

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 24

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Page Number

TABLE OF CONTENTS

NOTICE SECTION

COMMERCE, Department of, Title 8

8-94-33 (Local Government Assistance Division)
Notice of Public Hearing on Proposed Adoption -
Application to the Treasure State Endowment Program
(TSEP). 2447-2448

8-94-34 (Local Government Assistance Division)
Notice of Public Hearing on Proposed Adoption -
Administration of the 2002 Federal Community
Development Block Grant Program. 2449-2451

ENVIRONMENTAL QUALITY, Department of, Title 17

17-150 (Underground Storage Tanks) Notice of
Public Hearing on Proposed Admendment - Operating
Permits or Compliance Plans - Compliance
Inspections. 2452-2454

RULE SECTION

ADMINISTRATION, Department of, Title 2

REP Regulation of Travel Expenses. 2455

NEW Montana's Volume Cap Allocation. 2456

STATE AUDITOR, Title 6

Corrected Notice of Amendment - Continuing Education Program for Insurance Producers and Consultants - Definitions - Sanctions Against Courses and Sponsoring Organization Suspension - Requests for Reconsideration of Course Disapproval. 2457-2458

ENVIRONMENTAL QUALITY, Department of, Title 17

AMD (Underground Storage Tanks) Operating Permits - Operating Tags - Scope of Compliance Inspections and Compliance Plans. 2459-2464

TRANSPORTATION, Department of, Title 18

AMD (Transportation Commission) Collection of Permit Fees for Outdoor Advertising Signs. 2465

LABOR AND INDUSTRY, Department of, Title 24

NEW Unemployment Insurance Matters - Voluntary Layoff. 2466

PUBLIC SERVICE REGULATION, Department of, Title 38

AMD Pipeline Safety. 2467

REVENUE, Department of, Title 42

AMD Carryovers of Net Operating Losses for Corporation License Taxes. 2468

NEW Corporation Taxes.

AMD

TRANS 2469-2471

SECRETARY OF STATE, Title 44

REP Filing and Copy Fees for Corporations.

NEW

AMD

2472-2473

INTERPRETATION SECTION

Opinions of the Attorney General.

13	Correctional Facilities - Stage of Criminal Justice Process at which the Department of Corrections Assumes Financial Responsibility for Sentenced Inmates - Corrections, Department of - Stage of Criminal Justice Process at which Department Assumes Financial Responsibility for Sentenced Inmates - County Government - Sentence.	2474-2476
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SPECIAL NOTICE AND TABLE SECTION

	Function of Administrative Rule Review Committee.	2477-2478
	How to Use ARM and MAR.	2479
	Accumulative Table.	2480-2490
	Boards and Councils Appointees.	2491-2501
	Vacancies on Boards and Councils.	2502-2516

BEFORE THE LOCAL GOVERNMENT ASSISTANCE DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
adoption of a new rule for) ON PROPOSED ADOPTION
application to the Treasure)
State Endowment Program (TSEP))

TO: All Concerned Persons

1. On January 10, 2002, at 10:00 a.m., the Local Government Assistance Division will hold a public hearing in the downstairs conference room of the Department of Commerce building, 1424 Ninth Avenue, Helena, Montana, to consider the proposed adoption of a new rule pertaining to the Treasure State Endowment Program.

2. The Division will make reasonable accommodations for person 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 Local Government Assistance Division no later than 5:00 p.m. on December 31, 2001 to advise us of the nature of the accommodation that you need. Please contact Richard M. Weddle, 1424 Ninth Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 444-2781; facsimile (406) 444-4482, TDD (406) 444-2978; Montana Relay 1-800-253-4091; e-mail to rweddle@state.mt.us.

3. The proposed new rule provides as follows:

I INCORPORATION BY REFERENCE OF RULES GOVERNING THE SUBMISSION AND REVIEW OF APPLICATIONS FOR FUNDING UNDER THE TREASURE STATE ENDOWMENT PROGRAM (1) The department of commerce herein adopts and incorporates by this reference the Montana Treasure State Endowment 2002 Program Application Guidelines published by it as rules governing the submission and review of applications under the TSEP program.

(2) The rules incorporated by reference in (1) above relate to the following:

- (a) eligible applicants and projects;
- (b) types of financial assistance available under TSEP;
- (c) general requirements for TSEP applications;
- (d) application review process; and
- (e) application scoring system and ranking criteria.

(3) Copies of the regulation adopted by reference in (1) of this rule may be obtained from the Department of Commerce, Local Government Assistance Division, P.O. Box 200501, Helena, Montana 59620-0501.

Auth: 90-6-710, MCA
Imp: 90-6-710, MCA

REASON: It is reasonably necessary to adopt this rule because local government entities must have these application guidelines before the entities may apply to the Department for financial assistance. The guidelines describe the types of projects that are eligible for TSEP funding and the types of assistance available. The guidelines also establish the review process by which the Department will evaluate applications in light of statutory criteria and make funding recommendations to the Legislature.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Local Government Assistance Division, 1424 Ninth Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; by facsimile to (406) 444-4482, or e-mail to rweddle@state.mt.us to be received no later than 5:00 p.m., January 17, 2002.

5. Richard M. Weddle has been designated to preside over and conduct this hearing.

6. The Local Government Assistance Division maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Division. Persons who wish to have their name added to the list may make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules relating to the Treasure State Endowment Program. This request may be mailed or delivered to the Local Government Assistance Division, 1424 Ninth Avenue, P.O. Box 200513, Helena, Montana 59620-0513, transmitted by telefax to (406) 444-4482, or made by completing a request form at any rules hearing held by the Division.

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

LOCAL GOVERNMENT ASSISTANCE DIVISION
DEPARTMENT OF COMMERCE

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

By: /s/ G. Martin Tuttle
G. MARTIN TUTTLE, RULE REVIEWER

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

BEFORE THE LOCAL GOVERNMENT ASSISTANCE DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
adoption of a new rule pertain-) PROPOSED ADOPTION
ing to the administration of the)
2002 Federal Community Develop-)
ment Block Grant Program)

TO: All Concerned Persons

1. On January 16, 2002, at 1:30 p.m., the Department of Commerce will hold a public hearing in the downstairs conference room of the Department of Commerce Building, 1424 Ninth Avenue, Helena, Montana, to consider the proposed adoption of a new rule pertaining to the administration of the 2002 Federal Community Development Block Grant Program.

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 wish to request an accommodation, contact the Local Government Assistance Division no later than 5:00 p.m., January 7, 2002, to advise us of the nature of the accommodation that you need. Please contact Richard M. Weddle, Local Government Assistance Division, 1424 Ninth Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 444-2781; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-4482; or by email to rweddle@state.mt.us.

3. The proposed new rule provides as follows:

I INCORPORATION BY REFERENCE OF RULES FOR ADMINISTERING THE 2002 CDBG PROGRAM (1) The department of commerce herein adopts and incorporates by this reference the Montana Community Development Block Grant Program 2002 Application Guidelines for Housing and Public Facilities Projects, the Montana Community Development Block Grant Program 2002 Application Guidelines for Economic Development Projects, and the Montana Community Development Block Grant Program 2002 Grant Administration Manual published by it as rules for the administration of the 2002 CDBG program.

(2) The rules incorporated by reference in (1) above, relate to the following:

- (a) policies governing the program;
- (b) requirements for applicants;
- (c) procedures for evaluating applications;
- (d) procedures for local project start up;
- (e) environmental review of project activities;
- (f) procurement of goods and services;
- (g) financial management;
- (h) protection of civil rights;

- (i) fair labor standards;
 - (j) acquisition of property and relocation of persons displaced thereby;
 - (k) administrative considerations specific to public facilities, housing rehabilitation and community revitalization and economic development projects;
 - (l) project audits;
 - (m) public relations;
 - (n) project monitoring; and
 - (o) planning assistance.
- (3) Copies of the regulations adopted by reference in (1) of this rule may be obtained from the Department of Commerce, Local Government Assistance Division, 1424 Ninth Avenue, P.O. Box 200501, Helena, Montana 59620-0501.

AUTH: 90-1-103, MCA
IMP: 90-1-103, MCA

REASON: It is reasonably necessary to adopt this rule because the federal regulations governing the state's administration of the 2002 CDBG program and 90-1-103, MCA, require the Department to adopt rules to implement the program. Local government entities must have these application guidelines before the entities may apply to the Department for financial assistance under the CDBG program. The Application Guidelines describe the federal and state requirements with which local governments must comply in order to apply for CDBG funds. The Grant Administration Manual is primarily a restatement and explanation of existing federal and state statutory and regulatory requirements, as well as additional departmental requirements, with which local CDBG recipients must comply in administering their CDBG projects. The Manual includes sample forms and letters, checklists, and explanatory text to help local government officials comply with the variety of requirements that apply to economic development, housing and public facility projects.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Local Government Assistance Division, 1424 Ninth Avenue, P.O. Box 200501, Helena, Montana, 59620-0501, telephone (406) 444-2781; Montana Relay 1-800-253-4091; TDD (406) 444-2978; by facsimile number (406) 444-4482; or by email to rweddle@state.mt.us, to be received no later than 5:00 p.m., January 17, 2002.

5. Richard M. Weddle has been designated to preside over and conduct this hearing.

6. The Local Government Assistance Division maintains a list of interested persons who wish to receive notices of rulemaking actions relating to the CDBG program. Persons who wish to have their name added to this list may make a written request which includes the name and mailing address of the

person to receive notices and specifies that the person wishes to receive notices regarding all CDBG administrative rulemaking proceedings. The request may be mailed or delivered to the Local Government Assistance Division, 1424 Ninth Avenue, P.O. Box 200501, Helena, MT 59620-0501; telephone (406) 444-2781; Montana Relay 1-800-253-4091; TDD (406) 444-2978; by facsimile number (406) 444-4482; by email to rweddle@state.mt.us; or may be made by completing a request form at any rules hearing held by the agency.

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

LOCAL GOVERNMENT ASSISTANCE DIVISION
DEPARTMENT OF COMMERCE

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

By: /s/ G. Martin Tuttle
G. MARTIN TUTTLE, RULE REVIEWER

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

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC HEARING ON
of ARM 17.56.308 and 17.56.309) PROPOSED AMENDMENT
pertaining to operating)
permits or compliance plans,) (Underground Storage Tanks)
and compliance inspections)

TO: All Concerned Persons

1. On January 9, 2002, at 10:00 a.m., a public hearing will be held in the Lewis Room East of the Phoenix Building, 2209 Phoenix Drive, Helena, Montana, to consider the proposed amendment of the above-stated rules pertaining to issuance of operating permits, compliance plans, and compliance inspections. A previous notice regarding these rules, MAR Notice No. 17-148, was published in the Montana Administrative Register, Issue No. 20. Those amendments, with changes, are being adopted in this issue of the register. The proposed amendments in this notice include the language adopted for MAR Notice No. 17-148.

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., December 31, 2001, to advise us of the nature of the accommodation that you need. Please contact Barbara Williams, Remediation Division, Department of Environmental Quality, P.O. Box 200901, Helena, Montana, 59620-0901; phone (406) 444-1420; email bwilliams@state.mt.us, or fax (406) 444-1901.

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

17.56.308 OPERATING PERMIT OR COMPLIANCE PLAN REQUIRED

(1) Between ~~March 31~~ September 30, 2002 and March 31, 2003, a person may not place a regulated substance in or dispense a regulated substance from an underground storage tank system unless the owner or operator has either:

(a) through (11) remain the same.

(12) Owners and operators who have operating permits that were issued after a compliance inspection documenting violations in any of the operation and maintenance categories listed in ARM 17.56.309(1)(a) must, not later than ~~March 31~~ September 30, 2002, have a compliance plan that meets the requirements of ARM 17.56.309.

AUTH: 75-11-505, MCA
IMP: 75-11-509, MCA

REASON: The department proposes to amend ARM 17.56.308 to extend the deadline, by which owners and operators are required to have either an operating permit or a compliance plan, by six months, from March 31, 2002 to September 30, 2002. This time extension is necessary for the department to process inspection reports as they come in, issue warning letters and compliance plans to owners or operators of facilities with deficiencies, process any necessary re-inspections, and process compliance plans. The six-month time extension will allow the department to perform these additional tasks required by the third-party inspection program with minimal disruption to its regular workload.

Owners and operators will have up to six months to complete a compliance plan. After the end of the compliance plan period, on March 31, 2003, all facility underground storage tank systems will be required to have a valid operating permit in order to receive and dispense petroleum products.

17.56.309 REQUIREMENTS FOR COMPLIANCE INSPECTIONS AND COMPLIANCE PLANS (1) remains the same.

(2) For the first compliance inspection required by 75-11-509, MCA, a provisional operating tag may be issued, in accordance with ARM 17.56.308(5), where an inspection indicates one or more violations of past testing, monitoring, maintenance, recordkeeping or inspection deadlines that cannot be corrected by ~~March 31~~ September 30, 2002. The owner or operator must sign and submit a compliance plan in accordance with ARM 17.56.309(8) and demonstrate compliance with all applicable testing, monitoring, maintenance and recordkeeping deadlines that the department determines are appropriate during the compliance plan period.

(3) through (7) remain the same.

(8) Owners and operators unable to meet the ~~March 31~~ September 30, 2002 deadline established in ARM 17.56.308(1), must sign and submit a department-approved compliance plan, on a form provided by the department, by ~~March~~ September 1, 2002. The compliance plan must:

(a) through (9) remain the same.

AUTH: 75-11-505 and 75-11-509(2), MCA

IMP: 75-11-509 and 75-11-525, MCA

REASON: The department proposes to amend ARM 17.58.309 in order to provide a six-month extension of the deadline, by which owners and operators are required to have either an operating permit or a compliance plan. The reasons for this time extension are stated in the statement of reason for the amendments to ARM 17.58.308.

4. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to David Scrimm, Remediation Division, Department of

Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-1901, or emailed to "dscrimm@state.mt.us", and must be received no later than 5:00 p.m., January 17, 2002. To be guaranteed consideration, the comments must be postmarked on or before that date.

5. Kirsten Bowers, attorney for the Department, has been designated to preside over and conduct the hearing.

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

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

DEPARTMENT OF ENVIRONMENTAL
QUALITY

By: Jan P. Sensibaugh
JAN P. SENSIBAUGH, Director

Reviewed by:

James Madden
JAMES MADDEN, Rule Reviewer

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

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the repeal) NOTICE OF REPEAL
of ARM 2.4.101 through)
2.4.105, 2.4.111 through)
2.4.116, 2.4.126 through)
2.4.131, 2.4.136 through)
2.4.138, 2.4.141, and)
2.4.146 through 2.4.154)
concerning the regulation of)
travel expenses)

TO: All Concerned Persons

1. On November 8, 2001, the Department of Administration published notice of the proposed repeal of ARM 2.4.101 through 2.4.105, 2.4.111 through 2.4.116, 2.4.126 through 2.4.131, 2.4.136 through 2.4.138, 2.4.141, and 2.4.146 through 2.4.154 concerning the regulation of travel expenses, at page 2198 of the 2001 Montana Administrative Register, Issue Number 21.

2. The agency has repealed ARM 2.4.101 through 2.4.105, 2.4.111 through 2.4.116, 2.4.126 through 2.4.131, 2.4.136 through 2.4.138, 2.4.141, and 2.4.146 through 2.4.154 exactly as proposed.

3. No comments or testimony were received.

By: /s/ Steve Bender
STEVE BENDER, Acting Director
Department of Administration

/s/ Dal Smilie
DAL SMILIE, Rule Reviewer

Certified to the Secretary of State December 10, 2001.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF ADOPTION
adoption of New Rule I)
concerning Montana's volume)
cap allocation)

TO: All Concerned Persons

1. On November 8, 2001, the Department of Administration published notice of the proposed adoption of new Rule I concerning Montana's volume cap allocation at page 2196 of the 2001 Montana Administrative Register, Issue Number 21.

2. The agency has adopted new RULE I (ARM 2.4.301) exactly as proposed.

3. No comments or testimony were received.

By: /s/ Steve Bender
STEVE BENDER, Acting Director
Department of Administration

/s/ Dal Smilie
DAL SMILIE, Rule Reviewer

Certified to the Secretary of State December 10, 2001.

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE
OF THE STATE OF MONTANA

In the matter of the) CORRECTED NOTICE
amendment of ARM 6.6.4202) OF AMENDMENT
6.6.4203, 6.6.4204, 6.6.4205)
6.6.4209, 6.6.4210, 6.6.4211,)
6.6.4212, and adoption of New)
Rule I (6.6.4213) pertaining)
to continuing education)
program for insurance)
producers and consultants)

TO: All Concerned Persons

1. On October 25, 2001, the State Auditor and Commissioner of Insurance published a notice at page 2134 of the 2001 Montana Administrative Register, Issue Number 20, of the amendment and adoption of the above-captioned rules pertaining to continuing education program for insurance producers and consultants.

2. The reason for the correction is to insert words, or punctuation that were inadvertently omitted when retyped from the original text, and to restore original spellings. The corrected rule amendments read as follows:

6.6.4202 DEFINITIONS For the purposes of this subchapter, the following terms have the following meanings:

(1) through (10) will remain the same.

(11) "Sponsoring organization" means any group(s) or organization(s) and their agent(s) that submit courses for department review and offer or provide approved courses for continuing education credit to allow licensees to meet the requirements of 33-17-1203 and 33-17-1204, MCA, and are responsible for those course offerings, or any individual Montana insurance producer or consultant who submits a course, pursuant to ARM 6.6.4203(14) for department review to allow that licensee to meet the requirements of 33-17-1203 and 33-17-1204, MCA.

AUTH: 33-1-313 and 33-17-1206, MCA
IMP: 33-17-1203 and 33-17-1204, MCA

6.6.4210 SANCTIONS AGAINST COURSES AND SPONSORING ORGANIZATION SUSPENSION (1) through (1)(b) will remain the same.

(c) the sponsoring organization did not certify licensees who satisfactorily completed the program in accordance with the sponsoring organization's standards for certification or completion; or

(1)(d) through (3) will remain the same.

AUTH: 33-1-313, 33-17-1206, MCA

IMP: 33-17-1204 and 33-17-1205, MCA

6.6.4212 REQUESTS FOR RECONSIDERATION OF COURSE
DISAPPROVAL (1) through (1)(b) will remain the same.

(c) be submitted to the commissioner within 20 business
days of notification to the sponsoring organization of
disapproval of the course.

(2) through (5) will remain the same.

AUTH: 33-1-313 and 33-17-1206, MCA

IMP: 33-17-1204, MCA

JOHN MORRISON, State Auditor
and Commissioner of Securities

By: /s/ Angela Caruso
Angela Caruso
Deputy Insurance Commissioner

By: /s/ Elizabeth L. Griffing
Elizabeth L. Griffing
Rules Reviewer

Certified to the Secretary of State December 10, 2001.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT
of ARM 17.56.121, 17.56.308 and)	
17.56.309 pertaining to)	(UNDERGROUND STORAGE TANKS)
operating permits, operating)	
tags, scope of compliance)	
inspections and compliance)	
plans)	

TO: All Concerned Persons

1. On October 25, 2001, the Montana Department of Environmental Quality published a notice of public hearing on the proposed amendment of the above-stated rules pertaining to operating permits, operating tags, scope of compliance inspections and compliance plans, at page 2080 of the 2001 Montana Administrative Register, Issue No. 20.

2. The Department has amended ARM 17.56.308 exactly as proposed. The Department has amended ARM 17.56.121 and 17.56.309 as proposed, but with the following changes, stricken matter interlined, new matter underlined:

17.56.121 DETERMINATION OF ADMINISTRATIVE PENALTIES

(1) remains as proposed.

(2) For each violation the department shall assess the maximum administrative penalty, and allow the time for corrective action, specified in the table in this rule. Pursuant to 75-11-525(4), MCA, the department may suspend a portion of the maximum administrative penalty based on the cooperation and degree of care exercised by the person assessed the penalty, how expeditiously the violation was corrected, and whether significant harm resulted to the public health or the environment from the violation.

VIOLATION	MAXIMUM PENALTY \$	MINIMUM PENALTY \$	VIOLATION CORRECTABLE	TIME ALLOWED FOR CORRECTION
(a) Failure to notify the department of an UST system	300	150	yes	10 days
(b) Failure to register an UST system	100	50	yes	10 days
(c) Failure to report a suspected or confirmed release/spill within 24 hours	500	500	no	not applicable
(d) Failure to investigate or respond to a release	500	250	yes	15 days
(e) Failure to temporarily or permanently close an UST system properly	500	250	yes	30 days
(f) Failure to properly install an UST system	500	250	yes	30 days
(g) Failure to install release detection or corrosion protection	500	250	yes	30 days
(h) Failure to provide spill/overflow prevention equipment	500	250	yes	15 days
(i) Failure to provide automatic line leak detection	500	250	yes	15 days
(j) Failure to install properly designed and constructed UST system components	300	150	yes	45 days
(k) Failure to perform release detection	300	150	yes	30 days
(l) Failure to provide financial assurance	300	150	yes	30 days
(m) Failure to maintain release detection or corrosion protection equipment	200	100	yes	30 days
(n) Failure to provide required records within 48 hours of notice	100	100	no	not applicable
(o) Failure to maintain required records	100	50	yes	30 days
(p) Failure to obtain a compliance inspection within the statutory time	500	500 250	no	not applicable

(3) and (4) remain as proposed.

17.56.309 REQUIREMENTS FOR COMPLIANCE INSPECTIONS AND COMPLIANCE PLANS (1) through (1)(c) remain as proposed.

(d) Underground storage tank systems that, under ARM 17.56.102(3), ~~(4) or (5)~~, are exempt from ARM Title 17, chapter 56, subchapters 2, 3 and 4, are exempt from compliance inspection requirements. Owners or operators of these

~~Underground underground storage tank systems exempt from ARM Title 17, chapter 56, subchapters 2, 3 and 4~~ may obtain an operating permit and tag by making a written request to the department and providing evidence, satisfactory to the department, that the subject UST systems qualify for this exemption.

(2) For the first compliance inspection required by 75-11-509, MCA, a provisional operating tag may be issued, in accordance with ARM 17.56.308(5), where an inspection indicates one or more violations of past testing, monitoring, maintenance, recordkeeping or inspection deadlines that cannot be corrected by March 31, 2002. The owner or operator must sign and submit a compliance plan in accordance with ARM 17.56.309~~(9)~~(8) and demonstrate compliance with all applicable testing, monitoring, maintenance and recordkeeping deadlines that the department determines are appropriate during the compliance plan period.

(3) through (7) remain as proposed.

(8) Owners and operators unable to meet the March 31, 2002 deadline established in ARM 17.56.308(1), must sign and submit a department-approved compliance plan, on a form provided by the department, by March 1, 2002. The compliance plan must:

(a) and (b) remain the same as proposed.

(c) require that all actions necessary to correct the violations, a follow-up inspection and inspection report be completed and submitted to the department no later than March 1, 2003; and

~~(d) require the owner, operator or person responsible for the daily operation and maintenance of the facility underground storage tank systems to attend a department training session that addresses the requirements for operation and maintenance of underground storage tank systems under Title 75, chapter 11, part 5, MCA, and the rules adopted thereunder. The time and place of the training session is to be determined by the department; and~~

~~(e) (d) be signed by the owner or operator.~~

(9) The department may require, as part of a compliance plan required by (8), that an owner, operator or person responsible for the daily operation and maintenance of the facility's underground storage tank systems attend a department training session. The training sessions will address the requirements for operation and maintenance of underground storage tank systems under Title 75, chapter 11, part 5, MCA, and the rules adopted thereunder.

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

COMMENT NO. 1: The \$500.00 penalty in ARM 17.56.121(2)(p), for failure to obtain a compliance inspection by January 1, 2002, should not be assessed against owners or operators who have attempted to schedule a compliance inspection by the statutory deadline. Some owner/operators may be unable to meet the January 1, 2002, deadline in spite of good faith efforts to schedule inspections due to the limited availability of licensed inspectors in certain areas of the state.

RESPONSE: The \$500.00 maximum penalty for failure to obtain a compliance inspection by the statutory deadline remains in the adopted rule. The maximum penalty amount is justified in many cases because owners and operators have had the past year and a half to schedule compliance inspections. However, after considering this comment, the department has reduced the minimum penalty for failure to obtain a compliance inspection by the statutory deadline from \$500.00 to \$250.00. The reduced minimum penalty amount will give the department Enforcement Division more discretion in assessing a reduced penalty when warranted by compelling reasons.

COMMENT NO. 2: This rule amendment should incorporate a temporary fill variance for testing and certification of newly installed underground storage tank systems. The department would issue this variance within 24 hours after the department's receipt of a written request. The variance would only be valid for one delivery of fuel.

RESPONSE: The subject of this comment is outside the scope of this rule amendment. However, the department is considering this request and will propose a subsequent rule amendment to address these concerns.

COMMENT NO. 3: The owner or operator should not be required to obtain a follow-up inspection in order to correct substantive errors or inconsistencies in the filed inspection report. Either strike this requirement from ARM 17.56.308(4), require the inspector to bear the cost of additional inspections, or implement department oversight inspections.

RESPONSE: The language in ARM 17.56.308(4) remains unchanged. The statute, at section 75-11-509(6), MCA, requires the owner or operator to file an inspection report by a licensed inspector who certifies that the operation and maintenance of the tank is in compliance with Title 75, Chapter 11, Part 5, MCA and the rules adopted thereunder. The department may not issue or renew permits prior to receiving the certified inspection report and the department cannot make this certification using its own inspectors. In most cases a follow-up inspection will not be necessary to correct an erroneous inspection report. Correction of many of these reports will require re-examination of facility records or other facility documents. Where the initial inspection report contains substantial errors or inconsistencies, which cannot be corrected without re-inspection of the facility, the owner or operator of the facility and the inspector will have to allocate the cost of a follow-up inspection between them. The department lacks the authority to direct an inspector to conduct a follow-up inspection at his cost.

COMMENT NO. 4: ARM 17.56.309(8)(d) should be stricken in its entirety. The commenter does not support mandatory training sessions at a time and place scheduled by the department due to inconvenience to owners and operators that may have to travel

long distances to attend. It was suggested that the department offer training sessions in each county of the state.

RESPONSE: The language in ARM 17.56.309(8)(d) has been replaced by ARM 17.56.309(9). The department believes that training is a critical component of a compliance plan because it will ensure improved operation and maintenance of facilities in the future. However, the rule has been revised to make training discretionary rather than mandatory. In addition to the required components of a department-approved compliance plan listed at ARM 17.56.308, the department may require the owner, operator, or person responsible for the daily operation and maintenance of the facility's underground storage tanks to attend a department training session in order to fulfill the requirements of a compliance plan. Under the revised rule, the department will have the authority to require training as part of a compliance plan if a compliance inspection indicates a lack of familiarity with department requirements. The department will also have authority to exempt owners and operators from the training if the overall compliance history of the facility demonstrates a thorough and conscientious effort to meet the operation and maintenance requirements. Minimization of time and travel for owners and operators will be an important factor in the department's development of the training sessions. The language at ARM 17.56.309(9) does not contain the last sentence of proposed ARM 17.56.309(8)(d). This sentence stated that "[t]he department will determine the time and place of these training sessions." The department believes the statement to be unnecessary, as the department has authority to determine the time and location of its training sessions without a specific provision in rule.

COMMENT NO. 5: The Department of Environmental Quality (department) commented that ARM 17.56.309(1)(d) must be modified from its original proposal because only the underground storage tank systems identified in ARM 17.56.102(3) are fully exempt from release detection, spill and overflow and corrosion protection requirements. The underground storage tank systems identified in ARM 17.56.102(4) and (5) are subject to the corrosion protection standards at ARM 17.56.104 and should, therefore, be subject to compliance inspection requirements.

RESPONSE: The amendment has been modified to exempt only the tank systems listed in ARM 17.56.102(3) from compliance inspection requirements.

COMMENT NO. 6: The department commented that correction of a typographical error is necessary at proposed ARM 17.56.309(2). Owners and operators must sign and submit a compliance plan in accordance with ARM 17.56.309(8) not ARM 17.56.309(9).

RESPONSE: The language in the amendment contains this correction.

COMMENT NO. 7: The department commented that the owner or operator, subject to a compliance plan under ARM 17.56.309(8), must demonstrate compliance with all testing, monitoring,

maintenance and recordkeeping deadlines that the department determines are appropriate during the compliance plan period. The proposed language at ARM 17.56.309(2), which required demonstration of compliance with all applicable testing, monitoring, maintenance and compliance deadlines during the compliance plan period, did not adequately address corrosion protection testing and recordkeeping requirements at ARM 17.56.302. A housekeeping change was necessary at ARM 17.56.309(2) in order to give the department some discretion to determine how the owner or operator may demonstrate compliance with testing, monitoring, maintenance and recordkeeping deadlines and meet the requirements of a department-approved compliance plan.

RESPONSE: The amendment has been modified to allow the department to determine how the owner and operator may demonstrate compliance with testing, monitoring, maintenance and recordkeeping deadlines during the compliance plan period.

MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

By: Jan Sensibaugh
JAN P. SENSIBAUGH, Director

Reviewed by:

Jim Madden
JIM MADDEN, Rule Reviewer

Certified to the Secretary of State December 10, 2001.

BEFORE THE TRANSPORTATION COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 18.6.211 pertaining to)
the collection of permit fees)
for outdoor advertising signs)

TO: All Concerned Persons

1. On November 9, 2001, the Transportation Commission published notice of the proposed amendment of ARM 18.6.211, at page 2208, 2001 Montana Administrative Register, issue number 21.
2. The commission has amended ARM 18.6.211 as proposed.
3. No written comments or testimony were received.

MONTANA TRANSPORTATION COMMISSION

By: /s/ Shiell Anderson
Chair, Transportation Commission

By: /s/ Lyle R. Manley
Rule Reviewer

Certified to the Secretary of State December 10, 2001.

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

In the matter of the adoption) NOTICE OF ADOPTION
of a new rule relating to)
unemployment insurance)
matters)

TO: All Concerned Persons

1. On October 25, 2001, the Department of Labor and Industry published notice of the proposed adoption of a new rule concerning unemployment insurance matters at page 2090 of the 2001 Montana Administrative Register, Issue Number 20.

2. On November 16, 2001, at 1:00 p.m., a public hearing was held in the first floor conference room of the Walt Sullivan Building, 1327 Lockey, Helena, Montana. Four members of the public attended and commented on the proposed rule. No written comments were received by the Department.

3. Following consideration of the comments, the Department has adopted the new rule exactly as proposed.

NEW RULE I (24.11.456) VOLUNTARY LAYOFF

4. The comments received and the Department's response are as follows:

Comment 1: The commenters all spoke in favor of the proposed new rule.

Response 1: The Department acknowledges the comments in support of the new rule.

5. The new rule will be effective on December 23, 2001.

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

/s/ KEVIN BRAUN
Kevin Braun
Rule Reviewer

Certified to the Secretary of State: December 10, 2001.

BEFORE THE DEPARTMENT
OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

In the Matter of the) NOTICE OF AMENDMENT
Amendment of Rules)
Pertaining to Pipeline Safety)

TO: All Concerned Persons

1. On October 25, 2001, the Department of Public Service Regulation, Public Service Commission (PSC) published notice of public hearing on the proposed amendment of ARM 38.5.2202 and 38.5.2302 concerning pipeline safety, at page 2093 of the 2001 Montana Administrative Register, issue number 20.

2. The PSC has amended ARM 38.5.2202 and 38.5.2302 exactly as proposed.

3. No comments or testimony were received.

/s/ Gary Feland
Gary Feland, Chairman

/s/ Robin A. McHugh
Reviewed by Robin A. McHugh

CERTIFIED TO THE SECRETARY OF STATE DECEMBER 10, 2001.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 42.23.413 relating to)
carryovers of net operating)
losses for corporation license)
taxes)

TO: All Concerned Persons

1. On October 25, 2001, the department published notice of the proposed amendment of ARM 42.23.413 relating to carryovers of net operating losses for corporation license taxes at page 2127 of the 2001 Montana Administrative Register, issue no. 20.

2. The department has amended the rule as proposed.

3. No comments were received regarding the rule.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

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

Certified to Secretary of State December 10, 2001

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of) NOTICE OF ADOPTION,
of new rule I (42.26.601), II) AMENDMENT, TRANSFER, AND
(42.26.701), and III (42.26.801);) TRANSFER AND AMENDMENT
amendment of ARM 42.26.101,)
42.26.201, 42.26.202, 42.26.204,)
42.26.206, 42.26.207, 42.26.209,)
42.26.210, 42.26.211, 42.26.212,)
42.26.228, 42.26.229, 42.26.230,)
42.26.231, 42.26.232, 42.26.235,)
42.26.236, 42.26.241, 42.26.243,)
42.26.244, 42.26.251, 42.26.255,)
42.26.257, 42.26.261, and)
42.26.263; transfer of ARM)
42.26.213, 42.26.218, 42.26.221,)
42.26.266, 42.26.267, 42.26.283,)
42.26.285, and 42.26.290; and)
transfer and amendment of ARM)
42.26.215, 42.26.216, 42.26.217,)
42.26.219, 42.26.222, 42.26.223,)
42.26.224, 42.26.225, 42.26.226,)
42.26.265, 42.26.268, 42.26.269,)
42.26.270, 42.26.271, 42.26.272,)
42.26.273, 42.26.274, 42.26.275,)
42.26.276, 42.26.280, 42.26.282,)
42.26.284, 42.26.286, 42.26.292,)
42.26.293, and 42.26.294 related)
to corporation taxes)

TO: All Concerned Persons

1. On October 25, 2001, the department published notice of the proposed adoption of New Rule I (42.26.601), II (42.26.701), and III (42.26.801); amendment of ARM 42.26.101, 42.26.201, 42.26.202, 42.26.204, 42.26.206, 42.26.207, 42.26.209, 42.26.210, 42.26.211, 42.26.212, 42.26.228, 42.26.229, 42.26.230, 42.26.231, 42.26.232, 42.26.235, 42.26.236, 42.26.241, 42.26.243, 42.26.244, 42.26.251, 42.26.255, 42.26.257, 42.26.261, and 42.26.263; transfer of ARM 42.26.213, 42.26.218, 42.26.221, 42.26.266, 42.26.267, 42.26.283, 42.26.285, and 42.26.290; and transfer and amendment of ARM 42.26.215, 42.26.216, 42.26.217, 42.26.219, 42.26.222, 42.26.223, 42.26.224, 42.26.225, 42.26.226, 42.26.265, 42.26.268, 42.26.269, 42.26.270, 42.26.271, 42.26.272, 42.26.273, 42.26.274, 42.26.275, 42.26.276, 42.26.280, 42.26.282, 42.26.284, 42.26.286, 42.26.292, 42.26.293 and 42.26.294 relating to corporation license taxes at page 2096 of the 2001 Montana Administrative Register, issue no. 20.

2. A public hearing was held on November 15, 2001, where written and oral comments were received.

3. Oral and written comments received during and subsequent to the hearing are summarized as follows along with

the response of the department:

COMMENT NO. 1: Oral testimony was presented to the department concerning ARM 42.26.204 from Ken Morrison, representing himself. Written comments were received from Mary Whittinghill, representing the Montana Taxpayers Association, and Michael R. Green, attorney with the Crowley, Haughey, Hanson, Toole, and Dietrich, PLLP, for this same rule. Those comments addressed the change to the rule, which requires the filing of combined reports in certain circumstances when the threshold of 50% ownership has been achieved. Mr. Green stated that the proposed change is a substantial change to Montana's tax law, and existing law does not support the change to the rule.

RESPONSE NO. 1: The department believes that the amendment simply clarifies that unitary business must file a combined report with the department. Section 15-31-301, MCA, requires any business that has business activity taxable within and without the state to allocate and apportion its net income. This income is reported to the department by filing a combined report. The rule implements and addresses how the returns are to be filed. With regard to Mr. Green's statement that existing law does not support the proposed change, the department believes that it is supported by law, and in fact, is required to implement the statute.

COMMENT NO 2: Ms. Whittinghill and Mr. Morrison presented comments regarding the deletion of (1)(a) of ARM 42.26.263, and asked the department to not adopt the changes to this rule. They stated that the amendment removes the provision that allows gains from extraordinary transactions to be excluded from the sales factor. Ms. Whittinghill indicated that amending this rule violates the uniformity goal of the Uniform Division of Income for Tax Purposes Act (UDITPA).

RESPONSE NO. 2: The department believes that this amendment is necessary and will adopt the change as proposed. ARM 42.26.259 addresses how the department treats gains in the sales factor, and the change to ARM 42.26.263 makes it clear that is how they will be treated. This change does not violate the uniformity goal of UDITPA as it applies to the sales factor. States signatory to UDITPA treat items included in the sales factor in a variety of manners, including the manner adopted in this rule. UDITPA does not require exact uniformity among its signatory states.

4. The department has amended the authority cite shown in ARM 42.26.211 as follows:

42.26.211 CONCEPT OF "SUBJECT TO" A TAX (1) and (2) remain the same.

AUTH: Sec. 15-1-201, ~~13~~ 15-31-313, and 15-31-501, MCA

IMP: Sec. 15-1-601 and 15-31-303, MCA

5. The department adopts ARM 42.26.211 with the amendments listed above and adopts, amends, transfers, and transfers and amends the remaining rules as proposed.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

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

Certified to Secretary of State December 10, 2001

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the)	
repeal of ARM 44.5.101)	
through 44.5.110, 44.5.112 and)	
44.5.113, adoption of new rules)	NOTICE OF REPEAL,
I through VIII and amendment of)	ADOPTION AND AMENDMENT
ARM 44.2.202 and 44.5.111)	
regarding filing and copy fees)	
for corporations)	

TO: All Concerned Persons

1. On October 11, 2001, the Secretary of State published a notice of proposed repeal, adoption and amendment of rules pertaining to filing and copy fees for corporations at page 2000 of the 2001 Montana Administrative Register, Issue No. 19.

2. The Secretary of State has repealed ARM 44.5.101 through 44.5.110, 44.5.112 and 44.5.113, adopted new RULES I (44.5.114) through VIII (44.5.121), and amended ARM 44.2.202 and 44.5.111, as proposed.

3. The Secretary of State received the following comments; the responses of the Secretary of State follow.

COMMENT 1: In a survey sent out to 2000 businesses by the Secretary of State to solicit comments on the annual report changes, 125 agreed with the changes to the annual fees and the elimination of the statement of change fees and 57 disagreed. Fourteen individual commenters objected to eliminating the fees for statements of change and recommended that the annual report-filing fee remain at the current rate. Twelve individual commenters supported the change in the fees.

RESPONSE 1: The Secretary of State considered all comments and appreciated the input in finalizing these rules. The Secretary of State will eliminate the charges for statements of change, transfers, cancellations and copies of computerized printouts and will increase the fee for filing annual reports.

COMMENT 2: Four commenters supported the repeal of ARM 44.5.101 through 44.5.110, 44.5.112 and 44.5.113 and the adoption of new rules I through VIII. They commented that they appreciated the format of new rules I through VIII. They commented that the change in the fee structure is more streamlined and understandable. They recommended the office allow for long term renewals and eliminate the requirement that businesses file reports every year.

RESPONSE 2: The Secretary of State believes the changes in the fee structure and the format of the rules are more streamlined and understandable. The modification from annual

reports would require a statutory change. The Secretary of State could support this change if it is possible and practicable.

4. These rules will be effective January 1, 2002.

/s/ Bob Brown
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 5th day of December, 2001

VOLUME NO. 49

OPINION NO. 13

CORRECTIONAL FACILITIES - Stage of criminal justice process at which Department of Corrections assumes financial responsibility for sentenced inmates;

CORRECTIONS, DEPARTMENT OF - Stage of criminal justice process at which department assumes financial responsibility for sentenced inmates;

COUNTY GOVERNMENT - Stage of criminal justice process at which Department of Corrections assumes financial responsibility for sentenced inmates;

SENTENCE - Stage of criminal justice process at which Department of Corrections assumes financial responsibility for sentenced inmates;

MONTANA CODE ANNOTATED - Title 46, chapters 20, 21; sections 7-11-101 to -108, 7-32-2144, -2242, -2243, 46-9-101, 46-18-402, 53-1-201 to -203.

HELD: Upon oral pronouncement of a sentence that transfers legal custody of an inmate to the Department of Corrections, the financial responsibility for the inmate also transfers to Corrections.

November 29, 2001

Mr. Dennis Paxinos
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

You have requested my opinion concerning the following question:

At what stage of the criminal justice process does the Department of Corrections assume financial responsibility for sentenced inmates?

Mont. Code Ann. § 7-32-2243 provides that contracts concerning detention center services and facilities between government units must be made pursuant to the Interlocal Cooperation Act, Mont. Code Ann. §§ 7-11-101 to -108. Mont. Code Ann. § 7-32-2242 provides for the apportionment of costs for confinement and medical expenses of individuals contained in detention centers:

(2) (a) If a person is confined in a detention center by an arresting agency not responsible for the operation of the detention center, the costs of holding the person in confinement must be paid by the arresting agency at a rate that is agreed upon by the arresting agency and the detention center and that covers the reasonable costs of confinement. . . .

The financial responsibility of an arrestee prior to sentencing clearly rests with the arresting agency.

It is then the responsibility of the Department of Corrections (Corrections) to employ with maximum efficiency the resources of state government to develop and maintain comprehensive services and programs in the field of adult and youth corrections. Mont. Code Ann. § 53-1-201. Further, Corrections is charged with adopting rules necessary for admission, custody, transfer, and release of persons in department programs. Mont. Code Ann. § 53-1-203. Thus when the sentence pronounced places a prisoner within a program under Corrections, that prisoner becomes the legal responsibility of Corrections. The issue then becomes, precisely when does the financial responsibility for prisoners shift from a county to Corrections?

The Montana Supreme Court clearly held that the sentence orally pronounced from the bench in the presence of the defendant is the legally effective sentence. State v. Lane, 1998 MT 76, ¶ 40, 288 Mont. 286, 299, 957 P.2d 9, 17. The Court held:

After review of our statutory sentencing framework and mindful of the constitutional protections afforded criminal defendants, we now hold that the sentence orally pronounced from the bench in the presence of the defendant is the legally effective sentence and valid, final judgment. Accordingly, the written judgment and commitment will serve as evidence of the sentence orally pronounced.

Id., ¶ 40.

There are numerous aspects of the criminal justice system that change once sentence is orally pronounced. Generally, the rights of an individual to bail terminate upon sentencing. Mont. Code Ann. § 46-9-102. The sentencing hearing shifts the process to appellate or post-conviction avenues of relief. See generally Mont. Code Ann. tit. 46, chs. 20 and 21, *Appeals and postconviction hearing*. Finally, the sentencing clock begins to run upon oral pronouncement of sentence and any incarceration beyond the sentencing hearing counts towards the inmate's sentence. Mont. Code Ann. § 46-18-402.

Placement of inmates to Montana State Prison or another Corrections facility after being sentenced is primarily the function of Corrections. The wide variety of potential placements ranges from the Prison to a pre-release center, to a treatment center, or to community supervision. See generally Mont. Code Ann. § 53-1-202. Although supervision is transferred to Corrections, the inmate may remain, at Corrections' option, in a local or regional detention facility until an open bed at a pre-release center or a treatment center is obtained. In some cases, the prison sentence may be served in a local or regional facility in the form of pre-sentence jail time served and post-sentencing time served waiting for pre-release placement or a bed date for treatment at a Corrections facility. Though under the supervision of Corrections, the inmate may never be

transported to a different place of incarceration within the system.

It is the duty of the county sheriff to transport the prisoner to the dictated Corrections facility. Mont. Code Ann. § 46-9-101. The sheriff will be reimbursed by either the state or the board of county commissioners, as the case may be, for the transport of prisoners to a corrections facility, including the state prison or mental health facility. Mont. Code Ann. § 7-32-2144. The sheriff has no discretion as to when the prisoner is transported to a corrections facility. The transport occurs only when Corrections indicates that a placement is available. Though the duty and costs of transporting an inmate may be assigned to the arresting agency, nothing in this statutory structure allows Corrections to allocate to a county the expense of housing an inmate under its supervision who is awaiting transport, especially considering that the date of transport is solely in the discretion of Corrections.

In summary, the sentencing hearing represents the only common date by which the criminal justice system can definitely measure when the legal and financial responsibility for an inmate shifts from the county to the state. State v. Lane clearly established that the oral pronouncement of sentence from the bench in the presence of the defendant constituted final judgment. Lane, ¶ 40. The written judgment and commitment simply memorialize the oral sentence pronounced. Id. Once sentenced, the inmate is in the "legal custody" of Corrections. Upon imposition of sentence, the local or regional detention center simply serves as a place of temporary detention until Corrections can place the inmate. Therefore, when a sentence is handed down that dictates the transfer of supervision of the prisoner to Corrections, the financial responsibility for that prisoner transfers to Corrections as well.

THEREFORE, IT IS MY OPINION:

Upon oral pronouncement of a sentence that transfers legal custody of an inmate to the Department of Corrections, the financial responsibility for the inmate also transfers to Corrections.

Very truly yours,

/s/ Mike McGrath

MIKE McGRATH
Attorney General

mm/pdb/dm

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 September 30, 2001. This table includes those rules adopted during the period October 1, 2001 through December 31, 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 September 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.

GENERAL PROVISIONS, Title 1

- 1.2.419 Filing, Compiling, Printer Pickup and Publication Schedule for the Montana Administrative Register, p. 2130, 2433
- 1.2.421 and other rules - Fees for Administrative Rules of Montana and Montana Administrative Register, p. 834, 1185

ADMINISTRATION, Department of, Title 2

- I Montana's Volume Cap Allocation, p. 2196
- I-VII Approved Investments for Montana Banks - Investment Policies, p. 2066
- I-VIII State Vehicle Use, p. 1386, 2013
- 2.4.101 and other rules - Regulation of Travel Expenses, p. 2198
- 2.5.201 and other rules - State Procurement of Supplies and Services, p. 1498, 2009
- 2.21.1803 and other rule - Exempt Compensatory Time Policy, p. 1699, 2133

(Public Employees' Retirement Board)

- 2.43.302 and other rules - Retirement Systems Administered by the Montana Public Employees' Retirement Board, p. 1222, 1834, 2219

(State Fund)

2.55.319 and other rules - Multiple Rating Tiers - Premium Modifiers - Individual Loss Sensitive Dividend Distribution Plan - Premium Rates, p. 2073

(Office of Consumer Affairs)

8.78.101 and other rules - Transfer from the Department of Commerce - Consumer Affairs - Motor Vehicles - Telemarketing, p. 1176

(Banking and Financial Institutions)

8.80.101 and other rules - Transfer from the Department of Commerce - Banking and Financial Institutions, p. 1178

(State Banking Board)

8.87.101 and other rules - Transfer from the Department of Commerce - State Banking Board, p. 1181

(State Board of County Printing)

8.91.101 and other rules - Transfer from the Department of Commerce - State Board of County Printing, p. 2406

(State Lottery Commission)

8.127.101 and other rules - Transfer from the Department of Commerce - State Lottery Commission, p. 2407

(Burial Preservation Board)

8.128.101 and other rules - Transfer from the Department of Commerce - Burial Preservation Board, p. 2409

AGRICULTURE, Department of, Title 4

I-IX Specific Agricultural Chemical Ground Water Management Plan, p. 734, 1086
4.12.3104 and other rules - Seeds - Labeling - Analysis Fees, p. 2278
4.14.301 and other rule - Loan Qualifications, p. 1231, 1723

STATE AUDITOR, Title 6

I-XX Formation and Regulation of Captive Insurance Companies, p. 2351
I-XVIII Life Insurance Illustrations, p. 1244, 2234
6.6.302 and other rules - Life Insurance and Annuities Replacement, p. 1259, 2221
6.6.802 and other rule - Annuity Disclosures - Updating References to the Buyer's Guide Contained in Appendix A, p. 1275, 2239
6.6.4202 and other rules - Continuing Education Program for Insurance Producers and Consultants, p. 1161, 1511, 1702, 2134

6.10.121 Registration and Examination of Securities Salespersons, Investment Adviser Representatives, Broker-Dealers, and Investment Advisers, p. 2283

(Classification Review Committee)

6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed. - Adoption of New Classifications, p. 812, 1175

COMMERCE, Department of, Title 8

(Local Government Assistance Division)

I Administration of the 2001 Treasure State Endowment Program (TSEP), p. 1173, 2019

8.94.3806 Submission and Review of Applications Under the 2000-2001 Treasure State Endowment Program (TSEP), p. 516, 845

(Board of Research and Commercialization Technology)

8.100.104 and other rule - Definitions - Application Procedures, p. 2203

(Board of Housing)

I Confidentiality and Disclosure of Information in Possession of the Board of Housing, p. 144, 952

I-XV Affordable Housing Revolving Loan Fund - TANF Housing Assistance Funds, p. 1513

(Travel Promotion and Development Division)

8.119.101 Tourism Advisory Council, p. 1278, 1838

8.119.101 Tourism Advisory Council, p. 595, 1098

EDUCATION, Title 10

(Office of Public Instruction)

10.16.3505 Special Education - Parental Consent, p. 597, 1099

10.41.101 and other rules - Vocational Education, p. 1784, 2206

(Board of Public Education)

10.54.2501 and other rules - Content and Performance Standards for Career and Vocational/Technical Education - Program Area Standards - Curriculum and Assessment - Standards Review Schedule, p. 214, 953

10.55.601 Accreditation Standards and Procedures, p. 2359

FISH, WILDLIFE, AND PARKS, Department of, Title 12

12.2.501 Declaring Black-tailed and White-tailed Prairie Dogs to be Nongame Wildlife in Need of Management, p. 1806

12.9.601 and other rules - Upland Game Bird Release Program, p. 1280, 1725, 2020

(Fish, Wildlife, and Parks Commission)

- I Emergency Adoption - Use of Snowmobiles on Open Water, p. 1639
- I Limiting the Number of Class B-1 Nonresident Upland Game Bird Licenses That May Be Sold Each Hunting Season, p. 151, 1321
- 12.3.124 and other rules - Clarifying Procedures of the Bonus Point System, p. 1802, 2287
- 12.11.501 and other rules - Creating a No Wake Zone at Hell Creek Marina on Fort Peck Reservoir - Updating the Index Rule - List of Water Bodies, p. 432, 847
- 12.11.3205 Creating No Wake Zones on Hauser Lake near Devil's Elbow Campground, Clark's Bay, and York Bridge Fishing Access Site, p. 601, 1100

ENVIRONMENTAL QUALITY, Department of, Title 17

- I Air Quality - Air Quality Fee Credit for Use of Postconsumer Glass in Recycled Material, p. 1950
- 17.50.801 and other rules - Solid Waste - Licensing - Waste Disposal - Recordkeeping - Inspection for Businesses Pumping Wastes from Septic Tank Systems, Privies, Car Wash Sumps and Grease Traps - Other Similar Wastes, p. 3299, 848
- 17.56.121 and other rules - Underground Storage Tanks - Operating Permits - Operating Tags - Scope of Compliance Inspections - Compliance Plans, p. 2080

(Board of Environmental Review)

- 17.4.501 and other rules - Major Facility Siting - Regulation of Energy Generation or Conversion Facilities and Linear Facilities, p. 1874, 2410
- 17.8.101 and other rules - Air Quality - Odors that Create a Public Nuisance, p. 291, 976
- 17.8.302 and other rule - Air Quality - Emission Guidelines for Existing Small Municipal Waste Combustion Units, p. 931, 2022
- 17.8.505 Air Quality - Air Quality Operation Fees, p. 1391, 2412
- 17.8.514 Air Quality - Open Burning Fees, p. 928, 2023
- 17.20.1607 and other rules - Major Facility Siting - Centerline Approval for Linear Facilities, p. 1945, 2415
- 17.30.201 Water Quality - Water Quality Permit and Authorization Fees, p. 2361
- 17.30.502 and other rules - Water Quality - Surface Water Quality, p. 1920

(Petroleum Tank Release Compensation Board)

- 17.58.336 Reimbursement of Claims, p. 1396, 2024

TRANSPORTATION, Department of, Title 18

- I & II Collection of Motor Fuel Tax for Diesel Vehicles Found to have Dyed Fuel in the Supply Tank, p. 1704, 2147
- 18.8.101 and other rules - Maximum Allowable Weight - Definitions - Temporary Trip Permits - Special Vehicle Combinations - Insurance - Confiscation of Permits, p. 1522, 2142
- 18.9.101 and other rules - Motor Fuel Definitions - Late File and Pay Penalties when Filing Electronically - Off-highway Vehicle/Equipment - Dyed Special Fuel Allowance, p. 1399, 2143

- (Transportation Commission and Department of Transportation)
- 18.3.101 and other rules - Debarment of Contractors Due to Violations of Department Requirements - Determination of Contractor Responsibility, p. 2860, 3330, 3496, 978

- (Transportation Commission)
- 18.6.211 Collection of Permit Fees for Outdoor Advertising Signs, p. 2208

JUSTICE, Department of, Title 23

- 23.5.101 and other rules - Motor Carrier Safety, p. 1023
- 23.15.101 and other rules - Creating the Office of Victims Services, p. 1810
- 23.15.101 and other rules - Emergency Amendment - Creating the Office of Victims Services, p. 1327
- 23.17.311 Montana Law Enforcement Academy Student Academic Requirements for the Basic Course, p. 1027

LABOR AND INDUSTRY, Department of, Title 24

- (Alternative Health Care Board)
- 8.4.101 and other rules - Transfer from the Department of Commerce - Alternative Health Care Board, p. 1642
- 8.4.301 and other rules - Fees - Continuing Education for Naturopathic Physicians and Midwives - Licensure of Out-of-State Applicants - Direct-entry Midwife Protocol Standard List Required for Application, p. 815, 1644

- (Board of Architects)
- 8.6.405 and other rules - Licensure of Applicants Who Are Registered in Another State - Examinations - Renewals - Fees, p. 1408

- (Board of Athletics)
- 8.8.2501 and other rules - Transfer from the Department of Commerce - Board of Athletics Rules, p. 2148

8.8.2802 and other rules - Definitions - Licensing Requirements - Contracts and Penalties - Fees - Boxing Contestants - Physical Examination - Promoter-matchmaker and Inspectors - Club Boxing, p. 1009, 2150

8.8.2902 and other rules - Female Contestants - Downs - Fouls - Handwraps - Officials, p. 505, 1088

(Board of Barbers)

8.10.414 and other rule - Prohibition of Animals in Barbershops - Certain Records of Barber Schools, p. 1953

8.10.414 Prohibition of Animals in Barbershops, p. 1018

8.10.414 and other rules - General Requirements - Posting Requirements - Toilet Facilities - Inspections, p. 208, 1089

(Board of Clinical Laboratory Science Practitioners)

8.13.306 Continuing Education Requirements, p. 914, 2416

(Board of Cosmetologists)

8.14.401 and other rules - General Requirements - Inspections - School Layouts - Curriculum - Construction of Utensils and Equipment - Cleaning and Sanitizing Tools and Equipment - Storage and Handling of Salon Preparations - Disposal of Waste - Premises - Definitions, p. 3467, 935, 1090

8.14.402 and other rules - General Practice of Cosmetology - Schools - Instructors Applications - Examinations - Electrology Schools - Electrolysis - Sanitary Standards for Electrology Salons - Sanitary Rules for Beauty Salons and Cosmetology Schools - Aiding and Abetting Unlicensed Practice - Renewals - Booth Rental License Applications - Walls and Ceilings - Doors and Windows - Ventilation, p. 3437, 536, 1092

(State Electrical Board)

8.18.402 and other rules - Definitions - Licensee Responsibilities - Electrical Contractor Licensing - Licensure by Reciprocity or Endorsement - Renewals - General Responsibilities - Licensure of Out-of-State Applicants, p. 916, 2418

(Board of Hearing Aid Dispensers)

8.20.402 and other rules - Fees - Examination - Pass/Fail Point - Minimum Testing and Recording Procedures, p. 819, 1412, 2422

(Board of Medical Examiners)

I Occasional Case Exemptions, p. 591, 1475

8.28.101 and other rules - Transfer from the Department of Commerce - Board of Medical Examiners, p. 1471

8.28.416 Examinations, p. 589, 1474

8.28.1705 and other rules - Ankle Surgery Certification - Fees
- Failure to Submit Fees, p. 211, 1094

(Board of Funeral Service)

8.30.406 and other rules - Examination - Continuing Education
- Sponsors - Renewal, p. 1297

(Board of Nursing)

8.32.302 Nurse-Midwifery Practice - Fees - Nursing Tasks That
May Be Delegated - General Nursing Tasks That May
Not Be Delegated - Executive Director
Qualifications, p. 1414, 2152

(Board of Outfitters)

8.39.514 and other rules - Licensure - Guide or Professional
Guide License - Licensure -- Fees for Outfitter,
Operations Plan, Net Client Hunting Use (N.C.H.U.),
and Guide or Professional Guide, p. 3295, 843

(Board of Pharmacy)

8.40.401 and other rules - Substantive Pharmacy Rules -
Automated Data Processing - Certified Pharmacies -
Internship Regulations - Continuing Education for
Pharmacists - Dangerous Drug Act - Collaborative
Practice Agreement Requirements - Security of
Certified Pharmacy - Administration of Vaccines by
Pharmacists - Explosive Chemicals - Prescription
Copies for Legend Drugs, p. 1422

8.40.1301 and other rules - Pharmacy Technicians -
Registration of Pharmacy Technicians - Renewal,
p. 1447

(Board of Professional Engineers and Land Surveyors)

8.48.1105 Fees, p. 1169, 2288

(Board of Psychologists)

8.52.602 and other rules - Non-resident Psychological
Services - Application Procedures - Required
Supervised Experience - Examination - Fees -
Parenting Plan Evaluations, p. 744, 1742

8.52.616 Fees, p. 1526, 2154

(Board of Public Accountants)

8.54.410 Fees, p. 1020, 1707, 2240

(Board of Real Estate Appraisers)

8.57.101 and other rules - Transfer from the Department of
Commerce - Board of Real Estate Appraisers, p. 1331

8.57.409 Qualifying Education Requirements for General
Certification, p. 593, 1333

(Board of Realty Regulation)

8.58.301 and other rules - Definitions - Trust Account
Requirements - General License Administration

Requirements - Renewal - License Renewal - Late
Renewal - Continuing Property Management Education -
Continuing Property Management Education Reporting
Requirements, p. 1529, 2291
8.58.301 and other rules - Definitions - Continuing Education
- Continuing Education Course Approval - Grounds for
License Discipline - Grounds for Discipline of
Property Management Licensees - Internet
Advertising, p. 319, 785, 951

(Board of Respiratory Care Practitioners)

8.59.402 and other rule - Definitions - Fees, p. 141, 1096

I Unemployment Insurance Matters - Voluntary Layoff,
p. 2090

8.70.101 and other rules - Building Codes Bureau -
Incorporation by Reference of Uniform Building Code
- Certification of Code Enforcement Programs -
Annual Report - Audit - Decertification of Code
Enforcement Programs - Building Codes Education Fund
Assessment - Wiring Standards - Electrical Permit -
Electrical Inspections Fees - Incorporation by
Reference of Elevator Code - Certificates of
Inspection - Incorporation by Reference of Boiler
and Pressure Vessel Code - Fees - Boilers Exempted -
Boiler Inspections, p. 1536, 2293

8.70.104 and other rules - Transfer from the Department of
Commerce - Building Codes Bureau, p. 2301

24.11.443 Unemployment Insurance Benefit Claims, p. 822, 1334

24.16.9007 Prevailing Wage Rates - Non-construction Services,
p. 523, 1102

24.29.1571 and other rules - Workers' Compensation Fee
Schedules for Chiropractic, Physical Therapy and
Occupational Therapy Services, p. 1290

(Workers' Compensation Judge)

24.5.303 and other rules - Procedural Rules of the Court,
p. 2211

LIVESTOCK, Department of, Title 32

I Ruminant Feeds for Livestock Prohibition, p. 825,
1336

32.2.502 Certification of Specially Qualified Deputy Stock
Inspectors, p. 828, 1335

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36.21.415 and other rule - Fees - Tests for Yield and
Drawdown, p. 3504, 562, 1645

(Board of Oil and Gas Conservation)

36.22.1242 Privilege and License Tax Rates on Oil and Gas,
p. 1576, 2243

(Board of Land Commissioners and Department of Natural Resources and Conservation)

- I Biodiversity and Old-growth Management, p. 831, 1337
- 36.25.110 Minimum Rental Rate for Grazing Leases under the Jurisdiction of the State Board of Land Commissioners, p. 756, 2030

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I Licensure of Minimum Standards for Critical Access Hospital (CAH), p. 1956
- I Child Support Enforcement Reasonable Cost of Health Insurance, p. 1047, 1646
- I-XII Quality Assurance for Managed Care Plans, p. 381, 1342
- 16.4.101 and other rules - Distribution of Funds for Local Health Services, p. 1580, 2244
- 16.10.101 and other rules - Transfer from the Department of Health and Environmental Sciences - Food and Drug Standards, p. 2423
- 16.10.630 and other rules - Transfer from the Department of Health and Environmental Sciences - Public Accommodations, p. 2425
- 16.10.1601 and other rules - Transfer from the Department of Health and Environmental Sciences - Minimum Sanitation Requirements for Tattooing, p. 2429
- 16.22.101 and other rules - Fluoridation of Public Water Supplies, p. 1578, 2245
- 16.24.901 and other rules - State Plans for Maternal and Child Health (MCH) - Lab Services - Montana Health Care Authority, p. 379, 981
- 16.26.101 and other rules - Transfer from the Department of Health and Environmental Sciences - Women, Infants and Children (WIC), p. 982
- 16.30.102 and other rules - Transfer from the Department of Health and Environmental Sciences - Emergency Medical Services, p. 2305
- 16.32.302 Health Care Licensure, p. 1959
- 16.32.302 Health Care Licensure, p. 772, 1105
- 16.32.601 and other rules - Minimum Standards for Mental Health Centers, p. 1962
- 16.38.290 and other rules - Transfer from the Department of Health and Environmental Sciences - Approval of Laboratories - Laboratory Fees - Prenatal and Premarital Test Requirements, p. 2246
- 37.5.307 and other rules - Fair Hearings and Contested Case Proceedings, p. 622, 1107
- 37.8.101 and other rules - Vital Statistics, p. 2373
- 37.40.302 and other rules - Nursing Facilities, p. 642, 1108
- 37.40.905 and other rules - Medicare and Medicaid Cross-over Pricing, p. 1709, 2156
- 37.40.905 and other rules - Medicaid Cross-over Pricing, p. 1029, 1476

- 37.70.304 and other rules - Low Income Energy Assistance Program (LIEAP), p. 1453, 2037
- 37.85.212 Resource Based Relative Value Scale (RBRVS) Reimbursement, p. 612, 984
- 37.86.1001 and other rules - Dental Services - Eyeglasses Reimbursement, p. 617, 1117
- 37.86.1802 and other rules - Medicaid Fees and Reimbursement Requirements for Prosthetic Devices, Durable Medical Equipment (DME) and Medical Supplies, p. 604, 986
- 37.86.2207 Medicaid Mental Health Services, p. 1044, 2041
- 37.86.2207 and other rules - Mental Health Services, p. 436, 989
- 37.86.2401 and other rules - Medicaid Transportation and Ambulance Services, p. 759, 1183, 2247
- 37.86.2605 Medicaid Hospital Reimbursement, p. 626, 1119
- 37.86.4401 and other rules - Rural Health Clinics (RHC) - Federally Qualified Health Centers (FQHC), p. 1301, 2043
- 37.89.114 Mental Health Services Plan, Covered Services, p. 1040, 1747

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Consumer Requested Privacy Regarding Telephone Numbers, p. 1585
- I Electronic Filings, p. 1582
- I Unauthorized Change of a Telecommunications Provider, p. 775, 1648
- 38.5.2202 and other rule - Pipeline Safety, p. 2093

REVENUE, Department of, Title 42

- I & II Purchase of Tax Sale Certificates, p. 1996, 2431
- 42.17.101 and other rules - Withholding and Unemployment Insurance Tax Rules, p. 1050, 1650, 1839
- 42.21.113 and other rules - Trending Schedules for Property Tax Rules, p. 1814, 2249
- 42.22.104 Motor Vehicles and Special Mobile Equipment, p. 2403
- 42.23.103 Corporation License Taxes, p. 1600, 2046
- 42.23.413 Carryovers of Net Operating Losses for Corporation License Taxes, p. 2127
- 42.24.102 and other rules - Special Provisions Applicable to Corporation License Taxes, p. 1615, 2047
- 42.25.1809 and other rule - Tax Rates and Distribution of Oil and Gas Proceeds, p. 1588, 2048
- 42.26.101 and other rules - Corporation Taxes, p. 2096
- 42.29.101 and other rules - Universal System Benefits Credits, p. 2216
- 42.31.501 and other rules - Retail Communications Excise Tax, p. 2399

SECRETARY OF STATE, Title 44

- I-XII Fees for Records Management Microfilming, Imaging and Storage Services, p. 837, 1186, 1748, 2161
- 1.2.419 Filing, Compiling, Printer Pickup and Publication Schedule for the Montana Administrative Register, p. 2130, 2433
- 1.2.421 and other rules - Fees for Administrative Rules of Montana and Montana Administrative Register, p. 834, 1185, 2159
- 44.5.101 and other rules - Filing and Copy Fees for Corporations, p. 2000
- 44.6.201 and other rule - Uniform Commercial Code Filings (UCC) - Searches, Amendments and Consumer Liens, p. 1083
- 44.15.102 and other rules - Filing Fees for Notary Public Licensure - Bonding Requirements - Notarial Acts under Federal Authority and Foreign Notarial Acts, p. 1720, 2162

- (Commissioner of Political Practices)
- 44.10.101 and other rules - Organizational - Procedural - Campaign Finance and Practices - Ethics Rules, p. 1619, 2049

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 November 2001, appear. Vacancies scheduled to appear from January 1, 2002, through March 31, 2002, 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 December 5, 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 NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Air Pollution Control Advisory Council (Environmental Quality) Mr. Chris Kolstad Ledger Qualifications (if required): agriculture representative	Governor	Cox	11/15/2001 0/0/0
Board of Private Security Patrol Officers (Labor and Industry) Dr. Raymond C. Murray Missoula Qualifications (if required): representing the Peace Officers' Standards and Training Advisory Council	Governor	Houghton	11/28/2001 8/1/2002
Department of Corrections Advisory Council (Corrections) Ms. Leah Acord Bozeman Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Mr. Tom Blaz Anaconda Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Mr. Dick Boutillier Great Falls Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Rep. Dorothy Bradley Bozeman Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Judge Deborah Kim Christopher Polson Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Corrections Advisory Council (Corrections) cont. Ms. Lindsay Clodfelter Missoula Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Ms. Gloria Edwards Bozeman Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Mr. Bill Furois East Helena Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Rep. Steve Gallus Butte Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Mr. Frank Garner Kalispell Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Sen. Royal C. Johnson Billings Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Rep. Carol C. Juneau Browning Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Mr. Dennis McCave Billings Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Corrections Advisory Council (Corrections) cont. Dr. Pat McGree Butte Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Lt. Governor Karl Ohs Harrison Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Mr. Tony Pfaff Deer Lodge Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Reverend Steve Rice Miles City Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Rep. Jim Shockley Victor Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Judge Stewart Stadler Whitefish Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Sen. Bill Tash Dillon Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003
Ms. Valerie Wilson Boulder Qualifications (if required): public member	Governor	not listed	11/13/2001 11/13/2003

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Department of Corrections Advisory Council (Corrections) cont.			
Sen. Tom Zook	Governor	not listed	11/13/2001
Miles City			11/13/2003
Qualifications (if required): public member			
Family Support Services Advisory Council (Public Health and Human Services)			
Secretary Mike Cooney	Governor	not listed	11/29/2001
Helena			9/27/2002
Qualifications (if required): representing Healthy Mothers/Healthy Babies			
Historical Records Advisory Council (Historical Society)			
Ms. Anne L. Foster	Governor	Red Elk	11/20/2001
Huntley			10/18/2002
Qualifications (if required): public member			
Ms. Molly Miller	Governor	Otto	11/20/2001
Helena			10/18/2002
Qualifications (if required): acting state archivist			
Montana Geographic Information Council (Administration)			
Mr. Richard Aspinall	Governor	not listed	11/28/2001
Bozeman			11/28/2003
Qualifications (if required): representative of the University System			
Mr. Harold Blattie	Governor	not listed	11/28/2001
Helena			11/28/2003
Qualifications (if required): representative of local government			
Mr. Stuart Blundell	Governor	not listed	11/28/2001
Helena			11/28/2003
Qualifications (if required): representative of private business active in land information systems			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Geographic Information Council (Administration) cont. Mr. Lance Clampitt Denver, CO	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): representative of federal government			
Ms. Dolores Cooney Helena	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): designee of a director of a state agency			
Mr. Tom Deiling Billings	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): representative of federal government			
Mr. Ken Jenkins Missoula	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): president of the Montana Association of Land Surveyors			
Ms. Kathie Jewell Billings	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): representative of the Montana GIS Interagency Technical Working Group			
Mr. Art Pembroke Helena	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): representative of local government			
Mr. Martin Prather Missoula	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required): representative of federal government			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Geographic Information Council (Administration) cont.			
Mr. Michael Randall Helena	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	representative of the Montana Department of Transportation		
Mr. Jon Sesso Butte	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	representative of local government		
Mr. Steve Shannon Butte	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	representative of public utilities		
Mr. Chris Smith Helena	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	designee of a director of a state agency		
Ms. Karen Strege Helena	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	state librarian		
Ms. CloAnn Villegas Pablo	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	representative of Montana Native American tribes		
Mr. RJ Zimmer Helena	Governor	not listed	11/28/2001 11/28/2003
Qualifications (if required):	representative of the Montana Local Government GIS Coalition		

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Peace Officers' Standards and Training Advisory Council (Justice) Captain Greg Hintz Missoula	Governor	Houghton	11/26/2001 2/14/2002
Qualifications (if required): representative of the Deputy Sheriff's Association			
Mr. Jim Smith Helena	Governor	Frankenfield	11/26/2001 2/14/2002
Qualifications (if required): representative of the League of Cities and Towns			
Risk Management Executive Council (Adminstration) Ms. Sandy Lang Helena	Governor	Ranalli	11/12/2001 2/21/2003
Qualifications (if required): representing the Department of Revenue			
SABHRS Executive Advisory Council (Administration) Ms. Ann Bauchman Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 4			
Mr. Mike Billings Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 2/DPHHS			
Ms. Lynn Chenoweth Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 3			
Mr. David Clark-Snustad Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 3			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
SABHRS Executive Advisory Council (Administration) cont.			
Ms. Ann Danzer Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 4			
Ms. Julia Dilly Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 2/OPI			
Ms. Jane Hamman Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 1/Governor's Office			
Mr. Tony Herbert Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 1/Administration			
Ms. Frieda Houser Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 5			
Mr. Terry Johnson Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 1/Legislative Branch			
Ms. Teri Juneau Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 4			
Mr. John McEwen Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 1/Administration			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 2001

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
SABHRS Executive Advisory Council (Administration) cont.			
Ms. Cathy Muri Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 1/Administration			
Ms. Tammy Peterson Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 3			
Ms. Kris Schmitz Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 6			
DJ Whitiker Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 2/CHE			
Mr. Darrell Zook Helena	Director	not listed	11/15/2001 11/15/2003
Qualifications (if required): Tier 2/MDT			
State Emergency Response Commission (Military Affairs)			
Ms. Mary Schwarz Helena	Governor	Branscum	11/19/2001 10/1/2003
Qualifications (if required): representative of the Governor's Office			
State Workforce Investment Board (Labor and Industry)			
Mr. Leroy Bingham Billings	Governor	not listed	11/29/2001 0/0/0
Qualifications (if required): tribal representative			

BOARD AND COUNCIL APPOINTEES FROM NOVEMBER, 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. Chuck Olson Great Falls Qualifications (if required): business representative	Governor	not listed	11/29/2001 0/0/0
Tourism Advisory Council (Commerce) Mr. Kim Champney Billings Qualifications (if required): representative from Custer Country	Governor	Prather	11/5/2001 7/1/2003
Youth Justice Council (Justice) Mr. Tracy King Harlem Qualifications (if required): representing Native American programs	Governor	Acevedo	11/15/2001 6/15/2003

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Alternative Livestock Advisory Council (Fish, Wildlife, and Parks) Dr. Duane Douglas, Sidney Qualifications (if required): veterinarian	Governor	1/1/2002
Ms. Elaine Allestad, Big Timber Qualifications (if required): representative of sportspeople	Governor	1/1/2002
Mr. Chuck Taylor, Moore Qualifications (if required): representative of the alternative livestock industry	Governor	1/1/2002
Appellate Defender Commission (Administration) Ms. Randi Hood, Helena Qualifications (if required): public defender and an attorney	Governor	1/1/2002
Mr. Daniel Donovan, Great Falls Qualifications (if required): public defender and an attorney	Governor	1/1/2002
Board of Architects (Commerce) Mr. Eugene Vogl, Billings Qualifications (if required): registered architect	Governor	3/27/2002
Board of Chiropractors (Commerce) Dr. Patrick Montgomery, Missoula Qualifications (if required): practicing chiropractor	Governor	1/1/2002
Board of Dentistry (Commerce) Mr. Clifford Christenot, Libby Qualifications (if required): denturist	Governor	3/29/2002
Dr. Sheldon Ivers, Great Falls Qualifications (if required): dentist	Governor	3/29/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Dentistry (Commerce) cont. Ms. Nancy Rupert, Billings Qualifications (if required): public member	Governor	3/29/2002
Ms. Julie Fullerton, Lolo Qualifications (if required): dental hygienist	Governor	3/29/2002
Board of Horse Racing (Commerce) Dr. Sheldon John "Skip" Score, Helena Qualifications (if required): representative of District 4	Governor	1/20/2002
Board of Pardons and Parole (Corrections) Ms. Maureen Neihart, Billings Qualifications (if required): public member	Governor	1/1/2002
Board of Public Education (Education) Mr. Kirk Miller, Cascade Qualifications (if required): Republican residing in District 3	Governor	2/1/2002
Capital Finance Advisory Council (Administration) Mr. Dick Anderson, Helena Qualifications (if required): representing the Board of Investments	Governor	2/11/2002
Mr. Jerry Hoover, Helena Qualifications (if required): representing the Montana Health Facility Authority	Governor	2/11/2002
Sen. Bea McCarthy, Anaconda Qualifications (if required): legislator	Governor	2/11/2002
Sen. Chuck Swysgood, Dillon Qualifications (if required): representing the Budget Office	Governor	2/11/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Capital Finance Advisory Council (Administration) cont. Sen. Royal C. Johnson, Billings Qualifications (if required): legislator	Governor	2/11/2002
Mr. Jim Currie, Helena Qualifications (if required): representing the Director of the Department of Transportation	Governor	2/11/2002
Mr. Bob Thomas, Stevensville Qualifications (if required): member of the Board of Housing	Governor	2/11/2002
Ms. Barbara Ranf, Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	2/11/2002
Mr. Mark A. Simonich, Helena Qualifications (if required): Director of the Department of Commerce	Governor	2/11/2002
Mr. W. Ralph Peck, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	2/11/2002
Mr. Bud Clinch, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	2/11/2002
Mr. Mark Semmens, Great Falls Qualifications (if required): representative of the Board of Regents	Governor	2/11/2002
Ms. Jan Sensibaugh, Helena Qualifications (if required): representing the Department of Environmental Quality	Governor	2/11/2002
Developmental Disabilities Planning Advisory Council (Public Health and Human Services) Ms. Marlene Disburg, Helena Qualifications (if required): representing vocational rehabilitation	Governor	1/1/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Developmental Disabilities Planning Advisory Council (Public Health and Human Services) Dr. Allen Hartman, Billings Qualifications (if required): physician	Governor	1/1/2002
Sen. Bea McCarthy, Anaconda Qualifications (if required): legislator	Governor	1/1/2002
Mr. Dan McCarthy, Helena Qualifications (if required): Office of Public Instruction representative	Governor	1/1/2002
Mr. Charlie Rehbein, Helena Qualifications (if required): representative of the Older Americans Act	Governor	1/1/2002
Rep. Bob Lawson, Whitefish Qualifications (if required): legislator	Governor	1/1/2002
Ms. Jannis Conselyea, Helena Qualifications (if required): Department of Public Health and Human Services representative	Governor	1/1/2002
Governor's Council on Organ Donor Awareness (Public Health and Human Services) Mr. Lowell Bartels, East Helena Qualifications (if required): representative of business	Governor	3/23/2002
Ms. Nancy Ellery, Helena Qualifications (if required): representative of the Department of Public Health and Human Services	Governor	3/23/2002
Governor Judy Martz, Helena Qualifications (if required): representative of state government and donor families	Governor	3/23/2002
Mr. Ted Marchion, Anaconda Qualifications (if required): representative of donor recipients	Governor	3/23/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Council on Organ Donor Awareness (Public Health and Human Services) cont. Mr. Ron Davis, Butte Qualifications (if required): representative of the media	Governor	3/23/2002
Mr. Paul Buck, Missoula Qualifications (if required): ex-officio member	Governor	3/23/2002
Ms. Jan Hendrix, Kalispell Qualifications (if required): ex-officio member	Governor	3/23/2002
Ms. Joyce Kramer, Billings Qualifications (if required): ex-officio member	Governor	3/23/2002
Ms. Sandi Stroot, Superior Qualifications (if required): ex-officio member	Governor	3/23/2002
Ms. Carole Erickson, Missoula Qualifications (if required): public member	Governor	3/23/2002
Mr. Dean Roberts, Helena Qualifications (if required): representative of the Department of Justice	Governor	3/23/2002
Ms. Mary Hainlin, Helena Qualifications (if required): representative of organ donor families	Governor	3/23/2002
Rev. Kenneth Mottram, Kalispell Qualifications (if required): clergy	Governor	3/23/2002
Governor's Standing Committee for Inmate Projections (Corrections) Mr. Marko Lucich, Butte Qualifications (if required): representing juvenile probation	Governor	3/2/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Standing Committee for Inmate Projections (Corrections) cont. Mr. Troy W. McGee, Helena Qualifications (if required): representing law enforcement	Governor	3/2/2002
Sen. Sue Bartlett, Helena Qualifications (if required): legislator	Governor	3/2/2002
Sen. Vicki Cocchiarella, Missoula Qualifications (if required): representing the Montana Legislature	Governor	3/2/2002
Rep. Jim Shockley, Victor Qualifications (if required): legislator	Governor	3/2/2002
Mr. John Strandell, Great Falls Qualifications (if required): representing law enforcement	Governor	3/2/2002
Ms. Mary LaFond, Helena Qualifications (if required): representing the Governor's Budget Office	Governor	3/2/2002
Mr. Don Crabbe, Helena Qualifications (if required): representing the Board of Crime Control	Governor	3/2/2002
Mr. Ted Clack, Helena Qualifications (if required): representing the judiciary	Governor	3/2/2002
Ms. Christine Cooke, Hardin Qualifications (if required): representing county prosecutors	Governor	3/2/2002
Mr. Craig Thomas, Deer Lodge Qualifications (if required): representing the Board of Pardons and Parole	Governor	3/2/2002
Ms. Mary Fay, Helena Qualifications (if required): representing the Department of Corrections	Governor	3/2/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Standing Committee for Inmate Projections (Corrections) cont. Mr. Bill Furois, East Helena Qualifications (if required): representing the public at large	Governor	3/2/2002
Mr. Rudy Gideon, Missoula Qualifications (if required): representing the University System	Governor	3/2/2002
Ms. Melissa Harrison, Missoula Qualifications (if required): representing the University System	Governor	3/2/2002
Mr. Jeff Rosky, Helena Qualifications (if required): representing the Department of Corrections	Governor	3/2/2002
Independent Living Council (Public Health and Human Services) Ms. June Hermanson, Billings Qualifications (if required): none specified	Director	2/15/2002
Judicial Nomination Commission (Justice) Judge Diana G. Barz, Billings Qualifications (if required): none specified	Chief Justice	1/1/2002
Ms. Pam Rein, Big Timber Qualifications (if required): public member	Governor	1/1/2002
Martin Luther King Holiday Commemorative Commission (Community Services) Mr. Donald Louie Clayborn, Helena Qualifications (if required): Director of Indian Affairs	Governor	3/23/2002
Ms. Angelina Vallejo Cormier, Billings Qualifications (if required): public member	Governor	3/23/2002
Mr. Robert Fourstar, Wolf Point Qualifications (if required): public member	Governor	3/23/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Martin Luther King Holiday Commemorative Commission (Community Services) cont. Ms. Kay Maloney, Great Falls Qualifications (if required): public member	Governor	3/23/2002
Ms. Cristina Medina, Helena Qualifications (if required): public member	Governor	3/23/2002
Mr. Brian Schnitzer, Billings Qualifications (if required): public member	Governor	3/23/2002
Ms. Michelle Wilkerson, Great Falls Qualifications (if required): public member	Governor	3/23/2002
Ms. Carol Murray, Browning Qualifications (if required): public member	Governor	3/23/2002
Mr. William Jones, Great Falls Qualifications (if required): public member	Governor	3/23/2002
Ms. Betty McCoy, Bozeman Qualifications (if required): public member	Governor	3/23/2002
Mr. Alan Thompson, Helena Qualifications (if required): public member	Governor	3/23/2002
Ms. Kathy Day, Great Falls Qualifications (if required): public member	Governor	3/23/2002
Ms. Lindley Dupree, Kalispell Qualifications (if required): public member	Governor	3/23/2002
Mr. Hilton McClendon, Billings Qualifications (if required): public member	Governor	3/23/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Martin Luther King Holiday Commemorative Commission (Community Services) cont. Ms. Gwendolyn Kircher, Billings Qualifications (if required): public member	Governor	3/23/2002
Montana Abstinence Education Advisory Council (Public Health and Human Services) Sen. Duane Grimes, Clancy Qualifications (if required): public member	Governor	3/14/2002
Ms. Helen Beausoleil, Helena Qualifications (if required): public member	Governor	3/14/2002
Ms. Elaine Collins, Dillon Qualifications (if required): public member	Governor	3/14/2002
Ms. Jill Flynn, Townsend Qualifications (if required): public member	Governor	3/14/2002
Mr. Bill Hodges, Hardin Qualifications (if required): public member	Governor	3/14/2002
Ms. Janet Meissner, Belt Qualifications (if required): public member	Governor	3/14/2002
Ms. Karen S. Sloan, Havre Qualifications (if required): public member	Governor	3/14/2002
Ms. Jessie Stinger, Polson Qualifications (if required): public member	Governor	3/14/2002
Mr. Gary Swant, Deer Lodge Qualifications (if required): public member	Governor	3/14/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Abstinence Education Advisory Council (Public Health and Human Services) cont. Mr. Bryce Skjervem, Helena Qualifications (if required): public member	Governor	3/14/2002
Ms. Cassie Rice, Helena Qualifications (if required): public member	Governor	3/14/2002
Mr. Jim Good, Bozeman Qualifications (if required): public member	Governor	3/14/2002
Ms. Joleen Spang, Lame Deer Qualifications (if required): public member	Governor	3/14/2002
Ms. Traci Hronek, Great Falls Qualifications (if required): public member	Governor	3/14/2002
Ms. Julie Rossignol, Wolf Point Qualifications (if required): public member	Governor	3/14/2002
Mr. Jason Gleason, Butte Qualifications (if required): public member	Governor	3/14/2002
Rep. Ken Peterson, Billings Qualifications (if required): public member	Governor	3/14/2002
Ms. Susan Smith, Billings Qualifications (if required): public member	Governor	3/14/2002
Ms. Julie Ippolito, Helena Qualifications (if required): public member	Governor	3/14/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Arts Council (Montana Arts Council) Mr. John B. Dudis, Kalispell Qualifications (if required): public member	Governor	2/1/2002
Ms. Carol Novotne, Fort Harrison Qualifications (if required): public member	Governor	2/1/2002
Mr. Robert Morrison, Billings Qualifications (if required): public member	Governor	2/1/2002
Ms. Connie G. Clarke, Miles City Qualifications (if required): public member	Governor	2/1/2002
Ms. Carol Brenden, Scobey Qualifications (if required): public member	Governor	2/1/2002
Montana Grass Conservation Commission (Natural Resources and Conservation) Mr. Gary Unruh, Chinook Qualifications (if required): grazing district director	Governor	1/1/2002
Mr. Bill Loehding, Ekalaka Qualifications (if required): grazing district preference holder	Governor	1/1/2002
Mr. Phil Hill, Mosby Qualifications (if required): grazing district director	Governor	1/1/2002
Montana High School Association Board (Education) Rep. Jeanette S. McKee, Hamilton Qualifications (if required): public member	Governor	1/1/2002
Organ Donor Awareness Task Force (Public Health and Human Services) Ms. Pamela Meyer, Lame Deer Qualifications (if required): Native American representative	Governor	3/23/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Organ Donor Awareness Task Force (Public Health and Human Services) cont. Ms. Jennifer Keck, Conrad Qualifications (if required): recipient	Governor	3/23/2002
Peace Officers' Standards and Training Advisory Council (Justice) Ms. Anne Kindness, Billings Qualifications (if required): representative of the 9-1-1 service	Governor	2/14/2002
Mr. Chris Miller, Deer Lodge Qualifications (if required): representing Montana Attorney's Association	Governor	2/14/2002
Mr. Greg Noose, Helena Qualifications (if required): representing Montana Law Enforcement Academy	Governor	2/14/2002
Mr. Dennis McCave, Billings Qualifications (if required): representing Montana Detention Officers	Governor	2/14/2002
Sheriff Lee Edmisten, Virginia City Qualifications (if required): representing Montana Sheriff's Association	Governor	2/14/2002
Dr. Raymond C. Murray, Missoula Qualifications (if required): representing citizens at large	Governor	2/14/2002
Commissioner Gary Fjelstad, Forsyth Qualifications (if required): representing Montana Association of Counties	Governor	2/14/2002
Mr. John Ramsey, Helena Qualifications (if required): representing the Department of Fish, Wildlife, and Parks	Governor	2/14/2002
Captain Bill Dove, Bozeman Qualifications (if required): representing Montana Police Protective Association	Governor	2/14/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Peace Officers' Standards and Training Advisory Council (Justice) cont. Col. Bert Obert, Helena Qualifications (if required): representing Montana Highway Patrol	Governor	2/14/2002
Dr. James W. Burfeind, Missoula Qualifications (if required): representing criminal justice educators	Governor	2/14/2002
Ms. Winifred M. Ore, Helena Qualifications (if required): representing the Department of Corrections	Governor	2/14/2002
Ms. Shanna Bulik, Great Falls Qualifications (if required): representing juvenile detention administrators	Governor	2/14/2002
Chief Mark Tymrak, Bozeman Qualifications (if required): representing the Police Chiefs Association	Governor	2/14/2002
Sen. Debbie Shea, Butte Qualifications (if required): representative of the Crime Control Board	Governor	2/14/2002
State Employee Group Benefits Advisory Council (Administration) Mr. William Salisbury, Helena Qualifications (if required): none specified	Director	1/1/2002
Mr. Thomas Schneider, Helena Qualifications (if required): none specified	Director	1/1/2002
Mr. Dale Taliafero, Helena Qualifications (if required): none specified	Director	1/1/2002
Ms. Nancy Ellery, Helena Qualifications (if required): none specified	Director	1/1/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Employee Group Benefits Advisory Council (Administration) cont. Mr. Curt Nichols, Helena Qualifications (if required): none specified	Director	1/1/2002
Ms. Cathy Kendall, Helena Qualifications (if required): none specified	Director	1/1/2002
Sen. Duane Grimes, Clancy Qualifications (if required): none specified	Director	1/1/2002
Mr. John W. Northey, Helena Qualifications (if required): none specified	Director	1/1/2002
Ms. Angela McDannel, Helena Qualifications (if required): none specified	Director	1/1/2002
Mr. Todd Lovshin, Helena Qualifications (if required): none specified	Director	1/1/2002
Mr. Richard Cooley, Helena Qualifications (if required): none specified	Director	1/1/2002
State Lottery Commission (Commerce) Mr. Thomas M. Keegan, Helena Qualifications (if required): attorney	Governor	1/1/2002
Ms. Carol Thomas, Great Falls Qualifications (if required): public member	Governor	1/1/2002
Upper Missouri River Breaks National Monument Task Force Rep. Bill Thomas, Hobson Qualifications (if required): legislator	(Governor) Governor	1/1/2002

VACANCIES ON BOARDS AND COUNCILS -- January 1, 2002 through March 31, 2002

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Missouri River Breaks National Monument Task Force Ms. Carol Kienenberger, Dodson Qualifications (if required): representative of Phillips County	(Governor) cont. Governor	1/1/2002
Rep. Matt McCann, Harlem Qualifications (if required): legislator	Governor	1/1/2002
Sen. Jon Tester, Big Sandy Qualifications (if required): legislator	Governor	1/1/2002
Mr. Joe McConnell, Harlem Qualifications (if required): tribal representative	Governor	1/1/2002
Mr. Arthur Kleinjan, Chinook Qualifications (if required): representative of Blaine County	Governor	1/1/2002
Mr. Harvey Worrall, Loma Qualifications (if required): representative of Chouteau County	Governor	1/1/2002
Mr. Carl Seilstad, Roy Qualifications (if required): representative of Fergus County	Governor	1/1/2002
Vocational Rehabilitation Advisory Council (Public Health and Human Services) Mr. Don Judge, Helena Qualifications (if required): representing the State Workforce Investment Board	Director	1/5/2002
Yellowstone River Task Force (Fish, Wildlife, and Parks) Mr. Jim Woodhull, Livingston Qualifications (if required): City of Livingston representative	Governor	1/1/2002