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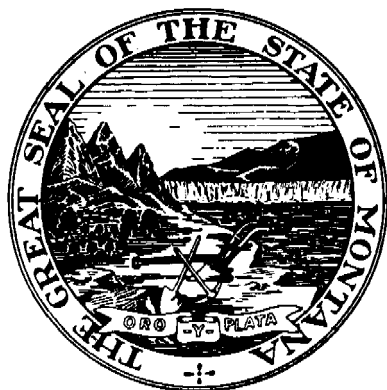
**RESERVE**

# **MONTANA ADMINISTRATIVE REGISTER**

RECEIVED  
MAR 26 1981

1981 ISSUE NO. 6  
PAGES 209-334

MINERAL SCIENCE AND TECHNOLOGY  
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#### NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules or amendment or repeal of existing rules filed with the Secretary of State. Proposals of the Department of Revenue are reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act. The Committee has 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. In addition the Committee 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 Joint Resolution directing an agency to adopt, amend or repeal a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with existing or proposed rules. The address is Room 138, State Capitol, Helena, Montana, 59620.

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

**Definitions:** Administrative Rules of Montana (ARM) is a loose-leaf 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 statute 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 Matter          | 1. Consult General Index, Montana Code Annotated to determine department or board associated with subject matter or statute number.           |
| Department                    | 2. Refer to Chapter Table of Contents, Title 1 through 46, page i, Volume 1, ARM, to determine title number of department's or board's rules. |
|                               | 3. Locate volume and title.   |
| Subject Matter and Title      | 4. Refer to topical index, end of title, to locate rule number and catchphrase.   |
| Title Number and Department   | 5. Refer to table of contents, page 1 of title. Locate page number of chapter.  |
| Title Number and Chapter      | 6. Go to table of contents of chapter, locate rule number by reading catchphrase (short phrase describing rule.)                              |
| Statute Number and Department | 7. Go to cross reference table at end of each title which lists each MCA section number and corresponding rules.                              |
| Rule in ARM                   | 8. Go to rule. Update by checking the accumulative table and the table of contents for the last register issued.                              |

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 6

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NOTICE: The July 1977 through June 1980 Montana Administrative  
Registers have been placed on microfiche. For infor-  
mation, please contact the Secretary of State, Room 202,  
Capitol Building, Helena, Montana 59620.

BEFORE THE DEPARTMENT OF BUSINESS REGULATION  
OF THE STATE OF MONTANA  
MILK CONTROL DIVISION

In the Matter of the Amendment of) NOTICE OF PROPOSED AMEND-  
Rule 8.6.301 Regarding Licensee ) MENT OF RULE 8.6.301  
Assessments )  
NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On April 30, 1981, the Department of Business Regulation proposed to amend Rule 8.6.301 relating to an assessment to be levied upon licensees subject to the Milk Control Act. The proposed amendment will become effective July 1, 1981.

2. The purpose of the amendment is to change the effective date of the rule as it applies to the assessments. There is no change in the amount of the assessments. The rule as proposed to be amended would read as follows:

"8.6.301 LICENSEE ASSESSMENTS -

(1) Pursuant to Section 81-23-202, MCA, as amended, the following assessments for the purpose of deriving funds to administer and enforce the Milk Control Act during the fiscal year beginning July 1, ~~1980~~ 1981, and ending June 30, ~~1981~~, 1982, are hereby levied upon the Milk Control Act licensees of this Department.

(a) A fee of eight cents (\$0.08) per hundredweight on the total volume of all milk subject to the Milk Control Act produced and sold by a produced distributor.

(b) A fee of eight cents (\$0.08) per hundredweight on the total volume of all milk subject to the Milk Control Act sold in this state by a distributor home based in another state. Said fee is to be paid either by the foreign distributor or his jobber who imports such milk for sale within this state.

(c) A fee of four cents (\$0.04) per hundredweight on the total volume of all milk subject to the Milk Control Act sold by a producer.

(d) A fee of four cents (\$0.04) per hundredweight on the total volume of milk subject to the Milk Control Act sold by a distributor, excepting that which is sold to another distributor."

3. Interested persons are asked to note that there is no change in the amount of assessment proposed for fiscal year 1982. The purpose of the amendment is merely to change the effective dates from July 1, 1980 through June 30, 1981 to July 1, 1981 through June 30, 1982.

4. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Department of Business Regulation, 805 North Main, Helena, Montana 59620, no later than April 30, 1981.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written

request for a hearing and submit along with any written comments he has to above address, no later than April 30, 1981.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 32 persons based on an estimate of 323 resident and nonresident producers, producer-distributors, and jobbers subject to this assessment.

7. The authority of the agency to make the proposed amendment is based on Section 81-23-202, MCA, and implements Section 81-23-202, MCA.

Gary Buchanan, Acting Director  
Department of Business Regulation

By: Bill Ross  
Bill Ross, Administrator  
Milk Control Division

Certified to the Secretary of State March 13<sup>th</sup>, 1981.



BEFORE THE BOARD OF  
PUBLIC EDUCATION

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment, adoption and	)	PROPOSED AMENDMENT, ADOPTION
repeal of rules relating	)	AND REPEAL OF RULES RELATING
to accreditation of	)	TO ACCREDITATION OF SCHOOLS
schools	)	

TO: All Interested Persons:

1. On April 15, 1981 from 8:30 a.m. to 12:30 p.m. a public hearing will be held in the Regents' Conference Room at 33 South Last Chance Gulch, Helena, Montana, to consider the proposed amendment, adoption and repeal of rules relating to accreditation of schools.

2. The proposed amendments, adoptions and appeals affect rules contained in Chapter 55 of Title 10 of the Administrative Rules of Montana.

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

10.55.102 CATEGORIES OF ACCREDITATION (1) ~~Multi-year accreditation will be given a school which meets the minimum standards as herein described and~~

~~(a)---exhibits evidence of having met many of the recommended standards or~~

~~(b)---exhibits other evidence of operating an outstanding educational program and~~

~~(c)---provides a long-term plan for the continued improvement of the school's educational program--Multi-year accreditation may be granted for a period of up to five years.~~

(2)(1) Regular accreditation is awarded for a school which meets minimum standards or deviations from standards are of a minor nature. Regular accreditation is for one year.

(3)(2) Accredited with advice will be noted when a school exhibits serious and/or numerous deviations from minimum standards; improvement is expected within the ensuing school year.

(4)(3) Accredited on probation will be noted when a school exhibits or continues to have serious and/or numerous deviations from standards or has substantially increased the seriousness of deviations over the previous year. The local school board and other administrative officers must adopt and submit a school improvement plan to the superintendent of public instruction. This plan must provide a systematic procedure for the correction of infractions noted.

(5)(4) A school which fails to have improved after having been accredited with advice or accredited on probation will be non-accredited. (History: Sec. 20-7-101 MCA; IMF, Sec. 20-7-102 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.105 TYPES OF SCHOOLS (1) An elementary school is an organizational unit composed of any combination of grades K through eight.

(a)(2) A middle school is an organizational unit composed of any combination of grades four through eight. (Note:--All-

~~portions of the middle school organization and program composed of grade six and lower shall comply with the standards for accreditation applicable to elementary schools and grades seven and eight shall comply with the standards applicable to junior high schools).~~

(2)(3) A junior high school is an organization unit composed of grades seven, eight and nine operating in conjunction with a senior high school and an elementary school

(3)(4) A high school is an organizational unit composed of any of the combinations which follow:

(a) Senior high school: grades 10-12 operating in conjunction with a junior high school and an elementary school.

(b) Six-year high school: grades 7-12 operating in conjunction with an elementary school as per 20-6-501, MCA.

(c) Four-year high school: grades 9-12 operating in conjunction with an elementary school. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-6-501 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.202 BOARD OF TRUSTEES (1) Boards shall conduct regular monthly meetings and keep records in accordance with state law.

(2) Each school district shall formulate a written comprehensive philosophy of education which reflects the needs of students, and a statement of specific objectives which describes how its schools will meet educational needs in accordance with the district's particular philosophy. The school district shall publicize the availability of such document statements so that persons so wishing may secure a copy, and such statements shall be reviewed annually by each school district and revised as deemed necessary.

~~(3)---Each school district shall also formulate a statement of specific objectives which describes how its schools will meet educational needs in accordance with the district's particular philosophy---The school district shall publicize the availability of the statement of objectives so that persons so wishing may secure a copy---Such statements of philosophy and objectives shall be reviewed annually by each school district and revised as deemed necessary.~~

(4)(3) The board of public education recommends that a self-evaluation of the district's educational program shall be conducted every five years using the National Study of School Evaluation Evaluative Criteria or some other means of self-evaluation. Following the self-evaluation, schools are encouraged to utilize a visitation team of educators, students, trustees and lay citizens to validate the school's self-evaluation.

(a) It is suggested that a district's philosophy may include the community education process which encourages the development of a comprehensive delivery system, based on local citizen involvement, greater utilization of school-community facilities and resources, inter-agency coordination, and improved school-community relations, in order to provide for the educational, recreational, social and cultural needs of all community members.

(5)(4) Each school district shall have written policies which

delineate the responsibilities of the board, the superintendent and personnel employed by the school district. Policies will be reviewed annually by the school district and will be available to employees and patrons of the school.

(6)(5) Each school district shall have valid, written contracts with all regularly employed administrative, supervisory and teaching personnel.

(7)(6) Each school district shall schedule a school term consisting of at least 180 days, Monday through Friday, in accordance with state law. A Saturday may not count as an instructional day unless it is used as a make-up day when an emergency has closed school during the regular school week. In such emergencies, approval for holding school on a Saturday must be obtained from the superintendent of public instruction except where an emergency is of one day's duration and is to be made up on Saturday of the same week, in which instance the district or county superintendent may approve the Saturday make-up day.

(8)(7) The board of trustees shall transact official business with professional personnel and other employees through the district superintendent of schools except as provided in section 39-31-101 through 39-31-304 of state law.

(9)(8) The board of trustees shall adopt specific policies and procedures for evaluation of certified staff. A comprehensive individual personnel file based on specific evaluation of every teacher, principal, supervisor and other certified staff employed in the district shall be maintained. The individual being evaluated shall be provided with a copy of the written evaluation and shall be granted access to his/her evaluation file.

(10)(9) The board of public education recommends that the policies and procedures shall be developed in consultation with administrators, teachers, other staff members and students. Also teachers, administrators and pupils should have input into evaluations. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-1-301, 20-1-303 MCA; ARM Pub. 11/26/77; AMD, 1979 MAR p. 158, Eff. 2/16/79; AMD, 1979 MAR p. 1125, Eff. 9/28/79.)

10.55.204 PRINCIPAL (1) the principal shall be certified in accordance with state statutes and with the policies of the board of public education.

(2) ~~Requirements for the services of principals are determined by enrollments of schools or school districts.~~ shall be determined by the district superintendent in consultation with the local board of trustees.

(a) ~~Any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent shall provide for supervision at the minimum average of two days per teacher per year either through the office of the county superintendent or through the shared services of elementary principals, subject area consultants and/or curriculum consultants.~~

(b)(a) The board of public education recommends that any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent shall provide

for supervision at the minimum average of one-half day per teacher per month either through the office of the county superintendent or through the shared services of elementary principals, subject area consultants and/or curriculum consultants.

(c) In any school district with a combined elementary and secondary enrollment of 50 but less than 150 students and where the superintendent serves as both elementary and secondary principal, the superintendent shall devote half time to administration and supervision in both schools.

(d) In any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, the superintendent may serve as half time elementary or high school principal. The district must employ a half time elementary or high school principal for the other unit in the district. The superintendent shall devote half time as principal of the assigned school. Or, in any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, and where the superintendent serves as both elementary and secondary principal, the district must employ a half time administrative assistant. The administrative assistant shall be defined as a person who holds a bachelor's degree and presents evidence of working toward the administrators certificate on a planned program to be completed within 5 years of first assignment. The administrative assistant shall not supervise or evaluate staff or curriculum.

(e)(b) The board of public education recommends that in any school district where the combined enrollment exceeds 150 but is less than 300, the district shall employ both an elementary principal and a high school principal (in addition to the superintendent) who shall devote at least one-half of each school day to supervision and administration.

(f) Any elementary or secondary school with an enrollment of 150 to 300 shall employ a principal (in addition to the superintendent) who shall devote half time to supervision and administration.

(g) Any school with an enrollment exceeding 300 shall employ a principal (in addition to the superintendent) who shall devote full time to supervision and administration.

(h)(c) The board of public education recommends that any school with an enrollment exceeding 300 shall employ a full time principal for a length of time that includes supervision and administration of pre- and post-school year activities.

(i) Any junior or senior high school with an enrollment of over 500 students shall employ an assistant to the principal who shall devote at least one-half of each school day to supervision and administration.

(j) Any elementary school with an enrollment of over 650 students shall employ an assistant to the principal who shall devote at least one-half of each school day to supervision and administration.

(k)(d) The board of public education recommends that any elementary school with an enrollment of over 500 students shall employ an assistant to the principal who shall devote at least one-half of each school day to supervision and administration. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-4-403 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1979 MAR p. 446, Eff. 5/11/79).

10.55.205 SUPERVISORY AND ADMINISTRATIVE TIME AND CLERICAL ASSISTANCE (1) Supervision and administration shall include a continuous inservice program for the improvement of instruction. A minimum inservice program shall consist of monthly meetings of staff devoted to instructional improvement. Classroom observation, analysis of teacher-pupil interaction, group or individual problem solving, demonstration teaching and followup conferences which improve the learning situation for students are examples of supervisory activities. Teachers, supervisors and administrators shall plan together the inservice programs for curriculum development and/or instructional planning.

(2) Each superintendent shall have a full-time secretary. Clerical assistance for principals and assistant principals shall be provided.

(3) The board of public education recommends that each full-time principal shall have a full-time secretary. Clerical assistance for assistant principals shall be provided.

(4)(3) It is recommended that any district which has more than one secondary school (junior and/or senior high school) shall assign a secondary school curriculum coordinator for the instructional program. The coordinator may be one of the principals and shall hold a Class 3 certificate endorsed for supervisor of secondary curriculum.

(5) The board of public education recommends that the school curriculum coordinator shall hold a Class 3 certificate endorsed for supervisor of secondary curriculum.

(6)(4) It is recommended that any district employing two or more elementary principals shall assign a coordinator for the instructional program. The coordinator may be one of the principals and shall hold a Class 3 certificate endorsed for supervisor of elementary curriculum.

(7)(5) The board of public education recommends that the elementary curriculum coordinator shall hold a Class 3 certificate endorsed for supervisor of elementary curriculum.

10.55.207 STUDENT RECORDS (1) Each school shall keep a permanent file of student records which shall include the name and address of the student, parent or guardian, birth date, academic work completed, level of achievement (grades, standardized achievement tests), immunization record as per 20-5-406, MCA, and attendance data of the student. Student records shall be kept in a fireproof file or vault in the school building or for rural schools, in the county superintendent's office. All new or remodeled buildings shall be equipped with at least a class "c" fireproof vault. Each school district shall es-

establish policies and procedures for the use and transfer of information student records stored in the permanent file which is are in compliance with state and federal laws that which assure that an individual's privacy is respected.

(2) A copy of the permanent record shall be forwarded upon request of an appropriate school official. Permanent records become inactive when a student is no longer enrolled. All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official. Additional records and/or information may be transferred in accordance with school district policy which complies with state and federal laws that assure an individual's privacy is respected. School districts also shall establish policies and procedures which govern the period of time inactive student records other than permanent records need be retained. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.210 SCHOOL MORALE (1) It is recommended that cooperative and harmonious relationships among staff members, students, trustees, parents and patrons will contribute to a positive school atmosphere and general morale. As an example, such relationships can be promoted through cooperatively developed handbooks which interpret administrative policies to students, parents and patrons.

(2) It is recommended that excessive teacher turnover and lack of administration continuity may indicate deficiencies in school morale and will should be considered in the accreditation process carefully examined by the board of trustees. Each situation will be considered individually. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.301 PERSONNEL: INTRODUCTION (1) Teacher certification, as required by Montana statutes, serves a dual purpose. First, certification procedures seek to assure the student, parents and the community of well-prepared teachers. Second, certification standards contribute to the professional growth of teachers by requiring them to continue training through advanced study.

(2) If students are to be able to compete in today's complex society, they must have access to a large body of knowledge and must be able to utilize sophisticated learning techniques. Accreditation standards require that high schools shall employ at least four certified teachers or certified full-time equivalents in addition to the principal and superintendent. The standards also require that teachers be assigned on the basis of level of certificate and endorsement(s) and college preparation.

(3) The quality of classroom instruction also is determined by several other factors. To make the best use of teachers' talents, released time is required to develop lesson plans, to engage in research and to participate in training sessions. The standards, recognizing this need, limit the teaching load for a teacher to 28 hours per week except for one- and two-teacher rural schools.

(4) Class load also affects the quality of classroom instruction.  
6-3/26/81

struction. The standards prescribe maximum individual class size for grade levels, and, at the secondary level, for particular kinds of classes. In addition to limiting class loads, the standards encourage schools to use para-professional assistants in the classroom.

(5) Qualifications of auxiliary personnel--school nurses, social workers, speech therapists and psychologists--are not outlined in the accreditation standards. It is expected, however, that such personnel be hired on the basis of professional training, experience and knowledge.

(6) Differentiated staffing and other staffing procedures that involve the utilization of teaching personnel to make optimum use of their talents, interests and commitments are encouraged. Differentiated staffing can include utilizing subject matter specialists, special service personnel, community resource persons and para-professionals such as teacher interns and teacher aides. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.302 CERTIFICATES (1) All teachers shall hold valid Montana teaching certificates. Administrative personnel who teach also shall hold teaching certificates. All supervisory personnel shall hold appropriate certificates. The term "all teachers" shall be interpreted to include teachers involved in the classroom instructional activities of any federally financed program or project. An emergency authorization of employment is not a valid certificate; it is granted to a district which, under emergency conditions, cannot secure the services of a certified teacher. Neither study hall supervisors nor teacher aides need to be certified; however, an instructional aide assigned to a classroom shall be under the direct supervision of that classroom's teacher.

(2) The board of public education recommends that all personnel coaching intramural or interscholastic athletics shall have successfully completed a course in first aid and emergency care and a course in the cause and prevention of athletic injuries. All certified personnel shall have first aid training.

(3) In accordance with state law, salary shall be withheld from teachers who have not registered their certificates in the office of the county superintendent within 60 calendar days after their term of service begins.

(4) All teachers shall file official transcripts of all college work in the office of their chief school administrator. If there is no district superintendent or principal, the county superintendent is the chief school administrator. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-4-101, 20-4-202 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.303 TEACHING ASSIGNMENTS (1) Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. Exception: Teachers assigned in grade 7 or 8 who holds a secondary certificate may teach in subject areas for which they hold no endorsement if they have 15 quarter hour credits (10 semester hours) of preparation in the assigned subject area. The 15 credits shall include a methods course in the teaching of that subject area appropriate

ate to the grade levels. ~~The exception shall expire July 1, 1983,--See "Questions & Answers on Certification of Montana Teachers and School Administrators," Office of the Superintendent of Public Instruction, Seventh Edition, October 1975.~~

(2) Teachers holding certificates endorsed for general subject fields (e.g., general science or social sciences) shall have 15 quarter (10 semester) credits of preparation in any specific subject taught within the general area. ~~See Endorsement Requirements for Accreditation, Office of the Superintendent of Public Instruction, September 1969 (currently under revision).~~

(3) Teachers in state-approved junior high schools shall hold valid Montana teacher certificates endorsed for appropriate levels and subjects. Certification at the elementary level based on a bachelor's degree entitles the holder to teach in grades kindergarten through nine. Teachers with such certification shall have a minimum of 30 quarter (20 semester) credits in all subjects which they teach at the ninth grade level. ~~The proportion of teachers certified at the elementary or secondary levels shall not be less than one-fourth at either level. (Note:--The last provision concerning proportion of teachers is to be fully implemented by the 1980-81 school year. Schools not meeting this provision must submit a written report to the superintendent of public instruction delineating plans for compliance.)~~

(4) The board of public education recommends that the proportion of teachers certified at elementary or secondary levels shall not be less than one-third at either level.

(5) ~~Teachers of reading, including those at junior high or high school levels, shall have had training in the teaching of reading.~~ Teachers assigned to teach reading skills or remedial reading shall have one of the following certification endorsements: a) elementary education, b) an endorsement in reading, c) an endorsement in English with at least 15 credits in reading instruction. Note: "c" applies to junior and senior high schools. It is recommended that all teachers assigned to teach reading shall be endorsed in reading.

(a) All teachers shall provide instruction in reading skills for the subject or course they are teaching.

(b) School districts shall provide inservice opportunities for all teachers to insure professional competency to teach reading skills in the assigned subject or course.

(6) The board of public education recommends that all teachers shall be responsible for helping students in reading in the subjects or courses they are teaching. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-4-101 MCA; Eff. 7/1/77; ARM Pub. 11/26/77; AMD, 1978 MAR p. 1492, Eff. 10/27/78.)

10.55.304 TEACHER-LOAD-IN-HIGH-SCHOOLS-AND-JUNIOR-HIGH-SCHOOLS HIGH SCHOOL, JUNIOR HIGH SCHOOL, MIDDLE SCHOOL AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (1) Schools shall employ at least four certified teachers or full-time equivalents in addition to the principal or superintendent. High schools and junior high schools shall employ at least four full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.



(2) Middle schools and grades 7 and 8 budgeted at high school rates with 60 or more students shall employ at least three full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.

(3) Grades 7 and 8 budgeted at high school rates with less than 60 students shall employ two and one-half full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.

(a) Individual class size shall not exceed 30 students, except where schools are experimenting and have the approval of the state superintendent. Physical education and typing classes may have 45 students. Class size limits do not apply to instrumental or choral groups.

(b) No teacher shall have more than 28 clock hours of assigned student responsibility per week. (c) The number of students assigned a teacher per day shall not exceed 160. Typing and physical education classes shall be counted at two thirds of the actual enrollment. Study hall, regardless of size, shall be counted as 15 students. Student limits do not apply to instrumental or choral groups. Library, guidance and study hall duties are assigned student responsibilities, however, in cases where a teacher is assigned full-time in these areas, the assignment may be for the entire school day.

(e)(d) The board of public education recommends that English teachers shall not be assigned more than 125 students per day, or they shall have the services of para-professional. (History: Sec. 20-7-101-MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.305 TEACHER-LOAD-IN-ELEMENTARY SCHOOLS (1) In multi-grade classrooms, the maximum class load shall be as set forth below:

- (a) Grades kindergarten, 1, 2, and 3: 20 students.
- (b) Grades 4, 5, and 6: 24 students.
- (c) Grades 7 and 8: 26 students.

(2) Multi-grade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade.

(3) The board of public education recommends that the certified staff shall be supplemented by para-professionals.

(4) In single-grade rooms, the maximum class load shall be as set forth below:

- (a) No more than 24 students in kindergarten.
- (b) No more than 26 students in grades 1 and 2.
- (c) No more than 28 students in grades 3 and 4.
- (d) No more than 30 students in grades 5 through 8.

(5) The board of public education recommends that in single-grade rooms, the maximum class load shall be as set forth below:

- (a) No more than 22 students in kindergarten.
- (b) No more than 20 students in grade 1.

(b)(c) No more than 24 students in grades 1 and 2.

(c)(d) No more than 26 students in grades 3 and 4.

(d)(e) No more than 28 students in grades 5 through 8.

(6) In one-teacher schools, the maximum class load shall be 18 students.

(7) No teacher shall have more than 28 clock hours of assigned student responsibility per week except for one- and two-teacher rural schools.

(8) The board of public education recommends that during the regular 6-hour teaching day, each teacher shall have 45 minutes of preparation and planning time. This time should be in addition to any regularly scheduled recess and lunch period. During this 45-minute period, the teacher will be free of any direct responsibility for students. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/77.)

10.55.401 SCHOOL PROGRAM: INTRODUCTION (1) A program of instruction for students is the central reason for the school's existence. Every policy, activity and decision carried out by the board of trustees, the administrative personnel and the teaching staff should be directed toward strengthening that program.

(2) Schools are urged to take advantage of all appropriate educational resources within the community to assure that the educational program for each student is related to the student's needs and relevant to life within the community.

(2)(3) The accreditation standards outline a minimum instructional program. Schools are urged to consider this program as a starting point from which they can expand course offering to meet the increasingly specialized needs of students and society.

(3)(4) A district must formulate precise and realistic goals for its educational program. These goals will flow primarily from the stated educational philosophy of the district, but they also should take into account the particular aspirations, interests and abilities of students.

(4)(5) A major resource for curricular activities is the school library. In these standards, the term "library" includes instructional media centers, communication centers, or other titles used to describe this resource. An effective curriculum must be reinforced by a quality library and resource center. Teachers cannot be expected to remain completely abreast of the changes, reinterpretations and discoveries occurring daily in all fields of knowledge. Students and teachers, therefore, must have access to a well-stocked library which contains a basic core of reference books, fiction, periodicals, maps and other educational media. The library's resources should be updated and enlarged continuously to reflect the best of modern as well as classical thought.

(5)(6) Library facilities are as vital to the elementary curriculum as they are to middle school, junior high and high school curriculums. In all cases, these resources should reflect a variety of interests, subject areas and reading levels and should be easily accessible. School officials responsible for establishing the daily school schedule must assure that each student's daily schedule includes appropriate time allocations for efficient use of the library facility. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.402 BASIC INSTRUCTIONAL PROGRAM CURRICULUM: HIGH SCHOOL AND JUNIOR HIGH SCHOOL (1) Teachers, supervisors and administrators shall plan together the inservice programs for curriculum development and/or instructional planning. Each district shall have in writing and on file a process of program evaluation. Evaluation of each program shall occur at least once every five years, using the Northwest Association evaluation program or evaluative material of the district's choice.

(2) A high school shall require a minimum of 16 units for graduation including ninth grade units; however, at its discretion, a board of trustees may require additional units of credit for graduation. A unit of credit shall be given for satisfactory completion of a full-unit course. At the discretion of the local administrator, fractional credit may be given for partial completion of a course.

(3) A unit of credit is defined as being equivalent to at least 225 minutes per week for subjects without laboratory work and 270 minutes per week for subjects that require laboratory work.

(4) The following is a list of suggested alternate procedures for earning credit. They are considered to be either consistent with or are satisfactory equivalents to the basic definition of a unit of credit. The following is a list of alternate procedures for earning credit. They are acceptable equivalents to the basic definition of a unit of credit.

(a) Satisfactory completion of the content of a course in a period of time either shorter or longer than that normally required. Criteria for successful completion should shall be developed as a guide for teachers, students and parents in assuring quantity and quality of performance, regardless of time involved.

(b) Credit given for satisfactory completion of summer school courses should be prorated in accordance with the policies of the local board of trustees. In accordance with the policies of the local board of trustees, credit earned in summer classes may be applied toward graduation requirements if the summer classes are taught by properly certified teachers. This credit shall be prorated in accordance with the policies of the local board of trustees.

(c) Satisfactory completion of special courses in such programs as job corps, upward bound and armed forces schools. Credit given for satisfactory completion of such courses shall be in accordance with policies of the local board of trustees.

(d) Satisfactory completion of unusual experimental unconventional programs such as work study programs, cooperative vocational work experience, and college level courses taken in high school and others. Credit given for satisfactory completion of such programs or courses shall be in accordance with policies of the local board of trustees. Work study and work experience programs shall be coordinated under the supervision of a certified teacher.

(e) In accordance with the policies of the local board of trustees, a regularly enrolled student may apply toward graduation credits earned through the National University Extension Association or earned through one of the schools approved by the National Home Study Council. Such units of credit

taken with the approval of the Montana high school in which the student was then enrolled and appearing on the student's official transcript, must be accepted in any Montana high school.

(f) In accordance with the policies of the local board of trustees, credit earned in adult education classes may be applied toward graduation requirements, provided the classes have been established in accordance with state law and provided by classes are taught by properly certified teachers employed by the school district.

(5) Course requirements for graduation have been established by the Board of Public Education are: The board of trustees shall require the development and implementation of processes to assist staff members in assessing the educational needs of each student. Local boards of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests also shall be considered with respect to age, maturity, interests and aspirations of the students and shall be in consultation with parents or guardians. (Note:--The provisions of this paragraph are to be fully implemented by the 1977-78 school year--)

(a) Language arts: 4 units.

(b) American history: 1 unit.

(c) American government:  $\frac{1}{2}$  unit. A 2-unit course in American history and American democracy, which includes a study of government, may be used to meet the American history and government requirements.

(d) Mathematics: 2 units.

(e) Laboratory science: 1 unit.

(f) Health and physical education: 1 unit. A school must offer shall require at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provided for earning one unit of credit during the two year period. Students must take health and physical education for two years. Participating in interscholastic athletics cannot be utilized to meet this requirement. At the discretion of the local school district, participation in interscholastic athletics may be utilized to meet this requirement.

(6) Units of credit earned in any accredited Montana high school shall be accepted in all Montana high schools. Units of credit earned in any Montana high school accredited by the Board of Public Education shall be accepted in all Montana high schools.

(7) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years' enrollment.

(8)---in accordance with the policies of the local board of trustees, a regularly-enrolled student may apply toward graduation credits earned through the National University Extension Association or earned through one of the schools approved by the National Home Study Council:--Such units of credit, taken with the approval of the Montana high school in which the student was then enrolled and appearing on the student's official transcript, must be accepted in any Montana high school.

(9)---in accordance with the policies of the local board of trustees, credit earned in adult education classes may be applied toward graduation requirements; provided that the conditions listed below are met:--

~~{a}---The adult education classes have been established in accordance with state law.~~

~~{b}---The adult education classes are taught by properly--certified teachers employed by the school district.~~

~~{10}--In accordance with the policies of the local board of trustees, credit earned in summer classes may be applied toward graduation requirements if the summer classes are taught--by properly-certified teachers.~~

~~{11}{8}~~ The basic instructional program for each high school shall offer be at least 16 units of course work which shall include at least those given below:

(a) Language arts: 4 units.

(b) The basic minimum program in the four skills of communication (speaking, listening, reading and writing) is required each year.

(c) Social sciences: 2 units.

(d) Mathematics: 2 units.

(e) Science: 2 units.

(f) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two years. Participation in interscholastic athletics cannot may be utilized to meet this requirement.

(g) Fine arts: 1 unit. Fine arts includes music, art, drama.

(h) Practical arts: 2 units. Practical arts includes home economics education, industrial arts, business education and agriculture.

(i) Two electives.

(j) The board of public education recommends that whenever possible, coeducational physical education shall be offered as an elective to students in grades 11 and 12 emphasizing leisure-time and life-time sports.

~~{12}--Recommended program of studies--~~

(the following chart, "Recommended Program of Studies" will be deleted)

RECOMMENDED PROGRAM OF STUDIES						
Subject	Number of Students					
	Up to 200	201-500	501-800	801- 1200	1201- 1800	Over 1800
	Number of Units					
Language Arts	4	6	7	8	9	12
Science*	3	5	6	7	7	8
Mathematics	3	5	6	6	7	8
Social Sciences	3	4	4	5	6	6
Fine Arts	2	4	5	6	8	10
Practical Arts	5	6	8	12	15	20
Foreign Language	2	2	3	3	6	9
Physical Education	2	2	2	2	2	2
Health Education	1	1	1	1	1	1
<u>Total</u>	25	35	42	50	61	76

\*1 biological, 1 physical

(13) (9) Each junior high school must offer the course work listed below. Basic instructional program for junior high school, middle school, and grades 7 and 8 budgeted at high school rates must be taken by each student:

(a) Language arts: 3-years- 3 units in junior high and 2 units for middle school and 7th and 8th grades.

(b) Social Sciences: 3-years- 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(c) Mathematics: 3-years- Mathematics offerings are to include both algebra and general math in grade 9. 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(d) Science: 3-years- 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(e) Health and physical education: 3-years. ½ unit each year in junior high and ½ unit each year in middle school and 7th and 8th grades.

(f) ---Fine arts---music for 3-years; art for 3-years;

(g) ---Practical arts---2-years---Practical arts includes home-economics education; industrial arts; business education and agriculture.---In grade 9; units of credit must meet high school requirements. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-111 MCA; Sec. (5), (a) Eff. 7/1/77; Remaining Sec. Eff. 7/1/76; ARM Pub. 11/26/77.)

(10) The following course work shall be offered:

(a) Art:  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.

(b) Music:  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.

(c) Practical arts (includes home economics, industrial arts, business education and agriculture):  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.

(11) A unit is defined as being equivalent to at least 225 minutes per week in non-laboratory courses and 270 minutes per week in courses that require laboratory work. Units in grade 9 shall be equivalent to units of credit for graduation requirements.

10.55.403 BASIC INSTRUCTIONAL PROGRAM CURRICULUM: ELEMENTARY

(1) An elementary school shall have a minimum educational program that includes the subject areas listed below:

(a) Language arts including reading, literature, writing, speaking, listening, spelling, penmanship and English.

(b) Arithmetic, oral and written computation and problem solving.

(c) Science, ecology and conservation.

(d) Social sciences, including geography, history of the United States, history of Montana, agriculture and economics. Contemporary and historical traditions and values of American Indian culture may also be included.

(e) Fine arts, including music and art.

(f) Physical education.

(g) Safety, including fire prevention as outlined in state statutes.

(h) Health education.

(i) Weekly time allotments for each subject area are flexible; however, in grades 1, 2 and 3, the standard school day must consist of at least four hours.

(j) In grades 4, 5, 6, 7 and 8, the standard school day must consist of at least six hours. Daily time allotments do not include time allotted for the lunch period, and time allotments should be scheduled to give balance to the educational program.

(k) It is suggested in developing a daily or weekly schedule, time allotments should be flexible for meeting the individual needs of children since all children do not need exactly the same amount of time in each subject area every day. Every teacher should prepare a daily or weekly plan of instruction.

~~{2}---Suggested student time guide-~~

(the following chart, "Suggested Student Time Guide" will be deleted)

SUGGESTED STUDENT TIME GUIDE

Subject Area	Grades 1,2,3	Grades 4,5,6	Grades 7,8
	Percentage of Time Per Week		
Language Arts Reading, Writing, Speaking, Listening, Spelling, Penmanship and English	40	30	20
Arithmetic	11	14	14
Science	9	11	11
Social Studies History, Geography, Government	9.5	11.5	11.5
Art	4.5	5	5
Music	4.5	5	5
*Physical Education	8	10	10
Health Education	4.5	5	5
**Unallocated	9	8.5	18.5

\*One recess per day may be counted as physical education.

\*\*May be utilized to expand any subject area, provide elective offerings, provide recess or opening exercises, or provide counseling services.

(3)(2) Basic instructional course material or textbooks in the fundamental skill areas of language arts, mathematics, science and social studies must be reviewed by school district personnel at intervals not exceeding five years. All instructional materials must be sequential and, in addition, must be compatible with previous and future offerings. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-111 MCA; Eff. 7/1/77; ARM Pub. 11/26/77.)

(4) A school district may utilize its own course of study if approved by the superintendent of public instruction.

(5) Teachers, supervisors and administrators shall plan together the inservice programs for curriculum development and/or instructional planning.

10.55.404 LIBRARY SERVICES---HIGH SCHOOL AND JUNIOR HIGH SCHOOL LIBRARY MEDIA SERVICES, K-12 (1) Each school shall have a library where printed and nonprinted materials will be accessible to students and teachers. All schools shall have a centralized catalog of all the instructional media in the school, exclusive of textbooks. This collection shall include all the print and



nonprint materials as well as supporting audio-visual equipment and shall be accessible to students and teachers.

(a) Each school district shall have written policies regarding selection and use of materials and services. The selection and use of specific items of material, with the advice of the staff, are the responsibility of the local school board. It is recommended that all schools shall have centralized all the instructional media in the school, exclusive of textbooks. This collection shall include all the print and nonprint materials as well as supporting audiovisual equipment and shall be accessible to teachers and students. This collection shall be organized according to accepted library practice and shall be readily available to the students.

(2) The Guide for Montana School Libraries, 1969, as developed by the State School Library and Audiovisual Committee and approved by the superintendent of public instruction, shall be used as a basic guide for library procedures. Each school district shall have written policies regarding selection, use and evaluation of materials and services. The selection and use of specific items of material, with the advice of the staff, are the responsibility of the local school board.

(a) it is recommended that policies be reviewed annually by the school board and be made available to employees and patrons of the school district.

(3) The full-time or part-time librarian High school, junior high school, middle school and 7th and 8th grade funded at high school rates: full-time or part-time librarian shall have a teaching certificate with a library endorsement. The librarian must have competencies in both school library and audiovisual areas, as well as knowledge in fields of learning theory, communications, and curriculum development.

(a) In senior-high-schools of 100 or fewer students, the librarian shall devote a minimum of 1½ hours or two periods per day in the library. One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

(b) In junior and senior-high-schools of 101 to 300 students the librarian shall spend a minimum of 3 hours or three periods per day in the library. One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

(c) In junior and senior high schools of 301 to 500 students, the librarian shall spend full-time in the library. One library aide shall be employed for each librarian, or the services of a student librarian or volunteer aide shall be available.

(d) Junior and senior high schools of 501 students shall have a full-time librarian and additional librarians at the following ratio:

(4) Schools with four or more teachers must assign a teacher with a minimum of nine credit hours in professional library training at a ratio of one full-time librarian to 800 students or a minimum of one hour per day, whichever is greater. In school districts employing a certified teacher with a library endorsement, trained para-professional under the direct supervision of this librarian may be employed to meet this requirement.

(a) The librarian shall have a teaching certificate with library endorsement.

<u>Enrollment</u>	<u>Librarian</u>
501 to 1,000	1½
1,000 to 1,500	2
1,500 to 2,000	2½
2,000 to 2,500	3

(Note: The librarian/student ratio provisions of this subsection are to be fully implemented by the 1977-78 school year).

(i) One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

(5) The majority of titles in the library collection shall be selected by the library staff with the assistance of the teaching staff. H. W. Wilson Company's Senior High School Library Catalog and the Junior High School Library Catalog, Mary V. Graver's Elementary School Library Collection, the American Library Association's The Booklist and Bowker's School Library Journal are recommended as guides to a basic collection. Some sources to aid in selections of media materials are Media and Methods, the Audio-Visual Equipment Directory published yearly by the National Audio-Visual Association, Educational Product Report from Educational Products Information Exchange Institute (EPIE), Audiovisual Instruction and NIGEM indexes from the National Information Center for Educational Media of the University of Southern California. The library media collection shall include instructional items in numbers sufficient to meet staff and student needs. ("Instructional items refer to all print and nonprint media owned by the school district including reference materials, periodicals, newspapers and materials held in the district instructional media centers.) The items shall be selected to represent as nearly as possible all areas of the curriculum at the appropriate reading level and interests of the students.

(a) A balanced distribution of titles shall be maintained in all classifications in keeping with the philosophy and objectives of the school and the interests of students, librarians, teachers and administrators who use the collection.

(b) The minimum number of instructional items, exclusive of government documents and textbooks, required in schools of various enrollments is provided below.

(i) 200 or fewer students -- 2,400 instructional items including 1,920 titles with 1,536 titles to be nonfiction.

(ii)--201-500-students---4,800-instructional-items-including-3,840-titles-with-3,872-titles-to-be-nonfiction.

(iii)--501-1,000-students---7,200-instructional-items-including-5,760-titles-with-4,608-titles-to-be-nonfiction.

(iv)--1,001-1,800-students---9,600-instructional-items-including-7,680-titles-with-6,144-titles-to-be-nonfiction.

(v)--Over-1,800-students---12,000-instructional-items-including-9,600-titles-with-7,680-titles-to-be-nonfiction.

(c)---An-adequate-number-of-current-encyclopedias-and-dictionaries-shall-be-provided.

(d)---Where-rural-schools-have-regular-access-to-a-book-mobile,-consideration-will-be-given-to-this-source-in-meeting--the-library-standards.

(e)---The-board-of-public-education-recommends-at-least-6,000-instructional-items-or-a-ratio-of-20-per-student,-which-ever-is-greater.

(f)---Periodicals-shall-be-selected-to-represent,-as-nearly-as-possible,-all-areas-of-the-curriculum---Proper-storage-and-filing-space-shall-be-provided-for-current-and-back-copies-of-periodicals---Periodicals-to-fulfill-minimum-requirements-should-be-selected-from-those-included-in-the-Reader's-Guide-to-Periodical-Literature-or-the-Abridged-Reader's-Guide-to-Periodical-Literature.

(g)---In-addition-to-one-or-more-daily-metropolitan-news-papers-and-one-or-more-local-newspapers,-the-minimum-number-of-periodicals-for-student-use-for-schools-of-various-enrollments-is-listed-below.

Students-

Periodicals-

200-or-fewer

25

201-500-

30

501-1,000

40

1,001-1,800

50 (20%-duplication permitted)

Over-1,800

75-(20%-duplication permitted)

(6) After a school library has once assembled the minimum collection, the annual expenditure for the library collection, exclusive of textbooks and audiovisual materials, must meet the minimum expenditures given below:

Students	Amount
50 or fewer	\$ 500
51-100	800
101-200	1,000
201-500	2,000
or \$5 per student, whichever is greater.	
501-1,000	3,000
or \$4 per student, whichever is greater.	
1,001-1,800	4,000
or \$3.50 per student, whichever is greater.	
Over 1,800	6,000
or \$3 per student, whichever is greater.	

(listing to the left to be deleted)

<u>Students</u>	<u>Amount</u>
50 or fewer	900
51-100	1,440
101-200	1,800
201-500	3,600 or \$9 per student, whichever is greater
501-1,000	5,400 or \$7.20 per student, whichever is greater
1,001-1,800	7,200 or \$6.30 per student, whichever is greater
Over 1,800	10,800 or \$5.40 per student, whichever is greater

(a) A minimum of ~~\$1.00~~ \$1.80 per student shall be expended for media software.

(7) The board of public education recommends that after the school library has once assembled the minimum collection, the annual expenditure for books and periodicals, exclusive of textbooks and audiovisual materials, must meet the minimum expenditures given below:

<u>Students</u>	<u>Amount</u>
50 or fewer	\$ 800
51-100	1,200
101-200	1,500
201-500	3,000
	or \$7 per student, whichever is greater.
501-1,000	4,500
	or \$6 per student, whichever is greater.
1,001-1,800	6,000
	or \$5 per student, whichever is greater.
Over 1,800	9,000
	or \$4 per student, whichever is greater.

(listing to the left to be deleted)

<u>Students</u>	<u>Amount</u>
50 or fewer	\$1,440
51-100	2,160
101-200	2,700
201-500	5,400 or \$12.60 per student, whichever is greater
501-1,000	8,100 or \$10.80 per student, whichever is greater

Students

Amount

1,001-1,800	10,800 or \$9.00 per student, whichever is greater
Over 1,800	16,200 or \$7.20 per student, whichever is greater

(a) The board of public education recommends that a minimum of ~~\$3.00~~ \$5.40 per student shall be expended for media software.

~~(8) All instructional center materials belonging to the school shall be properly inventoried and cataloged in the library. A shelf list and standard card filing system shall be used for all instructional material and equipment (printed and nonprinted) which will include necessary author, title and subject cards. The staff shall provide students with instruction in the use of the media.~~

~~(9) Sufficient seating space shall be provided for 10 percent of the student body or for 25 students, whichever is greater~~

~~(10)~~ (9) Provision shall be made for magazine storage, work areas and individual study areas for viewing, listening and recording.

~~(11)~~ (10) The library shall be open on all instructional days for student and teacher use during all periods of the school day as well as immediately preceding and following regular school hours. The staff shall provide students with instruction in the use of the media.

~~(12)~~ (11) The board of public education recommends that the library shall be made available to for use by students and staff and the general public in the evenings and at other times when such use does not conflict with the regular instructional program. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-202 MCA; Sec. (3) Eff. 7/1/77; Remaining Sec. Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.406 GUIDANCE-AND-COUNSELING:--HIGH-SCHOOL-AND-JUNIOR HIGH-SCHOOL-GUIDANCE AND COUNSELING: HIGH SCHOOL, JUNIOR HIGH SCHOOL, MIDDLE SCHOOL, AND 7th AND 8th GRADE FUNDED AT HIGH SCHOOL RATES. (1) Each full-time counselor and part-time counselor shall have a valid Montana teaching certificate and have at least 30 quarter hours (20 semester hours) preparation in guidance. (Effective for the 1987-87 school year, high school counselors will need an endorsement based on a minor and three years teaching experience.)

(2) A minimum equivalent of one full-time counselor for each 400 students shall be provided. All schools must have a counselor assigned for at least one hour a day or five hours per week.

(3) The board of public education recommends that a minimum equivalent of one full-time counselor for each 300 students shall be provided. All schools must have a counselor assigned for at least one hour a day.

(4) A separate room specifically designed for guidance and counseling shall be provided:

(5) The board of public education recommends that a room or rooms wherein counselors may conduct testing, group guidance or small conferences shall be provided.

(a) Adequate space and facilities for clerical assistance shall be provided.

(b) A guidance library shall be provided which is available to all students. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.407 GUIDANCE AND COUNSELING: ELEMENTARY (1)  
Guidance and counseling service shall be provided. ~~(History:--~~  
~~Sec.--20-7-101-MCA;--IMP;--Sec.--20-7-101-MCA;--Eff.--7/1/76;--ARM~~  
~~Pub.--11/26/77;--)~~

(2) The board of public education recommends all schools shall provide a developmental guidance program. (History: Sec. 20-7-101 MCA, IMP, Sec. 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

10.55.503 SCHOOL PLANT AND FACILITIES (1) The school plant and facilities must be adequate for the number of students enrolled and for the curriculum offered. Also, facilities must be constructed and equipped to safeguard health and to protect students and staff against fire and other hazards. Also, local boards of trustees shall review annually plant and facilities in cooperation with local fire chief and county sanitarian.

(2) All high schools, regardless of enrollment, must have at least four general classrooms in addition to a study hall and a library. All rooms shall be neat, clean, well lighted, attractive and adequately heated and ventilated.

(3) Schools must provide a special room with the necessary equipment for emergency nursing care and first aid.

(4) Lunch rooms shall meet state standards for food handling establishments and the standards established by the superintendent of public instruction. (See State of Montana Sanitary Code for Eating and Drinking Establishments issued by the Montana state department of health and environmental sciences, latest edition.)

(5) New construction, enlargement or remodeling of any building to be used for public school purposes must be approved by the superintendent of public instruction, the Montana state department of health and environmental sciences and the state fire marshal.

(6) The furnishing and equipping of the school building shall be sufficient in quality and quantity to support a quality educational program. Hygienic requirements and adaptability to various school and classroom activities should be carefully considered in the selection of school equipment and materials. Adequate storage space, convenient to classrooms, should be provided for equipment and materials.

~~(7) A standard size flag of the United State of America shall be displayed in accordance with state law. The Montana state flag must be properly displayed in an appropriate location in the building.~~ In addition to complying with state law on

display of the American flag, the Montana state flag shall also be properly displayed.

10.55.505 SAFETY (1) ~~Regular-fire-drill--instruction-and-fire drills must-be~~ should be conducted in accordance with state statutes.

(2) Precautions for protection against disasters such as blizzards, fires, floods, earthquakes, bomb threats, or nuclear disasters must be taken throughout buildings and grounds.

(3) Safety precautions must be taken for the protection of students and staff against injuries in all buildings and on all grounds, particularly on playgrounds and in laboratories, shops and gymnasiums. Special provision must be made to protect students while operating power machinery.

(4) Gas supply lines serving science laboratories, home economics rooms, shops or other rooms utilizing multiple outlets shall have a master shut-off valve that is readily accessible to the instructor or instructors in charge.

(5) Home economics rooms, shops, offices and other rooms using electrically operated instructional equipment shall be supplied with a master electric switch readily accessible to the instructor or instructors in charge. (History: Sec. 20-7-101 MCA; IMP, Sec. 20-1-401 MCA; Eff. 7/1/76; ARM Pub. 11/26/77.)

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

10.55.108 ALTERNATIVE STANDARDS (1) Any school or school district may apply to the board of public education for permission to use an alternate for any standard, section of standards or the entire set of standards. To do so, the school administration should indicate the educational goals or values that the current standard should provide students, then how the alternate being applied for would provide the same or improved goals or values. Permission to use an approved alternate would be granted for one year and renewable if the one-year pilot is evaluated to be workable and educationally sound by both the school or school district and the board of public education.

10.55.408 READING SPECIALISTS (1) It is recommended by the board of public education that a full-time reading specialist for each district with a minimum of 300 students (K-12) must be provided.

10.55.409 STUDENT FOLLOW-UP (1) The state board of public education recommends that Montana high schools should conduct follow-up studies of all graduates and non-graduates grades 9-12. The results of these studies should be incorporated into the curriculum development process and should be shared with staff and school constituents.

5. The rules proposed to be repealed are as follows and can be found on the page of the Administrative Rules of Montana as noted:

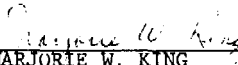
10.55.104	APPORTIONMENT OF STATE AND COUNTY FUNDS	p. 10-768
10.55.206	REPORTS	p. 10-774
10.55.208	EXTRACURRICULAR FUNDS	p. 10-774
10.55.405	LIBRARY SERVICES: ELEMENTARY	p. 10-788

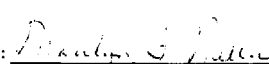
6. The board is proposing these rule changes after a year of accepting suggested changes, holding public listening sessions review of accreditation standards.

7. Interested 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 Chairman Marjorie W. King, Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59601, no later than April 24, 1981.

8. Chairman Marjorie W. King has been designated to preside over and conduct the hearing.

9. The authority of the agency to make the proposed amendments, adoptions and repeals is based on sections 20-7-101, MCA, and the rules implement sections 20-7-102 and 20-7-111, MCA.

  
MARJORIE W. KING  
CHAIRMAN

BY:   
Assistant to the Board

Certified to the Secretary of State March 16, 1981.



BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the ) NOTICE OF THE AMENDMENT  
amendment of rule 16.24.405, ) OF RULE 16.24.405  
concerning health care ) (Health Care Requirements)  
requirements in day care )  
centers ) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On April 27, 1981, the Department of Health and Environmental Sciences proposes to amend rule 16.24.405, which sets health care requirements for day care centers.

2. The rule as proposed to be amended provides as follows:

16.24.405 HEALTH CARE REQUIREMENTS (1) Every person employee coming in contact with children in the daycare center shall ~~have an examination by a physician~~ comply fully with the requirements of ARM 16.28.1005 concerning tuberculosis testing and control. ~~The examination shall be for the purpose of determining that the person is free from any physical or mental illness which might conflict with the children's interest. It will include a test or tests to determine the presence or absence of active pulmonary tuberculosis. This requirement would pertain to all employees and to all family members and others residing in the facility.~~ All family members and other children residing in the facility under 12 years of age shall be immunized against diphtheria, polio, and measles. In addition, children under five years of age shall be immunized against whooping cough. Any child with a history of measles would be considered immunized. Such examinations and immunization history will be recorded on forms provided by the department. The licensee shall keep such medical certificates on file.

(2) No child shall be admitted to a daycare center, except in an emergency, before obtaining from his physician the "Medical Record for Children Receiving Day Care" prescribed by the department stating that he must be free from communicable disease and that he has been immunized or is in the process of being immunized against diphtheria, tetanus, polio and measles. In addition, children under five years of age shall be immunized against whooping cough. Any child with a history of measles would be considered immunized. These requirements would be waived only in the case of a signed statement by a physician indicating that immunizations would be contraindicated for health reasons. Such medical records shall be on file at the center for each child enrolled. Parents should obtain for all children an "Immunization Record Card" (green plastic card) showing the dates of immunizations.

(3) Information shall be obtained from the parent or parents of each child admitted as to the physician they wish called for their child in case of emergency. Parents are to sign a release giving the operator the right to call a doctor in case of emergencies.

(4) Medicines, poisons, firearms, sharp pointed scissors and other potentially dangerous substances and instruments shall be kept out of reach of children at all times.

(5) There shall be a daily appraisal of the children's health. The center is responsible for instructing each parent to keep the child home if he shows any signs of illness.

(6) When a child is absent, the daycare center shall inform itself of the reasons so the interest of the other children may be properly protected. If it is a suspected communicable disease, the daycare center shall so inform the health officer. No child shall be re-admitted after an absence until the reason for the absence is known and there is assurance that his return will not harm him or the other children. Communicable disease charts are available from the department.

(7) All adults at the center shall absent themselves whenever any contagious or infectious condition of their own exists or is suspected of existing.

(8) No daycare center shall undertake the care of a child requiring medications unless proper written instructions have been given by a physician.

(9) Each daycare center should develop its policies for first-aid. These policies should include directions for calling parents or someone else designated as responsible for the child when a child is sick or injured. When each child is enrolled, arrangements should be made with the parents as to the child's physician in case the parent or other designated person is not available. Permission should be obtained for a direct referral for care in case of emergency.

(a) Standard Red Cross first-aid procedures should be carried out and each person in charge familiar with them. Remember first aid is only what is to be done until a physician is available.

(b) A first-aid cabinet should be easily accessible in each daycare center, one on each floor if the center is occupied by more than one floor, and one in each wing if there is more than one wing. The first-aid cabinet should contain the following supplies (and no more):

- Scissors
- Clinical thermometer
- Gauze bandages, one-inch and two-inch rolls
- Adhesive tape
- Absorbent cotton
- Rubbing alcohol
- Tincture of Merthiolate or equivalent

Applicators  
Supply of sterile dressings (three-inch approximately)  
Toothpicks  
Soap, preferably tincture of green soap  
Tongue depressors  
Tweezers  
Band-aids  
Safety pins  
Large triangular bandage (large square)

(c) The first-aid kit should not contain ointment for burns. Burns should be covered with large, dry, sterile compresses or strips from freshly laundered sheets. A person should be designated to keep supplies in the cabinet replenished. A place with cots should be available for emergency care and hot and cold water facilities and soap and paper towels should be available. Also nearby should be a toilet.

(10) A notation of all injuries should be made on the child's medical record including the date, time of day, nature of the injury, treatment, and whether the parent was notified.

(11) All children shall be accompanied to the toilet, taught to use and flush it, and to wash hands after using the toilet, before eating and on admission to the center. Young children should have help in toileting.

3. The rule is proposed to be amended to eliminate the need for each day care employee to have a complete medical examination because such exams involve substantial expense without corresponding benefit in terms of demonstrable health protection of children. The portion of the rule requiring a tuberculosis exam is proposed to be retained in the interest of continuing the low incidence rate of tuberculosis in Montana, and is revised to conform and refer directly to the department's specific rule concerning tuberculosis control in day care centers.


4. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Robert L. Solomon, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, MT, 59620, no later than April 24, 1981.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing he must make written request for a hearing and submit this request along with any written comments he has to Robert L. Solomon, at the address noted in paragraph 4 above, no later than April 24, 1981.

6. If the department receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code

Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 25, based upon the large number of people utilizing day care centers.

7. The authority of the department to make the proposed amendment is based on section 53-4-506(1), MCA, and the rule implements section 53-4-506(1), MCA.

  
JOHN J. DRYNAN, M.D., Director

By:   
JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State March 16, 1981

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the repeal	)	NOTICE OF PUBLIC HEARING
of rule 16.8.501 setting	)	ON REPEAL OF RULE
procedures for hearings on	)	16.8.501
proposed ambient air quality	)	(Procedures for Adopting
standards	)	Ambient Air Quality
		Standards)

TO: All Interested Persons

1. On Friday, May 22, 1981, at 9:00 o'clock a.m., or as soon thereafter as the matter may be heard, a public hearing will be held in the auditorium of the Montana Highway Department Complex, 2701 Prospect Avenue, Helena, Montana, to consider the repeal of rule 16.8.501, setting procedures for hearings on proposed ambient air quality standards.

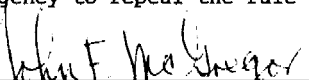
2. The rule proposed to be repealed can be found on page 16-144 of the Administrative Rules of Montana.

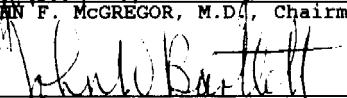
3. The rule is proposed to be repealed because it was adopted in 1979 as a special procedure to allow an orderly presentation of testimony from large numbers of expert and policy witnesses during the extensive revision of all Montana ambient air quality standards in 1979 and 1980; that purpose has now been served by the completion of the rule-making process for and the adoption of new ambient air quality standards in August, 1980; and the existing rule-making provisions of the Montana Administrative Procedure Act, Title 2, Chapter 4, Part 3 and rules promulgated under the act provide adequate procedures for the adoption of ambient air quality rules relating to a single pollutant.

4. Interested 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 C. W. Leaphart, Jr., hearings officer for the board, 1 North Last Chance Gulch, Suite 6, Helena, Montana, 59601, no later than May 4, 1981.

5. C. W. Leaphart, Jr. has been designated to preside over and conduct the hearing.

6. The authority of the agency to repeal the rule is based on section 75-2-111, MCA.

  
JOHN F. MCGREGOR, M.D., Chairman

By   
JOHN W. BARTLETT, Deputy Director  
Department of Health and  
Environmental Sciences

Certified to the Secretary of State March 16, 1981

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
DIVISION OF WORKERS' COMPENSATION  
OF THE STATE OF MONTANA

In the matter of the repeal )	NOTICE OF PROPOSED
of ARM Rule 24.30.101, regard- )	REPEAL OF ARM RULE
ing logging, oil and gas well )	24.30.101
drilling safety standards. )	
	NO PUBLIC HEARING
	CONTEMPLATED

TO: All Interested Persons.

1. On April 27, 1981, the Division of Workers' Compensation proposes to repeal ARM Rule 24.30.101, LOGGING, OIL AND GAS regarding minimum safety standards for the logging, oil and gas well drilling industries.

2. The rule proposed to be repealed is on page 24-2405 of the Administrative Rules of Montana.

3. The division proposes to repeal this rule because the division is adopting new minimum safety standards for the logging industry in the state of Montana which completely supersede the previously existing minimum safety standards for logging departments and logging operations. The new logging rules are being adopted in accordance with the provisions of the Montana Administrative Procedures Act and will become effective April 1, 1981. The division previously published MAR Notice No. 24-30-2 which proposed to amend rule 24.30.101 by deleting the references to logging safety standards and leaving the references to safety standards for oil and gas well drilling. Since the state of Montana has been preempted by the federal Occupational Safety and Health Act from any supervision over safety standards in the oil and gas well drilling industry in Montana, the division now proposes to repeal the rule in its entirety since it has become obsolete and no longer has any function.


4. Interested parties may submit their data, views or arguments concerning the proposed repeal in writing to the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601, no later than April 24, 1981.

5. If a person who is directly affected by the proposed repeal of rule 24.30.101 wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any written comments he has to the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601, no later than April 24, 1981.

6. If the agency receives requests for a public hearing on the proposed repeal from either 20 or 25, whichever is less, of the persons directly affected from the Administrative Code Committee of the Legislature, from a governmental subdivision or agency, or from an association having not less than 25 members who will be directly affected, a hearing will

be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Then percent of those persons directly affected has been determined to be 25 persons.

7. The authority of the agency to make the proposed repeal of rule 24.30.101 is based on Section 50-71-106, Montana Code Annotated.

  
\_\_\_\_\_  
DAVID E. FULLER, Commissioner  
Department of Labor and Industry

Certified to the Secretary of State March 4, 1981.

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

IN THE MATTER of Proposed	)	NOTICE OF PROPOSED ADOPTION
Adoption of New Rules Govern-	)	OF COGENERATION AND SMALL
ing Purchases and Sales	)	POWER PRODUCTION RULES
Between Public Utilities and	)	
Qualifying Cogeneration and	)	NO PUBLIC HEARING
Small Power Production	)	CONTEMPLATED
Facilities.	)	

TO: All Interested Persons

1. On May 4, 1981, the Department of Public Service Regulation proposes to adopt new rules which would implement Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978.

2. The proposed rules provide as follows:

Rule 1. DEFINITIONS (1) The Commission hereby adopts and incorporates by reference 18 CFR, Part 292, which sets forth general requirements and criteria for cogeneration and small power production facilities which are eligible for consideration under Sections 201 and 210 of the federal Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617. A copy of this incorporated material may be obtained from the Commission, 1227 11th Avenue, Helena, Montana 59620.

(2) For purposes of these rules, the following definitions apply:

(a) "Avoided costs" means the incremental costs as determined by the Commission to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(b) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

(c) "Cogeneration facility" means equipment used to produce electric energy and forms of useful thermal energy such as heat or steam, used for industrial, commercial, heating or cooling purposes, through the sequential use of energy.

(d) "Commission" means the Montana Public Service Commission.

(e) "Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding interconnection costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other



sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(f) "Interruptible power" means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(g) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

(h) "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(i) "Qualifying facility" or "facility" means:

(i) A cogeneration facility which meets the operating, efficiency, and ownership standards established by FERC regulations, 18 CFR, Part 292, as incorporated in Rule I(1); or

(ii) A small power production facility which meets the production capacity, energy source, and ownership criteria established by FERC regulations, 18 CFR, Part 292, as incorporated in Rule I(1).

(j) "Rate" means any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification and any contract pertaining to the sale or purchase of electric energy or capacity.

(k) "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(l) "Small power production facility" means a facility with a power production capacity which, together with any other facilities located at the same site, does not exceed 80 megawatts of electricity, and which depends upon biomass, waste, or renewable resources for its primary source of energy. At least 50 percent of the equity interest in a small power production facility must be owned by a person not primarily engaged in the generation or sale of electric energy. The provisions of FERC regulations, 18 CFR, Part 292, as incorporated in Rule I(1), respecting site location and primary energy sources are incorporated by reference in this definition.

(m) "Standard rates" means those rates calculated by a means approved by the Commission which:

(i) In the case of purchases, are based on avoided costs to the utility, are computed annually by the utility and made available to the public, are reviewed by the Commission, and are applicable to all contracts with qualifying facilities which do not choose to negotiate a different rate; or

(ii) In the case of sales by a utility to a qualifying facility, are the utility's tariff schedules in effect for members of the same class as the qualifying facility.

(n) "Supplementary power" means electric energy or capacity supplied by an electric utility and regularly used by a qualifying facility in addition to that which the facility generates itself.

(o) "System emergency" means a condition on a utility's system which is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

(p) "Utility" means any public utility, as defined in 69-3-101, MCA, which provides electric service subject to the jurisdiction of the Montana Public Service Commission.

Rule II. GENERAL PROVISIONS (1) The Commission hereby adopts and incorporates by reference 18 CFR, Part 292, which sets forth general requirements and criteria for cogeneration and small power production facilities which are eligible for consideration under Sections 201 and 210 of the federal Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617. A copy of this incorporated material may be obtained from the Commission, 1227 11th Avenue, Helena, Montana 59620.

(2) Any cogeneration or small power production facility in Montana, which is a qualifying facility under the criteria for size, fuel-use, and ownership established by FERC regulations, 18 CFR, Part 292, as incorporated in Rule I(1), is a qualifying facility eligible to participate, under these rules, in arrangements for purchases and sales of electric power with electric utilities regulated by the Commission.

(3) Any qualifying facility in Montana which produces electric energy or capacity, or both, available for purchase by any public utility regulated by the Commission, shall not be considered a public utility within the meaning of 69-3-101, MCA, and shall be exempt from regulation by the Commission as a public utility, except insofar as these rules or any other Commission order, tariff, requirement, or rule governing the activities of public utilities may affect the facility in its dealings with such regulated utilities. Nothing in these rules is to be construed to limit the full powers of regulation, supervision, and control of public utilities vested by law in the Commission.

(4) Nothing in these rules shall exempt any qualifying facility from the applicable licensing or permit requirements which may be imposed on facilities by Montana laws and regulations governing water use, land use, community development and planning, zoning, air quality, environmental protection, or any other existing pertinent law or regulation administered by state agencies other than the Commission.

(5) All purchases and sales of electric power between a utility and a qualifying facility may be accomplished according to the terms of a written contract between the parties. The contract shall specify:

- (a) The nature of the purchases and sales;
- (b) The applicable rate schedule or negotiated rates for the purchases and sales;
- (c) The amount and manner of payment of interconnection costs;
- (d) The means for measurement of the energy or capacity purchased or sold by the utility;

- (e) The method of payment by the utility for purchases, and the method of payment by the facility for utility sales;
- (f) Any installation and performance incentives to be provided by the utility to the qualifying facility;
- (g) The services to be provided or discontinued by either party during system emergencies;
- (h) The term of the contract;
- (i) Applicable operating safety and reliability standards with which the qualifying facility must comply;
- (j) Appropriate insurance indemnity and liability provisions.

Rule III. OBLIGATIONS OF UTILITIES TO QUALIFYING FACILITIES (1) Each utility shall purchase any energy and capacity made available by a qualifying facility, except that a utility is not obligated to make purchases from an interconnected qualifying facility:

- (i) during system emergencies if such purchase would contribute to the emergency;
- (ii) as stipulated in the contract between the utility and the qualifying facility;
- (iii) if, due to operational circumstances, purchases from a qualifying facility will result in costs greater than those which the utility would incur if it did not make such purchases. This provision is only applicable in the case of light loading periods in which the utility must cut back base load generation in order to purchase the qualifying facility's production followed by an immediate need to utilize less efficient generating capacity to meet a sudden high peak. Any utility seeking to invoke this exception must notify each affected qualifying facility and the Commission one month prior to the time it intends to invoke this provision. Failure to properly notify the qualifying facilities and/or the Commission or incorrect identification of such a period will result in reimbursement to the qualifying facility by the utility in an amount equal to that amount due had the qualifying facility's production been purchased.

(2) Except as provided in Rule III(1), each utility shall purchase any energy and capacity made available by a qualifying facility:

- (a) At a standard rate for such purchases which is based on avoided costs to the utility as determined by the Commission; or
- (b) If the qualifying facility agrees, at a rate which is a negotiated term of the contract between the utility and the facility and not to exceed avoided cost to the utility. However, avoided costs may be averaged over the life of the contract.

(3) Each utility shall sell to any qualifying facility all electricity requested by the facility.

(4) Each utility shall make such interconnections with a qualifying facility in accordance with the provisions of Rule IV.

(5) Each utility shall offer to operate in parallel with a qualifying facility, provided that the requirements of Rule VII are met by the qualifying facility.

(6) Any utility which is otherwise obligated to purchase energy or capacity from a qualifying facility may, if the affected qualifying facility agrees, transmit energy or capacity purchased from the facility to any other electric utility. Any electric utility subject to the Commission's jurisdiction that receives this energy or capacity shall be subject to the pricing provisions contained in these rules. The cost of transmission shall be assigned to the qualifying facility.

(7) Each utility shall, if required by the Commission, include installation and performance incentive provisions in any contract with a qualifying facility. Such provisions shall offer a maximum dollar amount per kw per month for any month in which the facility's energy output meets or exceeds specified levels of performance.

Rule IV. OBLIGATIONS OF QUALIFYING FACILITIES TO UTILITIES (1) A qualifying facility shall specify in its contract with a utility the nature of the purchases undertaken in the contract, including:

(a) The technology used in the production of energy or capacity by the qualifying facility;

(b) The qualifying facility's best estimate of the facility's energy and/or capacity supply characteristics, including its availability during utility system daily and seasonal peak periods and during system emergencies.

(2) A qualifying facility shall specify in its contract with any utility the nature of the sales undertaken in the contract. Such sales may include sales of back-up, maintenance, or interruptible power.

(3) A qualifying facility shall be fully responsible for interconnection costs and shall:

(a) Submit, for written approval prior to actual installation equipment specifications and detailed plans to the utility for the installation of its interconnection facilities, control and protective devices, and facilities to accommodate utility meter(s).

(b) Provide and install necessary meter socket and enclosure equipment at or near the point of interconnection, unless the utility has agreed to install the equipment and the facility has agreed to pay for this service;

(c) Reimburse the utility for special or additional interconnection facilities, including control or protective devices, time of delivery metering, and reinforcement of the utility's system to receive or continue to receive the power delivered under the contract. Such reimbursement may be accomplished by means of amortization over a reasonable period of time within the term of the contract.

(4) Any interconnection costs undertaken by the utility shall be reimbursed by the qualifying facility on a nondis-

crimimatory basis with respect to other customers with similar load characteristics.

(5) A qualifying facility shall be required to provide power to a utility during a system emergency only to the extent specified in the contract between the facility and the utility, unless the qualifying facility is able to supply additional power and agrees to do so.

Rule V. RATES FOR PURCHASES (1) At least annually, each utility shall submit to the Commission by November 1, 1980, and every year thereafter, the following cost data for use by the Commission in determining avoided costs and standard rates therefrom.

(a) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. Such levels of purchases shall be stated in blocks of not more than 100 megawatts for systems with peak demand of 1000 megawatts or more, and in blocks equivalent to not more than 10 percent of the system peak demand for systems of less than 1000 megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five years;

(b) The electric utility's plan for the addition of capacity by amount and type, for purchases of firm energy and capacity, and for capacity retirements for each year during the succeeding ten years; and

(c) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt, and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(2) Each utility shall purchase available power from any qualifying facility at either the standard rate determined by the Commission to be appropriate for the utility, or at a rate which is a negotiated term of the contract between the utility and the qualifying facility.

(3) The rate paid by the utility for any purchase shall not exceed the avoided costs to the utility, calculated:

(i) At the time of delivery of the facility's energy or capacity, for "as available" purchases; or

(ii) At either the time of delivery or the time the obligation is incurred, at the facility's option, for purchases of firm power over the term of the contract.

(4) The standard rate for purchases from a qualifying facility shall be that rate calculated on the basis of avoided costs to the utility which is determined by the Commission to be appropriate for the particular utility after consideration, to the extent practicable, of the avoided cost data submitted to the Commission by the utility and other interested persons.

(5) Assignment of a particular qualifying facility to the

appropriate standard rate schedule for purchases by the utility should consider:

(a) The availability of capacity and energy from the qualifying facility during system daily and seasonal peak periods;

(b) The expected or demonstrated reliability of the qualifying facility;

(c) The relationship of the availability of energy or capacity from the qualifying facility to the ability of the utility to avoid cost;

(d) The contractual obligations the owner or operator of the qualifying facility is willing to undertake.

(6) If a qualifying facility has provided in its contract with a utility that measurement of facility energy input to the utility system and measurement of facility load will be accomplished with one meter, the qualifying facility shall be subject to a net billing system, whereby the utility shall pay the standard rate or the negotiated rate for purchases only for the facility's input to the system which is in excess of the facility's load.

(7) If the qualifying facility has agreed in its contract with a utility that measurement of facility input to the utility system shall be accomplished by metering separate from that measuring the facility load, the qualifying facility may receive payment for all of the energy it supplies to the utility according to the applicable schedule of standard rates for purchases. Unless the qualifying facility has contracted for a different rate, the standard rate is applicable regardless of whether the qualifying facility is simultaneously served by the utility for the facility's load, and regardless of the rate charged by the utility for such simultaneous sales.

Rule VI. RATES FOR SALES (1) Each utility shall sell power delivered to a qualifying facility under the terms of the contract at the same rate applicable to the utility's non-generating customers belonging to the same class as the qualifying facility or having similar load or other cost-related characteristics, except that rates for the sale of back-up, maintenance, or interruptible power to a qualifying facility may be adjusted to correspond to savings to the utility or demonstrable additional burden to the utility resulting from such sales.

(2) The standard rates for sales of power to interconnected qualifying facilities shall be each utility's current applicable tariff schedules approved by the Commission.

Rule VII. OPERATING SAFETY PROVISIONS (1) The Commission hereby adopts and incorporates by reference the national electric safety code approved by the American national standards institute as published by the institute of electrical and electronic engineers which sets forth generally accepted safety standards for electric facilities. A copy of this incorporated material may be obtained from the Commission, 1227 11th Avenue, Helena, Montana 59620 or from the Institute of

Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, NY 10017.

(2) Each qualifying facility shall, in the design, installation, interconnection, maintenance, and operation of the facility, comply with the requirements of the national electrical safety code.

(3) Each qualifying facility seeking parallel operation with any utility shall provide such control and protective devices as required by the utility for such operation.

(4) Each utility shall have the right:

(a) To enter the premises of the qualifying facility at reasonable times for inspection of the facility's protective devices, and

(b) To disconnect without notice if a hazardous condition exists in the generation or other equipment of the qualifying facility, and such immediate action is necessary to protect persons, utility facilities or other customers' facilities from damage or interference imminently likely to result from the hazardous condition.

(5) The Commission shall have the same power to investigate accidents occurring in the operation of any qualifying facility which result in death or serious injury to any person as it has under Section 69-3-107, MCA, with respect to public utilities.

3. The Department is proposing these rules to establish the conditions under which purchases and sales of electric power between public utilities and cogenerators or small power producers shall be undertaken; to encourage energy conservation and efficiency; and to implement Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978.

4. Interested persons may submit their data, views or arguments concerning the appropriateness of these proposed rules at the hearing above noticed or in writing to Ted Otis, 1227 11th Avenue, Helena, Montana 59620, no later than April 27, 1981.

5. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Ted Otis, 1227 11th Avenue, Helena, Montana 59620, no later than April 27, 1981.

6. The Montana Consumer Counsel, 34 West 6th Avenue, Helena, Montana 59620 (telephone 449-2771), is available and may be contacted to represent consumer interests in this matter.

7. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons directly affected; from the Administrative Code Committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in

the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 7 persons based on persons who have expressed interest to the Commission on matters pertaining to cogeneration and small power facilities.

8. Authority for the Department to make and adopt the proposed rules is based on 69-3-103, MCA, IMP, 69-3-102, MCA.



GORDON E. BOLLINGER, Chairman

CERTIFIED TO THE SECRETARY OF STATE March 16, 1981.

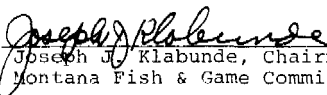


BEFORE THE FISH AND GAME COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment ) NOTICE OF AMENDMENT  
of Rule 12.6.401 relating to ) OF RULE 12.6.401  
time zones for daily open and )  
closed hunting seasons )

TO: All Interested Persons.

1. On February 13, 1981, the Montana Fish and Game Commission published notice of a proposed amendment of a rule relating to time zones and sunrise-sunset hour schedules for daily open and closed hunting seasons at page 120 of the 1981 Montana Administrative Register, issue No. 3.
2. The commission has amended the rule as proposed.
3. No comments or testimony were received.

  
\_\_\_\_\_  
Joseph J. Klabunde, Chairman  
Montana Fish & Game Commission

Certified to Secretary of State March 16, 1981

BEFORE THE FISH AND GAME COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment ) NOTICE OF AMENDMENT  
of Rule 12.6.901 relating to ) OF RULE 12.6.901  
water safety regulations )

TO: All Interested Persons.

1. On January 15, 1981, the Montana Fish and Game Commission published notice of a public hearing on a proposed amendment of rule 12.6.901, relating to water safety regulations, at page 3 of the 1981 Montana Administrative Register, issue No. 1.

2. The agency has amended the rule as proposed with the following changes (shown in capital letters).

(d) The following waters are closed to water skiing: Lewis & Clark County: (A) ON SATURDAY AND SUNDAY OF EACH WEEK AND ON ALL LEGAL HOLIDAYS from the mouth of the canyon on upper Holter Lake to Gates of Mountains near Mann Gulch, AS MARKED.

3. A copy of the minutes of this public hearing and the tapes upon which the meeting was recorded have been retained in the files of the department's Helena office. These files are available for inspection during normal working hours of the department.

There were 25 people in attendance.

For the proposed amendment: 1

For the proposed amendment with suggested modifications: 12 (1, by letter)

Against the proposed amendment: 4(2, by letter).

A summary of the comments in favor of the proposed amendment finds the following reasons:

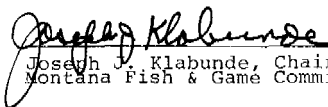
The department's position in relation to the proposed amendment is that a potential problem exists because of waterskiing in the Gates of the Mountains canyon area. The recommendation to limit waterskiing in the canyon area only (a distance of some 4 miles) is based upon safety for waterskiers, boaters, and passengers on boats utilizing that stretch of water. The closeness of the banks, the size of the boats, and the increased traffic have a potential for causing loss of life as well as damage to boats and other property.

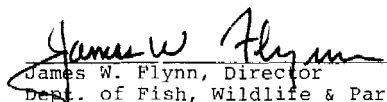
For the proposed amendment with suggested modifications, the consensus was that the above-cited problems were valid; but that they did not exist appreciably on week days or week nights. These proponents were united in requesting the prohibition on waterskiing apply only on weekends and holidays.

Comments in opposition to the proposed amendment showed concern for closing a primary waterskiing area, in singling out one type of water user for restrictive regulations, and in setting a precedent for further elimination of waterskiing areas.

The comments in objection to the rule are rejected, as the safety of the general boating public in the Gates of the Mountains area outweighs any inconvenience to waterskiers; particularly as waterskiers are not restricted in most other waters except for no wake areas.

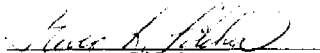
Another proposed amendment to the rule, listing additional waters limited to a controlled no wake speed, generated no comment at the hearing.

  
\_\_\_\_\_  
Joseph J. Klabunde, Chairman  
Montana Fish & Game Commission

  
\_\_\_\_\_  
James W. Flynn, Director  
Dept. of Fish, Wildlife & Parks

Certified to Secretary of State March 16, 1981

Reviewed and Approved:

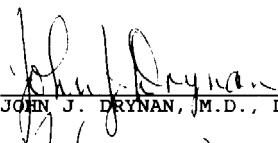
  
\_\_\_\_\_  
Steven L. Pilcher  
Water Quality Bureau  
Environmental Sciences Division  
Dept. of Health & Environmental Sciences

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of ARM 16.16.102	)	OF ARM 16.16.102
and 16.16.108 relating to	)	and ARM 16.16.108
review of subdivision	)	(Subdivisions)
applications	)	

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed amendment of rules 16.16.102 and 16.16.108 concerning review of subdivision applications at page 68 of the 1981 Montana Administrative Register, issue number 2.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

  
\_\_\_\_\_  
JOHN J. DRYNAN, M.D., Director

By:   
\_\_\_\_\_  
JOHN W. BARTLETT, Deputy Director

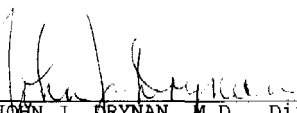
Certified to the Secretary of State March 16, 1981


BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rule 16.44.202	)	OF RULE
which lists the definitions	)	ARM 16.44.202
utilized in the chapter on	)	(Definitions)
hazardous waste	)	

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed amendment of rule 16.44.202 concerning definitions utilized in the chapter on hazardous waste at page 72 of the 1981 Montana Administrative Register, issue number 2.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

  
\_\_\_\_\_  
JOHN J. BRYNAN, M.D., Director

By:   
\_\_\_\_\_  
JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State March 16, 1981

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rule 16.44.304,	)	OF RULE
exclusions	)	ARM 16.44.304
	)	(Exclusions)

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed amendment of rule 16.44.304 concerning exclusions to hazardous waste regulation at page 74 of the 1981 Montana Administrative Register, issue number 2.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

  
\_\_\_\_\_  
JOHN J. DRYNAN, M.D., Director

By:   
\_\_\_\_\_  
JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State March 16, 1981

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

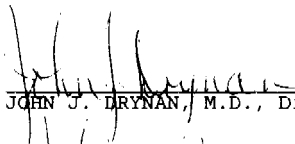
In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rule 16.44.305	)	OF RULE
special requirements for	)	ARM 16.44.305
hazardous waste generated	)	(Hazardous Waste
by small quantity generators	)	Generated by Small
		Quantity Generators)

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed amendment of rule 16.44.305 concerning requirements for hazardous waste generated by small quantity generators at page 77 of the 1981 Montana Administrative Register, issue number 2.

2. The department has amended the rule as proposed.

3. No comments or testimony were received.

  
\_\_\_\_\_  
JOHN J. DRYNAN, M.D., Director

By:   
\_\_\_\_\_  
JOHN W. BARTLETT, Deputy Director


Certified to the Secretary of State March 16, 1981

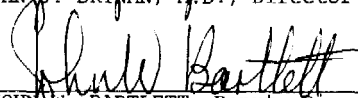
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the adoption ) NOTICE OF THE ADOPTION  
of ARM 16.44.307 regarding ) OF ARM 16.44.307  
residues of hazardous waste ) (Residues of Hazardous  
in empty containers ) Waste in Empty Containers)

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed adoption of rule 16.44.307 concerning residues of hazardous waste in empty containers at page 81 of the 1981 Montana Administrative Register, issue number 2.
2. The department has adopted the rule as proposed.
3. No comments or testimony were received.

  
\_\_\_\_\_  
JOHN P. DRYNAN, M.D., Director

By:   
\_\_\_\_\_  
JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State March 16, 1981

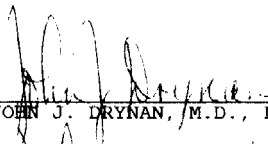


BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rule 16.44.333	)	OF RULE
discarded commercial chemical	)	ARM 16.44.333
products, off-specification	)	(Discarded Commercial
species, containers, and	)	Chemical Products,
spill residues thereof	)	Off-Specification Species,
	)	Containers, and Spill Residues)

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed amendment of rule 16.44.333 concerning discarded commercial chemical products, off-specification species, containers, and spill residues thereof at page 83 of the 1981 Montana Administrative Register, issue number 2.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

  
\_\_\_\_\_  
JOHN J. DRYNAN, M.D., Director

By:   
\_\_\_\_\_  
JOHN W. BARTLETT, Deputy Director

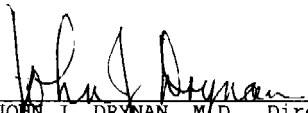
Certified to the Secretary of State March 16, 1981

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rules 16.44.402	)	OF RULES
hazardous waste determination,	)	ARM 16.44.402
and 16.44.430, farmers	)	(Hazardous Waste Determination)
		AND ARM 16.44.430 (Farmers)

TO: All Interested Persons

1. On January 29, 1981, the department published notice of a proposed amendment of rules 16.44.402 concerning hazardous waste determination and 16.44.430 concerning farmers, at page 70 of the 1981 Montana Administrative Register, issue number 2.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

  
JOHN J. DRYNAN, M.D., Director

By:   
JOHN W. BARTLETT, Deputy Director

Certified to the Secretary of State March 16, 1981

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
DIVISION OF WORKERS' COMPENSATION  
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF THE ADOPTION
of rules regarding minimum	)	OF RULES REGARDING
safety standards for logging	)	MINIMUM SAFETY STANDARDS
departments and logging	)	FOR LOGGING DEPARTMENTS
operations.	)	AND LOGGING OPERATIONS.

TO: All Interested Persons.

1. On November 14, 1980, the division of workers' compensation published notice of the proposed adoption of rules regarding minimum safety standards for logging departments and logging operations at page 2894 of the 1980 Montana Administrative Register, issue number 21. Public hearings were held, and interested persons were given until December 12, 1980 to present written arguments, views or data.

2. The division has adopted the rules regarding minimum safety standards for logging departments and logging operations, to become effective April 1, 1981, as follows:

24.30.201 GENERAL REQUIREMENTS

(1) Authority of Rules. These rules are adopted according to the authority vested in the division of workers' compensation by Section 50-71-106, Montana Code Annotated.

(2) Application. These rules apply to practices of sawmill logging or related activity and the methods and equipment used in other operations associated with the preparation and movement of logs from timber sites to delivery points.

(3) Scope. Any situation or condition not specifically covered by these rules is subject to other laws administered, or rules adopted, by the division of workers' compensation.

(4) Purpose. The purpose of these rules is to prescribe minimum safety standards for all persons employed in the logging and logging-related industries.

(5) Planning. Plans shall be made in advance for the safety of workers in logging operations. Persons in charge shall see that predetermined plans are followed.

24.30.202 SAFETY PROGRAMS AND COMMITTEES (1) Safety programs shall be conducted in accordance with the standards adopted by the division of workers' compensation.

(2) Safety committees shall be organized whenever possible and every effort shall be made to make their work successful. Employers should voluntarily establish safety committees and act on the reports made by such committees.

24.30.203 EMPLOYERS' RESPONSIBILITIES (1) Management shall establish and supervise the following activities:

(a) provide a working environment which complies with safety rules and regulations herein described;

(b) report directly to the division of workers' compensation any accident resulting in a fatality; and

(c) equipment involved in an accident resulting in an immediate fatality shall not be moved until a representative of the division, the sheriff, or coroner investigates the accident and releases the equipment. The equipment may be moved when it is essential to prevent further accidents.

(2) Supervisors of logging crews must account for all workers when:

(a) work ceases;

(b) work is discontinued before regular quitting time;  
or

(c) when transporting a partial crew.

24.30.204 EMPLOYEES' RESPONSIBILITIES (1) All employees shall make it their responsibility to keep co-workers free from accidents and personal equipment in good working condition. The worker shall study and observe these and any other safety standards governing his work.

(2) Each employee shall use and maintain all protective equipment or apparel that is required or provided.

(3) The responsibilities of employees in industrial safety shall be as follows:

(a) immediately report to the foreman or employee safety committee all unsafe conditions and practices;

(b) ascertain from the foreman where medical help may be obtained if needed;

(c) avoid practical jokes and "horseplay";

(d) make a prompt report of every accident to the foreman or person in charge;

(e) be certain safety instructions are understood completely before work begins;

(f) attend and participate actively in all safety meetings;

(g) set a good safety example for fellow workers by applying the principles of accident prevention and by observing safe practice rules; and

(h) do not report to work while under the influence of intoxicants.

(4) No person in possession or under the influence of intoxicating liquor or drugs shall be permitted near worksites.

24.30.205 WEATHER CONDITIONS When extreme weather or other conditions are such that hazards arise, additional precautions shall be taken to insure safe operation. If the operation cannot be made safe because of these conditions, work shall be temporarily discontinued.

24.30.206 WORKING ALONE (1) A definite procedure for checking the welfare of all workers shall be instituted and all workers so advised.

(2) The employer shall assume the responsibility of work assignments so that no worker, including maintenance personnel, shall be required to work in a location away from visual or

audible signal contact with another person who could render assistance in an emergency.

(3) A crew of at least two (2) persons shall be in visual or audible signal contact with one another in any operation where cutting, yarding, loading or any combination of these duties is occurring. (Motor noise is not acceptable as a signal.) The two person crew minimum does not apply to operators of motor vehicles, watchmen or certain other jobs which are single worker assignments.

24.30.207 NOISE LEVEL (1) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table L-9.

(2) When employees are subjected to noise exposures exceeding those listed in Table L-9, feasible administration or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table L-9, personal protective equipment shall be provided and used.

(3) In cases where sound levels exceed the values in Table L-9, a continuing, effective hearing conservation program shall be administered. A minimal program shall include:

(a) noise exposure evaluation of employees;

(b) engineering controls for those over the threshold limit values;

(c) audiometric testing at least once each year for those employees subjected to sound levels exceeding those listed in Table L-9; and

(d) hearing protection shall be maintained as nearly as possible to its original effectiveness and shall be fitted by a responsible person. Plain cotton is not an acceptable protective device.

TABLE L-9

Permissible Noise Exposures	
Duration per day, hours	Sound level DBA slow response
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

24.30.208 PROTECTIVE APPAREL (1) All employees exposed to overhead hazards shall wear protective hard hats.

(2) Clothing shall be worn which is appropriate to the duties performed and conditions encountered.

(3) Loose or torn clothing shall not be worn near moving machinery.

- (4) Suitable gloves shall be worn when handling cables.
- (5) Calked boots or safety soled shoes shall be worn by persons whose work requires their use.
- (6) All inexperienced sawyers shall wear protective chaps.

24.30.209 CAMPS (1) A camp used in a logging operation shall comply with the following requirements:

- (a) trees and snags which may constitute a hazard to persons in the camp area shall be felled; and
- (b) the Montana department of health and environmental sciences rules of sanitation must be observed as to water, toilets, washrooms, refuse, etc.

24.30.210 TRANSPORTATION OF CREWS (1) Motor vehicles used for transporting crews shall be covered against weather and shall be regularly inspected for safe operation. No loose tools, equipment or materials shall be transported inside crew trucks with employees.

- (2) An unobstructed aisle shall be maintained in all crew buses.

(3) When it becomes necessary, under emergency conditions, to transport more persons than the seating capacity of the vehicle, all workers without seats shall ride within the vehicle. Under no circumstances shall workers ride on fenders or running boards.

- (4) No person shall ride in or on any vehicle with his legs hanging over the ends or the sides. A secure safety bar, chain or cable shall be placed across the rear opening of all crew trucks which are not equipped with roofs.

(5) All crew buses shall have enclosed racks or boxes to confine saws and other tools and equipment when transported inside the vehicle.

(6) In an emergency, dump trucks may be used to transport workers if equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while workers are riding in it.

(7) Highly flammable materials shall not be carried in any vehicle while it is being used to transport workers, but may be carried on the outside of the vehicle in an approved manner.

(8) Explosives shall not be carried in or on any vehicle while it is being used to transport workers.

(9) Exhaust systems shall be installed and maintained in proper condition, and shall be designed to eliminate any exposure to exhaust gases and fumes.

(10) In addition to the regular entrance, all buses shall have an emergency exit on the opposite end.

(11) Some mechanical means of signaling shall be provided between the driver and the persons being transported when they are in separate compartments.

(12) All crew buses regularly used for carrying crews shall be equipped with stretcher, two blankets, splints, approved first aid kit, fire extinguishers, and an emergency light.

(13) All vehicles used for transporting crews should have some means of heating and lighting the passenger area. Hot water radiator type heaters are recommended. If stove type heaters are used, stoves shall be solidly anchored and all doors, lids, etc., shall have locking devices. All stove pipe shall be welded or be in one continuous piece. An approved guard shall be installed around the stove to eliminate accidental contact.

(14) A fire extinguisher of not less than 5 B:C capacity shall be kept in a convenient location and maintained in a proper working condition.

(15) A brake test shall be made immediately after the vehicle is placed in motion.

24.30.211 TOOLS AND EQUIPMENT (1) The employer shall be responsible for the safe condition of all tools provided.

(2) Handles shall be sound, straight and tight fitting.

(3) Driven tools shall be dressed to remove any mushrooming.

(4) Cutting tools shall be kept sharp and properly shaped.

(5) Wood hooks and pickaroons of good grade steel shall be used.

(6) Defective tools shall be removed from service.

(7) Tools shall be appropriate for their use. They shall be of proper size and used in a safe manner.

(8) Safe storage facilities shall be provided for hand tools.

(9) Tools shall be stored in the provided location when not in use.

(10) Periodic inspection shall be made to assure all tools are serviceable.

(11) Case hardened, or battered sledges and wedges shall not be used.

24.30.212 SAWYERS AND FALLERS (1) Sawyers must give timely warning to other persons in the vicinity where the tree is being felled, taking notice that such persons are not only out of reach of the tree, but also out of danger of possible sidewinders, snags of other trees which may be knocked over by the tree being felled.

(2) No tree within the range of a traveled road or railroad track shall be felled unless a flagman or barricade is used to warn approaching traffic.

(3) Fallers must insure that a way of escape is clear before a tree is felled.

(4) The minimum distance between sawyers shall be twice the height of the trees being felled.

(5) Undercuts are required and shall be deep enough to safely guide the trees.

(6) Backcuts shall be as level as possible and they shall always be above the upper cut of the undercut.

(7) While wedging, fallers shall watch for limbs and other material which might be jarred loose.

(8) No sawyer shall work out of hearing distance of his partner or some other person who can respond to an emergency.

(9) In falling timber near a standing tree or snag, fallers shall watch for limbs and tops thrown back, and for fallen or standing trees which may be struck by the falling tree.

(10) Workers shall not stand near the stump as the tree falls and when possible this distance shall not be less than 20 feet.

(11) At no time shall sawyers work if the wind is strong enough to prevent the falling of trees in the desired direction, or when vision is impaired by dense fog or darkness.

(12) Before falling a tree or snag, the sawyer must survey the overhead dangers and proceed accordingly.

(13) When there is danger of kickback from a sapling, it must be either undercut or felled.

(14) All heavy leaners must have deep undercuts and heavy side cuts as necessary.

(15) Sawyers must give advance warning to all persons within range of any log which may roll after being cut.

(16) Sawyers shall not work on hillsides immediately below each other or below other operations where there is a danger of skidding or rolling trees.

(17) Sawyers shall carefully examine a felled tree before making a cut to determine which way the log will roll, drop, or swing when the cut is completed. The safest position thus determined shall be used in finishing the cut.

(18) Sawyers shall not work on the downhill side of a log unless absolutely unavoidable.

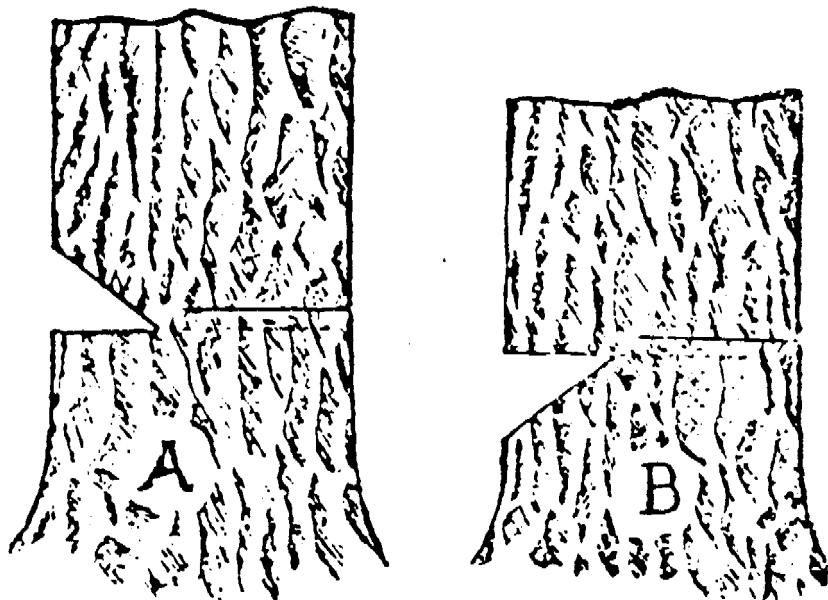
(19) A positive method that will prevent accidental cutting of necessary holding wood shall be established. Particular care shall be taken to hold enough wood to guide the tree or snag and prevent it from prematurely slipping or twisting from the stump.

(20) All logs not completely cut off shall be called to the attention of the woods boss.

(21) Sawyers using axes must be careful that the chopping range is unobstructed when swinging.



(22) Recommended undercuts:



"A" Conventional undercut. Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.

"B" Both cuts made with the saw. Same as "A" except that waste is put on the stump.

24.30.213 DANGEROUS TREES AND SNAGS (1) Dangerous trees and snags within reach of landings, roads, or rigging shall be felled before regular operations begin.

(2) All snags judged to be dangerous by the sawyer shall be felled.

(3) Inexperienced workers shall not buck windfalls or snags unless accompanied by an experienced sawyer.

(4) Trees shall be felled to prevent hangups.

(5) Particular care shall be taken in working around and falling snags. Dangerous bark shall be removed from snags in preparation for falling. Stump height shall be adequate enough

in the judgment of the sawyer to allow maximum visibility and freedom of action during the falling operation.

(6) Whenever possible, snags shall be felled in the direction of lean, using a suitable undercut to avoid vibration of wedges.

(7) In thinning operations, dangerous trees and snags shall be felled during the first thinning.

(8) Loose rocks, stumps, etc., shall be removed from roadside banks if they present a hazard to travel or other operations.

(9) A tree lodged in another tree should be knocked down by falling a third tree against it, or it shall be pulled down by a line attached to a skidder or yarder. Extreme care shall be exercised when working around the "hung" or the "supporting" trees.

(10) When a hung tree must be left unattended, the tree shall be marked and identified by a predetermined method.

(11) Down logs uphill from sawyers or buckers shall be examined and propped or otherwise secured if dangerous.

24.30.214 CHAINSAW OPERATIONS (1) Chain saw operators shall:

(a) follow manufacturer's instructions as to operation and adjustment;

(b) inspect the saws daily to assure that all handles and guards are in place and tight, that all controls function properly, and that the muffler is operative;

(c) start the saw only when firmly supported;

(d) be certain of footing and clear away brush which might interfere before cutting;

(e) not use the saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw;

(f) shut off the saw when carrying it for a distance greater than from tree to tree or in hazardous conditions such as slippery surfaces or heavy underbrush, (the saw may be at idle speed when carried short distances);

(g) carry the saw in a manner to prevent contact with the chain and muffler;

(h) not fuel the saw near potential sources of ignition; and

(i) not use engine fuel for starting fires or as a cleaning solvent.

(2) Chain saws shall have the sprocket and drive end of the bar adequately guarded.

(3) Combustion engine driven power saws shall be equipped with a positive means of stopping the engine.

(4) Combustion engine driven power saws shall be equipped with a clutch. Saws with faulty clutches shall not be used.

(5) Combustion engine driven power saws shall be equipped with an automatic throttle control which will return the motor

to idling speed upon release of the throttle.

(6) Power saw motors shall be stopped while being fueled.

(7) Operators or helpers shall not place their hands on the bar while the motor is running.

(8) Mechanical falling devices shall be used with suitable and substantial safeguards to protect the operator and nearby workers.

24.30.215 GENERAL CLIMBING REQUIREMENTS (1) Trees shall not be topped during windy weather.

(2) At no time shall topping, rigging-up, or stripping be done when visibility is impaired.

(3) The climber shall be an experienced logger with knowledge of safe tail tree rigging.

(4) No line attached to a tree in which a climber is working shall be moved except on a signal from the climber.

(5) Yarding of any type shall not be conducted within reach of the guylines of a tree in which a climber is working.

(6) The climber shall be equipped with a safety belt with double "D" rings on each side of the belt, steel spurs and a wire-core hemp climbing rope or an approved chain. This assembly shall have a breaking strength of not less than 5400 pounds.

(7) The climbing rope shall be attached to both of the two "D" rings at each side of the belt, or passed through the "D" rings and around the body. A secondary safety device shall be used when snap hooks are used.

(8) All climbing equipment shall be kept in good condition.

(9) An extra set of climbing equipment and a person with some climbing ability shall be available.

(10) When power saws are used in topping or limbing standing trees, the weight of the saw used shall not exceed thirty (30) pounds.

(11) Tools used by the climber shall be safely secured to his belt or person.

(12) When the climber is required to top trees ahead of operations, another worker shall be assigned to stay in constant contact with the climber at all times.

(13) An experienced person, stationed out of danger from falling objects, shall be assigned to transmit the climber's signals.

(14) Spurs shall be long enough to hold in any tree in which they are being used.

(15) Lineman hooks shall not be used as spurs.

(16) Spurs shall be removed when the climber is not in a tree.

(17) Attaching the pass line to a pickup or any moving equipment is prohibited.

(18) While a climber is working in a tree, other workers shall keep a safe distance from it.

(19) The climber shall give warning if any equipment or material is in danger of falling or is to be dropped deliberately.

(20) Noisy equipment such as power saws, skidders and shovels, shall not be operated in the landing area if such noise interferes with the climber's signals.

24.30.216 SELECTION AND PREPARATION OF TAIL TREES

(1) Tail trees shall be examined carefully for defects before being selected. They shall be sound and of sufficient diameter to withstand the strains to be imposed.

(2) Trees having defects that impair their strength shall not be used for tail trees.

(3) Douglas fir, western larch or ponderosa pine should be used as tail trees, if available, but other species may be used if they are tested to insure that they can withstand the strains to be imposed.

(4) All tail trees that create a hazard to workers shall be topped short enough to be stable when guyed.

(5) Tail trees shall be barked or tree plates shall be used.

(6) Climbers shall select the location for hanging rigging before topping the tree, and in no instance shall more than sixteen (16) feet nor less than six (6) feet of the topped tree extend above the rigging location.

(7) Tree spikes used by the climber to hand rigging shall be removed before the tree is used.

(8) Loose rigging shall be removed or securely fastened.

24.30.217 RIGGING -- GENERAL REQUIREMENTS (1) Rigging and all parts thereof shall be of a design and application to safely withstand all expected or potential loading to which it will be subjected.

(2) The placing, condition, and the operation of rigging shall be such as to insure safety to those who will be working in the vicinity.

(3) Rigging shall be arranged and operated so that it will not foul or saw against lines, straps, blocks, or other equipment.

(4) In no case shall the allowable loading or stress imposed be more than one-half of the cable rated breaking strength of any parts of the rigging. This shall not apply to chokers.

(5) Chokers shall be of less tensile strength than the mainline.

(6) The determining factor in rigging-up shall be the amount of rated drum pull which a machine can deliver on each line. For practical application, equipment which requires the use of mainlines of 1-1/8 inch and larger shall be considered heavy equipment.

(7) Equipment shall be classed according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the power of equipment, the size of the rigging shall be increased so that it will safely withstand the increased strains.

(8) Running lines shall be arranged so that workers will not be required to work in the bight.

(9) Workers shall move out of the bight of lines before the lines are moved.

(10) Reefing or similar practices to increase line pull are prohibited.

(11) All employees are prohibited from riding hooks, lines, or any other rigging, except where such equipment has or is provided with handholds, footholds, or other necessary means for safe riding, and where lifting of employees by such devices will eliminate a greater hazard.

(12) Rigging shall be moved only by standard signals or approved alternate system.

24.30.218 INSPECTION OF RIGGING (1) A thorough inspection of all blocks, straps, guylines, and other rigging shall be made before they are placed in position for use. This inspection shall include an examination for damaged, cracked, or worn parts, loose nuts and bolts, lubrication, and the condition of straps and guylines. The repairs or replacements necessary for safe operation shall be made before the rigging is used.

(2) The employers shall make and maintain annual records of all rigging which was thoroughly inspected, and shall make such records available for examination. The records shall include the date of inspection and the signature of the person making the inspection.

24.30.219 GUYLINES (1) The specific requirements for guylines as herein contained are assumed to be necessary for reasonable compliance with the safety factors required for rigging. Variations giving equivalent strength may be permitted. If, however, in any given circumstance it is the opinion of the division that additional guys or guys of larger diameter are reasonably necessary, they shall be added.

(2) Guylines shall be of plow steel or better material in good condition.

(3) Guylines shall be sufficient in number, condition, and location to develop stability and strength equivalent to the ultimate or breaking strength of any component part of the rigging in the system.

(4) Guylines shall be alternately passed around the tree in opposite directions to prevent twisting of the tree. Guylines shall be hung in a manner to prevent a sharp bight or fouling when they are tightened.

(5) Guylines shall be fastened by means of shackles, hooks, or slides. The use of loops or molles for attaching guylines is prohibited.

(6) The "U" part of a shackle shall be around the guyline and the pin passed through the eye of the guyline. Pins shall be secured with cotterkeys, or the equivalent.

(7) All spliced guyline eyes shall be tucked at least

three times.

(8) Extensions to guylines shall be equal in strength to the guyline to which they are attached. Extensions shall be attached only by a regular long splice, a shackle connecting two spliced eyes, or double-end hooks; the fittings shall have at least one and one-half times the strength of the guyline.

(9) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(10) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(11) When guylines are used, all logging equipment shall be guyed and anchored in a manner capable of withstanding all resultant combined stresses.

(12) When side blocking or lateral yarding, lateral stability to yarders and tail trees shall be insured by guy-lines sufficient in number, breaking strength and spacing.

(13) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

24.30.220 ANCHORING GUYLINES (1) Stumps used for anchoring guylines and skylines shall be carefully chosen as to position, height, and strength. The guy anchors shall have a greater safety factor than the load imposed.

(2) Stumps shall be adequately notched and barked where attachments are to be made.

(3) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(4) Workers shall not stand close to the stump, or in the bight of lines as the guyline wraps are being tightened.

(5) When straps are used for guyline anchors, the straps shall have one and one-half wraps on the stump and both eyes shall be attached to the guyline.

(6) Standing trees shall not be used for yarder guyline anchors.

(7) Any logging machinery using a haulback line larger than 7/8 inch shall not use standing trees for tail-hold or corner block anchors.

(8) Stumps, trees, and manmade anchors shall be inspected from time to time while the operation is in progress and insecure or hazardous conditions immediately corrected.

24.30.221 BLOCKS AND TREE JACKS (1) Blocks shall not be used for heavier strains or lines than those for which they were constructed.

(2) Sheaves and bearings shall be of a material and type that will safely withstand the speeds and strains imposed. Bearings shall be kept well lubricated.

(3) All blocks shall be fitted with line guards, or shall be designed or used in a manner that prevents fouling.

(4) Pins shall be securely fastened so that they cannot

be accidentally knocked out.

(5) Bearing and yoke pins of all blocks shall be securely fastened.

(6) Excessively worn sheaves shall not be used.

(7) Mainline blocks used for yarding, swinging, loading, and unloading shall be of the type and construction customarily used for this purpose, and shall be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure.

(8) Mainline blocks for yarding or swinging shall have a sheave diameter of not less than 16 times the diameter of the mainline.

24.30.222 HANGING OF BLOCKS (1) All blocks used to hold lines directly to yarders, loading or unloading machines shall be hung in both eyes of straps. Threaded straps for such use are prohibited.

(2) Tail, side, or corner blocks used in yarding shall be hung in both eyes of straps.

(3) On all logging systems, sufficient corner or tail blocks shall be used to distribute the stress on anchors and attachments.

(4) The yoke-pin of haulback blocks shall be inserted with the head facing in the direction from which the butt rigging approaches.

(5) All other blocks shall be properly and securely hung in straps or other means which will furnish equivalent security.

24.30.223 PASS LINES AND CHAINS (1) All tail trees shall be equipped with pass lines if climbing is required.

(2) Pass lines shall:

(a) not be less than 5/16 inch and not be over 1/2 inch in diameter;

(b) not be subjected to any sawing on other lines or rigging and kept clear of all moving lines and rigging; and

(c) be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends.

24.30.224 PASS BLOCKS (1) Pass blocks shall:

(a) be inspected and repaired if necessary before being used;

(b) have the shells bolted under the sheaves;

(c) have the bearing pin securely locked and the nuts keyed or the block be of a type which positively secures the nut and pin;

(d) be equipped with sheaves not less than 4 inches in diameter; and

(e) not be used for any other purpose. They shall be identified by specially colored paint or other equally effective means.

24.30.225 STRAPS (1) All tree straps shall be the right size to give a strength equal to twice that of the pulling lines they support. (Straps 1/8 inch larger than a pulling line will be assumed to be in reasonable compliance with the requirement when the block is hung in both eyes.)

(2) All tree straps shall be of new or undamaged wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(3) The use of shackles instead of eyes for attachments on tree straps is recommended.

(4) All straps, other than tree straps, shall have a strength at least equal to the strength of the lines or rigging they support.

(5) Main line lead straps shall be hung and maintained not more than 10 inches below the guylines at the back side of the tree opposite the block.

(6) Haulback blocks shall be hung as closely as possible to intermediate supports.

(7) Straps that are used to hang blocks or rigging in a single eye shall be of a size and condition to render a strength equal to two times the stress imposed on the line with which they are used. Sleeve type shackles shall be used where choked straps are permitted.

(8) Safety straps shall be used on all yarding or swing mainline lead blocks, or skyline blocks.

(9) Safety straps shall be of not less than 1/4 inch larger than the line it supports with one end securely fastened to the shell of the block and the other end to a sleeve type shackle arranged to slide on the guyline.

(10) Pins or shackles used on safety straps shall be secured with a cotterkey.

(11) Crotch-line straps for leading hooks or end bridles shall be of the length or adjustable to the length necessary to give the proper end pull and shall be made of not less than 5/8 inch line. The size of this line shall be increased in accordance with the weight of the logs being handled.

24.30.226 SKYLINES (1) Stationary skylines shall be hung in a tree jack, and shall be securely anchored to a stump or a deadman. The end of the skyline shall not be anchored to a tail tree.

(2) Skylines shall be anchored by choking one stump and using a large shackle over the skyline with the pin through the eye. Skylines anchored to deadmen shall be passed through a block and properly clamped or shackled to the straps.

(3) Extensions to skylines shall be equal in strength to the skyline to which they are attached. Extensions shall be attached only by a regular long splice, wedged coupling, or a shackle connecting two spliced eyes, tucked at least three times. If connected by a shackle, the shackle shall have at least one and one-half the strength of the line.



24.30.227 SHACKLES (1) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut or secured with a cotterkey or locks.

(2) Shackles used to hang blocks, jacks, or other rigging that may be subjected to potential stress greater than that imposed by a single part of the pulling line with which they are to be used shall have a strength equal to not less than two times the stress imposed by the pulling line.

(3) The minimum sizes of shackles required to hang or attach single sheave blocks or jacks shall be not less than those shown in the following table, and shackles shall be of an alloy which develops 120,000 PSI ultimate tensile strength or better.

Wire Rope Size	Shackle Size	Wire Rope Size	Shackle Size
1/2"	3/4"	7/8"	1-1/4"
9/16"	13/16"	1"	1-3/8"
5/8"	7/8"	1-1/8"	1-1/2"
3/4"	1-1/8"	1-1/4"	1-3/4"

(4) All shackles used for joining or attaching lines shall have a strength of not less than one and one-half times that of a type designed for the purpose.

(5) The minimum sizes of shackles required for joining or attaching lines shall not be less than those shown in the following table:

Wire Rope Size	Shackle size if not less than 70,000 PSI ULT. tensile strength	Shackle size if not less than 120,000 PSI ULT. tensile strength
1/2"	7/8"	5/8"
9/16"	15/16"	11/16"
5/8"	1-1/8"	7/8"
3/4"	1-1/4"	1"
7/8"	1-3/8"	1-1/8"
1"	1-3/4"	1-1/4"
1-1/8"	1-7/8"	1-3/8"
1-1/4"	2"	1-1/2"

NOTE: The manufacturer's rated breaking strength of the shackles may be used in determining oversize requirements when the shackle in question can be identified as to its make, size, and steel classification.

(6) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, or joining, or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(7) Shackle pins and nuts shall be replaced when worn or when threads are worn or stripped.

24.30.228 UPBUILDING BY WELDING (1) The upbuilding by welding of high lead shackles or skyline shackles is prohibited.

(2) Shackles, swivels, links, and rigging plates shall be replaced or repaired when they are worn so that they will safely support the imposed strain.

(3) Shackles and swivels subjected to heavy strains shall not be built up by welding after they have become worn beyond the point of safety.

24.30.229 WIRE ROPE (1) All wire rope offered for sale shall be certified as to its breaking strength by the manufacturer or vendor in accordance with the U. S. Bureau of Standard's specifications, or other acceptable authority before being used for any hazardous purpose.

(2) Wire rope which is badly worn, crystallized, or kinked shall not be used.

(3) Stranded, chafed, or sawed wire rope shall be replaced or repaired upon discovery.

(4) Wire rope that has been burned shall be discarded.

(5) Wire rope worn or damaged beyond the point of safety shall be taken out of service or properly repaired before further use.

(6) Under ordinary circumstances, a wire rope including standing lines shall not be used when twelve and one-half percent (12-1/2%) of the wires are broken within a distance of one wrap (lay).

(7) Wire rope which is corroded, damaged or has improperly applied end connections shall not be used.

(8) Wire rope which has been subjected to a strain greater than 67 percent of its breaking strength (two times the safe working load) shall be used only in applications for which the next smallest strength line would be required.

(9) The use of hard hammers for cutting cable with a wire axe is prohibited.

(10) A cable cutting, soft hammer and wire axe, or cutting torch shall be available and shall be used for cutting cables.

(11) Wire rope shall:

(a) be kept lubricated as conditions of use require;

(b) be of the same size and construction and the same or better grade as originally furnished by the equipment manufacturer unless otherwise recommended by the manufacturer; and

(c) be taken out of service when any of the following conditions exist:

(i) in running ropes, 6 randomly distributed broken wires in one lay or 3 broken wires in one strand in one lay;

(ii) wear of 1/3 the original diameter of outside individual wires;

(iii) kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iv) evidence of any heat damage from any cause;

(v) reductions from nominal diameters as follows:

(A) 1/64 inch for diameters 3/8 inch to and including 5/16 inch;

- (B) 1/32 inch for diameters 3/8 inch to and including 1/2 inch;
- (C) 3/64 inch for diameters 9/16 inch to and including 3/4 inch;
- (D) 1/16 inch for diameters 7/8 inch to 1-1/8 inch inclusive; and
- (E) 3/32 inch for diameters 1-1/4 inch to 1-1/2 inch inclusive.

24.30.230 END FASTENINGS AND SPLICING (1) Short splices, eye-to-eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for temporary purposes.

(2) Knots will be permitted for use with single drum skidders and crawlers and grapple pick-up lines when properly tied. Knots on the straw line will be permitted.

(3) That portion of the cable used for hoisting, and the next three full wraps on the drum, shall be free of splices.

(4) Eye splices in all "regular lay" lines and straps shall be tucked at least three times.

(5) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(6) Splices other than eye splices in "lang lay" loading lines are prohibited. Eye splices in "lang lay" lines shall be tucked at least four times.

(7) Long splices shall be used for permanently joining "regular lay" running lines. The safe margin of line to be used in making a long splice is indicated in the following table. The full length of the splice will be twice that "to be unraveled".

Rope Diameter	To Be Unraveled	Rope Diameter	To Be Unraveled
1/4 inch	5 feet	1 inch	12 feet
1/2 inch	7 feet	1-1/4 inch	15 feet
3/4 inch	9 feet		

(8) The strand-ends of spliced cables shall be properly trimmed.

(9) Soft hammers, marlin spikes, or needles in good condition, and large enough for the size of the line being spliced shall be used.

(10) The manufacturers' recommendations shall be followed in attaching sockets and similar end fastenings.

(11) Other means of attachment of end fastenings may be acceptable when approved by the division.

(12) The rated efficiency of the various types of end fastenings shall be as follows:

End of Fastening	Will Develop (approximately)
Clamps properly attached	80% to 85% of rope strength
Clamps improperly attached	less than 50% of rope strength
Spliced eye and thimble	3/8" to 5/8" inc. -- 95% of rope strength

Spliced eye and thimble	3/4" to 1-1/8" inc. -- 85% of rope strength
Spliced eye and thimble	1-1/4" to 1-1/2" inc. -- 80% of rope strength
Spliced eye and thimble	1-5/8" up -- 75% of rope strength
Spliced eye without thimble	indeterminate because of flattening of strands under strain
Wedge sockets	65% of rope strength
Sockets properly attached	100% of rope strength

(13) The following table gives the strength efficiency which will be allowed for the ropes bent around sheaves of a given diameter as compared with the strength of the same rope when straight. (Based on U.S. Bureau of Standards Tests.)

When Sheave Diameter is:	Efficiency of Rope:
10 times rope diameter	79% of strength of straight rope
12 times rope diameter	81% of strength of straight rope
14 times rope diameter	86% of strength of straight rope
16 times rope diameter	88% of strength of straight rope
18 times rope diameter	90% of strength of straight rope
20 times rope diameter	91% of strength of straight rope
24 times rope diameter	93% of strength of straight rope
30 times rope diameter	95% of strength of straight rope

The above table is not intended to apply to sheaves, rolls, fairleads, etc., used as line guides where loading or angle of line departure contact only a small percent of the sheave.

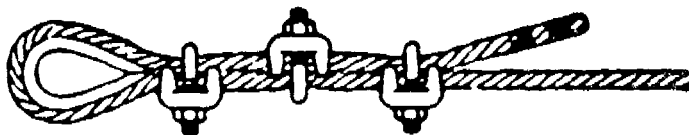
24.30.231 APPLICATION OF WIRE ROPE U-BOLT CLIPS (CROSBY TYPE) (1) Wire rope U-bolt clips shall be used according to the correct method illustrated below:



(a) Correct method -- U-bolts of clips on short end of rope (no distortion on live end of rope).



(b) Wrong method -- U-bolts on live end of rope (this will cause mashed spots on live end of rope).



(c) Wrong method -- staggered clips - two correct and one wrong (this will cause a mashed spot on live end of rope due to wrong position of center clip).

(d) After rope is in service and is under tension, tighten clips to take up decrease in rope diameter.

(2) The number and spacing of U-bolt wire bolt clips shall comply with the following table:

Rope Diameter Inches	Drop Forged Clips	Clips of Other Material	Minimum Spacing In Inches
1/2 & less	3	4	3
5/8	3	4	3-3/4
3/4	4	5	4-1/2
7/8	4	5	5-1/4
1	5	6	6
1-1/8	6	6	6-3/4
1-1/4	6	7	7-1/2
1-3/8	7	7	8-1/4
1-1/2	7	8	9

#### 24.30.232 LOGGING MACHINES -- GENERAL REQUIREMENTS

(1) Sheds or roofs and necessary screens or barriers of sufficient strength and dimension to afford adequate protection for the operator shall be provided on or over all logging machines. Such devices shall be constructed so that they do not impair the operator's view or restrict egress in case of emergency.

(2) Substantial barriers or bulkheads to protect the operator shall be provided on all logging machines where the

design, location, or use of such machines exposes the operator to materials or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled.

(3) A safe and adequate means of access to and egress from all parts of logging machines where persons must go shall be provided. Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc., shall be provided and maintained.

(4) Controls shall be maintained in good operation condition.

(5) Exhaust pipes shall be so located or guarded that workers will not be endangered by accidental contact with them.

(6) Exhaust pipes shall be located or designed to direct exhaust gases away from the operator.

(7) Brakes shall be installed on all machine drums and maintained in effective working condition.

(8) Brake lining shall be of material designed for this purpose.

(9) Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drums.

(10) Brakes shall be protected from direct exposure to the elements, or shall be of a design or construction which will render them impervious to such exposure. Operators shall test brakes before taking full load at the start of each shift.

(11) Logging machines shall be kept free of flammable waste material and any loose material which might contribute to slipping, tripping, or falling to the extent possible.

(12) Logging machine engines shall be stopped during fueling, inspection, or repairing except where operation is required for adjustment.

(13) While yarding, line machines shall be stabilized to prevent movement.

(14) Fairleads shall be properly aligned at all times and shall be of a design that will prevent line damage.

(15) A guide pulley, tool, stick, iron bar or other mechanical or manual means shall be used when guiding lines onto drums. Guiding lines onto drums with any part of the body in direct contact with the line is prohibited.

(16) Ends of lines attached to drums on logging machines shall be secured by end attachments with not less than three wraps on the drums. (This does not apply to crawlers or skidders.)

(17) To protect against workers being exposed to the hazardous pinchpoint area between the rotating superstructures and the nonrotating undercarriage of any logging machine:

(a) signs shall be conspicuously posted on all sides of any logging machine warning workers: DANGER -- STAY CLEAR; and

(b) items of personal property, tools, or other miscellaneous materials shall not be stored on or near any logging machine.

(18) Speed limiting devices, safety stops or emergency shut down devices, or shut off valves, shall be provided with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(19) Workers shall approach the hazardous pinchpoint area only after informing the operator of his intent and receiving acknowledgement from the operator that the operator understands his intention. All logging machines shall be stopped while any worker is in the hazardous pinchpoint area.

(20) When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a warning barricade shall be provided. This requirement shall not apply to logging machines when:

(a) the distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18 inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage.

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than 6 feet 6 inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage.

(c) On crawler type track-mounted logging machines, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less.

(21) Logging machine blades or similar attachments shall be lowered to the ground when machines are not operating or when the operator leaves the operating position.

(22) Logging machines shall not be moved until all workers are in the clear.

(23) Riding on arches, reaches, turns of logs, or any part of a machine except on the driver's seat is prohibited except where a seat under the canopy guard is provided.

(24) Crawlers, skidders, arches, or logs shall not run over or rub against guylines, anchors or other rigging.

**24.30.233 MOBILE YARDERS AND LOADERS** (1) All mobile yarders and loaders shall be designed and constructed with sufficient strength to withstand the expected strains to be imposed on them without the resulting stresses exceeding the allowable working stresses of the materials used in their construction.

(2) In no case shall the allowable stresses permitted be more than one-half of the yield strength of the material.

(3) Conversion of cranes, shovels, etc., into yarders or loaders shall be made in conformity with these rules.

(4) Necessary guylines or outriggers shall be provided and used to effectively prevent masts, booms, A-frames, etc., from tipping or overturning.

24.30.234 A-FRAMES, TOWERS AND MASTS (1) The design, erection and use of A-frames, towers, or masts shall conform to the pertinent requirements of the safety codes applicable to their intended use.

(2) A-frames, towers and masts shall be of a design and construction to provide adequate structural strength and sufficient vertical clearance or height for positive control of materials or loads.

(3) A-frames, towers and masts shall be adequately guyed or braced to provide stability and prevent tipping.

(4) The base of A-frames and similar devices shall be secured against possible displacement and the top shall be securely bolted or lashed to prevent displacement.

(5) Tail trees, A-frames or similar devices used as booms shall be provided with topping lines, hold-up lines, sailguys, or pendants necessary to conform to the requirements for safety factors for rigging. Attachment for such rigging shall conform to the requirements for straps, shackles, and similar rigging.

(6) All rigging on mobile A-frames, towers, masts, or similar devices must be inspected, and worn or defective parts replaced or repaired before they are raised or used on each respective setting.

(7) Where guylines are used, such guylines shall be installed in conformity with the requirements for guylines contained in these rules.

24.30.235 MOVING MACHINES (1) When snubbing machines down steep grades, the mainline shall be used for snubbing and the haulback for pulls. Sufficient snubbing rigging shall be set for safety.

(2) Only the operator and those required to assist the operator shall ride on the machine while it is being moved. A clear way of escape for such persons shall be provided. Workers' shall stand outside of the bight and well in the clear of fairlead, or other rigging, while pulls are being made.

(3) Leaning the machine heavily toward the operator while moving shall be avoided. Care shall be taken not to bump any part of the machine against snags in passing.

(4) When moving logging machines, the driver or operator shall have a clear and unobstructed view in the direction of travel. When this is not possible, and:

(a) when moving to areas outside of the landing area, a signalman with a clear and unobstructed view of the direction of travel shall direct the movement of the machine; or

(b) when moving to areas within the immediate landing area, all persons working on the landing shall stay clear of the machine or shall inform the operator of his intentions to approach or be near the machine.

(5) Where a signalman is used, the equipment operator shall move the equipment only on signal from the designated



signalman and only when the signal is distinct and clearly understood.

(6) Logging machines that depend on engine rpms for steering and braking shall be fitted with an auxiliary device to insure braking capabilities.

(7) Crawler crane type logging machines shall not travel on road grades greater than 20 percent unless they are securely snubbed or towed.

(8) A traction lock or brake shall be provided on crawler crane type machines capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating. Manufacturers shall specify the type of holding means provided.

(9) Service brakes on crawler crane type logging machines shall be adequate to bring the machine to a stop from normal travel speeds. Means shall be provided to adequately hold the machine stationary while working on any grade which it can negotiate.

#### 24.30.236 STATIONARY AND MOBILE EQUIPMENT OPERATION

(1) Equipment operators shall follow the manufacturer's and employers' recommendations for equipment operation, maintenance, safe practices, and site operating procedures.

(2) Equipment shall be kept free of flammable material as much as practicable.

(3) Equipment shall be kept free of any loose material which might contribute to slipping and falling.

(4) Engines shall be shut down during fueling, servicing, and repairs except where operation is required for adjustment.

(5) Equipment shall be periodically inspected for evidence of failure or incipient failure.

(6) The equipment operator shall walk completely around the machine and assure that no obstacles or personnel are in the area before startup.

(7) The equipment operator shall start and operate equipment only from the operator's station or from a safe area recommended by the manufacturer.

(8) Seat belts shall be provided on mobile equipment.

(9) The equipment operator shall check all controls for proper function and response before using them.

(10) The equipment operator shall ground or secure all moveable elements when not in use.

(11) The equipment operator shall maintain adequate distance from other equipment and personnel.

(12) Where signalmen are used, the equipment operator shall operate the equipment only on signal from the designated signalman and only when the signal is distinct and clearly understood.

24.30.237 CRAWLERS AND SKIDDERS (1) Every skidder, front-end loader, and fork-lift truck used in logging operations and related activities shall be equipped with a rollover

protection system (ROPS) and seat belts for the protection of the operator. The ROPS shall be of sufficient width and height so that it will not impair the movements of the operator or prevent the operator's immediate escape from the skidder in emergencies. It shall allow the operator all visibility possible. Seat belt buckles shall be of the quick release type.

(2) ROPS on all equipment purchased after January 1, 1981, must meet all standard manufacturers' safety specifications.

(3) Skidders shall be started and operated only by authorized personnel.

(4) Skidder operators shall not be permitted to work alone where they are not in frequent contact throughout the day with some person who could assist them in case of an accident.

(5) The general operating condition of a skidder shall insure the safety of the driver and other workers.

(6) All guards shall be kept in place and in good repair when the skidder is in use.

(7) Operating a skidder with defective steering devices is strictly prohibited.

(8) A skidder shall not be operated on terrain on which it cannot be adequately controlled.

(9) Skidders must have an adequate locking device which will hold the machinery stationary. Skidders shall not be left standing without first setting this locking device.

(10) Blades or similar equipment shall be lowered to the ground when skidders are not operating or are left unattended.

(11) When skidding, skidders operate around other workers and therefore all movements shall be regulated by standard signals. Skidders shall not be moved until all persons are in the clear.

(12) No person shall go near or under a skidder without the operator first immobilizing it.

(13) A worker shall not stand on any part of a skidder or arch unless he is required to do so by the nature of the work.

(14) Engines must be shut off while repairs or adjustments to clutches, frictions, or other parts of the skidder are being made.

(15) Riding on arches, reaches, turns of logs, or any part of a skidder except in the driver's seat is prohibited, except where a seat under the canopy guard is provided.

(16) In skidder operations, workers shall at all times watch for and protect themselves from sidewinders, rolling or upending logs and lines.

(17) Chokers shall be placed near the end of the log when skidder is yarding.

(18) Skidders, arches, or logs shall not be permitted to run over or rub against anchored lines, tailhold stumps, or other rigging.

(19) Logs shall not be swung over the skidder by a loading machine.

(20) Arches shall be equipped with line guards.

24.30.238 LOG LOADING -- GENERAL REQUIREMENTS (1) Loading operators shall have a clear view of the landing and of the trucks being loaded.

(2) Truck drivers or others may remain in the cab of the logging truck while logs are being loaded; when outside they are not allowed to leave the area immediately adjacent to the truck cab.

(3) No person shall ride loads while cars are being spotted or dropped, except those whose regular duties require them to do so.

(4) While logs are being loaded, no one shall remain on the load, chain dock or behind the cab protector. Any unattached material shall be removed from the top of the cab protector before the truck is moved from the landing.

(5) Logs shall not be swung over occupied equipment by loading machine on landings.

(6) When trucks are loaded by use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load or other suitable protection shall be provided to prevent the logs from falling until two binders have been applied.

(7) All limbs or knots projecting beyond stakes shall be removed before truck or car leaves the landing.

(8) To control the movement of a log truck being loaded, a positive means of communication shall be established between the truck driver and the loading operator.

(9) Unnecessary talking to an operator is prohibited while the operator is engaged in handling controls.

24.30.239 BOOMS AND LOADING EQUIPMENT (1) The loading boom must be in good repair, with cross rods and braces, eye bolts and heel blocks well secured. It must be kept free of all loose straps, chains, etc. Loading blocks shall be of sufficient weight to pull the slack for the grapple line without adding extra weight. The swing line on the loading boom shall have sufficient clearance above log pile, truck, or skidder (if used) in order not to endanger crew while loading trucks or cars at landing.

(2) Where grapples, or similar device is used for loading, the log holding device shall be lowered to the ground whenever the machine is unattended.

(3) It is recommended that the equipment be of such design as to lower the boom with power.

(4) Booms not having power down shall be dogged before workers enter the hazardous area around the boom.

(5) All heel booms, shovels and long booms used for loading, unloading, or skidding logs shall be equipped with outriggers which shall be extended when loading, unloading, or skidding (not to include crawler type).

(6) Heel hold-up strap must be securely fastened and of sufficient strength to withstand imposed load.

(7) A positive boom stop shall be installed on all machines equipped with a boom which can raise to a position where it could endanger the operator or other persons.

(8) Workers shall not be under any boom while it is being held by the brake.

(9) Loading machines shall be equipped with an effective parking brake system which is not dependent on the aid of hydraulic pressure which is used to stop the machine while traveling.

(10) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed.

(11) Defective outriggers shall be repaired or replaced immediately.

(12) A stable base shall be provided under outriggers or leveling pads.

(13) Defective hydraulic hoses, lines, and fittings shall be replaced.

(14) Hydraulic cylinders on knuckle booms, lifting and lowering cylinders on hydraulic booms, tilt and clamp on front end loaders, and hydraulic outriggers shall have a positive holding device (load check valve or a manually operated valve) to prevent movement of the piston in the event of a hose or fitting failure.

(15) The use of plain spiked loading hooks without a bell is prohibited for loading logs.

(16) Loading machines shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signals shall be followed.

(17) All boom type equipment used for handling logs shall be equipped with guards to protect the operator and controls.

(18) A minimum of 30 inches shall be maintained between the counter weight of a loading machine and trees, logs, banks, trucks, etc., while the machine is actively engaged in motion. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area.

(19) Fork-lift loaders and stackers shall be provided with overhead guards.

(20) Fork-lift loaders which have lift arms that create a shear point with the driver's cab or position shall be provided with shear guards which will eliminate such exposure.

(21) Grapple arms or other positive means of keeping logs on the forks shall be required on fork-lift type loading machines.

(22) Crotch-line straps for loading hooks or end bridles shall be of the proper length or adjustable to the length necessary to give the proper end pull and shall be made of not less than 1/2 inch line. The size of this line shall be

increased in accordance with the weight of the logs being handled.

24.30.240 CROSS-HAUL SYSTEMS (1) In cross-haul (par-buckle) or roll-on loading systems, the skid timbers shall be of sufficient strength to support the logs being loaded. These timbers shall be of sufficient length to remain in place while the log is being loaded.

(2) Loaders on this system shall work at the ends of the logs being loaded.

24.30.241 RELOADS AND TRANSFERS Reloading and transfers shall be subject to the provisions of these rules.

24.30.242 TONGS (1) Tongs shall be maintained in a good condition and carried in a safe manner.

(2) Tongs may be used on logs provided the logs are barked and notched to insure a secure hold.

24.30.243 LOADING TRUCKS (1) The method of loading shall be such that the outer logs in any tier or layer unsecured by stakes, shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of a wrapper.

(2) Logs shall be well saddled without crowding so that there will be no excessive strain on the wrappers, bunk chains, or stakes.

(3) Bunk logs on motor trucks with compensating reach type trailers shall not extend not less than 12 inches beyond the bunks, or a positive means shall be used to prevent the logs from slipping off the bunks.

(4) Not more than the upper half of any log shall extend above stakes unless properly and securely saddled.

(5) When logs are to be unloaded at different destinations, vehicles shall not be moved after each partial unloading until the requirements for binders and loading are met.

(6) In loading logs, care shall be taken to properly balance the load on the center plates of the car or truck and trailer.

(7) Logs on motor trucks shall be loaded so that not more than one-third of the weight of the logs extends beyond the trailer bunks.

(8) Logs shall be loaded so that not more than one-third of the weight of any log shall extend beyond the end of the logs supporting it.

(9) All workers shall be in the clear while logs are being hoisted or while logs or loads are being shifted on or swung toward cars or trucks.

(10) Standing directly between a truck cab and a log being loaded or unloaded is prohibited.

(11) Truck cabs shall be kept in the clear of swinging

logs or loads.

(12) Logs shall not be lowered to the bunk while bunk or stake adjustments are being made or until the person making these adjustments is in the clear.

(13) Loads or logs shall not be moved or shifted while binders are being applied or adjusted. Binders shall be placed and tightened around the completed load before shifting it for balance. Sufficient binders to hold the load shall be placed and tightened before a truck is moved from the landing.

24.30.244 LANDING -- GENERAL REQUIREMENTS (1) Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs.

(2) All log landing areas shall be adequately chunked out and as level as reasonably possible.

(3) Adequate means shall be installed to prevent logs from rolling into the road or against equipment.

(4) Logs shall not be landed at loading areas until all workers, skidders, trucks, or equipment are in the clear.

(5) All persons shall stay in the clear of running lines, moving rigging, and loads, until rigging or loads have stopped.

(6) Logs shall not be swung or suspended over workers.

(7) Riding on logs suspended in the air or being moved is prohibited.

(8) Inexperienced hook tenders shall work under the close supervision of experienced persons.

(9) Workers shall be sure that logs are securely landed before approaching them.

(10) Workers shall choose the safest position for unhooking chokers, which is usually the upper side of the log.

(11) If there is a chance that logs will slide, they will be secured before the main line tension is released.

(12) Chokers are not to be unhooked until the log deck is secured.

24.30.245 FLAMMABLE AND COMBUSTIBLE LIQUIDS -- GENERAL REQUIREMENTS (1) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. The division hereby adopts and incorporates herein by reference the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1966. A copy of this publication may be inspected at the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601, and obtained at cost from the division.

(2) Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon.

(3) The dispensing units shall be protected against collision damage.

(4) Flammable or combustible liquids shall be drawn from

or transferred into vessels, containers, or tanks only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity or pump, by an approved self-closing valve. Transferring by pressure on the container or portable tanks is prohibited.

(5) Flammable liquids shall be kept in closed containers when not actually in use.

(6) Storage areas shall be kept free of unnecessary weeds, debris, and other combustible material.

(7) At least one portable fire extinguisher having a rating of not less than 20 B-C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(8) Areas in which flammable or combustible liquids are transferred at one time, in quantities greater than five (5) gallons from one tank or container to another tank or container, shall be separated from other operations by a twenty-five (25) foot distance.

(9) Drainage or other means shall be provided to control spills.

(10) Leakage or slippage of flammable or combustible liquids shall be disposed of promptly and safely.

(11) Except in areas of controlled slash burning, flammable liquids may be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(12) Motors of all equipment being fueled shall be shut off.

(13) Tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1966. See Section (1) for adoption by reference.

(14) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, and the receiving or dispensing of flammable or combustible liquids.

(15) Conspicuous and legible signs prohibiting smoking shall be posted.

24.30.246 EXPLOSIVES -- GENERAL REQUIREMENTS The storage and transportation of explosives and blasting agents shall be in accordance with the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms Commerce in Explosives, Part 181 of Title 27, CFR. The Division hereby adopts and incorporates herein by reference the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms Commerce in Explosives, Part 181 of Title 27, CFR. A copy of this publication may be inspected at the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601, and obtained at cost from the division.

24.30.247 HANDLING (1) All persons handling explosives shall use every precaution and safety measure possible, and shall be guided by the appropriate sections of the Alcohol, Tobacco and Firearms Code, and the instruction in or on the explosives containers. The division hereby adopts and incorporates herein by reference the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms Commerce in Explosives, Part 181 of Title 27, CFR. A copy of this publication may be inspected at the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601, and obtained at cost from the division.

(2) Caps shall never be carried in the pockets of a worker's clothing. Separate leather or canvas containers for powder and for caps shall be provided when it is necessary to carry explosives.

(3) Caps shall be issued only to experienced persons and only in amounts necessary for their immediate use.

(4) Whenever possible, powder for immediate use shall be kept in the original containers and at a safe distance from workers and equipment.

(5) The supply of powder shall be kept to a minimum and shall be stored in a safe designated location.

(6) Explosives shall only be left in areas designated exclusively for explosive storage.

(7) Unused powder shall be returned each night to a locked magazine or powder box.

(8) No explosives shall be left on any job after its completion.

(9) Explosives shall be handled only by experienced persons or under their direct supervision.

(10) No person shall smoke while handling, storing, transporting, or working around explosives.

(11) Workers handling powder shall not:

(a) use metal tools for opening powder boxes;

(b) handle powder roughly;

(c) store caps and powder together;

(d) approach or enter holes where shots have been fired until sufficient time has elapsed for air to purify or the hole has been properly ventilated; or

(e) wear shoes with nails or metal plates in a magazine or in locations where they might cause sparks.

(12) Hazardous areas adjacent to blasting operations shall be cleared of personnel before blasting starts. Where necessary, flagmen shall be posted to insure that unauthorized personnel will not enter blasting areas.

(13) Care shall be taken to see that all persons are at a safe distance or under suitable cover before a shot is fired.

(14) If a fuse is used, explosions shall be counted and compared with the number of charges lighted to insure against unknown "misfires" before work in the vicinity is resumed.

(15) Misfires shall be handled only by experienced and



and competent powder men in accordance with their best judgment and skill.

(16) The use of a fuse which is wet, oil-soaked, kinked or damaged in any way that might affect its burning rate is prohibited.

(17) The burning rate of safety fuses in use shall be tested, posted in conspicuous locations, and brought to the attention of all persons involved in blasting.

(18) In preparing primers, the cap shall be firmly seated in the cartridge.

(19) Standard crimpers shall be used. Crimping with the teeth is prohibited.

(20) A fuse shall be cut off square for insertion in the cap, and the cap well crimped.

(21) The preparation of primers shall be done in a safe dry place, well away from fire or possible sparks.

(22) Cap containers shall be kept closed at all times except when caps are actually being removed.

(23) Damaged or deteriorated explosives and blasting agents shall be destroyed according to the instructions of the manufacturer or its agent. (Powder which has changed from normal color or condition, i.e., texture, size, shape, etc., shall be considered deteriorated until its exact condition has been determined by expert opinion.)

(24) The use of frozen explosives is prohibited. Thawing of frozen explosives by an artificial means such as open flame or exposed electrical heating elements is prohibited.

(25) All explosives not in use shall be removed from the blast area before firing.

24.30.248 WARNING SIGNAL (1) A regular warning signal for blasting shall be established and posted and every person on the job shall be required to know the signal.

(2) Before blasting, an adequate warning must be sounded in all directions and sufficient time allowed for all persons to reach a safe place.

24.30.249 MOTOR TRANSPORTATION - LOG HAULING (1) The movement of motor trucks and railroad cars around landings and other places where persons are working shall be controlled by signals. Vehicles shall not be moved until all persons are in the clear.

(2) Where the operator's vision is impaired by the load or vehicle, the driver shall move only on a signal from a person with a clear view.

(3) When audible signals other than voice are used to control the movement of trucks at the landing or deck, the following audible signals shall be used:

- 1 SHORT . . . . . STOP OR AHEAD
- 2 SHORT . . . . . BACK
- 2 LONGS . . . . . DANGER OR HELP NEEDED

(4) Truck drivers or other workers shall not approach the dangerous area alongside trucks being loaded until communication has been established with the loading machine operator and the safe area.

(5) Truck decks shall be kept reasonably clean of debris.

(6) Projecting materials that impair clearance shall not be transported.

24.30.250 OFF HIGHWAY TRUCK TRANSPORT Truck drivers shall be required to stop their vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter the first public road they encounter.

24.30.251 SELF-LOADING LOG TRUCKS (1) Self-loading log trucks manufactured after January 1, 1981, shall be equipped with:

(a) a load check valve (velocity fuse) or similar device installed on the main boom; and

(b) a seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently.

(2) The operator of a self-loading log truck shall not:

(a) heel the log over his head; or

(b) heel the log on the operator side of the boom of the seat if offset from the point of attachment of the boom.

(3) A safe and adequate means of access to and from the loading work station on self-loading log trucks shall be provided.

(4) A self-loading log truck shall not load itself or another truck when the loading process is under or within a guyline circle or similar overhead hazard.

(5) Self-loading log truck operators shall not unload their own loads unless positive means of securing the logs have been provided when binders are removed.

(6) Self-loading truck trailers shall be secured to the truck when the trailer is being hauled on the truck.

24.30.252 VEHICLE OPERATION (1) A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, lights and reflectors, brakes, brake hoses and connections, boosters, reaches and couplings. Defects that render operations unsafe shall be corrected before use.

(2) Log truck drivers should have a general knowledge of the handling of logs in addition to being qualified log truck drivers.

(3) A brake test shall be made before starting with any load. Any defects shall be eliminated before proceeding.

(4) Engine-type brakes shall be considered as auxiliary controls, and shall not be used as a substitute for adequate

braking systems.

(5) Vehicles shall not follow each other closer than 300 feet unless overtaking and passing.

(6) The operator of a vehicle shall not overtake and pass another vehicle unless the roadway ahead is clearly visible and is free of oncoming traffic for a sufficient distance to permit such overtaking and passing in a safe manner to all vehicles concerned.

(7) The operator of an overtaken vehicle shall, where possible, yield right-of-way on suitable audible signal and shall maintain a steady speed if necessary until completely passed by the overtaking vehicle.

(8) Trucks shall not approach a landing while there is danger from incoming logs.

(9) Riding anywhere on a log truck except in the cab is prohibited.

24.30.253 TRUCKS (1) Air or vacuum brake lines shall be of the type intended for such use and shall have fittings which will not be interchangeable with water or other lines.

(2) Safe working or treading surfaces on vehicles shall be provided. Such surfaces shall be of material and/or design to effectively minimize slippery conditions.

(3) Safe, nonslip platforms at least 18 inches wide and 48 inches long shall be installed on top of log truck cabs when loading methods require working on the load. A safe access to the top of the load shall be provided.

(4) Steps or an extension of the running boards shall be provided on both sides of the vehicles for easy access to the space behind the truck cab.

(5) A substantial bulkhead to protect the vehicle operator from moving or shifting loads shall be provided and it shall extend above the height of the cab.

(6) Tires worn beyond the point of safety shall not be used.

24.30.254 TRAILERS (1) Substantial links, chains, or straps shall be fastened securely to the trailer frame and shall be used in hoisting the trailer. These connections shall be maintained in good condition and shall not be attached to the trailer bunk. They shall not be used for any other purpose.

(2) Trailers loaded on trucks shall be securely fastened or loaded in a manner which will prevent accidental unloading.

(3) In unloading trailers from motor trucks, trailers shall be hoisted clear, the truck driven a safe distance, and the trailer lowered to the ground level of the roadway before workers approach the trailer or reach.

24.30.255 BUNKS (1) Every truck and trailer engaged in the transportation of logs loaded lengthwise shall be equipped with bunks and stakes.

(2) Stakes which release shall be constructed in such a manner that the releasing mechanism is activated from the opposite end of the bunk.

(3) The bunks or bolsters of any truck or trailer shall be either straight or curved upward.

(4) Bunks with ends lower than their centers shall not be permitted.

(5) Sufficient clearance shall be maintained to prevent bunk binding.

(6) Log bunks on trucks and trailers shall be sufficiently sharp to keep the logs from slipping longitudinally.

(7) Hooks or catches to hold excessive bunk chain slack shall be used as a safety measure on truck and trailer bunks.

(8) Bunk locks shall be installed on all trucks and trailers and shall be disengaged before starting with a load. This does not apply to nonswiveling type bunks or automatic centering devices.

24.30.256 BUNK STAKES (1) All stakes, stake extensions, and bunks installed on log trucks and trailers, together with the means provided for securing and locking them in a hauling position, shall be designed and constructed of materials that will withstand operational stresses without yield or permanent damage.

(2) Stakes, stake extensions, bunks, or means provided for securing and locking them in hauling position shall be removed from service if found to be deformed or defective.

(3) Stakes and stake extensions shall be installed and maintained so that the angle between the bunks and them shall not exceed 90° when loaded.

(4) Stake extensions shall be secured to the stake to prevent accidental detachment, or removed from stake pockets when not in use.

24.30.257 BINDERS, WRAPPERS AND TIGHTENERS (1) Binders shall be considered only as a precautionary measure to insure stability of loads. Loads shall be built up or loaded in a manner to be stable without the aid of binders.

(2) Binders shall be so arranged that they must be released from the side of the vehicle away from the brow log or dumping side in unloading.

(3) Binder chains or cables, fasteners or attachments thereof, used for any purpose as required by these rules, shall have a minimum breaking strength of not less than 15,000 pounds. NOTE: 3/8 inch "high test" steel chain and 5/16 inch "alloy" steel chain "improved plow steel" wire rope of 6 x 19 and 6 x 37 construction, when in compliance with the requirements herein contained, will be acceptable.

(4) Binder chains or cables used for securing loads shall not be used for any other purpose.

(5) If chains are used as binders, they shall be of welded link construction and at least one link in every five feet of chain shall be stamped with the manufacturer's mark or symbol identifying the grade of chain. No chain shall be used that does not contain at least one link so stamped. Means of identification other than the manufacturer's mark or symbol, if sufficiently individual and distinctive, may be acceptable.

(6) Defective binder chains or cables, fasteners, or any attachments shall be immediately removed from use.

(7) Wrappers shall be removed from service when any of the following conditions exist:

- (a) excessively worn links on chains;
- (b) deformed or stretched chain links;
- (c) cracked chain links; or
- (d) frayed, stranded, knotted or otherwise defective

wire rope.

(8) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain are permissible for repairs or attachments for binder chains.

(9) Tying knots in binder cables is prohibited.

(10) Tighteners for securing chains shall be fitted with hooks of proper size and design for the chains with which they are used.

(11) Attaching grab hooks directly to binder cables is prohibited.

(12) Extension handles ("cheater pipes") for tightening or securing binders shall be limited to not over 36 inches in length.

(13) Extension handles ("cheater pipes") shall cover at least 10 inches of the binder handle.

(14) Warning shall be given before throwing binders over the load to prevent striking other persons.

(15) All binders shall be placed and tightened before a truck is moved. Wing logs which do not exceed 12 inches or more beyond the stakes will not be considered secure.

(16) All loose ends of binder chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(17) No log loaded on top or outside saddles of a load shall be transported unless secured by not less than two binder chains or cables, one of which shall be placed near each end of such log.

(18) Loads consisting of 5 logs or more shall be secured.

(19) Loads consisting of 7 or more logs less than 16 feet in length and loaded lengthwise shall be secured by two evenly spaced binder chains or cables.

(20) One binder on each truck shall be of a knockout type.

(21) At least three binders and wrappers shall be carried on each log truck.

24.30.258 SAFETY CHAINS (1) All log truck and trailer combinations shall be equipped with safety chains or cables which shall be installed or replaced in compliance with the following requirements:

(a) each log truck and trailer combination shall be equipped with one or more safety chains or cables which shall have a rated breaking strength of not less than the gross weight of the towed vehicle;

(b) each log truck and independent trailer combination (mule train) shall be equipped with one or more safety chains or cables, which shall have a rated breaking strength of not less than the gross weight of the towed vehicle;

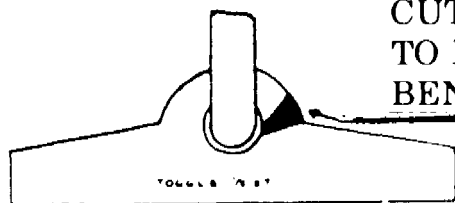
(c) each safety chain or cable shall be permanently attached, if possible, to the truck frame or frame extension and shall attach within 12 inches of the eye of the reach;

(d) each such safety chain or cable shall form a separate continuous connection between the truck frame, or extension of truck frame, and the reach. They shall be attached with the minimum amount of slack necessary to permit proper turning.

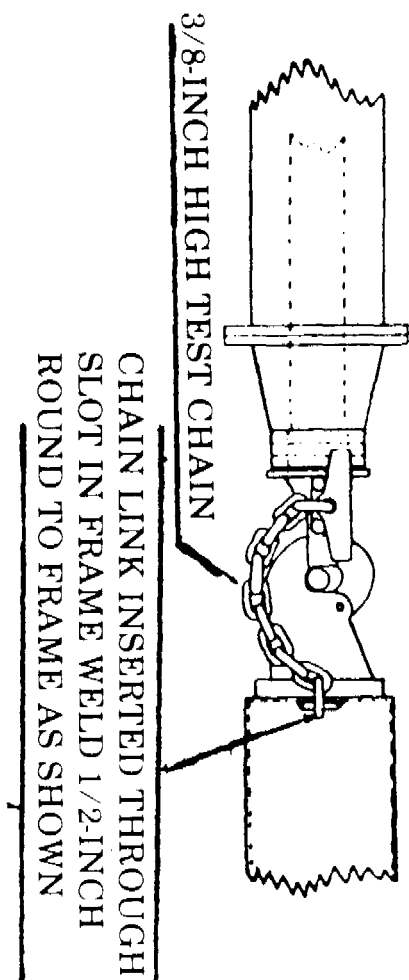
(e) Means of attachment for safety chains or cable shall provide strength equivalent to that rendered by the chain or cable. In addition, means of attaching and detaching of chains or cables from reach, truck frame, or extension of truck frame, shall be of a design to provide a positive connection that cannot be rendered inoperative by any condition of use or exposure. Butt welding of safety chain links to reach, truck frame, or extension of truck frame is prohibited.

(f) Safety chains or cables which contain cut, cracked, or excessively worn links or frayed, stranded, or otherwise defective wire rope shall be replaced immediately.

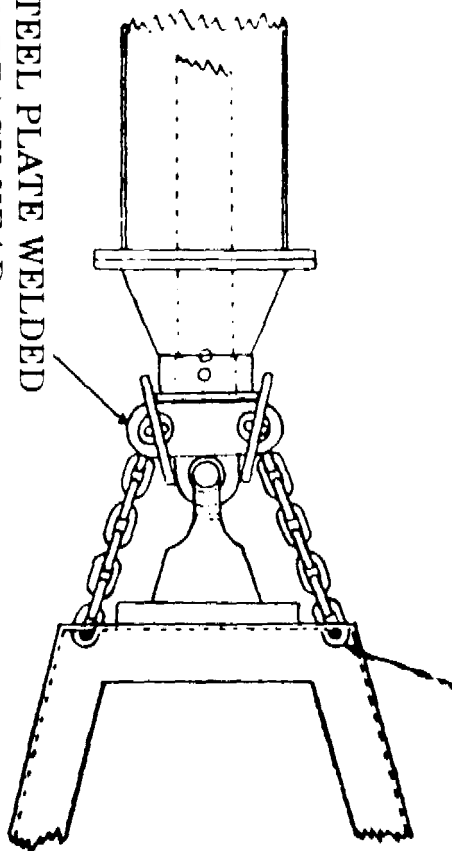
(2) Safety chains may be attached by one of the following methods:



CUT AND BEND OPEN  
TO INSERT CHAIN LINK  
BEND BACK AND WELD



STEEL PLATE WELDED  
TO REACH HEAD





24.30.259 COUPLINGS (1) All log truck and trailer combinations shall be equipped with couplings of material, design, and construction equal to or better than the following requirements or they shall be removed from service:

(a) couplings (hitches) for log truck and trailer units shall be designed and constructed for such use and shall be capable of withstanding, in any direction, the potential stresses imposed from such use;

(b) each coupling shall have two independent locking devices and shall be locked securely. The locking devices shall be protected from dirt and debris or shall be of a design which would not be rendered inoperative by dirt or debris.

(c) Attachment of the couplings to the truck frame or extension of the truck frame shall be by not less than four machine bolts and nuts (120,000 P.S.I. material or better) 3/4 inch in diameter, or larger, secured by locked nuts. Other means of attachment furnishing strength equal to or better than the above is acceptable.

(d) Couplings (hitches) or parts that are broken, cracked, excessively worn, other otherwise defective shall be immediately removed from service.

24.30.260 REACHES (1) All log truck and trailer combinations shall be equipped with reaches of material, design and construction, equal to or better than the requirements in the following rules or they shall be removed from service:

(a) the reaches of trailers being towed shall be provided with a one-inch pin near the end or an equally effective means to prevent pulling or stripping through the tunnel;

(b) reach locks or tighteners shall be of the type that will securely lock the reach in the tunnel;

(c) no reach of less than the maximum size usable in the tunnel of a trailer shall be permitted; alteration of a trailer tunnel to permit reduction of reach size is prohibited;

(d) grab-irons or adequate hand holds shall be installed near the coupling end of trailer reaches; and

(e) the portion of reaches within the tunnel that insert out of the tunnel shall be visually inspected monthly for defects.

(2) Metal reaches shall have a cross section of not less than 60 square inches, the least dimension of which shall be not less than 6 inches.

(3) Steel reaches shall be constructed of mild steel of not less than 3/16 inch thickness or steel alloy of a thickness that will develop equivalent tensile strength and resistance to crushing.

(4) Reaches with bent, cracked, excessively worn, or otherwise defective parts shall be immediately removed from service.

24.30.261 LOGGING ROADS (1) Logging roads shall be marked when used for logging operations and truck hauling, and also marked as to the C.B. channel in use at the entrance of the road.

(2) Logging roads shall be marked with mile post markers on each side of the post marker.

(3) Road grades shall be limited for safe operation by careful consideration of the following factors: type of material to be used as roadbed, surfacing, type of hauling equipment to be used, size of loads to be hauled, length of grades, width of road, weather conditions, degree of curvature, and visibility.

(4) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(5) Conditions such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment shall be immediately corrected.

(6) Truck roads on blind curves where visibility is less than 300 feet shall be of sufficient width for two trucks to pass, or some type of signal system maintained or speed limit of 15 miles per hour established.

(7) Sufficient turnouts shall be provided and a safe side clearance maintained along all truck roads.

(8) Wheel guard rails on bridges shall not be less than ten inches high above deck, substantially fastened to withstand impact of shearing wheels. Such guard rails shall extend the full length of bridge.

24.30.262 ROAD SIGNS Standard type warning signs bearing the wording "Log Trucks" shall be maintained on the right hand shoulder of public thoroughfares at points approximately 500 feet in each direction from the entrance or exit of private logging roads that are in use. Type, design, and location of such signs shall conform to the requirements of the State Department of Highways, county, city, or other authority having jurisdiction over the public thoroughfare.

24.30.263 HELICOPTER LOGGING - GENERAL REQUIREMENTS

(1) Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the daily plan of operation for the pilot and ground personnel.

(2) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(3) Loose fitting clothing likely to flap in the downwash, and perhaps be snagged on the hoist line, shall not be worn.

(4) When visibility is reduced by dust or other conditions, ground personnel shall keep clear of main and stabilizing rotors.

(5) No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are

turning.

(6) All employees approaching or leaving a helicopter with blades rotating shall remain in full view of the pilot and remain in a crouched position.

(7) Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to be there.

(8) Helicopter approach and departure zones shall be designated and no equipment or personnel will occupy these areas during helicopter arrival or departure.

(9) A takeoff path from the log pickup point will be established and made known to all the workers in the area before the first turn of logs is moved.

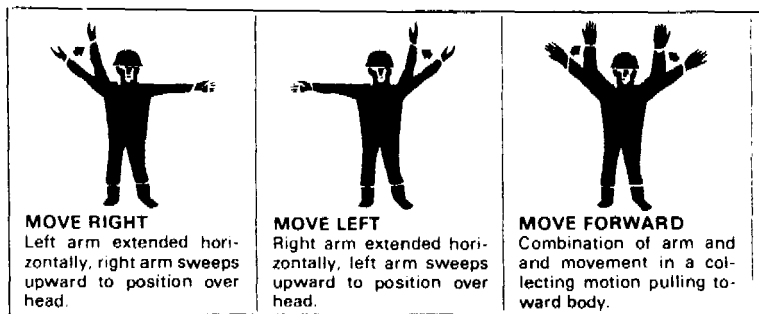
(10) Helicopters shall not pass over areas where fallers are working.

(11) Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(12) Helicopters shall be expected to comply with any applicable regulation of the Federal Aviation Administration.

(13) Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the area of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

**24.30.264 SIGNAL SYSTEMS** (1) Signal systems between aircrew and ground personnel shall be understood and checked before hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown below:





**MOVE REARWARD**

Hands above arm, palms out using a noticeable shoving motion.



**RELEASE SLING LOAD**

Left arm held down away from body. Right arm cuts across left arm in a slashing movement from above.



**HOLD-HOVER**

The signal "Hold" is executed by placing arms over head with clenched fists.



**TAKEOFF**

Right hand behind back; left hand pointing up.



**LAND**

Arms crossed in front of body and pointing downward



**MOVE UPWARD**

Arms extended, palms up, arms sweeping up.



**MOVE DOWNWARD**

Arms extended, palms down, arms sweeping down

(2) There shall be constant reliable communication between the pilot and a designated signalman during the period of loading and unloading. This signalman shall be clearly recognizable from other ground personnel.

(3) The helicopter shall be equipped with a siren to warn workers of hazardous situations.

24.30.265 LOADING LOGS (1) It shall be the responsibility of the firm, supervisor or person who is in charge of the actual loading operation to comply with the section in these rules applicable to log loading.

(2) The helicopter operator shall be responsible for the size, weight, and manner in which loads are attached to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(3) When employees are required to perform work under hovering aircraft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings.

(4) Employees shall not work under hovering aircraft except while hooking or unhooking loads.

(5) The weight of an external load shall not exceed the manufacturer's rating.

(6) The hookup crew shall not work on slopes below felled and bucked timber.

(7) When grapples, or similar devices are used, the log holding device shall be lowered to the ground and placed on its side whenever the operator is out of the normal operator's work station.

(8) Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

24.30.266 LOADING AND LANDING AREAS (1) The minimum dimensions of a drop zone shall be determined by the length of the logs being hauled. All zones shall be at least 1-1/2 times as long and as wide as the length of the average log being harvested. In conjunction with the drop zone and out from under the flight path, a landing area of no less than 1/3 acre shall be provided.

(2) Logs shall not be landed within 125 feet of landing or loading machinery.

(3) Landing crew shall be in the clear before logs are landed.

(4) The approach to the landing shall be clear and long enough to prevent tree tops from being pulled onto the landing.

(5) Separate areas shall be designated for landing logs and fueling helicopters.

(6) Except for pulling lines or conductors, hoist wires

or other gear that are allowed to "pay out" from a container or roll off a reel shall not be attached or allowed to foul on any fixed ground structure.

(7) Sufficient ground personnel shall be provided for safe helicopter loading and unloading operations.

(8) A clear area shall be maintained in all helicopter loading and unloading areas.

(9) Emergency landing areas made especially for injured workers shall be located within reasonable distance from all working areas.

24.30.267 CARGO HOOKS AND CHOKERS (1) The electrical activating device of all electrically operated cargo hooks shall be designed and installed to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly.

(2) Logs will be laid on the ground and the helicopter completely free of the chokers before workers approach the logs.

(3) One end of all the logs in the turn shall be touching the ground and lowered to an angle of not more than 45° from the horizontal before the chokers are released.

(4) If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs.

24.30.268 SIGNALS AND COMMUNICATIONS SYSTEMS - GENERAL REQUIREMENTS (1) Standard yarding system whistle signals or an approved alternate communication system shall be used at cable logging operations. An approved alternate communication system is one approved by the division of workers' compensation, which by radio or radio tooter or radio voice tooter or other media than horn or whistle provides a safe method of communication between crew members. A voice system may only be used as an alternate while the primary system is being repaired.

(2) A new signal may be adopted for an unusual or new situation not covered in the standard signals; however, the new signals must be used only for that specific situation.

(3) The standard whistle signals shall be posted on the yarder and other places where crews congregate.

(4) If an alternate signal system is used, it shall also be posted.

(5) Signals shall be thoroughly understood by the crew.

(6) Each unit of the signal or control system in use shall be tested daily before operations begin.

(7) Audible signals used for test purposes shall not include signals used for movement of lines or materials.

(8) Any person is authorized to give a stop signal when a worker is in danger or another emergency condition is apparent.

(9) All persons shall be in the clear before a signal is given to move a log, load, or rigging. Rigging shall be moved only by standard signals or approved alternate system.

(10) Machine operators shall not move any logs, loads, or rigging unless the signal received is clear and distinct. If in doubt, the operators shall repeat the signal as understood and wait for confirmation.

(11) Hand signals are permitted only when in plain sight of and within 300 feet of the operator. Hand signals may be used at any time as an emergency stop signal.

(12) Throwing of any type of material as a signal is strictly prohibited.

(13) The use of a jerk wire whistle system for any type of yarding operation is prohibited.

(14) Machine operator, radio or other means must activate the audible signaling device when an approved alternate system is used.

(15) Audible signals are not necessary on grapple or other yarding systems if workers are not exposed to logs or rigging movement.

(16) Log loading machines and yarders shall be equipped with audible signaling devices which shall be of a different tune than other signaling devices in the vicinity.

24.30.269 ELECTRIC SIGNAL SYSTEMS (1) Where an electrical signal system is used, all wire attachments and connectors shall be of the weatherproof type.

(2) Electric signal systems shall be properly installed and adjusted. They shall be protected against accidental signaling, and shall be maintained in good operating condition at all times.

(3) Switches shall be designed so that they cannot be accidentally tripped.

24.30.270 FIRST AID - GENERAL REQUIREMENTS (1) Immediate suitable means of transportation shall be available at the site of all logging operations for use in the event an employee is seriously injured. This vehicle shall have the right of way over all other vehicles under the control of the employer.

(2) Every operator shall arrange for telephone or radio communication at the nearest reasonable point and shall work out a specific plan of action in the event of serious injury to any employee. Any injury which would possibly require the immediate attention of a doctor shall be considered serious.

(3) Transportation shall be of a nature to allow reasonable comfort to an injured employee. Careful handling to prevent further injury, first aid treatment, and proper transportation are practically always more important than the elapsed time in reaching the hospital.

(4) Caution shall be used in removing a helpless or

unconscious person from the scene of an accident to prevent further injury.

(5) Except in cases of extreme emergency, first aid treatment shall only be rendered by a person of competence and ability.

(6) Employers should arrange to have as many persons as possible take the course in first aid as outlined by the American Red Cross and/or the U. S. Bureau of Mines.

(7) At least one employee on every work crew shall be trained in first aid procedures.

(8) A first aid kit, stretcher and two blankets shall be available at all operations and at each location where crew distribution so warrants.

(a) First aid kits shall be in metal or other sanitary containers. Such containers shall be designed and constructed as to be impervious to any existing conditions of weather, dust, dirt, or other foreign matter.

(b) Supplies shall be sterile, and drugs shall be labeled with their common name and the special use clearly defined.

(c) An approved manual on first aid shall be contained in each kit.

(d) Kits shall be readily available and kept fully supplied at all times. They are not intended to supplement the physician, but to render first aid to injured employees, and treat minor injuries properly.

(9) All first aid kits shall contain adequate supplies to handle anticipated emergencies. At least #10 unit kit is recommended.

24.30.271 DEFINITIONS (1) "A-frame" means a structure made of two independent columns fastened together at the top and separated a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) "A side" means any designated portion or group which works toward the same final point of loading.

(3) "An operation" means any place where logging is being done.

(4) "Arch" means any device attached to the back of a vehicle and used for raising one end of logs to facilitate movements.

(5) "Authorized person" means a person approved or assigned by management to perform a specific type of duty or duties or to be at a specific location or locations in the work area.

(6) "Bird caging" means when the cable strands are inverted and rolled.

(7) "Blasting accessories" means equipment used when loading or firing explosives. It does not include explosives or detonators.

(8) "Blasting agent" means any material consisting of a mixture of a fuel and oxidizer which:



- (a) is used or is intended for use in blasting;
- (b) is not classed as an explosive by the Department of Transportation;
- (c) contains no ingredient classed as an explosive by the Department of Transportation; and
- (d) cannot be detonated by a No. 8 blasting cap when tested.
- (9) "Blasting area" means the area near blasting operations in which concussion of flying material can reasonably be expected to cause injury.
- (10) "Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current, or the spark of a fuse. It is used for detonating explosives.
- (11) "Blasting circuit" means electric circuits used to fire electric detonators or to ignite an ignitor cord by means of an electric starter.
- (12) "Blasting switch" means a switch used to connect a power source to a blasting circuit.
- (13) "Blocks" means a wooden or metal case enclosing one or more pulleys used to lead a line in a specific direction, and provided with a hook, eye or strap by which the unit may be attached to an object.
- (14) "Bolsters" -- see "Bunks".
- (15) "Bunk bindings" means a cable that is attached to the bunk stakes.
- (16) "Bunk blocks" means pins that hold the bunks from turning (same as bunk locks).
- (17) "Bunks" means a crossbeam on a transport vehicle on which the logs rest.
- (18) "Buss wires" when blasting in parallel, means those wires to which leg wires of the electric blasting caps are fastened.
- (19) "Capped fuse" means a length of safety fuse to which blasting cap or detonator has been attached.
- (20) "Capped primer" means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and which contains a detonator.
- (21) "Cats' paws" means the hitch generally tied in a sling or continuous wreath or rope.
- (22) "Chokers" means a length of wire rope with attachment for encircling the end of a log to be yarded.
- (23) "Chunking" means the clearing of nonusable material from a specified area.
- (24) "Cold duck" means any pile of logs which is yarded and left for future removal.
- (25) "Cross haul loading" means a variation of roll-way loading using a cable and skidder to pull logs onto a truck. Also "parbuckle loading".
- (26) "Crew bus" is a vehicle which will carry six persons or more.
- (27) "Crotch line" means two short lines attached to the

same ring for loading or unloading.

(28) "D or strap socket" means a socket with a closed loop and arranged to be attached to the end of line.

(29) "Deadman" means a completely buried anchor, often a log.

(30) "Dogged" means to stop and hold load or rigging.

(31) "Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

(32) "Electrical grounding" means to connect with the ground to make the earth part of the circuit.

(33) "Electric started" means a shell containing an ignition charge designed to be ignited by an electric current. It is used to fire an ignitor cord.

(34) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.

(35) "Employee" means a person who works for wages or salary in the service of an employer.

(36) "Employer" means a person or organization which hires one or more persons to work for wages or salary.

(37) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to, black powder, dynamite, nitro-glycerine, fulminate, ammonium nitrate when mixed with a hydrocarbon, and other blasting agents.

(38) "Fairleads" means a device that consists of pulleys or rollers arranged to permit reeling in a cable from any direction.

(39) "FOPS" means falling object protective structures.

(40) "Grab-iron" means an iron rod welded for a hand hold.

(41) "Grapple" means a hinged set of jaws capable of being opened and closed, used to grip logs during yarding or loading.

(42) "Guyline" means a wire rope used as a guy.

(43) "Haulback block" means a block in a cable yarding system used to guide the haulback line.

(44) "Heel block" means the block hung on a boom through which the line operates.

(45) "Heel boom" means a type of loading boom where one grapple is used on the log and is pulled up against the boom.

(46) "Heel holdup strap" means the strap secured to the boom to hold the heel block.

(47) "Hot deck" means a landing where logs are constantly being moved.

(48) "Jack" means two heavy pieces of metal bolted together with spacers between, used to hang in a tree to hold up an anchored skyline, or inverted on a guyline to hold a lead block to tailhold.

(49) "Jagger" means any projecting broken strand of cable.

(50) "Knob" means a metal ferrule arranged to be attached to the end of the line.

(51) "Landing" means any place where logs are laid after being yarded awaiting loading.

(52) "Lead wires or temporary wires" means those wires extending from the connecting wires or leg wires to the permanent blasting wire.

(53) "Loader" means the worker who picks out the logs and supervises the way they are to be placed on the transporting equipment.

(54) "Loading boom" means any structure projecting from a pivot point to guide a log when lifted.

(55) "Logs" shall mean logs, poles and piling, peeler bolts, blocks, and cores.

(56) "Magazine" as used herein means any building or other structure other than a factory building, used for the storage of explosives.

(57) "Marlin spike" means an iron tool that tapers to a point and is used to separate strands of wire rope (as in splicing).

(58) "Misfire" means the completed or partial failure of the blasting charge to explode as planned.

(59) "Molles" means:

(a) a circle of twisted strands of wire rope used as temporary line to connect the eye splices of two lines;

(b) a ring of wire used to replace a cotter pin.

(60) "Mudcapping" means blasting by placing a quantity of explosives with detonator on or against the object to be blasted. This is also known as bulldozing or plaster shooting.

(61) "Mule train" means two or more trailers.

(62) "Mushroom" means to well up and spread out laterally from a central source.

(63) "Needles" means the same as marlin spike.

(64) "Pass block" means a light block hung at the top of a tail tree and used to haul up the bull block and other gear in rigging the tree.

(65) "Pass line" means a small line threaded through a block at the top of a tail tree to assist the high climber.

(66) "Permanent blasting wires" means those wires between the main blasting switch and the point where lead wires are connected.

(67) "Pinch point" means any point other than the point of operation at which it is possible for parts of the body to be caught between moving parts.

(68) "Portable spar to tower" means an engineered structure designed to be used in a manner similar to which a wooden spar tree would be used.

(69) "Powder" means an explosive other than the detonating agent.

(70) "Power drum" means a drum that has to use power to release the load.

(71) "Primer" means a cartridge of explosive with a detonator inserted therein.

(72) "Receding line" means the line on a skidder or slackline on a yarder.

(73) "Reload" means an area where logs are dumped and reloaded.

(74) "Rigging" means the cables, blocks, and other equipment used in yarding and loading logs.

(75) "Rolled eyes" means cable that has been rolled into an eye, then spliced.

(76) "Rollway" means any place where logs are dumped.

(77) "ROPS" means roll-over protective structure.

(78) "Running line" means any line which moves.

(79) "SAE" means Society of Automotive Engineers.

(80) "Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

(81) "Safety switch" means the sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

(82) "Sail guy" means a single guy passing through a strap at boom tip and fastened to an adjustable drum fastened to top of a leaning boom on a yarder with a rotating upper unit. Used to supplement the resistance of the counterweight and occasional outrigger. Sail guys go slack as the yarder swings from the lead.

(83) "Scaler" means the worker who measures the diameter and length of the logs and calculates the footage or volume.

(84) "Sidewinder" means to turn in a series of circular motions.

(85) "Signal man" means the person who gives signals to a machine operator.

(86) "Skidding" means movement of logs on surface of ground toward the place where they are to be loaded.

(87) "Skidway" means any group of timbers spaced a short distance apart on which logs are rolled.

(88) "Skyline" means the line which is hung between the yarder or tailhold on which a carriage or block travels.

(89) "Slack line" means a form of skyline where skyline is spooled on the drum of yarder and can be raised or lowered.

(90) "Slack puller" means any weight or mechanical device or employee used to increase the movement of a line when its own is inadequate.

(91) "Snag" means a standing dead tree.

(92) "Snubbing line" means a line used in skyline logging to retard a load.

(93) "Soft hammer" means a hammer of soft material not case hardened.

(94) "Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

(95) "Stiff boom" means any anchored stationary boom sticks tied together on which boom persons work.

(96) "Strap" means any short piece of line with eye or D in each end.

(97) "Straw line" means a small hand line used for miscellaneous purposes.

(98) "Strip" means a definite location of timber allocated on which a cutting crew works.

(99) "Swamping" means the falling of brush around or along a specified place.

(100) "Swifter" means the means of tying boom sticks together to prevent them from spreading while being towed.

(101) "Tail hold" means an anchor used for making fast any line or block.

(102) "Tail tree" means the tree at the opposite end from the tower or yarder on which the skyline or other rigging is hung.

(103) "Tight line" means when power is exerted on both main lines and haulback at the same time.

(104) "Tilt clamp" means a clamp that will tilt from side to side.

(105) "Tong line block" means the block hung in a boom through which the tong line operates.

(106) "Transfer" used in loading shall mean changing of logs in a unit from one means of transportation to another.

(107) "Tree jack" means a J-shaped member used for skyline support at intermediate tail tree.

(108) "Turn" means any log or group of logs attached by some means to power and moved from a point of rest.

(109) "Wheel guard" is any safety device which will guide wheels in direction intended if steering falters.

(110) "Wing log" means the log on the outside of the load on the truck.

(111) "Wire rope reefing" means the load on each rope part equal to the weight of the load supported.

(112) "Yarding" means movement of logs from the place they are felled to the landing.

3. On December 4, 1980, a public hearing was held by the division of workers' compensation regarding the adoption of the foregoing rules. The division has thoroughly considered all verbal and written commentary received.

Comment:

The proposed safe landing area for helicopters is much too large. This section should be amended to allow two areas, a drop zone and a landing area. One-third acre would be sufficient for a landing area, and a drop zone area should be determined by the dimensions of the logs being hauled.

Response:

These comments have been incorporated into the rules.

Comment:

The requirement to have landing areas made especially for injured workers located within a reasonable distance from all working areas appears to be satisfied by the requirement for a separate service landing area.

Response:

Landing areas close to work areas are required so that injured workers may be evacuated easily and quickly.

Comment:

Words such as "binders", "wrappers", and "tighteners" are sometimes used in conjunction with each other and imply the same meaning. These words should appear in the definition section.

Response:

The definition section has been limited to terms used in the industry that have meanings unique to logging. The terms in question are well defined in Webster's dictionary, which meanings will be applied in these rules.

Comment:

In view of the history and proven danger of using seat belts in certain jobs in the logging industry and in order to eliminate the possibility that this rule could raise a presumption that seat belts serve a purpose in all situations of mobile equipment in logging, we strongly urge that the requirement for seat belts to be provided be excluded from the final promulgation of the logging rules.

Response:

The division is aware that the use of seat belts on mobile equipment in certain situations may be an unsafe practice. However, it is also aware that their use may be of benefit to the operator, depending upon the terrain being worked. It is the division's intention to allow the equipment operator to make the determination based on the person's best judgment.

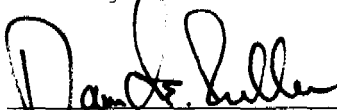
Comment:

The requirements of mile post markers on logging roads and posting of the CB channel in use at the time of hauling may create some problems. Contractors and contract supervisors communicate with each other and are aware of the CB channel that is in use during operations. The only benefit of these signs would be to the general recreating public, many of whom, if not most, may not have CB radios in their vehicles. The added cost of posting would have little beneficial impact. The requirement of "mile post markers" leaves little flexibility to adopt mileage indicators into the situation.

Response:

The division feels that the posting of mileage markers and the CB channel in use serve notice not only to the recreating public but also to others who are required by their employment to use the road. If a person is unfamiliar with a road, mileage indicators have very little impact on a person's awareness of impending dangers.

4. Other comments were made which would make the rules much more specific and very detailed in many areas. It is the division's intention to promulgate rules which allow industry personnel a certain degree of discretion in determining the safest approach to many work related dangers. Common sense is often a more valuable tool in promoting industrial safety than a specific regulation.



DAVID E. FULLER, Commissioner  
Department of Labor and Industry

Certified to the Secretary of State March 4, 1981.

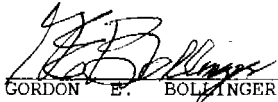
BEFORE THE DEPARTMENT  
OF PUBLIC SERVICE REGULATION  
OF THE STATE OF MONTANA

IN THE MATTER of the Amend-	)	NOTICE OF AMENDMENT OF RULES
ment of Rule 38.3.1901 re-	)	38.3.1901 and 38.3.1902
garding Transportation of	)	(Safety Requirements)
Hazardous Materials, and Rule	)	
38.3.1902 regarding Motor	)	
Carrier Safety Regulations.	)	

TO: All Interested Persons

1. On October 30, 1980, the Department of Public Service Regulation published notice of a proposed amendment to Rules 38.3.1901 and 38.3.1902 which adopt by reference the regulations of the U.S. Government concerning transportation of hazardous wastes, motor carrier safety regulations, and noise emission requirements at page 2849 of the 1980 Montana Administrative Register, issue number 20.

2. The Commission has adopted the rules as proposed.  
3. No comments or testimony were received.

  
GORDON E. BOLLINGER, Chairman

CERTIFIED TO THE SECRETARY OF STATE March 16, 1981.



STATE OF MONTANA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING  
BEFORE THE BOARD OF MORTICIANS

In the matter of the amend-)	NOTICE OF AMENDMENTS OF ARM
ments of ARM 40.28.407 con-)	40.28.407 RENEWALS and 40.28.604
cerning renewal fees and )	ITEMIZATION
40.28.604 concerning casket)	
selection and pricing. )	

TO: All Interested Persons:

1. On February 13, 1981, the Board of Morticians published a notice of proposed amendments of ARM 40.28.407 concerning renewals and 40.28.604 concerning itemization and casket selection at pages 137 and 138, 1981 Montana Administrative Register, issue number 3.
2. The board has amended the rules exactly as proposed.
3. No comments or testimony were received.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING  
BEFORE THE BOARD OF NURSING

In the matter of the amend-)	NOTICE OF AMENDMENT OF ARM
ment of ARM 40.30.406 con- )	40.30.406 LICENSURE OF FOREIGN
cerning licensure of for- )	NURSES
eign nurses. )	

TO: All Interested Persons:

1. On February 13, 1981, the Board of Nursing published a notice of proposed amendment of ARM 40.30.406 concerning licensure of foreign nurses at pages 139 and 140, 1981 Montana Administrative Register, issue number 3.
2. The board has amended the rule exactly as proposed.
3. No comments or testimony were received.

BY: 

ED CARNEY, DIRECTOR  
DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State, March 16, 1981.

-316-  
BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE ) AMENDMENT OF RULE 42.21.132, ) relating to the valuation of ) mining machinery and equip- ) ment and manufacturing ) equipment. )	NOTICE OF AMENDMENT OF RULE 42.21.132, relating to the valuation of mining machinery and equipment and manufactur- ing equipment.
---	---

TO: All Interested Persons:

1. On December 26, 1980, the Department of Revenue published notice of the proposed amendment of Rule 42.21.132, relating to the valuation of mining machinery and equipment and manufacturing equipment, at pages 3092 through 3098 of the 1980 Montana Administrative Register, issue no. 24.

2. The Department has amended Rule 42.21.132 with the following changes (deletions interlined and additions underlined and capitalized):

42.21.132 MINING MACHINERY AND EQUIPMENT-AND MANUFACTURING MACHINERY. (1)(a) The average market value for the mobile equipment used in mining, including coal and ore haulers, shall be the average resale value of such property as shown in "Green Guides", Volumes I and II, Older Equipment, Off Highway Trucks and Trailers, and Lift Trucks, using the current volumes of the year of assessment. This guide may be reviewed in the Department or purchased from the publisher: Equipment Guide Book Company; 3980 Fabian Way; P. O. Box 10113; Palo Alto, California 94303.

(b) If the above-named guides cannot be used to value these properties, then trended depreciation tables established by the department of revenue shall be used to determine the average market value. The tables are found in subsection (2).

~~(2)(a)(i) For the calendar year commencing January 1, 1979, the following table is used for mobile mining equipment:~~

TABLE 1A

<u>AGE</u>	<u>PERCENTAGE DEPRECIATION</u>	<u>TREND FACTOR</u>	<u>PERCENTAGE TRENDED DEPRECIATION</u>
<del>1 Year Old</del>	<del>92%</del>	<del>1.000</del>	<del>92%</del>
<del>2 Years Old</del>	<del>84%</del>	<del>1.053</del>	<del>88%</del>
<del>3 Years Old</del>	<del>76%</del>	<del>1.119</del>	<del>85%</del>
<del>4 Years Old</del>	<del>67%</del>	<del>1.248</del>	<del>84%</del>
<del>5 Years Old</del>	<del>58%</del>	<del>1.446</del>	<del>84%</del>
<del>6 Years Old</del>	<del>49%</del>	<del>1.497</del>	<del>73%</del>

7 Years Old	39%	1.547	60%
8 Years Old	30%	1.639	49%
9 Years Old	24%	1.744	42%
10 Years Old and Older	20%	1.826	36%

(ii) For 1979 models, a percentage trended depreciation figure of 95% is used.

(b)(i) For the calendar year commencing January 1, 1980 1981, the following ~~table is~~ tables are used for mobile mining equipment:

TABLE IB WHEEL LOADERS LIFT TRUCKS CRAWLER TRACTORS LOG SKIDDERS CONCRETE EQUIPMENT BELT LOADERS HYDRAULIC CRANES CRAWLER CRANES AND SHOVELS TRUCK MOUNTED CRANES AND SHOVELS OFF HIGHWAY HAUL UNITS		TABLE IIF CRUSHING EQUIPMENT ROAD MAINTENANCE EQUIPMENT MOTOR GRADERS CRAWLER LOADERS ASPHALT FINISHERS ALL OTHER MISC. EQUIPMENT NOT INCLUDED IN TABLE IB OR IIIB		TABLE IIIB AIR EQUIPMENT HYDRAULIC EXCAVATORS MOTOR SCRAPERS WHEEL TRACTORS DITCHERS ROLLERS OTHER COMPACTION EQUIPMENT	
YEAR OF PURCHASE	R.C.L.N.D. MARKET VALUE	YEAR OF PURCHASE	R.C.L.N.D. MARKET VALUE	YEAR OF PURCHASE	R.C.L.N.D. MARKET VALUE
1980	100%	1980	100%	1980	100%
1979	96%	1979	78%	1979	74%
1978	93%	1978	75%	1978	72%
1977	89%	1977	72%	1977	68%
1976	86%	1976	66%	1976	64%
1975	81%	1975	65%	1975	59%
1974	78%	1974	59%	1974	57%
1973	86%	1973	66%	1973	63%
1972	77%	1972	60%	1972	56%
1971	74%	1971	52%	1971	52%
1970	69%	1970	52%	1970	46%
1969	65%	1969	51%	1969	36%
1968	61%	1968	51%	1968	33%
1967	57%	1967	49%	1967	30%
1966	56%	1966	48%	1966	28%
1965	50%	1965	45%	1965	24%
1964	46%	1964	44%	1964	22%

1963	44%	1963	44%	1963	22%
1962	40%	1962	40%	1962	17%
1961	34%	1961	34%	1961	17%
1960	34%	1960	32%	1960	14%
& Older	---	& Older	---	& Older	---
R.C.L.N.D. — REPLACEMENT COST LESS NORMAL DEPRECIATION					

TABLE I

Wheel Loaders, ~~Life Trucks~~, Crawler Tractors, ~~log Skidders~~, ~~Concrete Equipment~~, Belt Loaders, Hydraulic Cranes, Crawler Cranes and Shovels, Truck Mounted Cranes and Shovels, ~~Off-Highway Haul Units~~.

Year of Purchase	Percentage Depreciation	Trend Factor	Percentage Trended Depreciation
1981	---	---	100%
1980	96%	1.000	96%
1979	84%	1.057	88%
1978	74%	1.161	86% 85%
1977	67%	1.261	84%
1976	59%	1.356	80% 79%
1975	53%	1.444	77%
1974	47%	1.545	73%
1973	40%	1.935	77% 76%
1972	37%	2.037	75% 74%
1971	33%	2.108	70% 68%
1970	29%	2.187	63% 62%
1969	26%	2.344	61% 60%
1968	23%	2.458	57% 55%
1967	22%	2.595	57% 55%
1966	19%	2.684	51% 49%
1965	17%	2.789	47% 46%
1964	16%	2.862	46% 44%
1963	14%	2.911	41% 39%
1962	12%	2.984	36% 33%
1961 and older	12%	2.991	36% 33%

TABLE II

Crushing Equipment, Road Maintenance Equipment, Motor Graders, Crawler Loaders, Asphalt Finishers, All Other Miscellaneous MINING Equipment not Included in Table I or III.

Year of Purchase	Percentage Depreciation	Trend Factor	Percentage Trended Depreciation
1981	----	-----	100%
1980	96%	1.000	78%
1979	84%	1.051 1.055	71%
1978	74%	1.161 1.157	69%
1977	67%	1.261 1.257	64%
1976	59%	1.356 1.353	63%
1975	53%	1.444 1.454	58%
1974	47%	1.545 1.555	55%
1973	40%	1.935 1.917	59%
1972	37%	2.037 2.000	52%
1971	33%	2.108 2.070	51%
1970	29%	2.187 2.159	49%
1969	26%	2.344 2.314	50%
1968	23%	2.458 2.427	48%
1967	22%	2.595 2.523	47%
1966	19%	2.684 2.610	44%
1965	17%	2.789 2.718	43%
1964	16%	2.862 2.764	44%
1963	14%	2.911 2.793	39%
1962	12%	2.984 2.814	33%
1961 and older	12%	2.991 2.814	36%

TABLE III

Air Equipment, Hydraulic Excavators, Motor Scrapers, Wheel Tractors, Ditchers, Rollers, Other Compaction Equipment.

Year of Purchase	Percentage Depreciation	Trend Factor	Percentage Trended Depreciation
1981	----	-----	100%
1980	74%	1.000	74%
1979	65%	1.051 1.055	68%
1978	57%	1.161 1.157	65%
1977	50%	1.261 1.257	62%
1976	43%	1.356 1.353	58%
1975	39%	1.444 1.454	56%
1974	34%	1.545 1.555	53%
1973	29%	1.935 1.917	55%
1972	26%	2.037 2.000	52%
1971	22%	2.108 2.070	45%
1970	16%	2.187 2.159	34%
1969	14%	2.344 2.314	32%
1968	12%	2.458 2.427	29%
1967	11%	2.595 2.523	27%

1966	9%	2.684	2.610	24%	23%
1965	8%	2.789	2.718	22%	21%
1964	8%	2.862	2.764	23%	22%
1963	6%	2.911	2.793	17%	16%
1962	6%	2.984	2.814	18%	16%
1961 and older	5%	2.991	2.814	15%	14%

THE PERCENTAGE TRENDED DEPRECIATION IS APPLIED TO THE PURCHASE PRICE.

~~(1)(b)~~ In addition, for mobile mining equipment, ~~to the schedule in subsection (2)(b)(i)~~ the department multiplies the R.C.T.N.D. market value percentages percentage trended depreciation in tables IB, IIB, and IIIB I, II, and III or the Green Guide value, as appropriate, by a factor based on equipment use. The multiplier is determined from the following table:

ANNUAL HOURS OF USE (T)	MULTIPLIER
$0 \leq T \leq 3,120$	1
$3,120 < T \leq 4,680$	.8
$4,680 < T$	.667

ANNUAL HOURS OF USE (T)	MULTIPLIER
$0 \leq T \leq 2,920$	1.000
$2,920 < T \leq 3,650$	.800
$3,650 < T$	.667

~~(3) The average market value for stationary machinery and equipment used in mining shall be determined using trended depreciation tables established by the department of revenue. These are 10-year tables and reflect the average life of these properties. The tables are found in subsection (4). Fixtures and accessories adjunct to a mine are valued by trending the original installed cost to reflect a current replacement cost using Table II above.~~

~~(4)(a) For the calendar year commencing January 1, 1979, the following table is used for stationary mining machinery and equipment:~~

TABLE 2A

AGE	PERCENTAGE DEPRECIATION	TREND FACTOR	PERCENTAGE TRENDED DEPRECIATION
<del>1-Year Old</del>	92%	1.000	92%
<del>2-Years Old</del>	84%	1.078	91%

3 Years Old	76%	1.140	87%
4 Years Old	67%	1.216	81%
5 Years Old	58%	1.392	81%
6 Years Old	49%	1.610	79%
7 Years Old	39%	1.667	65%
8 Years Old	30%	1.725	52%
9 Years Old	24%	1.829	44%
10 Years Old and Older	20%	1.949	39%

(b) For the calendar year commencing January 1, 1980, the following table is used for stationary mining machinery and equipment:

TABLE 2B

<u>AGE</u>	<u>PERCENTAGE DEPRECIATION</u>	<u>TREND FACTOR</u>	<u>PERCENTAGE TRENDED DEPRECIATION</u>
1 Year Old	92%	1.000	92%
2 Years Old	84%	1.053	88%
3 Years Old	76%	1.145	87%
4 Years Old	67%	1.232	83%
5 Years Old	58%	1.324	77%
6 Years Old	49%	1.416	69%
7 Years Old	39%	1.746	68%
8 Years Old	30%	1.821	55%
9 Years Old	24%	1.885	45%
10 Years Old and Older	20%	1.966	39%

(5)(4) The tables in subsections (2)(a) and (4) were compiled using depreciation schedules with a residual value of 20%. The tables in subsection (2)(b)(i) were compiled to approximate depreciation as given by the resale values of the green guides. The trend factors were compiled using comparative cost multipliers based on data published by the Marshall and Swift Publication Company. More detailed information concerning the table entries can be obtained from the department.

(6) The term "manufacturing machinery", as used in [Class 4, Section 84-301, R.G.M. 1947] shall include all equipment, whether permanently or temporarily in place (other than hand tools), that is used to transform raw or finished materials into something possessing a new nature and name and adopted to a new use.

(5) As used in this rule, mining equipment is equipment that digs, excavates, burrows, and actually frees raw materials from

the earth. Mobile mining equipment is mining equipment that moves freely about under its own power and on its own wheels and chassis, including any attachments used with the equipment. Mobile equipment does not require a foundation for the performance of the function for which it was designed and built.

3. Several parties submitted material or appeared at the hearing. Several of those appearing raised questions concerning the use of trend factors and resale value from the guides. The Department has considered these questions before and continues to maintain that the use of trend factors is permissible in determining market value and that a change from resale value requires legislative action. A more detailed statement of the Department's rationale can be found at pages 1397 through 1399 of the 1979 MAR, issue no. 21, and pages 1734 through 1739 of the 1980 MAR, issue no. 12.

In response to questions concerning the accuracy of the trend factors, the Department has recomputed the trend factors and as a result has changed the factors as indicated above to better reflect the situation for mining equipment. The effect is to reduce the percentage trended depreciation. The heading for Table II is changed for clarity. Additionally the table involving equipment usage has been amended to make the reduction available from the table more easily obtained. A similar change has been made in the rule for heavy equipment.

Mr. Lawrence Huss suggested that the rule be clarified to indicate that the depreciation is applied to purchase price rather than original price for used equipment. The Department has inserted language to do so.

The hearings officer, Mr. Ross Cannon, also repeated his views from earlier hearings that the Department should provide the taxpayer with a choice of valuation methods. The Department continues to disagree with this approach for reasons previously stated at pages 1734 through 1739 of the 1980 MAR, issue no. 12. The Department has not been given the resources to carry out a program of individual valuation. Additionally, the requirements of statewide uniformity would seem to point away from Mr. Cannon's proposal.



ELLEN FEAVER, Director  
Department of Revenue

Certified to the Secretary of State 3/16/81



-323-  
DECLARATORY RULING  
DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE MATTER Of The Request of	)	
DALE R. SHAFER For a Declaratory	)	
Ruling Concerning the Requirement	)	DECLARATORY RULING
for a Certificate of Authority to	)	
Operate a "car pool" in the	)	
Billings-Colstrip area.	)	

On March 4, 1981, the Montana Public Service Commission received a written request for declaratory ruling from Dale R. Shafer of Billings, Montana. Mr. Shafer has inquired as to whether the use of his vehicle in the operation of a "car pool" between Billings and Colstrip, Montana requires the holding of a certificate of authority granted by the Commission. As described in the written request for ruling, Mr. Shafer's vehicle carries Mr. Shafer and three other passengers between Billings and Colstrip. All passengers take turns driving and each passenger pays \$10.00 per trip to cover "gas, repairs and wear and tear on the car."

The issue raised by Mr. Shafer hinges upon whether or not his "car pool" constitutes a "motor carrier" as that term is defined and applied in Title 69, Chapter 12 of the Montana Code Annotated. The term "motor carrier" is defined as follows in Section 69-12-101(6), MCA:

(6) "Motor Carrier" means a person..., operating motor vehicles upon any public highway in this state for the transportation of persons or property for hire on a commercial basis... (emphasis added).

Although the passengers on Mr. Shafer's vehicle are providing some compensation for their transportation, a certificate of authority would be required only if the operation of that vehicle is being done on a "commercial basis." The Commission does not feel that the mere labeling of an operation as a "car pool" means that it is being conducted on a noncommercial basis. For example, if a person owns more than one vehicle and each is being operated as a "car pool"; such operation could not be said to be noncommercial if the owner is receiving compensation from each vehicle. The Commission feels that the following conditions are necessary for the existence of a true noncommercial car pool:

- 1) The vehicle must be of a type that is commonly owned by individuals for strictly personal noncommercial uses. (no buses, for example)
- 2) The owner or driver has personal business in the general vicinity or direction of the other passengers' destinations. That is, the owner or driver is required to travel in the general direction of the

car pool route regardless of the existence of a car pool and therefore is not going out of his way to any large extent in order to pick up or deliver the other passengers.

- 3) Compensation received by the owner or driver is designed to recover only the direct costs of vehicle operation and does not include any allowance for a profit, driver wages or salary, insurance, taxes, etc.
- 4) The owner or driver is not incurring costs (before reimbursement by other passengers) which are significantly greater than those he would have incurred by merely proceeding directly to his destination alone.

The Commission is of the opinion that the legislature did not intend that operations conducted under the above-described conditions should be required to obtain certificates of authority. If they had so intended they would have defined motor carriers as being persons operating vehicles for hire, period, and would not have added the language "on a commercial basis" in Section 69-12-101(6), MCA.

Based upon the preceding discussion and information contained in the request for ruling, the Commission HEREBY RULES that the operation described by Mr. Shafer does not constitute that of a "motor carrier" as defined and applied in Title 69, Chapter 12, MCA, and therefore does not require the issuance of a certificate of authority.

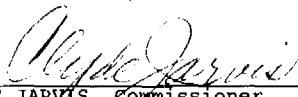
APPROVED BY THE COMMISSION March 9, 1981.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

  
GORDON E. BOLLINGER, Chairman

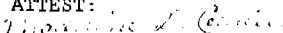
  
JOHN B. DRISCOLL, Commissioner

  
HOWARD L. ELLIS, Commissioner

  
CLYDE JARVIS, Commissioner

  
THOMAS J. SCHNEIDER, Commissioner

ATTEST:

  
Madeline L. Cottrill  
Secretary

(SEAL)

VOLUME NO. 39

OPINION NO. 7

CLERKS - Clerk and Recorder's compensation for service as Election Administrator;  
COUNTY OFFICERS AND EMPLOYEES - Clerk and Recorder's compensation for service as Election Administrator;  
PUBLIC OFFICERS - Clerk and Recorder's compensation for service as Election Administrator;  
SALARIES - Clerk and Recorder's compensation for service as Election Administrator;  
MONTANA CODE ANNOTATED - Section 7-4-2503, 13-1-301;  
OP. ATT'Y GEN. - Volume 37, Nos. 63 and 84.

HELD: The board of county commissioners may not provide additional compensation to a county clerk and recorder who is an election administrator in addition to the clerk's salary established by section 7-4-2503, MCA.

3 March 1981

Charles A. Graveley, Esq.  
Lewis and Clark County Attorney  
Lewis and Clark County Courthouse  
Helena, Montana 59601

Dear Mr. Graveley:

You have requested my opinion concerning the availability of extra compensation for a clerk and recorder who also serves as an election administrator. Specifically your question is:

Can a board of county commissioners provide additional compensation to a county clerk and recorder who is the election administrator, in addition to the clerk's salary established by section 7-4-2503, MCA?

I have concluded that it cannot.

The general rule, which has been followed in Montana for many years, is that "public officials can only claim compen-

6-3/26/81

Montana Administrative Register

sation for services rendered where the compensation is provided by law . . . ." State ex rel. Matson v. O'Hern, 104 Mont. 126, 142, 65 P.2d 619 (1937). Public policy disdains increasing the salary of a public official for performing services imposed on such public officer by law. See e.g., 37 OP. ATT'Y GEN. NO. 63 (1977); 37 OP. ATT'Y GEN. NO. 84 (1977).

Section 13-1-301, MCA, provides in pertinent part:

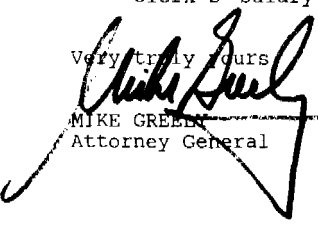
The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

Section 7-4-2503, MCA, establishes the salary of a county clerk. In the absence of a specific grant of authority to allow additional compensation, section 7-4-2503, MCA, controls and no additional compensation is allowed. The only apparent way to secure additional compensation for the position of election administrator is to appoint an election administrator who is not the clerk and recorder.

THEREFORE, IT IS MY OPINION:

The board of county commissioners may not provide additional compensation to a county clerk and recorder who is an election administrator in addition to the clerk's salary established by section 7-4-2503, MCA.

Very truly yours

  
MIKE GREEDY  
Attorney General

VOLUME NO. 39

OPINION NO. 8

GIFTS - Contribution to litigation fund by Wheat Research and Marketing Committee;  
LITIGATION - Authority of Wheat Research and Marketing Committee to engage in; Expenditure of funds;  
MARKETING - Transportation rates;  
PUBLIC FUNDS - Control over expenditure for litigation;  
RAILROADS - Transportation rates as concern of Wheat Research and Marketing Committee;  
WHEAT RESEARCH AND MARKETING COMMITTEE - Authority to engage in litigation;  
MONTANA CODE ANNOTATED - Sections 1-2-102, 80-11-202, 80-11-205;  
MONTANA CONSTITUTION - Article V, section 11(5); Article VIII, section 14;  
OPINIONS OF THE ATTORNEY GENERAL - 39 OP. ATT'Y GEN. NO. 3 (1981); 37 OP ATT'Y GEN. NO. 105 (1978).

- HELD:1. The Montana Wheat Research and Marketing Committee may become a party plaintiff in a class action suit brought by various Montana farmers and farming entities against a railroad alleging unreasonably high transportation rates and seeking a refund of excessive charges. However, the Committee may spend money for the lawsuit only if it controls such expenditure of funds by contract or agreement.
2. The Montana Wheat Research and Marketing Committee may not contribute money into a common fund for the benefit of a class action over which the Committee has no control. However, the Committee may enter into contracts or agreements with organizations to carry out specific research or marketing studies to be used in the litigation.

4 March 1981

Mr. W. Gordon McOmber  
Montana Department of Agriculture  
Agriculture/Livestock Building  
Capitol Station  
Helena, Montana 59601

Dear Mr. McOmber:

You have asked for my opinion on the following questions:

1. May the Montana Wheat Research and Marketing Committee become a party plaintiff in a class action lawsuit brought by various Montana farmers and farming entities against a railroad, alleging unreasonably high transportation rates and seeking a refund of excessive charges?
2. If not, may the Wheat Research and Marketing Committee contribute money into a common fund for the benefit of such a class action?

The first issue presented by your request is whether the Wheat Research and Marketing Committee has the statutory authority to enter a lawsuit to determine reasonable rates and charges for the transportation of grain. Section 80-11-205, MCA states:

- (1) The committee may:
  - (a) adopt rules necessary for the administration of this part;
  - (b) provide, through the department, for the enforcement of this part;
  - (c) provide for the conduct of research into the production, marketing, and uses of wheat and barley;
  - (d) enter into contracts or agreements with Montana state university and other local, state, or national organizations, public or private, for the purposes of improving wheat or barley quality, increasing the efficiency of production, developing marketing knowledge, developing markets, determining new uses for wheat or barley, developing alternative crops for wheat or barley, and carrying out all research and marketing contemplated by this part. The committee may not establish research units or agencies of its own.

(2) No researchers or professional or scientific personnel may be employed to carry out this part except as provided in subsection (1)(d) of this section.

(3) None of the powers or duties provided for in this part permit participation in state or federal political action by the committee.

(Emphasis added.)

The interpretation of this statute is controlled by the legislature's intent, which must, if possible, be determined from the plain meaning of the words used. See §1-2-102, MCA; Haker v. Southwestern Railway Co., 176 Mont. 364, 369, 578 P.2d 724, 727 (1978). The key word for the purpose of the question you have posed is "marketing." "Marketing" has a number of meanings, some of which would be more restrictive upon the powers of the Wheat Research and Marketing Committee than another. For example, Webster's Third New International Dictionary gives three definitions of "marketing", each of which could be what the legislature intended in this case: "the act of selling or purchasing in a market," or "the bringing or sending of goods to market," or "an aggregate of functions involved in transferring title and in moving goods from producer to consumer including among others buying, selling, storing, transporting, standardizing, financing, risk bearing, and supplying market information."

To resolve this ambiguity, I have examined the Montana wheat research and marketing statutes as a whole. See, Hostetter v. Inland Development Corp. of Montana, 172 Mont. 167, 171, 561 P.2d 1323, 1326 (1977). Section 80-11-202, MCA states:

In the presence of the facts that wheat is the principal grain crop produced in Montana and as such is an agricultural resource of the first magnitude in the economy of the inhabitants of Montana, a prime factor in the production of wealth and the development and stabilization of property values and of activities and enterprises which are bases and sources of important contributions by taxation to the public revenues, and that Montana wheat is a commodity which enters a world market highly competitive in character and



that barley is also an important crop, it is hereby declared to be the public policy of the state of Montana to protect and foster the health, prosperity, and general welfare of its people by encouraging and promoting intensive, scientific, and practical research into all phases of wheat and barley culture and production, marketing, and use and into the development of markets for wheat and barley grown in Montana by the department.

(Emphasis added.) Because of the broad purpose stated in the statute, it is my opinion that the legislature intended that the word "marketing" be interpreted in its broadest sense, to include the transportation of goods.

This interpretation is further buttressed by an examination of the legislative history of the statutes. See Department of Revenue v. Puget Sound Power & Light Co., Mont., 587 P.2d 1282, 1287-88 (1978). When the 1967 Montana Legislature was considering the adoption of the Act which created the Montana Wheat Research and Marketing Committee, C. Lowell Purdy, then the Montana Commissioner of Agriculture, testified in favor of the bill as follows:

At the present time we do not have a well coordinated, knowledgeable organization that can effectively speak for Montana grain producers at transportation rate hearings, though Montana Grain Growers and Citizen Freight Rate Committees have done as much as possible with limited finances. The activities of our Railroad and Public Service Commission cover a broad field in transportation and are not in a position to specialize in grain matters. The Montana farm organizations, though helpful, cover a wide field and are not in a position to be effective in specific problems such as grain transportation rates. The wheat commission would be in a position to work effectively with all these organizations in the betterment of Montana agriculture.

Testimony before the House Committee on Agriculture and Irrigation, 1/26/67, and before the Senate Committee on Agriculture, 2/17/67 on H.B. 139 (adopted as ch. 314, 1967 Mont. Laws). This supports my conclusion that the Legislature intended for the Wheat Research and Marketing Committee to be active in the area of transportation rates.

The Wheat Research and Marketing Committee may, therefore, take action to assure reasonable transportation rates if it determines such action to be in the best interests of the wheat and barley growers of Montana as a whole. While the statute prohibits political action, it does not prohibit legal action. Section 80-11-205(1)(b), MCA does require that lawsuits against purchasers or growers of wheat or barley for violation of the wheat research and marketing statutes be brought by the Department of Agriculture rather than the Wheat Committee. However, that provision does not govern the situation you have described, in which the litigation has been brought not merely to enforce the procedural requirements of the wheat research and marketing statutes, but rather to assure reasonable transportation rates in accord with the substantive duty of the committee to aid the marketing of Montana wheat and barley. In the latter situation, the Wheat Committee has the power to engage directly in litigation without acting through the Department of Agriculture.

However, your letter raises a serious constitutional question concerning the propriety of engaging in litigation in the manner you have described. Article V, section 11(5) of the Montana Constitution states: "No appropriation shall be made for religious, charitable, industrial, educational, or benevolent purposes to any private individual, private association, or private corporation not under control of the state." Because the funds of the Wheat Committee, for the most part, may be expended only upon an appropriation, this constitutional limitation is applicable to any expenditure of those funds. See 39 OP. ATT'Y GEN. NO. 3 (1981); Mont. Const., Art. VIII, §14.

Your letter states:

As a party plaintiff in this action MWR and MC would be asked to make a substantial monetary contribution the majority of which would be paid out as attorney fees, costs and expenses for the private attorneys hired by the other plaintiffs to prosecute this action.

(Emphasis added.) As you have described the situation, the actual use of the funds contributed by the Wheat Committee would not be under the control of the state, but rather under the control of the private individuals, associations,

or corporations, who have already instituted the suit. Such a contribution would violate Article V, section 11(5) of the Montana Constitution. See Veterans' Welfare Commission v. Veterans of Foreign Wars, 141 Mont. 500, 507-12, 379 P.2d 107, 111-13 (1963) (holding that the state Veterans' Welfare Commission may not pay for secretarial services to two private veterans' organizations); Cramer v. Montana State Board of Food Distributors, 113 Mont. 450, 453, 129 P.2d 96, 97 (1942) (holding that the state Board of Food Distributors may not turn over a portion of the license fees collected from retail grocery merchants to a private food distributors' association); State ex rel. Browning v. Brandjord, 106 Mont. 395, 403-04, 81 P.2d 677, 682 (1938) (holding that the state Public Welfare Board may not donate money to the federal Works Progress Administration without a valid contract); cf., 37 OP. ATT'Y GEN. NO. 105, at 441, 456 (1978) ("Counties may not make gifts of...county funds to any individual or organization. Any county grant of money to a non-profit service organization must be pursuant to a contract wherein the organization agrees to furnish services or materials the county is empowered to furnish or purchase.") The Wheat Committee may become a party plaintiff in a lawsuit only if it controls the expenditure of Committee funds for the lawsuit by way of contract or agreement. See § 80-11-205(1)(d), MCA.

Your second question describes a scenario that is clearly prohibited by Article V, section 11(5). Your letter states:

Without being a party to the class action suit is it permissible for MWR and MC to contribute money into a common fund for the benefit of the class action plaintiffs...? The monies in this common fund would be expended by the class action plaintiffs in payment of attorney fees, costs and expenses for the private attorneys hired by the plaintiffs to prosecute this suit. The MWR and MC would have no control over the actions of the plaintiffs, nor of the actions of their counsel.

(Emphasis added.) The Committee may not contribute to a fund over which it has no control.

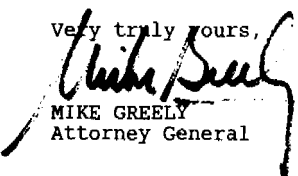
A corollary question has arisen in the course of my consideration of your request. May the Committee spend money for studies, the results of which are to be used in litigation? Because present law does not prohibit the Committee

from engaging directly in litigation, it follows that the law does not prohibit the Committee from engaging indirectly in litigation by funding research. However, just as in the case of funds for direct legal action, the Committee must control the expenditure of the funds for the studies by way of contract or agreement.

THEREFORE, IT IS MY OPINION:

1. The Montana Wheat Research and Marketing Committee may become a party plaintiff in a class action suit brought by various Montana farmers and farming entities against a railroad alleging unreasonably high transportation rates and seeking a refund of excessive charges. However, the Committee may spend money for the lawsuit only if it controls such expenditure of funds by contract or agreement.
2. The Montana Wheat Research and Marketing Committee may not contribute money into a common fund for the benefit of a class action over which the Committee has no control. However, the Committee may enter into contracts or agreements with organizations to carry out specific research or marketing studies to be used in the litigation.

Very truly yours,



MIKE GREELY  
Attorney General