>	48% <u>47%</u>
1995 <u>1996</u>	46%
1994 <u>1995</u>	40% <u>45%</u>
1993 <u>1994</u>	37% <u>38%</u>
1992 <u>1993</u>	37% <u>34%</u>
1991 <u>1992</u>	35% <u>33%</u>
1990 <u>1991</u>	32% <u>34%</u>
1989 <u>1990</u>	32% <u>30%</u>
1988 <u>1989</u>	26% <u>30%</u>

1987 <u>1988</u>	24%
1986 <u>1987</u>	22% <u>21%</u>
1985 <u>1986</u> & <u>and</u> older	20%

(6) remains the same.

(7) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.131 HEAVY EQUIPMENT (1) through (4) remain the same.

(5) The trended depreciation schedule referred to in (2), (3) and (4) above is listed below and shall be used for tax year ~~2001~~ 2002. The values derived through the use of these percentages approximate the "quick sale" values as calculated in the guidebooks listed in (1) above.

HEAVY EQUIPMENT TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ACQUIRED</u>	<u>TRENDED % GOOD WHOLESALE</u>
2001 <u>2002</u>	80%
2000 <u>2001</u>	65%
1999 <u>2000</u>	58% <u>53%</u>
1998 <u>1999</u>	53% <u>51%</u>
1997 <u>1998</u>	50% <u>47%</u>
1996 <u>1997</u>	46% <u>40%</u>
1995 <u>1996</u>	44% <u>39%</u>
1994 <u>1995</u>	43% <u>39%</u>
1993 <u>1994</u>	38% <u>32%</u>
1992 <u>1993</u>	36% <u>32%</u>
1991 <u>1992</u>	33% <u>30%</u>
1990 <u>1991</u>	30% <u>29%</u>
1989 <u>1990</u>	28% <u>27%</u>
1988 <u>1989</u>	27% <u>28%</u>
1987 <u>1988</u>	25% <u>26%</u>
1986 <u>1987</u>	24% <u>22%</u>
1985 <u>1986</u>	22% <u>21%</u>
1984 <u>1985</u>	21% <u>20%</u>
1983 <u>1984</u>	20%
1982 <u>1983</u> and before	20%

(6) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001, and applies to all heavy equipment.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-140, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.137 SEISMOGRAPH UNITS AND ALLIED EQUIPMENT

(1) through (3) remain the same.

(4) The trended depreciation schedules referred to in (1) through (3) above are listed below and shall be used for tax year ~~2001~~ 2002.

SEISMOGRAPH UNIT

<u>TRENDED</u>			<u>TREND</u>	<u>TRENDED</u>	<u>WHOLESALE</u>	<u>WHOLESALE</u>
<u>YEAR/NEW</u>	<u>ACQUIRED</u>	<u>% GOOD</u>	<u>FACTOR</u>	<u>% GOOD</u>	<u>FACTOR</u>	<u>% GOOD</u>
2001	<u>2002</u>	100%	1.000	100%	80%	80%
2000	<u>2001</u>	85%	1.000	85%	80%	68%
1999	<u>2000</u>	69%	1.013	<u>1.009</u>	70%	56%
1998	<u>1999</u>	52%	1.018	<u>1.026</u>	53%	42% <u>43%</u>
1997	<u>1998</u>	34%	1.029	<u>1.031</u>	35%	28%
1996	<u>1997</u>	20%	1.042	<u>1.041</u>	21%	17%
1995	<u>1996</u>	5%	1.062	<u>1.055</u>	5%	4%

& and older

SEISMOGRAPH ALLIED EQUIPMENT

<u>YEAR/NEW</u>	<u>ACQUIRED</u>	<u>% GOOD</u>	<u>TREND</u>	<u>TRENDED</u>
			<u>FACTOR</u>	<u>% GOOD</u>
2001	<u>2002</u>	100%	1.000	100%
2000	<u>2001</u>	85%	1.000	85%
1999	<u>2000</u>	69%	1.013	<u>1.009</u>
1998	<u>1999</u>	52%	1.018	<u>1.026</u>
1997	<u>1998</u>	34%	1.029	<u>1.031</u>
1996	<u>1997</u>	20%	1.042	<u>1.041</u>
1995	<u>1996</u>	5%	1.062	<u>1.055</u>

& and older

(5) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.138 OIL AND GAS FIELD MACHINERY AND EQUIPMENT

(1) and (2) remain the same.

(3) The trended depreciation schedule referred to in (1) and (2) above is listed below and shall be used for tax year ~~2001~~ 2002.

OIL AND GAS FIELD PRODUCTION
EQUIPMENT TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2001 <u>2002</u>	100%	1.000	100%
2000 <u>2001</u>	95%	1.000	95%
1999 <u>2000</u>	90%	1.013 <u>1.009</u>	91%
1998 <u>1999</u>	85%	1.018 <u>1.026</u>	87%
1997 <u>1998</u>	79%	1.029 <u>1.031</u>	81%
1996 <u>1997</u>	73%	1.042 <u>1.041</u>	76%
1995 <u>1996</u>	68%	1.062 <u>1.055</u>	72%
1994 <u>1995</u>	62%	1.102 <u>1.075</u>	68% <u>67%</u>
1993 <u>1994</u>	55%	1.124 <u>1.115</u>	62% <u>61%</u>
1992 <u>1993</u>	49%	1.139 <u>1.137</u>	56%
1991 <u>1992</u>	43%	1.147 <u>1.152</u>	49% <u>50%</u>
1990 <u>1991</u>	37%	1.172 <u>1.161</u>	43%
1989 <u>1990</u>	31%	1.202 <u>1.186</u>	37%
1988 <u>1989</u>	26%	1.271 <u>1.217</u>	33% <u>32%</u>
1987 <u>1988</u>	23%	1.325 <u>1.286</u>	30%
1986 <u>1987</u>	20%	1.340 <u>1.341</u>	27%

& and older

(4) remains the same.

(5) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.139 WORKOVER AND SERVICE RIGS (1) through (4) remain the same.

(5) The trended depreciation schedule referred to in (2) and (4) above is listed below and shall be used for tax year ~~2001~~ 2002.

SERVICE AND WORKOVER RIG TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TRENDED FACTOR</u>	<u>WHOLESALE FACTOR</u>	<u>TRENDED WHOLESALE % GOOD</u>
2001 <u>2002</u>	100%	1.000	80%	80%
2000 <u>2001</u>	92%	1.000	80%	74%
1999 <u>2000</u>	84%	1.013 <u>1.009</u>	80%	68%
1998 <u>1999</u>	76%	1.018 <u>1.026</u>	80%	62%
1997 <u>1998</u>	67%	1.029 <u>1.031</u>	80%	55%
1996 <u>1997</u>	58%	1.042 <u>1.041</u>	80%	48%
1995 <u>1996</u>	49%	1.062 <u>1.055</u>	80%	42% <u>41%</u>
1994 <u>1995</u>	39%	1.102 <u>1.075</u>	80%	34%
1993 <u>1994</u>	30%	1.124 <u>1.115</u>	80%	27%
1992 <u>1993</u>	24%	1.139 <u>1.137</u>	80%	22%

1991 1992 20% 1.147 1.152 80% 18%
 & and older

(6) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.140 OIL DRILLING RIGS (1) Bids for new rigs will be solicited from manufacturers of oil drilling rigs to determine current replacement costs based on the depth rating listed below. For each depth rating listed below for oil drilling rigs, there will be two replacement cost categories. One category will represent current replacement cost of a mechanical rig and the second category will represent current replacement cost of an electric rig. Each rig as it is assessed will be placed in a value category based on its depth.

DEPTH CATEGORIES

<u>Class</u>	<u>Depth Capacity</u>
1	0 to 3,000 ft.
2	3,001 ft. to 5,000 ft.
3	5,001 ft. to 7,500 ft.
4	7,501 ft. to 10,000 ft.
5	10,001 ft. to 12,500 ft.
6	12,501 ft. to 15,000 ft.
7	15,001 ft. to 20,000 ft.
8	20,001 ft. and over

<u>MANUFACTURER'S DEPTH RATING</u>	<u>ELECTRICAL RIG R.C.N.</u>	<u>MECHANICAL RIG R.C.N.</u>
0 - 3,000 ft.	\$	\$ 285,209
3,001 ft. - 5,000 ft.		432,135
5,001 ft. - 7,500 ft.	868,250	654,750
7,501 ft. - 10,000 ft.	1,167,210	998,750
10,001 ft. - 12,500 ft.	1,265,500	1,130,600
12,501 ft. - 15,000 ft.	1,720,400	1,538,500
15,001 ft. - 20,000 ft.	1,990,100	
20,001 ft. and over ft.	2,036,047	

The depth capacity for drilling rigs will be based on the "Manufacturers Depth Rating." These replacement costs will then be depreciated to arrive at market value according to the schedule mentioned in (2) below.

(2) The department shall prepare a ten-year trended depreciation schedule for oil drilling rigs. The trended depreciation schedule shall be derived from depreciation factors published by Marshall and Swift Publication Company. The "% good" for all drill rigs less than one year old shall

be 100%. The trended depreciation schedule for tax year ~~2001~~ 2002 is listed below.

DRILL RIG TRENDED DEPRECIATION SCHEDULE

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2001 <u>2002</u>	100%	1.000	100%
2000 <u>2001</u>	92%	1.000	92%
1999 <u>2000</u>	84%	1.013 <u>1.009</u>	85%
1998 <u>1999</u>	76%	1.018 <u>1.026</u>	77% <u>78%</u>
1997 <u>1998</u>	67%	1.029 <u>1.031</u>	69%
1996 <u>1997</u>	58%	1.042 <u>1.041</u>	60%
1995 <u>1996</u>	49%	1.062 <u>1.055</u>	52%
1994 <u>1995</u>	35%	1.102 <u>1.075</u>	39% <u>38%</u>
1993 <u>1994</u>	30%	1.124 <u>1.115</u>	34% <u>33%</u>
1992 <u>1993</u>	24%	1.139 <u>1.137</u>	27%
1991 <u>1992</u>	20%	1.147 <u>1.152</u>	23%

& and older

(3) remains the same.

(4) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.151 TELEVISION CABLE SYSTEMS (1) through (3) remain the same.

(4) The trended depreciation schedules referred to in (2) and (3) above are listed below and shall be in effect for tax year ~~2001~~ 2002.

TABLE 1: FIVE-YEAR "DISHES"

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%	1.000	85%
1999 <u>2000</u>	69%	1.016 <u>1.008</u>	70%
1998 <u>1999</u>	52%	1.019 <u>1.026</u>	53%
1997 <u>1998</u>	34%	1.028 <u>1.029</u>	35%
1996 <u>1997</u> & <u>and</u> older	20%	1.044 <u>1.038</u>	21%

TABLE 2: TEN-YEAR "TOWERS"

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	92%	1.000	92%
1999 <u>2000</u>	84%	1.016 <u>1.008</u>	85%
1998 <u>1999</u>	76%	1.019 <u>1.026</u>	77% <u>78%</u>
1997 <u>1998</u>	67%	1.028 <u>1.029</u>	69%

1996 <u>1997</u>	58%	1.044 <u>1.038</u>	61% <u>60%</u>
1995 <u>1996</u>	49%	1.060 <u>1.055</u>	52%
1994 <u>1995</u>	39%	1.098 <u>1.071</u>	43% <u>42%</u>
1993 <u>1994</u>	30%	1.129 <u>1.110</u>	34% <u>33%</u>
1992 <u>1993</u>	24%	1.151 <u>1.141</u>	28% <u>27%</u>
1991 <u>1992</u> & <u>and older</u>	20%	1.165 <u>1.163</u>	23%

(5) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-140, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.153 SKI LIFT EQUIPMENT (1) and (2) remain the same.

(3) The depreciation schedules shall be determined by the life expectancy of the equipment and will normally compensate for the loss in value due to ordinary wear and tear, offset by reasonable maintenance, and ordinary functional obsolescence due to the technological changes during the life expectancy period.

DEPRECIATION TABLE FOR SKI LIFT EQUIPMENT

Installed Cost X Trended Percent Good = Average Market Value

<u>YEAR</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	92%	1.000	92%
1999 <u>2000</u>	84%	1.016 <u>1.008</u>	85%
1998 <u>1999</u>	76%	1.019 <u>1.026</u>	77% <u>78%</u>
1997 <u>1998</u>	67%	1.028 <u>1.029</u>	69%
1996 <u>1997</u>	58%	1.044 <u>1.038</u>	61% <u>60%</u>
1995 <u>1996</u>	49%	1.060 <u>1.055</u>	52%
1994 <u>1995</u>	39%	1.098 <u>1.071</u>	43% <u>42%</u>
1993 <u>1994</u>	30%	1.129 <u>1.110</u>	34% <u>33%</u>
1992 <u>1993</u>	24%	1.151 <u>1.141</u>	28% <u>27%</u>
1991 <u>1992</u> & <u>and older</u>	20%	1.165 <u>1.163</u>	23%

(a) The taxpayer must initially list with the department:

- (i) all equipment by year of installation; and
- (ii) installed costs of that equipment.

(b) Each year thereafter, the taxpayer must list with the department:

- (i) all additions or deletions from the previous year's list, with installed cost.

(4) This methodology is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA
IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.155 DEPRECIATION SCHEDULES (1) remains the same.

(2) The trended depreciation schedules for tax year 2001 are listed below. The categories are explained in ARM 42.21.156. The trend factors are derived according to ARM 42.21.156 and 42.21.157.

CATEGORY 1

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	70%	1.000	70%
1999 <u>2000</u>	45%	0.947 <u>0.950</u>	43%
1998 <u>1999</u>	20%	0.897 <u>0.896</u>	18%
1997 <u>1998</u> and older	10%	0.807 <u>0.849</u>	8%

CATEGORY 2

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%	1.000	85%
1999 <u>2000</u>	69%	1.003	69%
1998 <u>1999</u>	52%	1.001 <u>1.005</u>	52%
1997 <u>1998</u>	34%	1.005 <u>1.002</u>	34%
1996 <u>1997</u> and older	20%	1.006	20%

CATEGORY 3

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%	1.000	85%
1999 <u>2000</u>	69%	0.987 <u>0.984</u>	68%
1998 <u>1999</u>	52%	0.962 <u>0.971</u>	50%
1997 <u>1998</u>	34%	0.916 <u>0.946</u>	31% <u>32%</u>
1996 <u>1997</u> and older	20%	0.875 <u>0.901</u>	18%

CATEGORY 4

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%	1.000	85%
1999 <u>2000</u>	69%	0.970 <u>0.980</u>	67% <u>68%</u>
1998 <u>1999</u>	52%	0.959 <u>0.948</u>	50% <u>49%</u>
1997 <u>1998</u>	34%	0.947 <u>0.937</u>	32%
1996 <u>1997</u> and older	20%	0.923 <u>0.926</u>	18% <u>19%</u>

CATEGORY 5

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%	1.000	85%
1999 <u>2000</u>	69%	1.005 <u>1.007</u>	69%
1998 <u>1999</u>	52%	1.009 <u>1.012</u>	52% <u>53%</u>
1997 <u>1998</u>	34%	1.010 <u>1.016</u>	34% <u>35%</u>
1996 <u>1997</u> and older	20%	1.021 <u>1.017</u>	20%

CATEGORY 6

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	85%	1.000	85%
1999 <u>2000</u>	69%	1.044 <u>1.043</u>	72%
1998 <u>1999</u>	52%	1.103 <u>1.088</u>	57%
1997 <u>1998</u>	34%	1.132 <u>1.149</u>	38% <u>39%</u>
1996 <u>1997</u> and older	20%	1.149 <u>1.179</u>	23% <u>24%</u>

CATEGORY 7

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	92%	1.000	92%
1999 <u>2000</u>	84%	1.008 <u>1.010</u>	85%
1998 <u>1999</u>	76%	1.016 <u>1.018</u>	77%
1997 <u>1998</u>	67%	1.031 <u>1.027</u>	69%
1996 <u>1997</u>	58%	1.051 <u>1.042</u>	61% <u>60%</u>
1995 <u>1996</u>	49%	1.078 <u>1.061</u>	53%
1994 <u>1995</u>	39%	1.102 <u>1.089</u>	43% <u>42%</u>
1993 <u>1994</u>	30%	1.126 <u>1.113</u>	34% <u>33%</u>
1992 <u>1993</u>	24%	1.151 <u>1.137</u>	28% <u>27%</u>
1991 <u>1992</u> and older	20%	1.186 <u>1.163</u>	24% <u>23%</u>

CATEGORY 8

<u>YEAR NEW/ ACQUIRED</u>	<u>% GOOD</u>	<u>TREND FACTOR</u>	<u>TRENDED % GOOD</u>
2000 <u>2001</u>	92%	1.000	92%
1999 <u>2000</u>	84%	1.012 <u>1.011</u>	85%
1998 <u>1999</u>	76%	1.017 <u>1.023</u>	77% <u>78%</u>
1997 <u>1998</u>	67%	1.029 <u>1.028</u>	69%
1996 <u>1997</u>	58%	1.049 <u>1.040</u>	61% <u>60%</u>
1995 <u>1996</u>	49%	1.078 <u>1.061</u>	53% <u>52%</u>
1994 <u>1995</u>	39%	1.105 <u>1.090</u>	43%
1993 <u>1994</u>	30%	1.131 <u>1.117</u>	34%
1992 <u>1993</u>	24%	1.150 <u>1.144</u>	28% <u>27%</u>
1991 <u>1992</u> and older	20%	1.166 <u>1.163</u>	23%

(3) This rule is effective for tax years beginning after December 31, ~~2000~~ 2001.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-135, 15-6-136, 15-6-138, 15-6-139, 15-6-207, 15-24-921, 15-24-922, and 15-24-925, MCA

REASONABLE NECESSITY: See reasonable necessity statement for ARM 42.21.113.

42.21.163 PERSONAL PROPERTY TAX REFUND (1) A person removing personal property, except motor vehicles under Title 61, MCA, from the state before the end of the calendar year of assessment may apply for a refund of property tax paid. Application must be made with the ~~treasurer~~ county commissioners of the county where the property was assessed. ~~The application must be made by January 31 following the year of assessment.~~

(2) The application must contain:

(a) the name and current mailing address of the applicant;

(b) a complete description of the personal property;

(c) the Montana property tax bill for the personal property under consideration with proof of full payment;

(d) the date the personal property was removed from the state;

(e) the location of the personal property upon removal from the state; and

(f) proof that a property tax was paid on the personal property in another state, such as a verified paid property tax paid receipt.

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-16-613, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.21.163 to reflect the statutory changes made by the 2001 Legislature to 15-16-613, MCA. The law was changed to allow the taxpayer to make an application for a refund for property taxes paid on migratory property. Taxpayers are required to file the application for the refund with the board of county commissioners. The law also struck the requirement that the application be made by January 31st following the year of assessment, so that portion of the rule is being deleted.

42.22.1311 INDUSTRIAL MACHINERY AND EQUIPMENT TREND FACTORS (1) and (2) remain the same.

(3) Tables 1 through 32 represent the yearly trend factors for each of the categories.

<u>YEAR</u>	<u>TABLE 1</u> <u>Airplane</u> <u>Mfg.</u>	<u>TABLE 2</u> <u>Baking</u>	<u>TABLE 3</u> <u>Bottling</u>	<u>TABLE 4</u> <u>Brew/Dis.</u>	<u>TABLE 5</u> <u>Candy</u> <u>Confect.</u>
2000	1.000	1.000	1.000	1.000	1.000
1999	1.016	1.018	1.017	1.016	1.017
1998	1.017	1.021	1.019	1.021	1.021
1997	1.025	1.032	1.026	1.031	1.032
1996	1.037	1.049	1.042	1.048	1.050

1995	1.051	1.065	1.058	1.068	1.067
1994	1.093	1.108	1.100	1.108	1.111
1993	1.122	1.143	1.129	1.134	1.145
1992	1.139	1.164	1.148	1.152	1.166
1991	1.147	1.180	1.159	1.164	1.182
1990	1.165	1.206	1.181	1.191	1.211
1989	1.191	1.239	1.211	1.224	1.247
1988	1.250	1.308	1.281	1.297	1.318
1987	1.308	1.366	1.343	1.355	1.379
1986	1.322	1.389	1.361	1.372	1.402
1985	1.328	1.413	1.370	1.384	1.428
1984	1.346	1.441	1.387	1.404	1.458
1983	1.382	1.475	1.423	1.439	1.491
1982	1.409	1.496	1.444	1.459	1.510
1981	1.470	1.567	1.507	1.528	1.584

2001	1.000	1.000	1.000	1.000	1.000
2000	1.007	1.011	1.009	1.010	1.011
1999	1.026	1.031	1.028	1.029	1.031
1998	1.027	1.035	1.030	1.035	1.035
1997	1.035	1.045	1.038	1.045	1.046
1996	1.047	1.063	1.054	1.062	1.065
1995	1.062	1.079	1.070	1.082	1.082
1994	1.104	1.123	1.112	1.123	1.127
1993	1.133	1.158	1.142	1.149	1.161
1992	1.150	1.180	1.161	1.167	1.182
1991	1.158	1.195	1.172	1.180	1.199
1990	1.177	1.222	1.195	1.206	1.228
1989	1.202	1.256	1.225	1.241	1.264
1988	1.262	1.325	1.296	1.314	1.337
1987	1.320	1.384	1.359	1.373	1.398
1986	1.335	1.408	1.376	1.390	1.422
1985	1.341	1.432	1.385	1.402	1.449
1984	1.359	1.460	1.403	1.423	1.478
1983	1.396	1.494	1.439	1.458	1.512
1982	1.422	1.516	1.461	1.479	1.531

<u>YEAR</u>	<u>TABLE 6</u> <u>Cement</u> <u>Mfg.</u>	<u>TABLE 7</u> <u>Chemical</u> <u>Mfg.</u>	<u>TABLE 8</u> <u>Clay</u> <u>Mfg.</u>	<u>TABLE 9</u> <u>Contractor</u> <u>Eq.</u>	<u>TABLE 10</u> <u>Creamery/</u> <u>Dairy</u>
2000	1.000	1.000	1.000	1.000	1.000
1999	1.015	1.013	1.014	1.016	1.018
1998	1.019	1.018	1.018	1.024	1.022
1997	1.030	1.029	1.029	1.036	1.032
1996	1.042	1.042	1.045	1.056	1.050
1995	1.062	1.062	1.064	1.073	1.068
1994	1.099	1.102	1.101	1.103	1.113
1993	1.124	1.124	1.127	1.131	1.143
1992	1.141	1.139	1.147	1.161	1.162
1991	1.150	1.147	1.159	1.183	1.176
1990	1.173	1.172	1.183	1.211	1.205
1989	1.205	1.203	1.218	1.250	1.239
1988	1.266	1.271	1.281	1.310	1.314
1987	1.310	1.325	1.328	1.353	1.375

1986	1.323	1.340	1.344	1.372	1.398
1985	1.332	1.346	1.355	1.384	1.419
1984	1.351	1.365	1.377	1.400	1.445
1983	1.384	1.401	1.418	1.429	1.478
1982	1.406	1.422	1.445	1.460	1.498
1981	1.483	1.496	1.526	1.543	1.570
2001	1.000	1.000	1.000	1.000	1.000
2000	1.010	1.009	1.010	1.006	1.011
1999	1.026	1.026	1.027	1.023	1.031
1998	1.031	1.031	1.031	1.031	1.036
1997	1.042	1.041	1.042	1.043	1.046
1996	1.054	1.055	1.058	1.063	1.064
1995	1.074	1.075	1.078	1.081	1.082
1994	1.112	1.115	1.115	1.111	1.128
1993	1.137	1.138	1.141	1.138	1.158
1992	1.155	1.152	1.162	1.170	1.177
1991	1.164	1.161	1.174	1.191	1.192
1990	1.187	1.186	1.198	1.220	1.221
1989	1.219	1.217	1.234	1.259	1.256
1988	1.280	1.286	1.298	1.319	1.332
1987	1.325	1.341	1.345	1.363	1.394
1986	1.338	1.356	1.361	1.382	1.416
1985	1.347	1.362	1.373	1.393	1.438
1984	1.367	1.381	1.395	1.410	1.464
1983	1.400	1.418	1.436	1.439	1.498
1982	1.423	1.439	1.463	1.470	1.518

<u>YEAR</u>	<u>TABLE 11</u> <u>Elec Pwr</u> <u>Eq.</u>	<u>TABLE 12</u> <u>Elec. Eq.</u> <u>Mfg.</u>	<u>TABLE 13</u> <u>Cannery/</u> <u>Fish</u>	<u>TABLE 14</u> <u>Flour,</u> <u>Cer. Feed</u>	<u>TABLE 15</u> <u>Cannery/</u> <u>Fruit</u>
2000	1.000	1.000	1.000	1.000	1.000
1999	1.017	1.016	1.017	1.017	1.018
1998	1.013	1.012	1.020	1.021	1.022
1997	1.014	1.017	1.031	1.031	1.031
1996	1.020	1.026	1.050	1.047	1.052
1995	1.028	1.037	1.065	1.064	1.066
1994	1.083	1.087	1.109	1.106	1.106
1993	1.105	1.113	1.145	1.136	1.145
1992	1.112	1.126	1.167	1.154	1.172
1991	1.108	1.127	1.184	1.165	1.193
1990	1.115	1.140	1.211	1.189	1.220
1989	1.134	1.162	1.245	1.220	1.255
1988	1.203	1.228	1.316	1.287	1.325
1987	1.281	1.299	1.376	1.344	1.385
1986	1.290	1.313	1.400	1.361	1.409
1985	1.297	1.319	1.422	1.377	1.433
1984	1.310	1.335	1.450	1.398	1.458
1983	1.344	1.373	1.485	1.430	1.494
1982	1.359	1.394	1.508	1.446	1.519
1981	1.405	1.442	1.580	1.513	1.587
2001	1.000	1.000	1.000	1.000	1.000
2000	1.009	1.008	1.010	1.011	1.010

1999	1.029	1.027	1.031	1.031	1.031
1998	1.024	1.023	1.034	1.035	1.034
1997	1.026	1.027	1.044	1.045	1.044
1996	1.031	1.037	1.063	1.061	1.065
1995	1.040	1.049	1.079	1.078	1.079
1994	1.095	1.099	1.123	1.121	1.120
1993	1.117	1.125	1.160	1.152	1.159
1992	1.125	1.138	1.182	1.170	1.186
1991	1.121	1.139	1.199	1.181	1.207
1990	1.128	1.152	1.227	1.205	1.235
1989	1.147	1.174	1.262	1.236	1.270
1988	1.217	1.241	1.333	1.305	1.342
1987	1.295	1.313	1.394	1.362	1.402
1986	1.305	1.327	1.418	1.380	1.427
1985	1.312	1.333	1.441	1.395	1.450
1984	1.325	1.349	1.469	1.417	1.476
1983	1.359	1.387	1.505	1.449	1.512
1982	1.375	1.409	1.528	1.466	1.538

<u>YEAR</u>	<u>TABLE 16</u> <u>Packing/</u> <u>Fruit</u>	<u>TABLE 17</u> <u>Laundry/</u> <u>Clean</u>	<u>TABLE 18</u> <u>Logging</u> <u>Eq.</u>	<u>TABLE 19</u> <u>Packing/</u> <u>Meat</u>	<u>TABLE 20</u> <u>Metal</u> <u>Work</u>
2000	1.000	1.000	1.000	1.000	1.000
1999	1.019	1.016	1.016	1.016	1.011
1998	1.024	1.018	1.020	1.021	1.011
1997	1.032	1.026	1.029	1.033	1.021
1996	1.056	1.042	1.045	1.051	1.034
1995	1.069	1.058	1.059	1.070	1.052
1994	1.103	1.097	1.093	1.110	1.092
1993	1.143	1.126	1.124	1.143	1.120
1992	1.177	1.148	1.149	1.164	1.136
1991	1.202	1.159	1.167	1.181	1.146
1990	1.230	1.184	1.191	1.211	1.171
1989	1.266	1.216	1.223	1.248	1.203
1988	1.335	1.281	1.279	1.317	1.262
1987	1.387	1.334	1.326	1.370	1.317
1986	1.410	1.354	1.343	1.393	1.334
1985	1.427	1.366	1.353	1.415	1.343
1984	1.448	1.386	1.370	1.444	1.367
1983	1.487	1.426	1.404	1.481	1.404
1982	1.517	1.451	1.433	1.504	1.436
1981	1.581	1.518	1.511	1.581	1.501
2001	1.000	1.000	1.000	1.000	1.000
2000	1.007	1.008	1.006	1.010	1.007
1999	1.029	1.027	1.024	1.029	1.021
1998	1.033	1.029	1.028	1.034	1.021
1997	1.042	1.037	1.037	1.046	1.031
1996	1.066	1.054	1.053	1.065	1.044
1995	1.079	1.070	1.068	1.083	1.062
1994	1.113	1.109	1.102	1.124	1.103
1993	1.154	1.139	1.133	1.157	1.131
1992	1.188	1.160	1.158	1.179	1.148
1991	1.214	1.172	1.176	1.197	1.158

1990	1.241	1.197	1.200	1.227	1.182
1989	1.278	1.230	1.232	1.264	1.215
1988	1.347	1.295	1.289	1.334	1.274
1987	1.400	1.348	1.336	1.388	1.330
1986	1.423	1.369	1.353	1.411	1.347
1985	1.441	1.381	1.363	1.434	1.356
1984	1.461	1.401	1.381	1.462	1.380
1983	1.500	1.442	1.414	1.500	1.418
1982	1.531	1.467	1.444	1.523	1.450

<u>YEAR</u>	<u>TABLE 21</u> <u>Mine</u> <u>Mill</u>	<u>TABLE 22</u> <u>Paint</u> <u>Mfg.</u>	<u>TABLE 23</u> <u>Petroleum</u>	<u>TABLE 24</u> <u>Printing</u>	<u>TABLE 25</u> <u>Paper</u> <u>Mfg.</u>
2000	1.000	1.000	1.000	1.000	1.000
1999	1.015	1.016	1.012	1.012	1.018
1998	1.019	1.019	1.017	1.013	1.020
1997	1.030	1.029	1.031	1.018	1.029
1996	1.047	1.044	1.047	1.034	1.050
1995	1.064	1.063	1.069	1.050	1.064
1994	1.097	1.104	1.108	1.089	1.100
1993	1.127	1.131	1.131	1.116	1.133
1992	1.151	1.150	1.142	1.133	1.159
1991	1.170	1.160	1.151	1.137	1.175
1990	1.197	1.183	1.180	1.153	1.198
1989	1.235	1.214	1.210	1.172	1.229
1988	1.301	1.282	1.273	1.236	1.296
1987	1.343	1.338	1.325	1.294	1.349
1986	1.354	1.355	1.329	1.315	1.367
1985	1.361	1.363	1.330	1.328	1.376
1984	1.377	1.383	1.345	1.347	1.392
1983	1.405	1.422	1.370	1.391	1.431
1982	1.438	1.445	1.383	1.417	1.456
1981	1.517	1.515	1.474	1.471	1.525
2001	1.000	1.000	1.000	1.000	1.000
2000	1.006	1.009	1.011	1.009	1.006
1999	1.023	1.028	1.025	1.023	1.026
1998	1.028	1.031	1.031	1.024	1.028
1997	1.039	1.041	1.045	1.029	1.037
1996	1.056	1.056	1.062	1.046	1.058
1995	1.073	1.075	1.083	1.061	1.072
1994	1.106	1.117	1.123	1.101	1.109
1993	1.136	1.144	1.146	1.128	1.142
1992	1.160	1.163	1.157	1.145	1.168
1991	1.180	1.173	1.166	1.149	1.184
1990	1.207	1.197	1.196	1.166	1.208
1989	1.245	1.228	1.227	1.185	1.239
1988	1.312	1.298	1.290	1.249	1.307
1987	1.354	1.354	1.343	1.309	1.360
1986	1.365	1.371	1.347	1.330	1.379
1985	1.372	1.379	1.348	1.343	1.387
1984	1.388	1.399	1.363	1.362	1.403
1983	1.416	1.439	1.388	1.406	1.443
1982	1.449	1.462	1.401	1.433	1.468

<u>YEAR</u>	<u>TABLE 26</u> <u>Refriger-</u> <u>ation</u>	<u>TABLE 27</u> <u>Rubber</u>	<u>TABLE 28</u> <u>Steam</u> <u>Power</u>	<u>TABLE 29</u> <u>Textile</u>	<u>TABLE 30</u> <u>Ware-</u> <u>Housing</u>
2000	1.000	1.000	1.000	1.000	1.000
1999	1.017	1.013	1.013	1.012	1.017
1998	1.021	1.017	1.014	1.014	1.018
1997	1.031	1.028	1.021	1.022	1.022
1996	1.048	1.042	1.032	1.040	1.039
1995	1.066	1.062	1.049	1.054	1.048
1994	1.106	1.099	1.090	1.086	1.077
1993	1.136	1.125	1.113	1.114	1.113
1992	1.158	1.147	1.126	1.136	1.139
1991	1.171	1.159	1.131	1.149	1.155
1990	1.197	1.185	1.150	1.175	1.176
1989	1.229	1.218	1.181	1.205	1.203
1988	1.297	1.281	1.250	1.265	1.257
1987	1.351	1.331	1.310	1.319	1.297
1986	1.370	1.353	1.324	1.341	1.315
1985	1.381	1.363	1.330	1.356	1.325
1984	1.401	1.388	1.351	1.375	1.340
1983	1.443	1.431	1.395	1.415	1.370
1982	1.470	1.460	1.414	1.439	1.387
1981	1.545	1.542	1.477	1.506	1.448
2001	1.000	1.000	1.000	1.000	1.000
2000	1.009	1.008	1.008	1.007	1.006
1999	1.029	1.023	1.024	1.022	1.025
1998	1.033	1.027	1.025	1.024	1.026
1997	1.043	1.038	1.033	1.032	1.029
1996	1.060	1.053	1.043	1.050	1.046
1995	1.079	1.073	1.060	1.064	1.056
1994	1.119	1.110	1.103	1.097	1.086
1993	1.149	1.137	1.126	1.125	1.121
1992	1.171	1.159	1.139	1.147	1.148
1991	1.185	1.171	1.144	1.161	1.164
1990	1.211	1.197	1.163	1.187	1.184
1989	1.244	1.231	1.194	1.217	1.212
1988	1.313	1.294	1.264	1.278	1.267
1987	1.366	1.345	1.324	1.332	1.307
1986	1.386	1.367	1.339	1.354	1.325
1985	1.397	1.378	1.345	1.369	1.335
1984	1.418	1.402	1.366	1.389	1.350
1983	1.460	1.446	1.411	1.429	1.381
1982	1.487	1.475	1.430	1.454	1.397

<u>YEAR</u>	<u>TABLE 31</u> <u>Wood</u> <u>Working</u>	<u>TABLE 32</u> <u>Glass</u> <u>Mfg.</u>
2000	1.000	1.000
1999	1.016	1.016
1998	1.017	1.019
1997	1.022	1.027
1996	1.047	1.040
1995	1.058	1.058

1994	1.088	1.101
1993	1.125	1.126
1992	1.164	1.143
1991	1.187	1.149
1990	1.206	1.169
1989	1.239	1.198
1988	1.307	1.265
1987	1.360	1.322
1986	1.379	1.337
1985	1.387	1.344
1984	1.406	1.361
1983	1.444	1.398
1982	1.478	1.417
1981	1.541	1.482

2001	1.000	1.000
2000	1.000	1.010
1999	1.017	1.029
1998	1.019	1.031
1997	1.023	1.040
1996	1.048	1.053
1995	1.059	1.071
1994	1.090	1.115
1993	1.127	1.140
1992	1.165	1.157
1991	1.188	1.163
1990	1.208	1.184
1989	1.241	1.213
1988	1.309	1.281
1987	1.362	1.338
1986	1.381	1.354
1985	1.389	1.361
1984	1.408	1.378
1983	1.447	1.415
1982	1.480	1.435

AUTH: Sec. 15-1-201, MCA

IMP: Sec. 15-6-138 and 15-8-111, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.21.113 to update the annual trend schedules for industrial property because 15-8-111, MCA, requires the department to assess all property at 100% of its market value except as provided in 15-7-111, MCA. The statute does not address in detail how the department is to arrive at market value.

To determine the market value of certain property the department has historically used and adopted the concept of trending and depreciation. The method by which the trended depreciation schedules are derived is described in the existing rules, and that method is not being changed. However, the method does result in annual changes to the schedules. The courts have indicated that schedules of this

nature should be included in the administrative rules of the department.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to:

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

no later than October 19, 2001.

5. If persons who are directly affected by the proposed action 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 Cleo Anderson at the above address no later than October 19, 2001.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee; from a governmental subdivision or agency; or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

7. An electronic copy of this Proposal Notice is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Proposal Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. The Department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the 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 notice regarding particular subject matter or matters. Such written request may be mailed, or delivered, to the person in paragraph 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Kurt G. Alme
KURT G. ALME
Director of Revenue

Certified to Secretary of State September 10, 2001

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of amendment of ARM) NOTICE OF AMENDMENT
2.43.302, 2.43.403, 2.43.406,)
2.43.408, 2.43.452, 2.43.520 and)
2.43.604 pertaining to the)
retirement systems administered by)
the Montana Public Employees')
Retirement Board)

TO: All Concerned Persons

1. On July 19, 2001, the Public Employees' Retirement Board published notice of proposed amendment of the above stated rules at page 1222 of the 2001 Montana Administrative Register, Issue Number 14.

2. The Board has amended ARM 2.43.408, 2.43.452 and 2.43.604 as proposed.

3. The Board is still considering the proposed amendments to ARM 2.43.406 and does not adopt the amendments at this time.

4. The Board has amended ARM 2.43.302, 2.43.403 and 2.43.520 with the following changes, stricken matter interlined, new matter underlined:

2.43.302 DEFINITIONS

(1) through (9) same as proposed.

(10) and (10)(a) same as proposed.

(b) under contract and in fact, at all times free from control or direction over the performance of the services.

(i) The ~~division~~ MPERA may consider but is not limited to the following factors when determining freedom from control and direction:

~~(i)~~(A) right or exercise of control of the means by which the work is accomplished;

~~(ii)~~(B) method of payment (time basis indicates employment);

~~(iii)~~(C) furnishing of equipment; and

~~(iv)~~(D) employer's right to fire.

~~(e)~~(ii) Independent contractor status may only be established by a convincing accumulation of these factors indicating freedom from control or direction over performance of the services.

(11) through (17) same as proposed.

AUTH: 19-2-403, MCA

IMP: Title 19, Ch. 2, 3, 5, 6, 7, 8, 9, and 13, MCA

2.43.403 OPTIONAL MEMBERSHIP (1) Employees for which membership in a retirement system is optional may become members by completing an application form provided by the board. The application form must be filed with the board within 180 days of commencement of the employment for which membership is optional, or within 180 days of the effective date of the statute permitting optional membership, whichever is later. Except as provided in (2), once elected, members may not discontinue membership without termination of employment.

(2) The board may permit an employee to discontinue optional membership if the employee submits proof that the employee was not informed membership was optional. The employee must submit such proof within 180 days of the employee's first day of employment, or within 180 days of the filing of the application form, whichever is later.

(3) Same as proposed.

AUTH: 19-2-403, MCA

IMP: 19-2-903, 19-3-412, 19-13-301, MCA

2.43.520 ELECTION FOR GUARANTEED ANNUAL BENEFIT ADJUSTMENT COVERAGE (GABA) (1) Members, contingent annuitants, and survivors of the following retirement systems must file an election to receive the benefit increases provided by GABA:

- (a) judges' retirement system (JRS);
- (b) highway patrol officers' retirement system (HPORS);
- (c) municipal police officers' retirement system (MPORS); and
- (d) firefighters' unified retirement system (FURS).

(2) The election must be made on forms provided by the board and must be filed with the board on or before December 1, 2001. This election does not apply to monthly benefits payable prior to January 2002.

(3) Members, contingent annuitants, and survivors who fail to file the election by prior to December 1, 2001, will not receive benefit increases under GABA. These people will continue to receive the minimum benefits in effect before July 1, 1997, and thereafter as determined in statute. The MPERA will notify these people that they will receive the minimum benefits but not increases under GABA.

(4) A revocation of an election made pursuant to Ch. 149, L. 2001 must be made by the member in writing and must be filed with the board ~~on or before~~ prior to December 1, 2001. All elections made pursuant to Ch. 149, L. 2001 are irrevocable as of December 2 1, 2001.

AUTH: 19-2-403, 19-2-1101, 19-5-901, 19-6-710, 19-9-1009, 19-13-1010, MCA

IMP: 19-2-1101, 19-5-901, Sec. 6, Ch. 149, L. 2001, 19-6-710, Sec. 9, Ch. 149, L. 2001, 19-9-1009, 19-9-1010, Sec. 16, Ch. 149, L. 2001, 19-13-1010, Sec. 18, Ch. 149, L. 2001, MCA

5. The following comments were received and appear with the Board's response:

COMMENT 1: Montana Public Employee Administration legal staff commented that proposed amendments to the numbering of subsections within ARM 2.43.302 alter the substantive meaning of the rules and are incorrect.

RESPONSE: The Board agrees. ARM 2.43.302 has been amended accordingly. ARM 2.43.302(10)(b) was also amended to replace the term "division" with the term "MPERA", as the division no longer exists.

COMMENT 2: A Board member commented in writing and orally that the term "within" should be added to the new language contained in ARM 2.43.403.

RESPONSE: The Board agrees. The term "within" has been added to the new language contained in ARM 2.43.403.

COMMENT 3: A Board member commented in writing that ARM 2.43.403 is unclear with respect to what is needed to prove that an employee was not informed membership was optional.

RESPONSE: The Board has determined not to address the type of proof needed as each case will be different. MPERA staff and the Board will, through the contested case process, determine whether evidence submitted proves the employee was not informed membership was optional.

COMMENT 4: Montana Public Employee Retirement Administration legal staff commented that the form to request optional membership clearly says that the membership is optional and that the employee understands that fact. Consequently, it makes little sense to have a procedure, as provided in subsection (2) of the rule, for the member who has filed a form to prove they weren't informed that membership was optional.

RESPONSE: The Board disagrees. Employers occasionally provide a membership card to employees for whom membership is optional. The employee unknowingly completes the membership card and becomes a member. Subsection (2) of ARM 2.43.403 is designed to address those situations.

COMMENT 5: A Board member commented in writing and orally regarding the complexity of ARM 2.43.406's proposed language.

RESPONSE: The Board agrees that the language is complex. The subject matter which is addressed by ARM 2.43.406 is extremely complicated. MPERA staff is continuing its effort to rewrite this rule as clearly as possible. Therefore, the proposed amendments to ARM 2.43.406 are not being adopted at this time.

COMMENT 6: A Board member commented orally and in writing that the proposed amendments to ARM 2.43.408 may not adequately address the receipt of compensation following termination of employment.

RESPONSE: The Board believes ARM 2.43.408(2) as amended, adequately addresses the receipt of compensation following termination of employment. Compensation is defined in section 19-3-108, MCA (2001) as including "remuneration paid out of funds controlled by an employer in payment for the member's services . . . before any pretax deductions allowed by state or federal law are made." Nothing in this definition requires that the remuneration be paid prior to termination in order to be considered compensation.

COMMENT 7: Montana Public Employee Administration legal staff commented that the proposed amendments to ARM 2.43.520 regarding revocation of a GABA election could be construed to apply to GABA elections filed prior to the 1997 deadline. Additionally, the proposed amendment to ARM 2.43.520 does not properly state the filing deadlines contained in the legislation and the elections should be irrevocable as of December 1, 2001, not December 2.

RESPONSE: The Board agrees. Only elections made pursuant to Ch. 149, L. 2001 can be revoked. ARM 2.43.520(4) has been amended accordingly. ARM 2.43.520(2) and (3) have also been amended to clarify that this election is not retroactive and that people who do not elect GABA are entitled to an alternate benefit as provided for in statute.

/s/ Terry Teichrow
Terry Teichrow, President
Public Employees' Retirement Board

s/ Kelly A. Jenkins
Kelly Jenkins, General Counsel and
Rule Reviewer

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

Certified to the Secretary of State on September 10, 2001.

BEFORE THE TRAVEL PROMOTION AND DEVELOPMENT DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment)
of a rule pertaining to the)
Tourism Advisory Council) NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On July 19, 2001, the Department of Commerce published a notice of proposed amendment of the above-stated rule at page 1278, 2001 Montana Administrative Register, issue number 14.

2. The Department has amended ARM 8.119.101 exactly as proposed.

3. No comments or testimony were received.

TRAVEL PROMOTION AND DEVELOPMENT
DIVISION
DEPARTMENT OF COMMERCE

By: /s/ Richard M. Weddle
Staff Attorney
Department of Commerce

By: /s/ Richard M. Weddle
Rule Reviewer

Certified to the Secretary of State, September 10, 2001.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the)
amendment of ARM 23.5.101,) NOTICE OF
23.5.102, and 23.5.105) AMENDMENT
regarding motor carrier)
safety)

TO: All Concerned Persons

1. On June 21, 2001, the Department of Justice published notice of the proposed amendment of ARM 23.5.101, 23.5.102 and 23.5.105 concerning motor carrier safety. The proposed amendments relate to revisions to previously incorporated federal regulations and general revisions to state regulations. The notice was published at page 1023 of the 2001 Montana Administrative Register, issue number 12.

2. The department has amended ARM 23.5.101 and 23.5.102 exactly as proposed. Based on comments received at the hearing, ARM 23.5.105 will not be amended at this time.

3. A public hearing on the proposed rules was held on July 20, 2001 at 9:15 a.m., in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana. One person attended the hearing and submitted oral testimony in support of the new rules.

Mr. Curt Rissman, chief of the Motor Vehicle Inspection Bureau of the Montana Highway Patrol of the Department of Justice, testified that the proposed adoptions are intended to update the changes in the federal regulations that have previously been incorporated in departmental rules. The amendment also corrects a reference to a form name in the rules and codifies an existing practice of issuing and using motor vehicle inspection numbers for marking of intrastate carriers.

4. In addition to testimony from Mr. Rissman, written comments concerning the proposed amendments were read into the record and duly noted by the presiding hearing officer, Brenda Nordlund.

COMMENT: On behalf of the Law and Justice Interim Committee, Mr. John MacMaster, Montana Legislative Services Staff Attorney, wrote that insertion of the words "the most recent" into the first sentence of subsection (2) of ARM 23.5.105 violates Mont. Code Ann. § 2-4-307(3). Mr. MacMaster also wrote that as applied to ARM 23.5.105 the statement of reasonable necessity for the proposed "the most recent" version language was incorrect because it said that the rule was being amended to incorporate the most current version of the standards, when in fact the proposed was to incorporate whatever

version is current at any given point in time.

RESPONSE: Mr. MacMaster's comments regarding ARM 23.5.105 are well taken. The department will discontinue its attempt to amend ARM 23.5.105 to prospectively incorporate versions of the standards that are not yet in existence. ARM 23.5.105 will not be amended as a result of this proceeding, and the department will pursue a subsequent amendment to ARM 23.5.105 to incorporate a date-specific update of the standards.

MONTANA DEPARTMENT OF JUSTICE

By: /s/ Mike McGrath

MIKE McGRATH
Attorney General

/s/ Ali Sheppard

ALI SHEPPARD
Rule Reviewer

Certified to the Secretary of State September 13, 2001.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption) CORRECTED NOTICE OF
new rule IX relating to) ADOPTION
withholding and unemployment)
insurance taxes)

TO: All Concerned Persons:

1. On August 23, 2001, the Department published a notice at page 1650 of the 2001 Montana Administrative Register, Issue No. 16, of the adoption of several new rules, transfer and amendment of several and repeal of others. One of the new rules was new rule IX relating to Status of Certain Personal Assistants.

2. The reason for the corrected notice is to correct the rule number assigned to new rule IX because the number assigned to this new rule (ARM 42.17.218) was inadvertently assigned to another rule in that notice. Therefore, another number must be assigned to this new rule. The rule is corrected as follows:

NEW RULE IX (42.17.224) STATUS OF CERTAIN PERSONAL ASSISTANTS (1) remains the same.

AUTH: Sec. 15-30-305, 39-51-301, 39-51-302, and 53-6-145, MCA

IMP: Sec. 53-6-145, MCA

3. Replacement pages for the corrected notice of adoption will be submitted to the Secretary of State on September 28, 2001.

4. An electronic copy of this Correction Notice is available through the Department's site on the World Wide Web at http://www.state.mt.us/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Correction Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Kurt G. Alme
KURT G. ALME
Director of Revenue

Certified to Secretary of State September 10, 2001

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- ▶ Department of Public Health and Human Services.

Law and Justice Interim Committee:

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

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration, and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2001. This table includes those rules adopted during the period July 1, 2001 through September 30, 2001 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2001, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 2000 and 2001 Montana Administrative Registers.

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

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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 August 2001, appear. Vacancies scheduled to appear from October 1, 2001, through December 31, 2001, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of September 4, 2001.

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

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Directors of State Compensation Insurance Fund (Administration)			
Mr. Robert Cope Colstrip	Governor	Morgenstern	8/6/2001 4/28/2005
Qualifications (if required): policyholder in private enterprise			
Board of Landscape Architects (Labor and Industry)			
Ms. Shelly Engler Bozeman	Governor	reappointed	8/17/2001 7/1/2005
Qualifications (if required): landscape architect			
Mr. David M. Hummel Billings	Governor	Field	8/17/2001 7/1/2005
Qualifications (if required): public member			
Ms. Janet Thomas Hobson	Governor	reappointed	8/17/2001 7/1/2005
Qualifications (if required): public member			
Board of Private Security Patrol Officers and Investigators (Labor and Industry)			
Mr. Manx Skillicorn Missoula	Governor	Gray	8/9/2001 8/1/2004
Qualifications (if required): representing a contract security company			
Mr. Don Vegge Billings	Governor	Ames	8/9/2001 8/1/2004
Qualifications (if required): representing a proprietary security organization			
Board of Professional Engineers and Land Surveyors (Labor and Industry)			
Mr. Daniel M. McCauley Helena	Governor	reappointed	8/9/2001 7/1/2005
Qualifications (if required): professional engineer			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Professional Engineers and Land Surveyors (Labor and Industry) cont. Mr. Jake Neil Great Falls Qualifications (if required): professional engineer	Governor	Hummel	8/9/2001 7/1/2005
Board of Radiologic Technologists (Labor and Industry) Mr. William J. "Bim" Lindsey Missoula Qualifications (if required): radiologic technologist	Governor	Hepp	8/21/2001 7/1/2004
Committee on Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services) Mr. Ron Bibler Great Falls Qualifications (if required): disabled	Governor	reappointed	8/7/2001 7/1/2004
Mr. Jeff Brandt Helena Qualifications (if required): representative of the Department of Administration	Governor	not listed	8/7/2001 7/1/2004
Mr. Ben Havdahl Helena Qualifications (if required): hard of hearing	Governor	reappointed	8/7/2001 7/1/2004
Ms. Chris Huth Helena Qualifications (if required): non-disabled businessperson	Governor	reappointed	8/7/2001 7/1/2004
Ms. Nan LeFebvre Helena Qualifications (if required): representative of the Department of Public Health and Human Services	Governor	Nichols	8/7/2001 7/1/2004

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services)			
Mr. Edward James Brown, Jr. Harlem	Governor	Price	8/15/2001 1/1/2005
Qualifications (if required):	consumer		
Ms. Sheila Kidd Havre	Governor	Koenig	8/15/2001 1/1/2005
Qualifications (if required):	consumer		
Ms. Shelly Kidd Havre	Governor	not listed	8/15/2001 1/1/2005
Qualifications (if required):	consumer		
Mr. Bob Kuster Shelby	Governor	Powell	8/15/2001 1/1/2005
Qualifications (if required):	parent of consumers		
Mr. Dan McCarthy Helena	Governor	not listed	8/15/2001 1/1/2002
Qualifications (if required):	Office of Public Instruction representative		
Mr. Charlie Rehbein Helena	Governor	not listed	8/15/2001 1/1/2002
Qualifications (if required):	representative of the Older Americans Act		
Ms. P. J. Rismon-Beckley Kalispell	Governor	not listed	8/15/2001 1/1/2005
Qualifications (if required):	family member of a consumer		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services) cont.			
Ms. Sonya Standing Rock Box Elder	Governor	Anderson	8/15/2001 1/1/2005
Qualifications (if required): consumer			
Ms. Diana Tavary Helena	Governor	not listed	8/15/2001 1/1/2005
Qualifications (if required): parent of a consumer			
Hard Rock Mining Impact Board (Commerce)			
Ms. Betty Aye Broadus	Governor	Kienenberger	8/30/2001 1/1/2005
Qualifications (if required): county commissioner from District 4			
Ms. Tammy Johnson Whitehall	Governor	reappointed	8/30/2001 1/1/2005
Qualifications (if required): industry representative from District 2			
Mr. Donald B. Kinsey Big Timber	Governor	Aye	8/30/2001 1/1/2003
Qualifications (if required): public member from District 4			
Mr. Craig Rehm Fort Benton	Governor	Kornder	8/30/2001 1/1/2005
Qualifications (if required): representative of a financial institution and District 3			
Montana Agriculture Development Council (Agriculture)			
Mr. Larry Barber Coffee Creek	Governor	reappointed	8/7/2001 7/1/2004
Qualifications (if required): actively engaged in agriculture			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Agriculture Development Council (Agriculture) cont. Mr. John L. Franklin Sidney	Governor	Boyd	8/7/2001 7/1/2004
Qualifications (if required): actively engaged in agriculture			
Risk Management Executive Council (Administration) Mr. Steve Halferty Helena	Governor	Byers	8/21/2001 2/21/2003
Qualifications (if required): representing State Fund			
Mr. D. J. Whitaker Helena	Governor	Jensen	8/21/2001 2/21/2003
Qualifications (if required): representing the Helena College of Technology of the University of Montana			
State Workforce Investment Board (Labor and Industry) Mr. Haley Beaudry Butte	Governor	Hays	8/7/2001 0/0/0
Qualifications (if required): representing business			
Ms. Cristina Boyle Bozeman	Governor	Morehouse	8/7/2001 0/0/0
Qualifications (if required): representing business			
Commissioner Carol Brooker Thompson Falls	Governor	not listed	8/7/2001 0/0/0
Qualifications (if required): representing business			
Ms. Caroline Brown Harlem	Governor	not listed	8/7/2001 0/0/0
Qualifications (if required): representing business			

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Dick Brown Helena Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Webb Brown Helena Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Bill Case Anaconda Qualifications (if required): representing a program service activity in which no lead state agency has responsibility	Governor	not listed	8/7/2001 0/0/0
Ms. Susan Christoffersen Kalispell Qualifications (if required): representing individuals/organizations with experience regarding youth activities	Governor	not listed	8/7/2001 0/0/0
Sen. Vicki Cocchiarella Missoula Qualifications (if required): representing the Montana Senate	Governor	not listed	8/7/2001 0/0/0
Sen. William Crismore Libby Qualifications (if required): representing the Montana Senate	Governor	Berry	8/7/2001 0/0/0
Mr. Richard A. Crofts Helena Qualifications (if required): representing lead state agencies	Governor	not listed	8/7/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Jim Davison Anaconda Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Jerry Driscoll Helena Qualifications (if required): representing labor organizations	Governor	Judge	8/7/2001 0/0/0
Ms. Ellen Engstedt Helena Qualifications (if required): representing business	Governor	Twitchell	8/7/2001 0/0/0
Ms. Becky Erickson Glasgow Qualifications (if required): representing business	Governor	VanFossem	8/7/2001 0/0/0
Mr. George Erickson Great Falls Qualifications (if required): representing a program service activity in which no lead state agency has responsibility	Governor	not listed	8/7/2001 0/0/0
Mr. Bryan Flake Butte Qualifications (if required): representing business	Governor	Twitchell	8/7/2001 0/0/0
Mr. Mike Foster Townsend Qualifications (if required): representing lead state agencies	Governor	Haffey	8/7/2001 0/0/0
Mr. David Gibson Helena Qualifications (if required): representing lead state agencies	Governor	Blouke	8/7/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont. Ms. Gail Gray Helena Qualifications (if required): representing lead state agencies	Governor	Ekanger	8/7/2001 0/0/0
Mr. Lew Grill Billings Qualifications (if required): representing business	Governor	Twitchell	8/7/2001 0/0/0
Ms. Diane Harkins Billings Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Cary Hegreberg Helena Qualifications (if required): representing business	Governor	Skelton	8/7/2001 0/0/0
Mr. Jeff Hindoien Helena Qualifications (if required): representing the Governor	Governor	Burke	8/7/2001 0/0/0
Ms. Sharon Hinton Nye Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Jim Hollenback Superior Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Rep. Verdell Jackson Kalispell Qualifications (if required): representing the Montana State House of Representatives	Governor	not listed	8/7/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont. Ms. Susan Knedler Lewistown Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Dennis Lerum Missoula Qualifications (if required): representing individuals/organizations with experience in delivery of workforce activities	Governor	not listed	8/7/2001 0/0/0
Ms. Sharon Liederman Helena Qualifications (if required): representing a program service activity in which no lead state agency has responsibility	Governor	not listed	8/7/2001 0/0/0
Ms. Linda McCulloch Helena Qualifications (if required): representing lead state agencies	Governor	Keenan	8/7/2001 0/0/0
Mr. Scott Mendenhall Whitehall Qualifications (if required): representing business	Governor	Mospan	8/7/2001 0/0/0
Rep. John L. Musgrove Havre Qualifications (if required): representing the Montana State House of Representatives	Governor	Mangan	8/7/2001 0/0/0
Mr. Jon Oldenburg Lewistown Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Lyle Phillips Columbia Falls Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Byron Roberts Helena Qualifications (if required): representing business	Governor	Pugh	8/7/2001 0/0/0
Ms. Diane R. Ruff Billings Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Jeff Rupp Bozeman Qualifications (if required): representing individuals/organizations with experience in delivery of workforce activities	Governor	Nesset	8/7/2001 0/0/0
Mr. Jim Swan Box Elder Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Mr. Gary Willis Helena Qualifications (if required): representing business	Governor	not listed	8/7/2001 0/0/0
Teachers' Retirement Board (Administration) Mr. Randy Durr Roberts Qualifications (if required): representative of the teaching profession	Governor	Severson	8/1/2001 7/1/2006

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Teachers' Retirement Board (Administration) cont. Ms. Barbara Foster Helena Qualifications (if required): retired teacher	Governor	Egli	8/1/2001 7/1/2006
Mr. James Turcotte Helena Qualifications (if required): public member	Governor	reappointed	8/1/2001 7/1/2005
Transition Advisory Committee (Legislative Services) Mr. David Kinnard Billings Qualifications (if required): representing the electric power market industry	Governor	not listed	8/27/2001 1/1/2003
Ms. Kathy Rice Great Falls Qualifications (if required): representing the nonindustrial retail electric consumer sector	Governor	not listed	8/13/2001 1/1/2003
Wheat and Barley Committee (Agriculture) Mr. Donald L. Fast Glasgow Qualifications (if required): Republican representing District II	Governor	Elling	8/20/2001 8/20/2004
Ms. Janice Mattson Chester Qualifications (if required): Democrat representing District III	Governor	Vermulm	8/20/2001 8/20/2004
Yellowstone River Task Force (Fish, Wildlife, and Parks) Mr. Roy Aserlind Livingston Qualifications (if required): representing property owners	Governor	not listed	8/21/2001 8/21/2003

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Yellowstone River Task Force (Fish, Wildlife, and Parks) cont. Mr. John Bailey Livingston Qualifications (if required): representing local business	Governor	not listed	8/21/2001 8/21/2003
Mr. Andy Dana Bozeman Qualifications (if required): representing property owners	Governor	not listed	8/21/2001 8/21/2003
Mr. G. Douglas Ensign Livingston Qualifications (if required): representing ranchers living by the river	Governor	not listed	8/21/2001 8/21/2003
Ms. Michelle Goodwine Livingston Qualifications (if required): representing local business	Governor	not listed	8/21/2001 8/21/2003
Mr. David Haug Livingston Qualifications (if required): representing Park County Conservation District	Governor	not listed	8/21/2001 8/21/2003
Mr. Stuart Lehman Helena Qualifications (if required): representing the Department of Environmental Quality and being an ex-officio member	Governor	not listed	8/21/2001 8/21/2003
Mr. Joel Marshik Helena Qualifications (if required): representing the Department of Transportation and being an ex-officio member	Governor	not listed	8/21/2001 8/21/2003

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Yellowstone River Task Force (Fish, Wildlife, and Parks) cont. Mr. Doug McDonald Helena	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing the Corps of Engineers and being an ex-officio member		
Mr. Jerry O'Haire Livingston	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing ranchers living by the river		
Mr. Brant Oswald Livingston	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing conservation groups		
Mr. Rod Siring Livingston	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing property owners		
Mr. Laurence Siroky Helena	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing the Department of Natural Resources and Conservation and an ex-officio member		
Mr. Joel Tohtz Helena	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing the Department of Fish, Wildlife, and Parks and being an ex-officio member		
Mr. Bob Wiltshire Livingston	Governor	not listed	8/21/2001 8/21/2003
Qualifications (if required):	representing the angling community		

BOARD AND COUNCIL APPOINTEES FROM AUGUST, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Yellowstone River Task Force (Fish, Wildlife, and Parks) cont.			
Ms. Ellen Woodbury	Governor	not listed	8/21/2001
Livingston			8/21/2003
Qualifications (if required):	representing Park County		
Mr. Jim Woodhull	Governor	not listed	8/21/2001
Livingston			8/21/2003
Qualifications (if required):	representing the City of Livingston		

VACANCIES ON BOARDS AND COUNCILS -- October 1, 2001 through December 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Environmental Review (Environmental Quality) Ms. Susan Kirby Brooke, Bozeman Qualifications (if required): public member	Governor	12/31/2001
Mr. Joseph Russell, Kalispell Qualifications (if required): county health officer	Governor	12/31/2001
Board of Occupational Therapy Practice (Commerce) Ms. Alice O'Donnell, Anaconda Qualifications (if required): public member	Governor	12/31/2001
Board of Outfitters (Commerce) Mr. Jack Billingsley, Glasgow Qualifications (if required): hunting and fishing outfitter	Governor	10/1/2001
Board of Speech-Language Pathologists and Audiologists (Commerce) Mr. Jeffrey Griffin, Great Falls Qualifications (if required): licensed audiologist	Governor	12/31/2001
Ms. Shiela Skinner, Belgrade Qualifications (if required): licensed speech-language pathologist	Governor	12/31/2001
Ms. Teri Bean, Helena Qualifications (if required): public member who is a consumer	Governor	12/31/2001
Flathead Basin Commission (Governor) Ms. Elna Darrow, Big Fork Qualifications (if required): public member	Governor	10/1/2001
Mr. Bruce Tutvedt, Kalispell Qualifications (if required): public member	Governor	10/1/2001

VACANCIES ON BOARDS AND COUNCILS -- October 1, 2001 through December 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Flathead Basin Commission (Governor) cont. Mr. Arthur Vail, Whitefish Qualifications (if required): public member	Governor	10/1/2001
Independent Living Council (Public Health and Human Services) Ms. Cecilia C. Cowie, Helena Qualifications (if required): none specified	Director	11/22/2001
Mr. James Meldrum, Helena Qualifications (if required): none specified	Director	11/22/2001
Ms. Patricia Lockwood, Laurel Qualifications (if required): none specified	Director	11/22/2001
Lewis and Clark Bicentennial Commission (Montana Historical Society) Colonel Harold Stearns, Missoula Qualifications (if required): public member	Governor	10/1/2001
Mr. Curley Youpee, Poplar Qualifications (if required): member of a Montana Indian Tribe	Governor	10/1/2001
Ms. Marilyn J. Ryan, Missoula Qualifications (if required): public member	Governor	10/1/2001
Local Government Records Committee (Secretary of State) Ms. Bonnie Ramey, Boulder Qualifications (if required): none specified	Secretary of State	12/31/2001
Ms. Kay Johnson, Chinook Qualifications (if required): none specified	Secretary of State	12/31/2001

VACANCIES ON BOARDS AND COUNCILS -- October 1, 2001 through December 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Alfalfa Seed Committee (Agriculture) Mr. John Markegard, Laurel Qualifications (if required): alfalfa seed grower and representing alfalfa leaf-cutting beekeepers	Governor	12/21/2001
Mr. Ernest Johnson, Chinook Qualifications (if required): alfalfa seed grower	Governor	12/21/2001
Montana Geographic Information Council (Administration) Mr. Ken Jenkins, Missoula Qualifications (if required): President of MARLS	Governor	12/31/2001
Mr. Bill McGill, Billings Qualifications (if required): local government representative	Governor	12/31/2001
Mr. Martin Prather, Missoula Qualifications (if required): federal representative	Governor	12/31/2001
Montana Local Government Records Committee (Montana Historical Society) Ms. Marcia Porter, Missoula Qualifications (if required): none specified	Director	12/31/2001
Ms. Peggy Bourne, Great Falls Qualifications (if required): none specified	Director	12/31/2001
Montana State Historic Preservation Review Board (Montana Historical Society) Ms. J. Rebecca Kallevig, Sidney Qualifications (if required): public member	Governor	10/1/2001
SABHRS Executive Council (Administration) Mr. Dennis O. Blackketter, Bozeman Qualifications (if required): Tier 4	Director	10/28/2001

VACANCIES ON BOARDS AND COUNCILS -- October 1, 2001 through December 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
SABHRS Executive Council (Administration) cont. Mr. Curt Nichols, Helena Qualifications (if required): Tier 1	Director	10/28/2001
Mr. Mike Billings, Helena Qualifications (if required): Tier 2	Director	10/28/2001
Ms. Karen Munro, Helena Qualifications (if required): Tier 3	Director	10/28/2001
Ms. Cathy Muri, Helena Qualifications (if required): Tier 1	Director	10/28/2001
Ms. Sharon McCabe, Helena Qualifications (if required): Tier 6	Director	10/28/2001
Ms. Kathy Neils, Helena Qualifications (if required): Tier 2	Director	10/28/2001
Ms. Tammy Peterson, Helena Qualifications (if required): Tier 3	Director	10/28/2001
Ms. Ann Bauchman, Helena Qualifications (if required): Tier 4	Director	10/28/2001
Vocational Rehabilitation Advisory Council (Public Health and Human Services) Mr. Ian Elliot, Billings Qualifications (if required): representing people with disabilities	Director	10/1/2001
Mr. Robert P. Shuckahosee, Polson Qualifications (if required): representing people with disabilities	Director	10/1/2001

VACANCIES ON BOARDS AND COUNCILS -- October 1, 2001 through December 31, 2001

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Vocational Rehabilitation Advisory Council (Public Health and Human Services) cont. Mr. Dale Davis, Missoula Qualifications (if required): representing people from business, industry and labor	Director	10/1/2001
Mr. Mike Crater, Glasgow Qualifications (if required): representing people from business, industry and labor	Director	10/20/2001
Ms. Jan Duffy, Billings Qualifications (if required): representing the Parent Training Organization	Director	10/1/2001
Water and Wastewater Operators Advisory Council (Environmental Quality) Mr. Steven Ruhd, Conrad Qualifications (if required): water treatment operator	Governor	10/16/2001
Mr. Scott Anderson, Helena Qualifications (if required): ex-officio representative of the Department of Environmental Quality	Governor	10/16/2001