

KFM  
9035  
1973  
•A245a

RESERVE

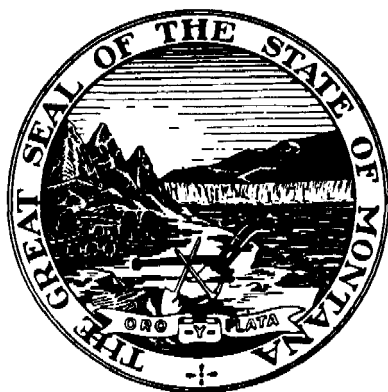
# MONTANA ADMINISTRATIVE REGISTER

STATE LAW LIBRARY

JUL 14 1982

U. S. MONTANA

1982 ISSUE NO. 13  
JULY 15, 1982  
PAGES 1337-1425  
INDEX COPY



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 13

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing, and where written comments may be submitted.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

TABLE OF CONTENTS

NOTICE SECTION

	<u>Page Number</u>
<u>COMMERCE, Department of, Title 8</u>	
8-22-25 (Board of Horse Racing) Notice of Public Hearing on Proposed Adoption of Rules - Harness Horse Racing.	1337-1374
<u>HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16</u>	
16-2-231 Notice of Public Hearing on Proposed Amendment of Rules - Water Quality Standards.	1375-1378
<u>STATE LANDS, Department of, Title 26</u>	
26-2-41 Notice of Proposed Amendment of Rules - Renewals of Surface Leases and Preference Rights. No Public Hearing Contemplated.	1379-1383
<u>NATURAL RESOURCES AND CONSERVATION, Department of, Title 36</u>	
36-33 Notice of Public Hearing on Adoption of Rules - Petroleum Industry Reporting Requirements.	1384-1388

RULE SECTION

Page Number

COMMERCE, Department of, Title 8

AMD	(Physicians) Annual Registration -	
NEW	Fee Schedule	1389
AMD	(Optometrists) Reciprocity - General	
NEW	Practice - Fee Schedule	1390
REP	(Osteopathic Physicians) Board Organization -	
NEW	Procedural Rules - Examination - Fee Schedule	1391
REP	(Podiatrists) Board Organization - Procedural	
AMD	Rules - Fee Schedule	1392

LABOR AND INDUSTRY, Department of, Title 24

AMD	(Human Rights) Definitions - Mental and	
	Physical Handicap	1393-1394
AMD	(Human Rights) Processing of No Cause	
	Complaints by the Commission	1395
NEW	Extended Benefits - Pension Deduction -	
AMD	School as a Reason for Voluntary Quit	1396
NEW	Coverage Under the State Compensation	
	Insurance Fund	1397

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

AMD	Oil and Gas Division Regulatory Program	1398-1400
REP		

SECRETARY OF STATE, Title 44

AMD	Agency Filing Fees	1401
-----	--------------------	------

INTERPRETATION SECTION

Opinions of the Attorney General

64	Clerk and Recorder - County Officials - Fees	1402-1403
----	--	-----------

SPECIAL NOTICE AND TABLE SECTION
----------------------------------

Notice of Functions of Administrative	
Code Committee	1404
How to Use ARM and MAR	1405
Accumulative Table	1406-1411
Cross Reference Table	1412-1425
13/7/15/82	-ii-

STATE OF MONTANA  
DEPARTMENT OF COMMERCE  
BEFORE THE BOARD OF HORSE RACING

In the matter of the proposed	) NOTICE OF PUBLIC HEARING ON
adoption of a new sub-chapter	) THE PROPOSED ADOPTION OF A
concerning rules of harness	) NEW SUB-CHAPTER 10, HARNESS
horse racing.	) HORSE RACING REGULATIONS,
	RULES 8.22.1001 through 8.22.
	1025

TO: All Interested Persons:

1. On Wednesday, August 11, 1982, the Board of Horse Racing will hold a public hearing at 1:00 p.m. in the METRA Building at the Fairgrounds, Billings, Montana to consider the adoption of the proposed rules of harness horse racing.

2. The proposed rules will read as follows:

"8.22.1001 DEFINITIONS (1) 'Act' means the board of horse racing act.

(2) 'added money' means money offered for an event by an association;

(3) 'age' of a horse shall be reckoned from the first day of January of the year of foaling;

(4) 'association' means a person, association, society or body corporate conducting a race meeting;

(5) 'bred' means the place of foaling of a horse;

(6) 'breeder' means the owner of the dam of a horse at the time of foaling;

(7) 'claiming race' means a race in which every horse racing therein may be claimed in conformity with this regulation;

(8) 'day' means twenty-four hours ending at mid-night;

(9) 'declaration' means an indication in the prescribed form of an intention to start a horse in a race;

(10) 'entry' means two or more horses starting in a race when owned in whole or in part, directly or indirectly by the same person, or trained in the same stable or by the same management;

(11) 'extended meeting' means a meeting of ten days or more;

(12) 'fair meeting' means a meeting of less than ten days;

(13) 'futurity' is a stake race in which the in foal dam of the competing animal, or the animal itself is nominated during the year of the foaling;

(14) 'horse' means a horse, mare, colt, filly or gelding;

(15) 'judges list' means a list of horses that are refused declaration;

(16) 'maiden' means a horse that :

(a) has never won a heat or race at the gate at which it is entered to start and for which a purse is offered, excluding schooling races;

(b) has been awarded a race or purse money after the 'official sign' was posted but is not considered as a winning performance, or

(c) although having finished first in a race for which a purse was or is offered was or is subsequently disqualified;

(17) 'meeting' means the period of time during which races are run consecutively at one race track;

(18) 'owner' includes a part owner or lessee but does not include a person who has an interest in only the winnings of a horse;

(19) 'person' includes a racing association;

(20) 'post position' means the position assigned to a horse for the start of the race;

(21) "post time" means the time set for the arrival at the starting point of the horses in a race;

(22) 'qualifying list' is a list of horses that are required to go a qualifying race;

(23) 'qualifying race' means a race in which a horse must establish its ability to participate at a race meeting consistent with the qualifying standards established for a class of horse;

(24) 'racing season' means the period during which races are conducted in Montana in any calendar year and includes any meeting commencing in one calendar year and concluding in the next ensuing calendar year;

(25) 'rules' mean the rules of racing covering harness racing prescribed in this regulation as amended from time to time, and includes those directives and rulings that may from time to time be made by the board of horse racing, the executive secretary for the board or the judges with respect to conducting harness horse racing;

(26) 'stake' means a race open to all horses, complying with its conditions and in which the nominators of the horses entered contribute to the purse;

(27) 'starter' means:

(a) the person who dispatches a field of horses at a race;

(b) a horse that has passed the fair start pole when the starter dispatches the horses with the word 'go';

(28) 'sustaining fees' includes interim, declaration and starting fees or payments;

(29) 'turf authority' means the official regulatory body of racing in a jurisdiction;

(30) 'walkover' is an event in which the only competitor is one horse or one entry." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

#### 8.22.1002 DUTIES OF RACING OFFICIALS

(1) No person shall officiate or be employed as a judge, race secretary, assistant race secretary, starter, placing judge, clerk of the course, paddock judge, patrol judge, timer, equipment inspector, identifier, horsemen's bookkeeper, program director or as any other official or employee of an association as the board may from time to time direct, until the appointment or employment of that official is approved in writing

by the board.

(2) An association approved to conduct a race meeting shall submit to the board a list of officials 30 days prior to the commencement of a race meeting.

(3) No racing official shall, without the consent of the board, occupy or serve in more than one official position and then only if the combined duties can be performed efficiently and adequately and without conflict of responsibility.

(4) No racing official shall engage in any employment or activities at a race track during the conduct of an approved race meeting other than the employment and activities for which he has been approved by the board.

(5) No person having an interest in the result of a race by reason of ownership in a participating horse, wagering or otherwise, shall act in any official capacity in connection with the running of a race.

(6) No official of the board, racing official or security personnel shall wager on the outcome of a race.

(a) No employee or licensee of the board or employee of an association shall give to anyone, directly or indirectly, for reward or for any other consideration, any information or advice that would tend to influence any person in the making of a wager on a horse in a race.

(7) Subsection (6)(a) above does not apply to an association employee making a selection that appears in the official program, an association publication, or a newspaper or is broadcast over the radio or television." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1003 DUTIES OF JUDGES (1) The board of horse racing shall appoint or approve the appointment of judges to be called the 'board of judges', who shall enforce the carrying out and observance of this regulation, and any rules or conditions established under the act.

(2) In the performance of their duties, the judges shall exercise reasonable control over and have unrestricted access to all buildings, stables, rooms and all other places within the grounds of an association.

(3) The board of judges shall interpret the rules and decide all questions according to the usages of the turf and in the best interests of racing whether specifically covered by the rules or not.

(4) The board of judges shall, subject to final confirmation by the board approve or deny all applications for licenses under the rules.

(5) At any meeting or hearing of the board of judges a majority of the board of judges constitutes a quorum, and a majority of the judges present determines any questions.

(6) If the judges are an even number, the supervisory

or an assistant supervisor of racing may participate and cast a deciding vote.

(7) The board of judges shall supervise all declarations and scratches and at least one judge shall be present at the race secretary's office at the closing and during the drawing of declarations.

(8) The judges may conduct an investigation into any matter within their jurisdiction and may demand a statutory declaration or other form of proof from any person under their jurisdiction and having knowledge of the matter under investigation, and at any time order a veterinarian's examination of any horse.

(9) The board of judges may refuse the declaration of a horse for any reason they consider proper, and a horse so refused:

(a) shall be posted on the judge's list, and

(b) may subsequently be reinstated by removal from that list by the judges.

(10) The board of judges may place a horse in the temporary charge of a trainer they select.

(11) The board of judges may excuse a horse from starting for any reason they consider proper whether before or after it has been accepted by the paddock judge.

(12) The association may, with the approval of the board of judges, fill any casual, or emergency vacancy of an official position subject to subsequent approval of the board of horse racing.

(13) Except where the circumstances require the board of judges to render an immediate decision without a hearing under the rules or in the best interests of racing, the judges shall, whenever they suspect that there has been a violation of this regulation or any rules or directives of the board or of any proper order or direction of a judge or judges." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1004 STARTER DUTIES (1) An association conducting a race meeting shall appoint a starter who shall have the authority to give orders necessary to insure a fair start.

(2) The starter's decision as to the validity of a start is final except when otherwise ordered by the board of judges.

(3) The starter shall maintain a starter's list and horse shall be schooled in starting if and when required by the starter or a judge, and shall be denied declaration until removed from that list.

(4) A horse that is unmanageable at the starting gate or refuses to start properly, may be refused declaration until the starter is satisfied that the horse's conduct has been corrected.

(5) The starter shall have control over the horses

and drivers from the formation of the parade until the word 'go' is given and shall notify the judges of any violation of the rules." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1005 PADDOCK JUDGE DUTIES (1) An association conducting a race meeting shall appoint one or more paddock judges.

(2) The paddock judge shall:

(a) keep a record, as specified by the judges, of equipment required to be carried by each horse in each race and shall not permit any change in that equipment unless authorized by a judge.

(b) require that all horses be checked and properly identified in each race;

(c) immediately report to the board of judges the absence or ineligibility of, or any other irregularity with respect to a horse, its equipment or his inability to make a positive identification of a horse;

(d) immediately report to the board of horse racing veterinarian any unsoundness of any horse;

(e) notify the board of judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race;

(f) report any violation of the rules.

(3) The paddock judge may authorize any person to be admitted to the paddock in addition to the members of the board, racing officials, owners, trainers, drivers and grooms having horses in the paddock." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1006 GENERAL LICENSING PROVISIONS (1) No person shall act as an owner, a trainer, driver, veterinarian, veterinarian assistant, authorized agent, stable employee, farrier or plater, parade marshall, or such other racing trade or calling as the board may designate unless he is the holder of an existing license issued by the board of horse racing.

(2) In dealing with an application for license, the personal character and ability of the applicant shall be considered by the board, but in no case shall a person be licensed who is currently under suspension by any turf authority.

(3) The board may by directive require that any persons employed or engaged in the conduct of a race meeting who are designated by the board shall be registered with the association conducting the race meeting in lieu of being licensed by the board, and those persons so registered shall be deemed to be licensed by the board and subject to the rules of the board covering such licensed persons.

(4) No person who is the holder of an existing license issued by the board shall have in his employ, or offer to employ at the race track, a person who is required



to be licensed but is not the holder of an existing license issued by the board.

(5) An employer is required to submit to the board and keep current, an employee roster with the name of each employee and his license number and shall promptly inform the board of the name and license number of:

- (a) any employee leaving his employ, and
- (b) any new employee.

(6) The license fee payable by an association shall be the sum for each day upon which racing is to be conducted by the association that the board may from time to time prescribe.

(7) Licensees other than an association shall pay the fees that the board may from time to time fix by directive.

(8) The board may grant a duplicate license on receipt of satisfactory proof of loss of an original license and on payment of a fee determined by the board from time to time.

(9) A license becomes invalid if the licensee ceases to be employed or to act in the capacity named in the license and that license shall be surrendered to and retained by the board.

(10) No applicant shall be granted a license until he has been identified and photographed by the board staff, unless that requirement is waived by the board.

(11) A licensed trainer may apply for a license on behalf of any owner that he represents by signing the application for the owner's license and permission to race may be granted for 14 calendar days." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1007 LICENSE PROVISIONS FOR OWNERS, PARTNERSHIPS

(1) An applicant for an owner's license may be required to satisfy the board of financial responsibility.

(2) Upon the suspension or revocation of the license of an owner, all horses of the owner shall become ineligible to race.

(3) All declarations of joint ownership or partnership, or changes therein shall be registered with the racing association concerned.

(4) A declaration of partnership, syndicate, joint venture or other group shall contain the following information:

- (a) name and address of every person having an interest in the horses provided;
- (b) the relative proportion of each person's interest;
- (c) to whom the winnings are payable;
- (d) in whose name the horse shall race;
- (e) with whom the power of declaration rests;
- (f) the terms of any contingency, lease or other similar arrangement;
- (g) if a company is a joint owner or partner, the names,

permanent address and occupations of :

(i) all officers, directors and persons having at any time and from time to time, any interest in the shares of the company, reported in the manner prescribed by the board from time to time and containing the information in a format acceptable to the board, and

(ii) the company's appointed authorized agent who has been licensed by the board.

(5) A lease of the racing properties of a horse shall be filed with the racing association and shall state to whom the winnings are payable.

(6) The terms of a lease shall be bona fide, specific and substantial, and shall be approved by the board of judges.

(7) An owner, other than a company, may appoint an authorized agent who shall be licensed by the board to act in his behalf.

(8) A shareholder of a company licensed as an owner may, upon application, be licensed as an owner.

(9) If there are more than four owners, a stable name shall be registered." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1008 STABLE NAMES PROVISIONS (1) No person shall use a stable name unless that name and any changes in that name are registered with:

- (a) the United States Trotting Association,
- (b) the board of horse racing, and
- (c) the association.

(2) No person shall use, directly or indirectly, more than one stable name at the same time.

(3) A person may disassociate himself from a stable name by giving notice to the board and the United States Trotting Association.

(4) When a company holds a license, its corporate name is deemed to be the stable name of the company and of each of its shareholders.

(5) When a partnership, syndicate, joint venture or other group holds a license, the name in which the license is issued is deemed to be the stable name of the group and of each member of the group.

(6) A member of a licensed corporation or a licensed group may apply for a member's license permitting the holder access to the barn area and paddock of a race-track if the president of the corporation or manager of the group:

- (a) co-signs the application,
- (b) certifies that the applicant is a member, and
- (c) personally undertakes to be responsible for all the acts of the applicant in the barn and paddock area as though they were his own.

(7) The board shall not, under subsection (6) above, issue more than 10 member's licenses per corporation or group per year." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1009 STAKE RACES PROVISIONS (1) Conditions for stakes that conflict with the rules, are vague, or inconsistent shall not be published and if published, are of no effect insofar as they so conflict.

(2) Conditions for stakes shall be approved by the board prior to publication and shall include the following information:

(a) the categories of horses that are eligible to be nominated;

(b) the amount to be added to the purse by the association;

(c) the dates and amounts of nomination and sustaining payments;

(d) whether the event will be:

(i) raced in divisions, or

(ii) conducted in elimination heats if more horses than the maximum allowed to complete in one division are declared;

(e) the percentage distribution of the purse to the money winners in each heat or dash, and the formula for calculating the distribution if the number of starters is less than the number of premiums advertised.

(3) The date and place where stakes will be raced shall be announced as soon as that information is determined,

(4) Conditions shall not be changed after nominations have been received except with the approval of the board.

(5) All nominations to stakes shall:

(a) be made in writing,

(b) be signed by the owner, trainer or his authorized agent,

(c) state the name and address of the bona fide owner or lessee or both, as the case may be,

(d) identify by age, name, color, sex, sire and dam each horse nominated,

(e) name the event or events for which the horse is being nominated, and

(f) be made at least five days prior to the race for which the nomination is made.

(6) No deductions may be made for clerical or any other expenses from nomination or sustaining payments or from added money.

(7) The dates for the closing of nominations shall be:

(a) for stakes nominating yearlings not later than May 15th;

(b) for stakes nominating other than yearlings, the 15th day of the month;

(c) for futurities, not later than July 15th of the year of foaling.

(8) Nominations for stakes on races for two-year-olds shall not be taken prior to February 15th.

(9) Sustaining payments for stakes shall be payable on the fifteenth day of a month, but no stake sustaining fee shall become due prior to February 15th of the year in which the horses nominated become two years of age.

(10) If the day of closing of nomination or sustaining payment falls on a Sunday or legal holiday, the day of closing shall be the next business day.

(11) Declaration fees shall become due and payable when a horse is properly declared.

(12) When a horse has been properly declared its declaration fee shall not be refunded.

(13) Unless otherwise specified by the association or sponsor of a race, conditions are invalid that have the effect of eliminating horses nominated to an event or adding horses that have not been nominated to an event because of the performance of those horses after the closing of nominations.

(14) The eligibility of the horse nominated is not affected by the sale of the horse after its nomination has been accepted unless the contrary is specified in the conditions.

(15) An association shall provide a list of nominations to each nominator and to the board in all stakes within a month after the date on which payments were due, including a resume indicating the current financial status of the event by listing the number of horses remaining eligible and the amounts of nomination and sustaining payments received.

(16) Nomination fees to futurities are not refundable.

(17) No deductions are permitted from the purse for any event that is allotted to 'consolation' races.

(18) An association has the right to require at least five separate interests to start in all stakes but if less horses than required are declared to start, the race may be declared off and in that case the total of nomination and sustaining payments received shall be divided equally in respect to the horses declared to start without being credited as purse winning.

(19) Futurities shall be contested if one or more horses are declared to start.

(20) If no declarations are made, the total of nomination and sustaining payments shall be divided equally and awarded in respect to the horses remaining eligible after payment of the last sustaining payment, without being credited as purse winnings.

- (21) When a stake is split into divisions:  
(a) the added money, nomination and interim fees shall be divided equally among the divisions, and  
(b) the declaration and starting fees shall be divided in proportion to the number of horses starting in each division.
- (22) Unless otherwise specified in the conditions, if more horses than are allowed in one field are declared, the race shall be conducted in divisions or eliminations and in accordance with the following provisions:  
(a) for stakes conducted in divisions;  
(i) starters shall be divided by lot,  
(ii) all divisions shall be raced on the same day, and  
(iii) the association shall contribute to each division additional added money so that portion of the purse equals at least 75% of the original amount.  
(b) for stakes conducted in elimination;  
(i) starters shall be divided by lot with 60% of the total purse to be divided equally among the elimination heats, and the final heat to be contested for 40% of the total purse,  
(ii) elimination heats and the final heat shall be raced on the same day, unless conditions provide otherwise, and in that case elimination heats shall be contested not more than 10 days prior to the date of the final heat,  
(iii) the winner of the final heat shall be the winner of the stake,  
(iv) if there are 2 elimination heats, the first 4 finishers in each heat shall qualify for the final heat and if there are 3 or more elimination heats, not more than 3 horses from each elimination heat shall qualify for the final heat, and  
(v) judges shall draw by lot the post positions for the final heat to determine which of the 2 elimination heat winners shall have the pole and the second position and which of the 2 horses that were second shall start in the third and fourth positions, and shall in that manner determine all of the positions for the final heat.
- (23) In all cases, the number of horses allowed to start in the final heat shall not exceed the maximum number permitted to start.
- (24) A horse that is on the qualifying, veterinarian, starter or judges' list may be nominated but is not eligible to declare or start in a stake unless it is removed from those lists before the time of declaration or starting." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1010 QUALIFYING RACES (1) Declarations at an

extended race meeting shall be governed by the following:

(a) a horse that has not raced previously at the gait chosen shall perform in a qualifying race under the supervision of a judge, but no horse shall be permitted to race at an extended race meeting if it does not have at least one satisfactory charted line at the gait chosen and in order to provide complete and accurate chart information on time and beaten lengths, a standard photo-finish shall be in use;

(b) A horse that does not show a charted line within the last six starts shall perform in a qualifying race, and for that purpose an uncharted race contested in heats of more than one dash and consolidated shall be considered to be a start;

(c) a horse that has not raced within 30 days before or during an extended race meeting shall perform in a qualifying race, except that a horse that raced in Montana during the current calendar year may start during the first 30 days of the next season without qualifying, and a horse entered and in to go in a race that is programmed and postponed but after postponement is reinstated and subsequently raced shall be considered to be eligible;

(d) If a horse has raced at meetings at which races are not charted, the information from the uncharted races shall be summarized, including each start, and consolidated in favor of charted lines that shall carry date, place, time, driver, finish, track conditions, and, if the race is not at one mile, distance;

(e) a horse that is on a qualifying list shall be required to perform in a satisfactory qualifying race or races before being removed from that list;

(f) a horse that chokes or bleeds during a warmup or a race shall be required to perform in a satisfactory qualifying race before it can be declared to an overnight event;

(g) the judges may permit a preferred or invitational horse to qualify by means of a timed workout consistent with the time of the races in which it will compete;

(h) the judges may institute standards or guidelines relating to an individual horse's performance to establish if the horse will qualify;

(i) a horse:

(i) habitually wearing hobbles in a race other than a qualifying race may qualify without them,

(ii) habitually racing without hobbles may qualify with them,

(iii) that is not on a qualifying list and is habitually wearing hobbles, or habitually not wearing hobbles, and may make one start in a qualifying race with or without hobbles, and its performance at that race shall not affect its eligibility to race with or without hobbles in a

subsequent event to which it is declared;

(j) if a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed or recorded, but this clause does not apply to races qualifying both horses and drivers;

(k) a horse that has made breaks in two immediately preceding consecutive races entered on fast tracks shall perform a qualifying race;

(l) a horse distanced once on a fast track may be required to perform in a qualifying race;

(m) the placing of a horse on a 'qualifying list' shall not be recorded on its eligibility certificate;

(n) no horse shall be permitted to obtain a win race record in a qualifying race unless an approved urine or blood test has been taken in respect to it either immediately before or after the race.

(2) General qualifying standards shall be established by the race secretary and those standards and any changes to them, shall be approved by the judges and posted so that they are available for inspection by participants at all times.

(3) Owners and trainers or owners or trainers of horses placed on a qualifying list shall be advised by the judges of the placement by written notice posted in an area of the race office.

(4) Qualifying races shall be held at least one full week prior to the opening of any racing season and shall be scheduled at least twice a week during the period set aside for them.

(5) Qualifying races shall be scheduled twice a week during meetings having four or more racing days per week, and once a week during meetings having less than four racing days per week." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1011 GENERAL PROVISIONS - TYPES OF RACES PERMITTED, DECLARATIONS, AND DRAWING OF POST POSITIONS

(1) The racing secretary, exclusively, shall schedule the following types of races:

- (a) overnight events, including;
  - (i) conditioned races;
  - (ii) claiming races,
  - (iii) preferred, invitational, handicap, open or free-for-all races,
  - (iv) schooling races,
  - (v) matinee races;
- (b) stakes;
- (c) match races.

(2) Substitute races may be provided for each race program and shall be so designated in condition sheets and may be used when a regularly scheduled race is not run because of lack of entries.

(3) Regularly scheduled races or substitute races may, if necessary, be divided.

(4) When a race is divided, starting horses shall, unless otherwise specified in the conditions of the race, be determined by lot after preference has been applied.

(5) Conditions shall not be written in such a way that a horse is deprived of an opportunity to race in a normal preference cycle.

(6) Not more than three also eligible conditions shall be used in writing conditions for overnight events.

(7) For the purpose of eligibility, a racing season or racing year shall be the calendar year.

(8) When recording winnings, gross dollar winnings shall be used and cents shall be disregarded.

(9) No time records or bars shall be used as an element of eligibility.

(10) Horses eligible at the time of declaration shall remain eligible for that race regardless of winnings accrued after such declaration.

(11) To participate in mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait stated for it in its declaration.

(12) The word 'start' in a condition includes only those performances in a purse race and each dash or heat shall be considered as a separate 'start' for the purpose of condition races.

(13) Preferred, invitation, junior invitation, handicap, open and free-for-all races are those limited to the fastest horses competing at the meeting and with respect to those races:

(a) horses shall be posted in the office of the race secretary and listed with the board of judges, prior to closing declarations,

(b) horses so posted shall not be eligible to conditioned races unless the conditions specifically include horses posted to any, or all such races,

(c) a horse shall be removed from the lists not later than the day following the start that caused it to be removed, and

(d) no two-year-old horse is eligible to be placed on the lists to race against older horses until it has won seven races, unless requested by the owner or authorized agent, but the owner or authorized agent may withdraw a request after he has made it.

(14) The maximum size of fields for all races shall be determined by allowing eight feet per horse to the starters in the front tier and not more than two trailers.

(15) No horse shall be permitted to be declared to race unless,

(a) a valid eligibility certificate has been granted or validated for that horse by the United States Trotting



Association,

(c) the registration papers and a valid eligibility certificate have been filed with the association,

(d) if leased,

(i) a copy of the lease acceptable is on file with the board of judges and the associations, and

(ii) the horse races in the name of the lessee,

(e) the horse has qualified,

(f) the horse has been lip tattooed,

(g) the horse is at least two years of age to race at any meeting but not older than:

(i) 14 years of age to race at extended meetings, or

(ii) 17 years of age to race at non-extended, matinee or fair meetings,

(h) a negative 'Coggins Test' certificate issued by a laboratory approved by the department of agriculture (United States) has been presented to the race secretary properly identifying the horse and certifying that within the current racing season in Montana the horse has been tested negative,

(i) if it is a spayed mare, that fact is noted on the program, registration certificate, eligibility certificate and the list of such horses on the horsemen's bulletin board, and

(j) if part of an entry, that fact has been disclosed on the declaration.

(16) An association shall publish the time for closing of declaration on the condition sheets.

(17) A declaration received after the specified time of closing shall not be accepted, except if it was omitted in error or because of negligence by an official or employee of the association.

(18) An association shall provide a box into which declarations shall be deposited.

(19) The same horse shall not be declared to compete in races scheduled for the same day at different tracks.

(20) A horse that is on the qualifying list, starter's schooling list, judges' list or veterinarians's list and not removed from the appropriate list shall not be declared.

(21) A declaration made by mail, telegraph or telephone is acceptable, if:

(a) the mail, telegraphic or telephone declaration states the name of the horse, the event it is to be declared to, and is signed by the person who received and deposited it, and

(b) evidence of the declaration is deposited, in the declaration box before the time specified by the race secretary or his licensed delegate for declarations to close, and adequate program information is furnished

by the declarer.

(22) In the case of telephone declaration, a properly signed declaration shall also be deposited with the race secretary at least 24 hours prior to post time of the race concerned.

(23) Before opening the declaration box for the draw, the race secretary or his licensed delegate shall take control of the declaration box and he may open the box prior to the time of closing to provide an opportunity to process declarations but no information as to the names of horses declared shall be given by any person to any other person prior to the drawing of declarations.

(24) No owner of a horse or his agent shall be denied the privilege of being present at the closing and drawing of declarations.

(25) Declarations shall be listed, the eligibility verified, preference ascertained, starters selected and post position drawn at such times as are determined by the association.

(26) If it is necessary to reopen any race, a public announcement shall be made at least twice and the declaration box reopened at a specified time.

(27) Starting horses and also eligible horses for overnight events shall be drawn by lot from horses properly declared to start, and preference shall be given according to a horse's last previous start at the gait declared for it in a purse race.

(28) Preference dates are not applicable to horses racing in schooling races.

(29) Preference shall be governed by the following:

(a) if more than the required number of horses are declared in to a race with the same preference date, the previous preference dates shall apply;

(b) when a horse is racing for the first time at the gait declared for it, it shall have preference over other horses regardless of their preference dates;

(c) if a declaration is made for a horse that has already been drawn to start in a race that has not yet been contested, the date of that uncontested race shall be its preference date;

(d) if a horse has been scratched, the date of the race from which it is scratched shall be its preference date;

(e) if a race has been reopened for additional declarations, preference shall be given those horses eligible and declared at the time declarations closed originally;

(f) if conditions so specify, preference can be given to two-year-old horses, regardless of preference date.

(30) Not more than two horses may be drawn as 'also eligibles' in accordance with the following provisions:

(a) also eligibles shall be drawn from horses having the best preference;

(b) no horse shall be added to the race as an also eligible unless it was drawn as an also eligible at the time declarations closed for that race;

(c) no horse may be barred from another race to which it is eligible and has preference because it has been drawn as an also eligible;

(d) also eligibles moved into races shall be posted in the office of the race secretary and their owners or trainers shall immediately be so notified by the race secretary;

(e) also eligibles not moved into a race by 10:00 a.m. of the day of the race shall be released;

(f) if an also eligible is moved into a race it shall be scratched from any subsequent race for which it has been drawn, unless preference otherwise allows.

(31) Horses shall be coupled as an entry, if;

(a) one person is the owner of two or more horses in a race,

(b) the spouse of a person who is the owner of one horse in a race is the owner of another horse in that race,

(c) the spouse of the driver of one of the horses in a race is the owner or trainer of another horse in that race, or

(d) the trainer of one of the horses in a race is the owner, trainer or driver of another horse in that race.

(32) Any horse may be coupled as an entry by the board of judges when the board considers it in the public interest to do so.

(33) If a race is split into divisions or elimination heats, horses coupled as an entry shall be seeded in separate divisions or elimination heats insofar as possible:

(a) by owners,

(b) by trainers, and

(c) by stables,

but the divisions or elimination heats in which they are to compete and their post positions shall be determined by lot.

(34) When there is conclusive evidence that a horse was properly declared to an overnight event, but omitted from a program due to error or negligence by an official or employee of the association, the horse so omitted may be added to the race and given the last post position, if the error is found prior to the printing of the official program and its addition does not result in more than the maximum number of starters allowed in a single field, but if the program has been printed, the horse shall not be permitted to start.

(35) If a horse omitted as described in subsection (34) above was nominated or declared to a stake, it shall be added to the race and given the last post position, and in that case, if its addition results in more than the maximum number of starters allowed in a single field the event shall be divided and the starters in each division and their post positions shall be redrawn by lot.

(36) If one or more horses are excused from a race by the judges, the also eligible replacement horse or horses shall race and take the post position drawn for the replaced horse or horses except in a handicap race in which case the also eligible replacement horse or horses shall take the place of the replaced horse or horses so long as the handicap is the same, but if the handicap is different:

(a) the also eligible replacement horse or horses shall take the position on the outside of horses with a similar handicap, or

(b) when a trailing horse is scratched, the also eligible horse shall take the trailing position, regardless of the handicap.

(37) A horse properly declared shall not be withdrawn or scratched from the race without permission of the judges.

(38) After having been drawn to start, or as an also eligible horse in a race, the horse shall not be sold prior to the particular race and trainers may only be changed with the permission of the judges.

(39) Drivers shall be named not later than the time to permit their names to be published in the official track race program.

(40) The deadline for naming of drivers shall be set by the association, and no driver may be changed after that deadline without the permission of the judges.

(41) The race secretary may, with the approval of the board of judges, reject the declaration to an overnight event of any horse that has a past performance that indicates that it would be below the competitive level of other horses declared to the particular event." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1012 SCRATCHES (1) A horse that is scratched from a race cannot be reinstated to participate in that race.

(2) A horse scratched by the board veterinarian shall not be allowed to declare for a minimum of 72 hours from the time it was scratched and then only if it has been approved for entry by the board veterinarian." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1013 POSTPONEMENT AND CANCELLATION (1) An association or board of judges, after consultation with the horsemen's representatives, may for just cause postpone or cancel races.

(2) In stakes that have not been started before being cancelled, all nomination and sustaining fees shall be divided equally among the owners of horses remaining eligible at the time of cancellation.

(3) In stakes that have been started but remain unfinished before being cancelled, the allotted shares of the remaining nomination, sustaining and starting fees shall be distributed equally to the owners of all horses remaining eligible at the time of cancellation.

(4) Unless otherwise provided in the conditions, stakes may only be transferred to another meeting with the unanimous consent from an association and all owners having eligible horses in the event.

(5) Overnight events that are not raced within two days of being postponed shall be cancelled.

(6) If track conditions are questionable, the board of judges shall meet with a representative of the association and the duly elected representatives of the horsemen to consider the matter and the following shall apply:

(a) if the meeting results in a unanimous decision that track conditions are safe for racing, no withdrawals will be allowed;

(b) if the meeting results in a decision other than a unanimous decision that track conditions are safe for racing, an owner or trainer may scratch a horse after depositing an amount equal to 10% of the total purse to be raced for with the board;

(c) the board of judges shall direct that money deposited under subsection (b) above shall be retained by the board or returned to the owner or trainer;

(d) if the number of withdrawals reduces the field to less than 5, the association may postpone a stake or cancel an overnight event.

(7) If the board of judges is unable to judge the running or finish of a race because of insufficient lighting, adverse weather conditions, or any other circumstances, they may declare the race 'no contest'.

(8) If a decision is made by the board of judges that races are postponed or cancelled, an appropriate announcement shall be made by the board of judges to the horsemen as soon as that decision is made." [Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1014 PADDOCK PROVISIONS (1) An association conducting a race meeting shall:

(a) provide and maintain a paddock or receiving barn that shall be policed,

(b) maintain records of all persons entering a paddock or receiving barn clearly showing the name of each person who entered and the time of entering, and

(c) provide and maintain in the paddock or receiving barn, washroom facilities, hot and cold running water, and proper lighting in accordance with the standards approved by the board of horse racing.

(2) Horses shall be in the paddock at least one hour prior to post time of the race in which they are to compete.

(3) Except for warm-up trips, no horse shall leave the paddock until called to post.

(4) Drivers shall report to the paddock judge and sign the drivers' register at least one hour before post time of any race in which they are programed to drive, unless excused by the judges.

(5) When programed to drive in any race that is part of a feature pool, drivers must be in the paddock at least one hour before post time of the race which comprises the first part of the feature pool, unless excused by the judges.

(6) Drivers programed to drive in races where advanced wagering takes place on any feature betting race, shall make their presence known to the paddock judge prior to commencement of the advanced wagering.

(7) Persons entitled to admission to the paddock are:

(a) owners, trainers, drivers and grooms of horses that

(i) are competing on the date of the race, and

(ii) are in the paddock,

(b) members of the board and race officials, and

(c) any other person authorized by the paddock judge.

(8) No person except an official or an owner, who has another horse racing in a later race, shall return to the paddock until all races of that program have been completed.

(9) No more than two members of a registered stable shall, except with the permission of the judges, be entitled to be in the paddock on any racing day.

(10) An association shall, during racing hours, provide the services of a blacksmith within the paddock.

(11) An association shall, during racing hours, provide to the equipment inspector any suitable extra equipment in the paddock that may be necessary in emergencies to prevent unnecessary delay during the conduct of racing.

(12) The paddock and licensees in the paddock shall be under the supervision of the paddock judge." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1015 CLAIMING PROVISIONS (1) In claiming races, any horse may be claimed for its declared claiming price,

plus allowances, by:

(a) a licensed owner who has a horse on the grounds registered to race at the meeting where the claim is to be made;

(b) a licensed owner:

(i) who does not, at the time actually own a horse registered to race because of fire, other misfortune or claim, or

(ii) who has no horse on the grounds registered to race, and who has obtained a claim certificate issued by the board of judges after the expiration of three clear days from the date of receipt of his application for a claim certificate, and

(c) a person whose application for an owner's license has been approved and who has received a claim certificate issued by the board of judges, after the expiration of three clear days from the date of the receipt of his application for an owner's license.

(2) A claim certificate is valid only for the current racing season.

(3) No owner shall claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account.

(4) If there are two or more owners of a horse through which a claim is made, all must sign the claim, unless one is appointed in writing as the authorized agent to make the claim for the partnership or group, and no part owner may claim solely for himself unless that part owner has acquired a claim certificate under section (1) (c) above.

(5) An owner may make a claim for his account through his authorized agent.

(6) No person shall make more than one claim in any one race.

(7) No person shall claim a horse that is trained or driven by him, in that particular race.

(8) No authorized agent, although representing several owners, shall submit more than one claim for any one race.

(9) Only one claim for owners having the same trainer may be entered in any one race.

(10) No person other than an authorized agent acting for his principal shall claim a horse for or on behalf of any other person and, for the purposes of this regulation, a person making a claim by merely executing that claim declares that he is claiming on his own account.

(11) No person shall:

(a) offer to, or enter into agreement to claim or not to claim a horse;

(b) attempt to prevent a claim from being made, or

(c) by intimidation or otherwise prevent a horse from being raced in a claiming race.

(12) When a claim has been lodged with an association the claim is not revocable, and is made at the sole risk of the claimant.

(13) The claimant is responsible for determining the sex of the horse claimed.

(14) To be eligible for a claim, a horse shall start in the event to which it was declared.

(15) A horse that started in a claiming race but is declared ineligible to the race by the judges is not eligible to be claimed.

(16) If a horse is declared to start in a claiming race, but is scratched, the scratch shall be noted on its eligibility certificate and if a declaration is made within a period of 30 calendar days before its next start, that horse shall be subject to claim in its next start, regardless of the type or conditions of the race or ownership, at a claiming price not greater than the amount for which it could have been claimed in the race from which it was scratched.

(17) A horse shall race for the account of the owner in whose name it starts, but the title to the horse, whether the horse finishes safely or injured or otherwise or dies before, at or after the finish, is vested in the successful claimant from the moment that horse becomes a starter.

(18) Claims shall be made in writing on the proper claim blank form supplied by the association.

(19) No person shall make a claim unless he has the amount of the claim on deposit with the horsemen's bookkeeper, and obtains a claiming credit note from the horsemen's bookkeeper covering the current balance in the claimant's account.

(20) A claim blank, claiming credit note, and claim certificate, properly completed, shall if necessary, all be placed in the claim envelope provided by the association for that purpose and the envelope shall be sealed, the date and number of the race written on it and the envelope delivered to the horsemen's bookkeeper or another person designated for that purpose by the association, at least 30 minutes before post time of the race in respect to which the claim is being made, and the bookkeeper or other person shall certify by automatic time clock on the outside of the envelope the time it was received.

(21) The horsemen's bookkeeper shall cause all claims to be delivered to the judges before the running of each race.

(22) The judge shall not open any claim until the



race in respect to which it is made is on the race track.

(23) The judges after approving a claim and determining that the claimant has the required amount on deposit with the horsemen's bookkeeper, shall issue a delivery order for the claimed horse to the original owner who shall immediately make delivery to the claimant in the paddock or test barn without altering or removing the claimed horse's shoes.

(24) If more than one person enters a claim for the same horse, the successful claimant shall be determined by lot by the judges, or other racing officials designated by the judges.

(25) No claim shall be made of a horse that has the same trainer as other horses of the claimant.

(26) If an owner or trainer refuses to deliver a claimed horse, the owner, or the trainer and the horse shall be suspended.

(27) The certificate of registration of a claimed horse shall upon completion of the claim procedure prescribed in this section, be transferred to the claimant by the association.

(28) If a horse is claimed:

(a) the horse or any partial interest in it shall not be sold or transferred to anyone, for a period of 30 days from the date of claim, except in a claiming race, nor shall it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for that period, and

(b) it shall not race outside of Montana except in a stake race until after the expiration of 30 days, or until after the conclusion of the current racing season, whichever first occurs.

(29) The new owner or trainer of a claimed horse shall be allowed to scratch the horse out of any race in which it had been entered by its former owner.

(30) Any claim made in contravention of this regulation may be declared voidable by the judges.

(31) If a horse is claimed at a meeting under rules of another turf authority, title to and entry restrictions with respect to that horse shall be recognized in Montana in accordance with the rules of the other turf authority.

(32) Spayed mares shall not receive any sex allowance."

(Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1016 PROVISIONS FOR WINNERS, DEAD HEATS, WALK OVERS, AND NON-BETTING RACES (1) When horses finish in a dead heat, the dead heat shall not be run off.

(2) When two or more horses finish in a dead heat for first place, the prizes allocated for first and second finishing horses shall, if possible, and subject to subsection (5) below be divided equally between those horses

that finished in dead heat, and the same principle applies to:

(a) a division of prizes between whatever may be the number of horses that finish in dead heats, and

(b) whatever is the finish position in which the dead heat occurs.

(3) Each horse that finishes in a dead heat and in respect to which a share of prize money for first place is paid, shall be deemed a winner of that race and of the amount it actually received.

(4) If a horse that finishes in front of the dead heat is disqualified, the horses that finished in the dead heat shall be deemed to have finished the race in the position in which the disqualified horse finished before its disqualification.

(5) If a non-monetary prize cannot be divided equally or otherwise among persons entitled to it, the board of judges may decide the matter by drawing lots for the prize.

(6) In a 'walk over' by a horse:

(a) the owner of that horse is entitled to one-half of added money offered, together with all stakes fees,

(b) the other one-half added money offered accrues to the sponsor,

(c) to claim the purse, the horse must start and complete the course, and

(d) if the 'walk over' is the result of an arrangement between owners or trainers engaged, no portion of the added money, nor any other prize, need be given.

(7) In a non-betting race:

(a) each horse in the money shall receive;

(i) its proportionate share of the total stakes fees, depending on the place of finish of that horse and the total number of horses that finished and

(ii) its designated percentage of added money, and

(b) the balance of added money shall be returned to the sponsor." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1017 PLACING AND MONEY DISTRIBUTION (1) Unless otherwise provided in the conditions, all purses shall be distributed on the dash basis, with money being awarded according to a horse's position in each separate dash or heat of the race.

(2) Purse money distributed shall be limited to the first 5 finishing positions.

(3) Unless otherwise specified in the conditions, purse money distribution in dashes shall be 50% for the first, 25% for the second, 12% for the third, 8% for the fourth, and 5% for the fifth finishing positions.

(4) If there are less than 5 starters in a stake:

- (a) each horse in the money shall receive;
- (i) its proportionate share of the total stakes fees, depending on the place of finish of that horse and the total number of horses that finished, and
- (ii) its designated percentage of added money, and
- (b) the balance of added money shall be returned to the sponsor.

(5) In overnight events, if there are less than 5 starters, the premiums for the positions for which there are no starters may be retained by the association or sponsor, as the case may be, but any premiums so retained by the association shall not be included in the overall purse structure in any agreement between the association and any horsemen's association.

(6) If premiums apply with respect to any horses that start but were unable to finish due to an accident or otherwise, all unoffending horses that did not finish shall share equally in those premiums.

(7) If premiums apply with respect to any horses that start but were unable to finish under circumstances to which subsection (6) above does not apply, the premiums may be retained by the association or sponsor.

(8) Every heat is a race and the purse shall be distributed as in dash races with nothing being required to be set aside for the race winner.

(9) If an ineligible horse is permitted to race, that horse is disqualified from winning any portion of the purse." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1018 RACING PROVISIONS (1) An association shall establish the post time for each race and the judges shall call the horses on the track at that time to prevent excessive delay after the completion of one or two scores.

(2) The time between separate heats of a single race shall be not less than 40 minutes.

(3) Horses called for a race have the exclusive right to occupy the course, and all other horses shall vacate the course as soon as possible.

(4) Sulkies shall only be permitted to be used in a race if they are of the conventional dual-shaft and dual-hitch type as follows:

- (a) they shall have two shafts that shall be parallel to, and securely hitched on each side of the horse,
- (b) no point of hitch and no part of a shaft of a sulky shall be above a horizontal level equal to the lowest point of the horse's back,
- (c) they shall be equipped with mud guards at any race meetings at which the judges require them, and

(d) they shall be equipped with wheel discs approved by the department of agriculture.

(5) Drivers shall wear distinguishing colors, and shall not be permitted to drive in a race or other public performance unless, in the opinion of the judges, they are properly dressed, their driving outfits are clean and they are well groomed, and during inclement weather conditions, they shall wear rain suits or winter suits, either of their usual distinguishing colors or made of a transparent material through which their colors can be distinguished.

(6) Horses are permitted to take one or two scores before going to the post, and upon completion of the last score, the horse shall be gathered by the starter and immediately moved into their appropriate starting positions behind the gate.

(7) Horses may be held on the backstretch while awaiting post time, but not more than two minutes, except when delayed by an emergency.

(8) If there are two tiers of horses at the start, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier, except as provided for in handicap claiming races.

(9) When a horse is withdrawn from any tier, horses on the outside move in to fill the vacancy.

(10) If there is only one trailer, he may start from any position in the second tier.

(11) If there are more trailers than one, they shall start from inside any horse with a higher post position.

(12) All races shall be started with a mobile starting gate of a design approved by the board.

(13) No person except the starter, his driver and a patrol judge, shall ride in a starting gate without the permission of the judges.

(14) The starting gate shall be equipped with two-way communications to the judges' stand and a mechanical loudspeaker for communicating instructions to drivers and no other persons.

(15) The starter shall have control of the horses from the formation of the parade until a fair start has been determined.

(16) The determination of a fair start is symbolized by the word 'go' announced by the starter at the starting point.

(17) The horses shall be brought to the starting gate as nearly one quarter of a mile before the start as the track will permit.

(18) The starter shall cause the gate to move towards the starting point, gradually increasing the speed of

the gate to maximum speed.

(19) When maximum speed has been reached in the course of a start there shall be no decrease, except in the case of a recall.

(20) The starting point is a point that shall be marked on the inside rail a distance of not less than 200 feet from the first turn.

(21) After the determination by the starter of a fair start, all the horses shall race the course, except in the case of an occurrence that in the opinion of the board of judges makes it impossible for the horses to race the course.

(22) If, in the opinion of the board of judges or the starter, a horse is unmanageable or liable to cause an accident or injury to another horse or to a driver, it may be scratched by the board of judges.

(23) In case of a recall:

(a) a light plainly visible to the drivers shall be flashed and a recall sounded,

(b) if possible, the starter shall leave the wings of the starting gate open and gradually slow the speed of the gate to assist in stopping and turning the field, and

(c) drivers shall take up their horses and return, without delay, to the point where the field is gathered for starts.

(24) There shall be no recall after the word 'go' has been given to signal a fair start.

(25) The starter shall endeavor to get all horses away in position and on gait.

(26) The starter shall sound a recall for the following reasons:

(a) a horse starts ahead of the starting gate;

(b) there is interference before the word 'go' is given;

(c) a horse has broken equipment, which the starter notices;

(d) a horse falls before the word 'go' is given.

(27) The starter may, at any time before the word 'go' is given, order a recall and restart the race, and if a second recall is sounded because of the same horse in the same race, that horse shall be scratched.

(28) The fair start pole is a pole erected at the point approximately ten feet nearer the starting point than the pole 1/16th of a mile before the start, and shall be yellow in color and shall protrude at least two feet above the inner rail.

(29) When a horse has not reached the 'fair start pole' when the word 'go' is given, the starter may sound a recall.

(30) If the starter fails to sound a recall when required, the judge shall cause the 'inquiry' sign to be displayed immediately.

- (31) No horse or driver shall:
- (a) delay a start;
  - (b) pass the inside or the outside wing of the gate;
  - (c) come to the starting gate in the wrong position;
  - (d) cross over before reaching the starting point;
  - (e) interfere with another horse or driver during the start;
  - (f) fail to come up into position and on the gate;
  - (g) change course or position, or swerve in or out, or bear in or out during any part of the race in a manner that will compel another horse to shorten its stride or cause another driver to change course, take his horse back, or pull his horse out of its stride;
  - (h) impede the progress of another horse or cause it to break from its gait;
  - (i) cross over too sharply in front of another horse or horses;
  - (j) crowd another horse by 'putting a wheel under him';
  - (k) carry another horse out;
  - (l) strike or hook wheels with another sulky.
- (32) No driver shall:
- (a) fail to obey the starter's instructions;
  - (b) wilfully 'back off' the starting gate after having been in position;
  - (c) allow another horse to pass needlessly on the inside, or commit any other act that helps another horse to improve its position;
  - (d) take up or slow abruptly in front of other horses to cause confusion or interference among the trailing horses;
  - (e) lay off a normal pace and leave a hole when it is well within his horse's capacity to keep the hole closed;
  - (f) drive in a careless, reckless or unsatisfactory manner;
  - (g) fail to set or maintain a pace comparable to the class in which he is racing, considering track conditions, weather and circumstances in the race;
  - (h) fail to properly contest an excessively slow pace;
  - (i) back off from any position and subsequently come on when challenged;
  - (j) fail to report any interference or any other infraction that occurred during a race and was noticed by him;
  - (k) lodge a claim of foul, violation of the rules, objection or complaint which the judges consider that is frivolous;
  - (l) drive a horse in a manner that prevents him from winning a race;
  - (m) drive a horse to perpetrate or aid in a fraud or corrupt practice;

(n) drive a horse in an inconsistent manner;  
(o) use a whip exceeding four feet in length, plus a snapper that is longer than eight inches in length;  
(p) use his whip or crop in a brutal manner, butt end, punch, jab or kick a horse or use a whip to interfere with or cause disturbance to any other horse or driver in a race;

(q) whip under the arch of the sulky;

(r) strike a wheel disc with his whip.

(33) At the conclusion of a race, each driver shall return in his sulky to be dismissed by the board of judges or their designated replacement.

(34) A driver who desires to enter a claim of foul, violation of the rules, or other complaint shall notify the nearest patrol judge accordingly and shall proceed forthwith to the paddock telephone to communicate immediately with the board of judges.

(35) A complaint by a driver of any foul, violation of the rules, or other misconduct during a race shall be made immediately after the race to which it relates, unless the driver is prevented from doing so by an accident or injury, or other reasonable excuse.

(36) Where no communication facilities to the board of judges are available, drivers desiring to lodge claims of foul, violation of the rules or other complaints shall so indicate to the board of judges when being dismissed and shall, without delay, proceed to the judge's stand.

(37) The judges shall not cause the official sign to be posted until the matter of a claim of foul, violation of the rules or other complaint has been dealt with by the board of judges.

(38) If a horse that is part of an entry has been disqualified, any other horse that is part of the same entry may also be disqualified.

(39) The judges may determine the extent of the disqualification in the case of a foul and may place the offending horse:

(a) behind the horses that in their judgement were interfered with, or

(b) last in the field.

(40) If a horse chokes or bleeds during a race, the driver of that horse is required to report that choking or bleeding to the board veterinarian immediately after the race and that information shall be entered into the official past performance line of that horse.

(41) If in the opinion of the board of judges a driver is, for any reason, unfit or incompetent to drive or refuses to comply with the directions of the judges, or is reckless in his conduct or may endanger the safety of horses or other drivers in the race, the board of judges may at any time, order, or if necessary

cause that driver to be removed and another driver substituted.

(42) All broken equipment shall be reported by the driver concerned to the paddock judge, who shall make an examination to verify the allegation.

(43) A driver must be mounted in his sulky from the start to the finish of the race or the horse he is driving may be disqualified.

(44) After the word 'go' is given, barring mishap, both feet shall be kept in the stirrups until the race has been completed.

(45) No horse habitually:

(a) wearing hobbles, shall start in a race other than a qualifying race, without those hobbles unless it has qualified to do so, or

(b) racing free-legged, shall start in a race other than a qualifying race, wearing hobbles unless it has qualified to do so.

(46) No horse shall be permitted to wear a head pole protruding more than 4 inches beyond its nose.

(47) When a horse breaks from its gait the driver shall:

(a) take the horse to the outside of other horses where clearance exists;

(b) properly attempt to pull the horse to its gait; and

(c) drop back from the field while on the break.

(48) If there has been no violation of subsection (47), the horse shall not be set back unless a competing horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(49) No driver shall allow his horse to break for the purpose of losing a race.

(50) Judges shall call out each break made and have each break duly recorded in the official race reports.

(51) No major equipment changes shall be allowed after 10:00 a.m. on the day of the race.

(52) The board of judges shall cause to be posted or announced any major equipment changes." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1020 TIME AND RECORDS (1) The fastest time raced by a horse in a heat or dash which it won, or in a performance against time, shall be its record.

(2) A standard record is a record of 2.20 or faster for two-year-olds and 2.15 or faster for all other ages.

(3) The time of each heat or dash shall be accurately timed and placed in the record in minutes, seconds and fifths of seconds, and upon the decision of each heat, the time of that heat shall be publicly announced or admitted to the record, unless the timers failed to time, in which case no time shall be announced or recorded.



(4) In the case of an alleged error in the record, announcement or publication of the time made by a horse, the time questioned shall not be changed to favor that horse or its owner, except if so directed by the board of judges and timers who officiated at the race.

(5) Every association shall file with the board the certificate of a civil engineer or land surveyor that he has measured the race track from wire to wire three feet out from the rail or inside hub rail of the track, and certifying to the nearest foot the result of each measurement, if any changes or relocation of the hub rail are made at a track, that track shall be measured and recertified.

(6) The leading horse shall be timed and his time only shall be announced.

(7) No horse shall obtain a win-race record because of the disqualification of another horse unless that horse is declared the winner because the other horse was disqualified as a breaking horse on which he was lapped.

(8) No horse shall obtain a win-race record in a qualifying race unless that horse in the race in which it competed was subjected to and passed a urine test or other officially recognized test.

(9) The judges shall note on the official race reports for each qualifying race whether or not the race was subject to a urine test or other officially recognized test.

(10) In case of a dead heat for win, the time shall constitute a record for the horses making the dead heat.

(11) The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.

(12) Time trial performances are permitted subject to the following:

(a) urine tests are required for all horses;

(b) an approved electric timer is required;

(c) if a timing device fails during the progress of a time trial performance, no time trial performance record will be obtained;

(d) time trial performances are permitted only during the course of a regular meeting with the regular officials in the judges stand;

(e) time trial performances are limited to two-year-olds who equal or beat 2.10, and three-year-olds and over who equal or beat 2.05;

(f) time trial performances shall be designated by preceding the time with two capital 'T's';

(g) a horse may have other horses accompany it in a time trial performance but not to precede it, or

be harnessed with it or in any way attached to it;

(h) a break during a time trial performance results in no time being given to the breaking horse." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1021 PROTESTS (1) Protests may be made by an owner, authorized agent, trainer or driver of one of the competing horses not later than 48 hours following competing in the race to which the protest applies and shall be made in writing, sworn in the form of an affidavit, and shall contain at least one specific charge which, if true, will prevent the horse protested from winning purse money or competing in the race.

(2) Every protest shall be determined by the board of judges and decided by them and if a protest is not decided prior to the race, the horse protested shall be allowed to race under protest.

(3) A protest that has been duly made shall not be withdrawn or surrendered without the approval of the board of judges.

(4) If the placings of a race are altered as the result of a protest, purse money for the race shall be distributed according to the decision made on the protest.

(5) The eligibility of horses involved in protests that may participate in subsequent races pending a decision on the protest is not affected.

(6) Decisions on protests that affect purse money or order of finish after a race is declared official have no effect on the distribution of pari-mutuel pools." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1022 GENERAL RULES - OTHER (1) A driver shall wear an approved protective helmet with the chin strap properly fastened at all times when racing, jogging, training or when warming up a horse on the premises of an association.

(2) A licensee who fails to meet his financial obligations for services, supplies or wages required for or in connection with this racing activity, may have his entries refused and may be suspended until the time that those obligations are discharged, or until arrangements suitable to the complainant, for the discharge of the debt have been made.

(3) No person shall associate or consort with:

(a) a bookmaker, tout or undesirable person, or

(b) a person whose license from a turf authority has been revoked or suspended and whose privileges at the grounds of an association have been denied.

(4) Husband and wife, unless legally separated, shall be considered as a single entity, and any ruling that applies to one applies to the other.

(5) No person shall between the hours of 8:00 a.m.

and 11:00 a.m. 'lead' horses on the premises of an association.

(6) A driver shall drive when programmed unless he has been excused by the judges.

(7) A person driving a horse shall not smoke on the race track after one hour prior to post time of the first race on a program.

(8) A person driving a horse shall wear silks and white pants when warming up a horse prior to racing.

(9) A person driving a horse shall have the proper head number and saddle cloth on a horse when warming up for a race.

(10) A driver shall participate in, and shall not be late for a post parade without permission of the judges.

(11) Before the first race of any race meeting is contested:

(a) the racing officials and drivers shall meet at a time and place to be designated by the board of judges, and

(b) the drivers shall attend that meeting unless excused by the board of judges.

(12) The board of judges shall keep an attendance record of the meeting referred to in subsection (11) above.

(13) A driver shall not be permitted to drive unless he has attended the meeting referred to in subsection (11) above or has otherwise met with and received permission to drive from the board of judges.

(14) No person shall smoke in a stall or an area where feed is kept on the grounds of an association." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1023 BREATH ANALYSIS (1) Judges, drivers, starters and starting gate drivers may be required to submit to breath analysis tests at each program at which they officiate or participate.

(2) A person showing a reading or more than .03 per cent blood/alcohol concentration shall:

(a) If a judge, be relieved of his duties immediately and referred to the board;

(b) if a starter or starting gate driver, be relieved of his duties immediately and a fine, suspension or both may be imposed on him by the board of judges, and

(c) if a driver, be prohibited from driving in any races scheduled for that day and a fine may be imposed on him by the board of judges.

(3) A driver showing a reading of more than .05 per cent blood/alcohol concentration shall be prohibited from driving in any races scheduled for that day and a fine, suspension or both may be imposed on him by the board of judges.

(4) A licensee who is in the paddock shall, when directed

by the judges, submit to a breath analysis test and if he shows a reading of more than .05 per cent blood/alcohol concentration may have a fine, suspension or both imposed on him by the board of judges.

(5) A person who refuses to submit to a breath analysis under this section may have a fine, suspension or both imposed on him by the board of judges." [Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA]

"8.22.1024 OFFENSES (1) No person shall conduct himself in a manner that, in the opinion of the board of judges or the board of horse racing, is prejudicial to the best interests of horse racing.

(2) Without limiting the generality of subsection (1) above, no person shall:

(a) commit any corrupt or fraudulent act in relation to a race or racing, nor attempt to enrich himself or his associates or gain an advantage through unfair, unlawful or dishonest behavior in connection with the racing of horses;

(b) threaten any racing official, owner, trainer, driver or any other person for the purpose of influencing the result of a race or any other reason;

(c) give, offer or promise directly or indirectly, a bribe in any form to any racing official, owner, trainer, driver or any other person having access to, or in charge of a race horse, for the purpose of influencing the result of a race or any other reason;

(d) accept, or offer to accept any bribe in any form;

(e) enter or start a horse that is known to him to be ineligible to the particular race in which it is entered or started;

(f) wilfully or negligently start, or cause to start a horse in a race other than the horse named in the entries;

(g) conspire with any other person to commit or connive with any other person to commit, any corrupt or fraudulent act in relation to a race or racing;

(h) offer or give a driver money or any other benefit, except an official prize, in relation to a race unless it is done as or on behalf of the owner or trainer of the horse driven in a race by that driver;

(i) If the person is approached with any offer or promise of a bribe, or a wager, or with a request or suggestion for a bribe, or for any improper, corrupt or fraudulent act in relation to racing, or to conduct a race other than fairly and honestly, fail to report details of the matter on which he was approached immediately to the board of judges;

(j) provide inaccurate information about the performance of a horse, or attempt to have misleading information given in a program;

(k) tamper with an eligibility certificate for the purpose of obtaining unauthorized changes or entries;

(l) unduly agitate or otherwise abuse a horse by chaining, whipping or otherwise;

(m) possess or apply any electrical, mechanical device, spurs, goading device or other expedient designed to increase or decrease the speed of a horse or intended to do so, other than the ordinary whip at any time on the grounds of an association during a meeting whether in a race or otherwise;

(n) attempt to or conspire with another or others to stimulate or depress a horse through the administration of any drug, stimulant, depressant, local anesthetic or analgesic, that may affect the performance of a horse in a race;

(o) unless he is a registered veterinarian, have within the grounds of a race track or the stable area thereof, in his possession or in his effects or in the premises occupied by him any drug, as defined in subsection (4) below or any hypodermic syringe or needles;

(p) within the grounds of race track where race horses are lodged or kept, have in his possession, or in or upon the premises he occupies, any medicine or vitamin preparations used for the treatment of horses unless it is contained in a properly marked and numbered container, or the name of the veterinarian who prescribed and the name of the druggist who dispensed the medication and their addresses;

(q) refuse to permit a horse to be tested in a saliva, blood, urine or other test as required;

(r) enter or start a horse:

(i) that is not in a serviceably sound condition,

(ii) that has been trachea tubed,

(iii) that is totally blind,

(iv) that has been nerved, unless it is a horse that has had a posterior digital neurectomy, the operation is recorded on the registration certificate and the board of judges and the board veterinarian are satisfied that the loss of sensation by that horse will not endanger the safety of that horse or any other horse or any driver and the board of judges upon the recommendation of the board veterinarian permits the entry of that horse,

(v) in the current racing season, including any meeting commencing in the current calendar year but extending into the next ensuing calendar year, a horse that has bled during or following a 'warm up' or a race, after having previously bled during or following a 'warm up' or a race;

(s) give instructions to a driver to handle a horse for any purpose other than to win.

(3) No owner, trainer, driver, agent, employee, or groom shall, unless it is for a feature wagering event in which an owner, trainer, driver, agent, employee, groom may bet, or cause any other person to bet on his behalf, on combinations, in which his horse or entry is selected in the win position, have pari-mutuel tickets in his possession, or bet or cause any other person to bet on his behalf, on any other horse in any race in which a horse owned, trained, or driven, or in which he in any way represents or handles, is a starter.

(4) For the purpose of this regulation, the following designations shall apply:

(a) 'analgesic' means a drug that may alleviate pain by lessening the excitability of nerves or nerve centers;

(b) 'depressant' means a drug that may exert or exerts a soothing influence by diminishing pain, depressing vital activity or tranquillizing normal muscular movement;

(c) 'drug' means a drug as defined in the United States Food and Drug Act, or as defined by the directive of the board, or the United States department of agriculture and includes a high steroid, polyethylene glycol or any other substance that prevents or interferes with the detection or identification by an official chemist of any other drug in an official sample;

(d) 'local anesthetic' means a drug that may prevent or diminish perception to stimuli by the periphery terminations of sensory nerves;

(e) 'stimulant' means a drug that may exert or exerts an increase or excitation of the functions of a part or organ of an animal.

(5) In this regulation, a 'positive test' means that the drug or drugs found shall be considered to have the therapeutic effect classification designated in officially recognized pharmaceutical reference books.

(6) The detection of any drug in any official sample by the official chemist constitutes prima facie evidence that the performance of the horse was affected by the detected drug and that the drug was administered to the horse in which it was detected by the person or persons having the care and custody of that horse.

(7) All horses entered into races held under the rules may, at any time before or after a race, be subjected to any tests or inspections that the board veterinarian may consider necessary or desirable, including the taking of body fluids.

(8) After each race, blood or urine samples or both shall:

(a) be obtained from those horses that the judges designate;

(b) be obtained, handled and analyzed in the manner prescribed in the Conditions and rules governing the

Blood and Urine Service of the U.S. department of agriculture; and

(c) be designated as official samples.

(9) When urine or blood samples, or both, are to be taken from a horse after a race, nothing shall be administered or given to the horse, except on the express permission of the judges and in the presence of the board veterinarian, other than pure drinking water, until the official samples have been taken.

(10) Any horse from which a positive test is obtained shall be disqualified and the order of finish in the race shall be revised by the judges accordingly.

(11) The purse money of each race shall not be paid until at least 72 hours have elapsed after the concluding time of the race.

(12) The owner of a horse that is disqualified for a positive test on the official samples shall pay his driver on the basis of the actual, not revised order of finish.

(13) A list of all horses that have had a posterior digital neurectomy shall be kept posted by the board veterinarian." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

"8.22.1025 PENALTIES, HEARINGS AND APPEALS (1) If the board of judges finds that a person has been in violation of the rules or of the directives of the board, or any proper order or direction of a judges or judges, the board of judges may, with respect to that person:

(a) impose a fine not exceeding \$500.00;

(b) suspend a license for a period not exceeding 60 days;

(c) suspend a license indefinitely and refer the matter to the board;

(d) refer any disciplinary matter to the board, with or without recommendations for penalty;

(e) direct the forfeiture or return of purses won;

(f) disqualify a horse in whole or in part; and

(g) declare a race to be no contest.

(2) Any person affected by a decision of the board of judges may appeal such decision to the board.

(3) A person who desires to appeal a decision or ruling under subsection (1) above shall give notice of intent to appeal to a judge or to the board within 48 hours of receipt of notice of the decision or ruling being appealed.

(4) A statement of appeal shall be filed with the judges or the board within eight days of filing the notice of intent to appeal, stating the grounds of appeal.

(5) The appellant shall in respect to his appeal deposit with the board the sum of \$50.00 to be refundable if the appeal is allowed, to be forfeited to the board if

his appeal is disallowed.

(6) An appeal from a decision or ruling of the board of judges shall not operate as a stay of that decision or ruling unless so directed by the board.

(7) A person who is dissatisfied with a decision of the board that was made without a hearing;

(a) refusing to grant a license,

(b) suspending or revoking a license, and

(c) in respect to conduct the board considers to be contrary to the public interest, may request a hearing and review by the board.

(8) In the case of:

(a) a referral under subsection (1) (c), or (d) above,

(b) an appeal under subsection (2) above,

(c) a request under subsection (7) above,

(d) a hearing called at the insistence of the board, the board shall set a time and place for the hearing, and give notice of the time and place set to the affected party or parties.

(9) The board:

(a) may accept any oral or written evidence that it considers proper whether admissible in a court of law or not, and

(b) is not bound by the rules of law concerning evidence applicable to judicial proceedings.

(10) Notice, whether for a board of judges or board hearing, shall be deemed to have been given when:

(a) a person has been notified in person, or

(b) a written notice to the person's permanent address on his license application has been posted and five days have elapsed.

(11) If a person, upon being notified under subsection (10) above fails to appear at a hearing, his absence shall be construed as a waiver by him of his rights to a hearing.

(12) If the board finds that a person has been in violation of the rules or of directives of the board, or any proper order or direction of a judge or judges, the board may, with respect to that person:

(a) impose a fine not exceeding \$5,000.00;

(b) refuse to grant, suspend or revoke the license;

(c) direct the forfeiture or return of any purses won;

(d) disqualify a horse in whole or in part;

(e) declare a race to be no contest;

(f) expel the person from horse racing;

(g) deny the person admission to the grounds of an association conducting a meeting;

(h) in the case of a referral or an appeal from the board of judges, vary, revoke or confirm the decision and vary, revoke or confirm any penalties imposed.



(13) If the board dismisses an appeal, it may order the appellant to pay all or that portion of the costs of the appeal that the board may direct, and if the costs ordered to be paid remain unpaid, the appellant shall be automatically suspended until the costs are paid in full.

(14) The suspension of a driver for an offense not involving a corrupt or fraudulent act shall become effective not later than on the third racing day after the ruling.

(15) A suspension for a corrupt or fraudulent act shall be made immediately upon the discovery of the corrupt or fraudulent act or shall take effect immediately after the ruling, as the case may be.

(16) No person shall make false statements concerning any racing official or licensee or other person employed in racing, or use profane or indecent language, carry deadly weapons, or disturb the peace on any racing premises governed by this regulation.

(17) No person shall on the grounds of an association carry on or engage in the game of craps or other gambling games.

(18) No person shall on the grounds of an association carry on bookmaking or the taking of bets or solicit bets from any other person in any manner.

(19) No person shall permit a dog to enter the stable area of an association during the progress of a race meeting.

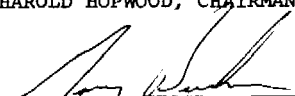
(20) If a fine has been imposed and remains unpaid upon the expiration of 96 hours after its imposition, the violator is automatically suspended until the fine is paid in full." (Auth. 23-4-104, MCA; Imp. 23-4-104, 105, MCA)

3. The board is proposing the adoption to allow harness racing in Montana.

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 the Board of Horse Racing, 1424 9th Avenue, Helena, Montana 59620-0407, not later than August 12, 1982.

5. The board or its designee will preside over and conduct the hearing.

BOARD OF HORSE RACING  
HAROLD HOPWOOD, CHAIRMAN

BY:   
GARY BUCHANAN, DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 2, 1982.

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

In the matter of the amendment	)	NOTICE OF PUBLIC HEARING
of rules 16.20.618, 16.20.619,	)	ON PROPOSED AMENDMENT OF
16.20.620, 16.20.621, 16.20.622,	)	ARM 16.20.618, 16.20.619,
16.20.623, 16.20.624, and	)	16.20.620, 16.20.621,
16.20.631 relating to surface	)	16.20.622, 16.20.623,
water quality standards	)	and 16.20.624
	)	(Water Quality)

TO: All Interested Persons

1. On September 10, 1982, at 9:00 a.m., a public hearing will be held in Room C209, Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of rules 16.20.618, 16.20.619, 16.20.620, 16.20.621, 16.20.622, 16.20.623, 16.20.624 and 16.20.631.

2. The proposed amendments replace present rules 16.20.618 through 16.20.624 and 16.20.631 found in the Administrative Rules of Montana. The proposed amendments would limit the applicability of water quality standards for fecal coliform in B, C, and E class streams to periods when water temperature exceeds 60° F.

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

16.20.618 B-1 CLASSIFICATION

(1) Same as existing rule.

(2) For waters classified B-1 the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., ~~The~~ the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (h) Same as existing rule.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.619 B-2 CLASSIFICATION

(1) Same as existing rule.

(2) For waters classified B-2 the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., ~~The~~ the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (h) Same as existing rule.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.620 B-3 CLASSIFICATION

(1) Same as existing rule.  
(2) For waters classified B-3 the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., ~~The~~ the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (g) Same as existing rule.

(h) Concentrations of toxic or other deleterious substances which would remain in the water after conventional water treatment must not exceed the maximum contaminant levels set forth in the 1975 National Interim Primary Drinking Water Standards (40 CFR Part 141) or subsequent revisions or the 1979 National Secondary Drinking Water Standards (40 CFR Part 143) ~~or subsequent revisions.~~ The maximum allowable concentrations of toxic or deleterious substances also must not exceed acute or chronic problem levels as revealed by bio-assay or other methods. The values listed in Quality Criteria for Water published by the Office of Water and Hazardous Material, EPA, Washington, D.C. (The Red Book) shall be used as a guide to determine problem levels unless local conditions make these values inappropriate. In accordance with section 75-5-306(1), MCA, it is not necessary that wastes be treated to a purer condition than the natural condition of the receiving water.

(i) The board hereby adopts and incorporates by reference 40 CFR Part 141, which sets forth the 1975 National Interim Primary Drinking Water Standards, and 40 CFR Part 143, which sets forth the 1979 National Secondary Drinking Water Standards. Copies of 40 CFR Part 141 and 40 CFR Part 143 may be obtained from the Water Quality Bureau, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana, 59620.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.621 C-1 CLASSIFICATION

(1) Same as existing rule.

(2) For waters classified C-1 the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., ~~The~~ the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (i) Same as existing rule.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.622 C-2 CLASSIFICATION

(1) Same as existing rule.

(2) For waters classified C-2 the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., The the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (i) Same as existing rule.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.623 E CLASSIFICATION

(1) Same as existing rule.

(2) For waters classified E the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., The the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (h) Same as existing rule.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.624 C-3 CLASSIFICATION

(1) Same as existing rule.

(2) For waters classified C-3 the following specific water quality standards shall not be violated by any person:

(a) During periods when the daily maximum water temperature is greater than 60° F., The the geometric mean number of organisms in the fecal coliform group must not exceed 200 per 100 milliliters, nor are 10 percent of the total samples during any 30-day period to exceed 400 fecal coliforms per 100 milliliters.

(b) through (h) Same as existing rule.

AUTHORITY: Sec. 75-5-301 MCA

IMPLEMENTING: Sec. 75-5-301 MCA

16.20.631 TREATMENT STANDARDS

(1)(a) through (e) Same as existing rule.

(f) During periods when the maximum daily water temperature is greater than 60° F., the instream fecal coliform concentrations shall be limited by the Department only when necessary to protect human health.

(2) through (4) Same as existing rule.

AUTHORITY: Sec. 75-5-301, MCA

IMPLEMENTING: Sec. 75-5-301, MCA

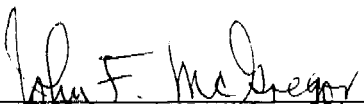
4. The Board is proposing these amendments to limit the need for disinfection of effluent except during periods when body contact activities are likely to occur. The reason is that excessive use of chlorination is costly, it may harm organisms in the receiving waters, and some chemical compounds formed by chlorination of sewage are carcinogenic.

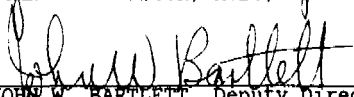
In addition, ARM 16.20.620(h) is being amended to insert a word which was mistakenly omitted during the last revision of the rules.

5. 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 Sandra R. Muckelston, Cogswell Building, Capitol Station, Helena, MT, 59620, no later than September 9, 1982.

6. Sandra R. Muckelston, Helena, Montana, has been designated to preside over and conduct the hearing.

7. The authority of the Board to make the proposed amendments is based on section 75-5-301, MCA, and the rules implement section 75-5-301, 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 July 2, 1982

BEFORE THE DEPARTMENT OF STATE LANDS  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
amendment of rules	)	AMENDMENT OF ARM
26.3.108 and 26.3.121	)	26.3.108 AND 26.3.121
relating to renewals of	)	(Renewal of Leases and
surface leases and	)	Preference Rights)
preference rights	)	NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On September 20, 1982, the board of land commissioners and department of state lands proposes to amend rules 26.3.108 and 26.3.121 relating to renewals of surface leases and preference rights.

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

26.3.108 RENEWAL OF LEASE - PREFERENCE RIGHT (1) A current lessee shall be sent an application to renew his lease. The application shall be accepted under the same conditions as specified in ARM 26.3.105(1); however, application for renewal will only be accepted from December 1 of the year preceding the expiration of the lease until February 28, the date of expiration.

(2) A surface lessee, may renew his lease and has a preference right to renew his lease provided meet the high bid offered for the lease and retain the lease if all rentals have been paid, and the terms of the previous lease have not been violated and subparagraph (3) of this rule is not violated. The lease shall be renewed at the rental provided by law, provided no other applications for the lease have been received by the department 30 days prior to the expiration of the lease.

(3) A lessee who has allowed another person to use or operate more than 1/3 of the land included in a lease for more than 30% of the term of the lease shall not be entitled to exercise the preference right to meet any high bid offered for the lease. As examples, the lessee may allow 1/3 of the land to be used by another for the entire term of the lease or may allow all the land to be used by another for 30% of the lease term and still be entitled to exercise the preference right. However, all such arrangements must be reported to the department and approved as a sublease.

(4) An exemption to the loss of the preference right described in subparagraph (3) may be allowed by the board if the lessee previously entered into an exchange of use agreement involving state land which did not involve the exchange of money and was in the best interests of the school trust. In order to be granted an exemption, the lessee must provide

a detailed written statement to the commissioner which describes the agreement, the reasons for the agreement and explains why it provided for better management of state land. The commissioner may hold an informal hearing with the lessee if he deems it appropriate. The commissioner shall present the request for exemption to the board with a recommendation based upon the written statement and the hearing if one was held. The board may grant an exemption if it finds that the exchange of use agreement was entered into for justified reasons such as topography and provided for better management of state lands than would have occurred without such an agreement. However, if the exchange of use agreement was not reported to the department by July 1, 1983 and approved as a sublease, the lease shall be canceled subject to appeal and possible reinstatement as provided in ARM 26.3.125.

(5) A surface lessee who has lost the opportunity to exercise a preference right because of a sublease or other arrangement, may apply to the commissioner and set forth the specific factual and legal grounds which the lessee contends entitles that party to a hearing. Upon filing such application, the commissioner may, at his sole discretion and within twenty days, order a hearing; the failure to order said hearing within such period acts automatically as denial of an application for a hearing. The commissioner may, in the exercise of his discretion, grant the application and order a hearing, if in his opinion, the factual and legal grounds raised by the lessee raise one or more issues, the resolution of which are important to the department of state lands and the leasing of state lands and to the lessee and to other lessees confronted with similar issues or circumstances. In the event a hearing is granted, the contested case provisions of the Montana administrative procedure act shall apply. The board shall make a final decision after considering the entire record or may delegate such authority to the commissioner. The commissioner shall appoint a hearings examiner to conduct the hearing and produce proposed findings of fact, proposed conclusions of law and a proposed order. The hearings examiner may be from the department's staff or from another source.

(6) {3} If other applications are received by January 28 of the year the lease expires the lessee shall have a preference right to renew his lease provided he meets the bid of the high bidder for such lease. Such bid is deemed to be met if, the amount of the high bid is received by the department prior to the expiration of the lease or in the case of agricultural land, leased solely on a crop share rental basis, if the lessee agrees in writing to meet the high bid prior to the

expiration of the lease. A lessee may request a hearing before the commissioner after he meets the high bid if he considers the bid too high to be in the best interests of the state. The lessee shall submit evidence of rental rates in the area for similar land with his request. The commissioner may grant or deny a request for a hearing and if the request is granted the commissioner may recommend to the board that the bid be lowered only if he feels that it is in the best interests of the state to do so. The board may accept or reject the commissioner's recommendation. The lessee is obligated to lease the property at the rate determined by the board. The lease of such land shall be such as to return to the state revenue commensurate with the highest and best use of the land or portions thereof, as determined by the department.

(7) (44) Regardless of any provision to the contrary in these rules, the board, at renewal time, may withdraw any land, or portion of land from further leasing for an indefinite period. The department may provide in any lease at the time of execution or renewal that the land may be withdrawn from further leasing after reasonable notice, if the department considers such action to be in the best interests of the state.

(8) (45) When land, under lease, has previously been sold and the certificate of purchase has been canceled, any later reinstatement of the certificate of purchase shall not have the effect of canceling any lease except that the current lessee shall lose his right to renew the lease.

AUTH: 77-6-104, MCA IMP: 77-6-205, 208, 401 and 402, MCA 26.3.121 TRANSFER OF LEASES: ASSIGNMENTS AND SUBLEASES

(1) All assignments and subleases shall be made on blanks prescribed by the department and available at no cost. An assignment in order to be binding on the state and a sublease in order to be legal must be approved by the department. A copy must be filed with the department and a fee as specified in ARM 26.2.401 must be paid. An assignment or sublease will not be approved if all rentals or other payments due have not been paid or the terms of the lease have been violated. If a sublease or assignment is made on terms less advantageous to the sublessee than terms given by the state or without filing a copy of the sublease and receiving the department's approval, the commissioner shall cancel the lease subject to the appeal procedures provided in ARM 26.3.125. However, in the case of an exchange of use agreement in which the only consideration was use of the land, the lease shall not be canceled if the agreement was reported prior to July 1, 1983.



(2) The subleasing of state land may result in loss of the preference right to meet the high bid offered for the lease term, as provided in ARM 26.3.108.

(3) ~~(2)~~ A lessee of state land shall not sublease such land as part of the sale of his own fee lands. In order to transfer such lease as part of the sale of lands, the lessee must assign the lease as provided in paragraph (1). Failure to comply with the terms of this rule shall be grounds for cancellation of the lease.

(4) ~~(3)~~ State land leases and leasehold interests may be pledged or mortgaged by the lessee. The pledgee or mortgagee shall file the pledge or mortgage or certified copy thereof with the department within 30 days of its receipt by him. Within 30 days after payment of the indebtedness, termination of the pledge agreement, or release of the mortgaged leasehold interest, the lessee shall file proof of that fact with the department.

(5) ~~(4)~~ A lessee who wishes to surrender his lease in whole or in part must submit a request to the department for approval. Also upon request, two or more leases may be combined when held by the same lessee. The request from the lessee must be in writing and if approved, the lease or leases will be combined with the lease which expires first so that no lease shall run longer than its prescribed term.

(6) ~~(5)~~ In the event of a lessee's death the lease shall be transferred to the decedent lessee's estate. The department shall consider the estate to be the lessee until such time as proof of different ownership is received by the department. In most cases the department shall require a copy of the decree of distribution or assignment by a court appointed personal representative. Exceptions to this rule may be allowed when the department determines that an unusual situation exists.

AUTH: 77-6-104, MCA IMP: 77-6-205, 208, 401 and 402

3. The proposed amendments are proposed to conform the department's surface lease rules to the recent Montana Supreme Court decisions regarding the preference right to renew state surface leases (Jerke v. Department of State Lands and Prairie County Grazing Association and Skillman v. Department of State Lands). Those cases held that the exercise of the preference right by a lessee who did not use the land was an unconstitutional application of the preference right statute.

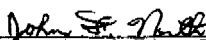
4. Interested persons may submit their data, views, or arguments concerning the proposed amendment in writing to Gareth C. Moon, Commissioner, Department of State Lands, Capitol Station, Helena, Montana 59620 no later than August 16, 1982.

5. If a person who is directly affected by the proposed action 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 Gareth C. Moon, Commissioner, Department of State Lands, Capitol Station, Helena, Montana 59620, no later than August 16, 1982.

6. If the agency 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 more than 25.

7. The authority of the board to make the proposed amendments is based on section 77-6-104, MCA, and implements sections 77-6-205 and 77-6-208, 401, and 402 MCA as specified in the existing rules.

Gareth C. Moon, Commissioner

  
by: JOHN F. NORTH, ACTING COMMISSIONER  
Department of State Lands

Certified to Secretary of State July 2, 1982.

BEFORE THE DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION  
STATE OF MONTANA

In the matter of the adoption of rules implementing the Governor's petroleum data collection authority under the Energy Supply Emergency Powers Act	)	NOTICE OF PUBLIC HEARING FOR ADOPTION OF RULES PERTAINING TO PETROLEUM INDUSTRY REPORTING REQUIREMENTS
---	---	--

TO: All Interested Persons

1. On August 5, 1982, from 1:30 to 4:30 p.m. at the Department of Natural Resources and Conservation Director's Conference Room, 32 South Ewing, Helena, Montana, a public hearing will be held to consider the adoption of rules implementing the Governor's petroleum data collection authority under the Energy Supply Emergency Powers Act. The Governor has designated the Department of Natural Resources and Conservation, through Executive Order Number 6-82, to develop these proposed rules and to issue notices and conduct the rulemaking hearings required by the Administrative Procedure Act (Title 2, Chapter 4, MCA) for the adoption of these rules.

2. The proposed rules do not replace or modify any sections currently found in the Montana Administrative Code.

3. The proposed rules provide as follows:

RULE I PURPOSE These rules describe procedures implementing the Governor's authority under Title 90, Chapter 4, part 3, MCA, to regularly monitor the supply of and demand for petroleum products in Montana.

AUTH: 90-4-316, MCA

IMP: 90-4-316, MCA

RULE II DEFINITIONS As used in these rules, the following definitions apply:

(1) "Billing location" means the zip code or county of the purchaser of the petroleum product; additional information, such as terminal of delivery and customer name, is optional. If the purchaser has more than one address in Montana or an out-of-state billing address, the reporting location(s) shall be the purchaser's Montana address(es) closest to the point of retail sale or end-use consumption.

(2) "Department" means the department of natural resources and conservation, provided for in Section 2-15-3301, MCA.

(3) "Firm" means any person, as defined in Section 90-4-302, MCA, engaged in any activity covered by these rules.

(4) "Gas plant operator" means a person that owns, operates, or controls the operation of one or more natural gas processing plants or fractionators, meeting the definition of "refinery" in Section 90-4-302(9), located in Montana.

AUTH: 90-4-316, MCA

IMP: 90-4-316, MCA

RULE III REQUIREMENT TO PROVIDE ADVANCE NOTIFICATION OF PETROLEUM PRODUCT SUPPLY SHORTAGES (1) Each refiner, petroleum pipeline company, and prime petroleum supplier shall notify the department of any mechanical, logistical, personnel, raw material or product acquisition, marketing, or other problem which may prevent the firm from meeting the fuel requirements of its Montana customers. The department shall be contacted by phone, and in writing by certified mail, within 24 hours of company identification of such a problem.

(2) Each firm shall designate one or more contact persons who will be responsible for complying with the requirements of subsection (1). The name, title, telephone number, and address of each contact person shall be provided to the department within thirty days following promulgation of these rules. The department shall be notified in writing of any change in contact personnel, mailing address, or telephone numbers.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE IV REQUIREMENT TO FILE MONTHLY REPORTS (1) Each refiner and gas plant operator shall provide the department with monthly plant processing data by fuel type including inventories, receipts, inputs, production, shipments, fuel use, and losses.

(2) Each petroleum pipeline company shall provide the department with a monthly report of pipeline receipts, deliveries, and inventories by terminal location and consignee for all petroleum products delivered through its Montana system. The total quantity of out-of-state imports and exports shall also be reported.

(3) Each prime petroleum supplier shall provide the department with a monthly estimate of the firm's petroleum product supply for Montana in the upcoming month and the actual volume of each petroleum product delivered in the state the preceding month.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE V REQUIREMENT TO FILE ANNUAL REPORTS Each prime petroleum supplier shall provide the department with an annual report of the firm's monthly marketing sales to Montana purchasers by billing location for each type of petroleum product sold in the state.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE VI FORM AND FORMAT OF REPORTS (1) The information required under Rules IV and V shall be reported on forms designated by the department.

(2) The department shall provide thirty days notice prior to specifying or modifying any form or format.

(3) Subject to the department's prior approval of the report format, the department shall accept copies of reports filed with other federal and state agencies or private associations, if such reports provide all of the information described in Rules IV and V.

(4) Certified computer printouts, which are in the format of the reporting schedules designated by the department, may be submitted in lieu of the specified forms.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE VII REPORTING PERIODS (1) For the monthly reports described in Rule IV:

(a) Each calendar month beginning thirty days following promulgation of these rules shall be a reporting period. Monthly reports shall be postmarked no later than the twenty-fifth day following the close of the reporting period for which the information is submitted.

(b) Refiners and natural gas plant operators shall provide historic reports of the information described in Rule IV(1) by submitting copies of the federal Refinery and Natural Gas Liquids Operations Reports (EIA 87, EIA 64, or their predecessors) from January, 1978 through the current reporting period within thirty days following promulgation of these rules.

(c) Petroleum pipeline companies shall provide reports of the information described in Rule IV(2) from January, 1982 through the current reporting period within thirty days following promulgation of these rules.

(2) For the annual report described in Rule V:

(a) Each calendar year, beginning January 1, 1982, shall be a reporting period. Annual reports shall be postmarked no later than March 25 of the year following the end of the reporting period for which the information is submitted.

(b) Prime petroleum suppliers shall provide historic data by submitting annual reports for calendar years 1980 and 1981 within 90 days following promulgation of these rules.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE VIII RESUBMISSIONS (1) A revised report is required if data provided to the department is found to be erroneous or incomplete and the volume, as previously reported, would be changed as a result of the error or omission by a difference of five percent (5%) or greater from the originally submitted figures.

(2) Errors or omissions must not be corrected by adjusting the data in subsequent original reports.

(3) A resubmission or clarification of an original report must also be provided, if requested by the department.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE IX REPORTING AGENCY The information required under Rules III, IV, and V shall be submitted to the petroleum monitoring program, energy division, department of natural resources and conservation, 32 South Ewing, Helena, Montana 59620.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

RULE X TRADE SECRETS Confidential information, trade secrets, and other proprietary information reported under the requirements of Section 90-4-305(2) and of these implementing rules shall be subject to the confidentiality restrictions specified in Section 90-4-305(6), MCA.

AUTH: 90-4-316, MCA

IMP: 90-4-305, MCA

4. The Governor is proposing these rules to implement the petroleum monitoring provisions of the Energy Supply Emergency Powers Act. Following the data collection authorities outlined in the law, the rules identify procedures for the petroleum industry to report baseline operational data and to provide advance notification of potential or actual shortages in Montana's fuel supply. The rules are designed to establish an informational base for responding to petroleum fuel shortages in a manner that minimizes industry reporting burden to the extent practicable while fully meeting the intent of the law.

5. 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 Robert Robinson, Administrator, Energy Division, Department of Natural Resources and Conservation, Helena, Montana 59620 no later than August 13, 1982.

6. Robert Robinson has been designated to preside over and conduct the hearing.

7. The Governor may adopt the proposed rules under the authority granted by Section 90-4-316, MCA, and the rules implement Title 90, Chapter 4, Part 3, MCA. The authority and implementing sections are listed at the end of each rule.



Ted Schwinden, Governor  
State of Montana  
State Capitol  
Helena, MT 59620

Certified to the Secretary of State June 28, 1982

STATE OF MONTANA  
DEPARTMENT OF COMMERCE  
BEFORE THE BOARD OF MEDICAL EXAMINERS

In the matter of the amendments )	NOTICE OF AMENDMENTS OF
of ARM 8.28.418 concerning )	ARM 8.28.418 ANNUAL REGISTRA-
annual registration and fees for)	TION AND FEES; 8.28.504
physicians; 8.28.504 concerning )	FEES: and ADOPTION OF 8.28.420
fees for acupuncture and adop- )	FEE SCHEDULE
tion of a new rule 8.28.420 con-)	
cerning a fee schedule for )	
physicians. )	

TO: All Interested Persons:

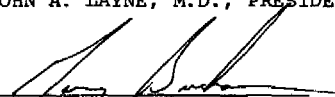
1. On May 27, 1982, the Board of Medical Examiners published a notice of amendments of 8.28.418 concerning annual registration and fees for physicians, 8.28.504 concerning fees for acupuncture and adoption of a new rule 8.28.420 concerning a fee schedule for physicians at pages 1065 - 1066, 1982 Montana Administrative Register, issue number 10.

2. The board has amended and adopted the rules exactly as proposed.

3. No comments or testimony were received.

BOARD OF MEDICAL EXAMINERS  
JOHN A. LAYNE, M.D., PRESIDENT

BY:

  
GARY BUCHANAN, DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 2, 1982.



STATE OF MONTANA  
DEPARTMENT OF COMMERCE  
BEFORE THE BOARD OF OPTOMETRISTS

In the matter of the amendments ) NOTICE OF AMENDMENT OF ARM  
8.36.405 concerning reciprocity,) 8.36.405 RECIPROCITY; 8.36.  
8.36.406 concerning general ) 406 GENERAL PRACTICE REQUIRE-  
practice requirements, 8.36.601 ) MENTS; 8.36.601 REQUIREMENTS  
concerning requirements for con-) and ADOPTION OF A NEW RULE  
tinuing education; and adoption ) 8.36.409 FEE SCHEDULE  
of a new rule 8.36.409 concern-) )  
a fee schedule. )

TO: All Interested Persons:

1. On May 27, 1982, the Board of Optometrists published a notice of amendment and adoption of the above entitled rules at pages 1071 - 1073, 1982 Montana Administrative Register, issue number 10.

2. The board has amended and adopted the rules exactly as proposed.

3. No comments or testimony were received.

BOARD OF OPTOMETRISTS  
J. R. CRABTREE, O.D., PRESIDENT

BY:

  
GARY BUCHANAN, DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 2, 1982.

STATE OF MONTANA  
DEPARTMENT OF COMMERCE  
BEFORE THE BOARD OF MEDICAL EXAMINERS

In the matter of the repeal,	) NOTICE OF PROPOSED REPEAL,
transfer, and adoption of rules	) TRANSFER, AND ADOPTION OF
pertaining to osteopathic	) RULES PERTAINING TO OSTEOPATHIC
physicians.	) PHYSICIANS

To: All Interested Persons: .

1. On May 27, 1982, the Board of Medical Examiners published a notice of repeal of rules 8.38.101 board organization; 8.38.201 procedural rules; 8.38.202 citizen participation rules; 8.38.401 organization; 8.38. quorum; 8.38.403 meetings; and transfer of rules 8.38.404 through 8.38.407 to a new sub-chapter 16 under the board of medical examiners rules, new numbers to be 8.28.1601 through 8.28.1604; and adoption of a new rule 8.28.1605 setting out a fee schedule at pages 1067 - 1068, 1982 Montana Administrative Register, issue number 10.

2. The board has transferred, repealed and adopted the rules exactly as proposed.

3. No comments or testimony were received.

BOARD OF MEDICAL EXAMINERS  
JOHN A. LAYNE, M.D., PRESIDENT

BY:

  
GARY BUCHANAN, DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 2, 1982.

STATE OF MONTANA  
DEPARTMENT OF COMMERCE  
BEFORE THE BOARD OF MEDICAL EXAMINERS

In the matter of the repeal of ) NOTICE OF REPEAL OF ARM 8.46.  
rules 8.46.101 board organiza- ) 101 BOARD ORGANIZATION;  
tion; 8.46.201 procedural rules ) 8.46.201 PROCEDURAL RULES;  
and transfer and amendment of ) and TRANSFER AND AMENDMENT  
8.46.401 annual renewal fees for ) OF 8.46.401 ANNUAL RENEWAL  
podiatrists. ) FEE

To: All Interested Persons:

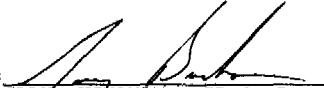
1. On May 27, 1982, the Board of Medical Examiners published a notice to repeal rules 8.46.101 board organization; 8.46.201 procedural rules and transfer and amend rule 8.46.401 annual renewal fees to sub-chapter 17 under the board of medical examiners rules at pages 1069 - 1070, 1982 Montana Administrative Register, issue number 10.

2. The board has repealed, amended and transferred the rules exactly as proposed.

3. No comments or testimony were received.

BOARD OF MEDICAL EXAMINERS  
JOHN A. LAYNE, M.D., PRESIDENT

BY:

  
GARY BUCHANAN, DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 2, 1982.

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF THE
Rule 24.9.801, relating to the	)	AMENDMENT OF
definition of the terms "mental	)	RULE 24.9.801
handicap" and "physical handicap"	)	

TO: All Interested Persons:

1. On April 29, 1982, the Human Rights Commission published notice of the proposed amendment of rule 24.9.801 concerning the definition of the terms "mental handicap" and "physical handicap" as those terms relate to complaints of discrimination filed with the Commission at page 811 of the 1982 Montana Administrative Register, issue number 8. A hearing regarding the proposed amendment was held May 19, 1982.

2. The Commission has amended the rule with the following changes:

24.9.801 DEFINITIONS. (1) and (2) same as proposed amendment.

(3) The terms "mental handicap" and "physical handicap" shall have the meanings stated in section 49-2-101, MCA, with the following clarifications:

(a) A "handicapped individual" is a person who  
(i) has a physical or mental handicap which substantially limits one or more of such person's life activities and either,

(ii) has a record of having such an impairment, or  
(iii) is regarded as having such an impairment.

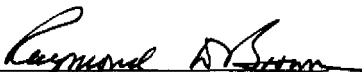
(b) same as proposed amendment.

3. At the public hearing, the Handicapped Employment Coordinator from the Montana Department of Administration, Personnel Division, appeared in support of the proposed amendment but suggested changes which would clarify the amended rule. First, the Department of Administration suggested editorial changes which would make the definition correspond more closely with the language contained in the federal Rehabilitation Act of 1973, 29 U.S.C. 3706. The Commission has incorporated these suggested changes in the rule as adopted. Second, the Department of Administration suggested that the phrase "short term", section 24.9.801(3)(b), be further defined. The Commission has chosen not to further define the phrase as it believes complaints alleging handicap discrimination should be evaluated on a case-by-case basis and it is impossible to place a limit on the amount of time that any illness or injury could be considered short term in nature. Further, the language in section 24.9.801(3)(b) is merely intended to be illustrative.

4. The authority of the Commission to make the amendment is based on section 49-2-204, MCA, and the rule as amended implements sections 49-2-504, 49-2-505, and 49-2-507, MCA.

HUMAN RIGHTS COMMISSION  
JOHN FRANKINO, CHAIR

By:

  
RAYMOND D. BROWN  
ADMINISTRATOR  
HUMAN RIGHTS DIVISION

Certified to the Secretary of State July 2, 1982.

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
Amendment of Rules 24.9.206,	)	OF RULES 24.9.206,
24.9.212, 24.9.225, 24.9.227,	)	24.9.212, 24.9.225,
24.9.229, 24.9.230, 24.9.231,	)	24.9.227, 24.9.229,
and 24.9.242, relating to the	)	24.9.230, 24.9.231, and
processing of no cause	)	24.9.242
complaints by the Commission	)	

TO: All Interested Persons:


1. On April 29, 1982, the Human Rights Commission published notice of the proposed amendment to rules 24.9.206, 24.9.212, 24.9.225, 24.9.227, 24.9.229, 24.9.230, 24.9.231, and 24.9.242 concerning the processing by the Commission of complaints in which the Human Rights Division has made a finding of no cause at page 801 of the 1982 Montana Administrative Register, issue number 8. A hearing regarding the proposed amendment was held May 19, 1982.

2. The Commission has amended the rules as proposed.

3. No comments or testimony were received.

4. The authority of the Commission to make the amendment is based on section 49-2-204, MCA, and the rule as amended implements sections 49-2-504, 49-2-505, and 49-2-507, MCA.

HUMAN RIGHTS COMMISSION  
JOHN FRANKINO, CHAIR

By:   
RAYMOND D. BROWN  
ADMINISTRATOR  
HUMAN RIGHTS DIVISION

Certified to the Secretary of State July 2, 1982.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

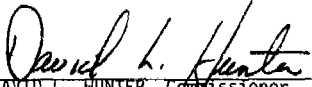
In the matter of ARM 24.11.414,	) NOTICE OF ADOPTION OF ARM
24.11.415, and 24.11.416, extended bene-	) 24.11.414, 24.11.415,
fits and 24.11.417 pension deduction and	) 24.11.416, EXTENDED BENE-
amendment of ARM 24.11.411 concerning	) FITS AND 24.11.417 PENSION
school as a reason for voluntary quit,	) DEDUCTION AND AMENDMENT OF
extended benefits.	) ARM 24.11.411 CONCERNING
	) SCHOOL AS A REASON FOR
	) VOLUNTARY QUIT.

TO: All Interested Persons:

1. On May 27, 1982, the Department of Labor and Industry published a notice of the adoption of proposed rules 24.11.414, 24.11.415, 24.11.416 concerning extended benefits and 24.11.417 concerning pension deductions, and amending 24.11.411 concerning school as a reason for voluntary quit at pages 1081 through 1084, Montana Administrative Register issue number 10.

2. The Department has adopted and amended the rules exactly as proposed.

3. No comments or testimony were received.

  
\_\_\_\_\_  
DAVID L. HUNTER, Commissioner  
Department of Labor and Industry

Certified to the Secretary of State this 25th day of June, 1982.

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

In the matter of the proposed	)	NOTICE OF ADOPTION OF RULES
adoption of new rules concern-	)	24.29.3501, 24.29.3502,
ing workers' compensation	)	24.29.3503, 24.29.3504 AND
coverage under the State	)	24.29.3405 CONCERNING
Compensation Insurance Fund	)	COVERAGE UNDER THE STATE
(Plan 3)	)	COMPENSATION INSURANCE FUND
		(PLAN 3)

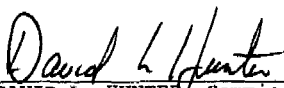
TO: All Interested Persons.

1. On May 27, 1982, the division of workers' compensation published notice of proposed adoption of rules concerning coverage under the State Compensation Insurance Fund (Plan 3), at page 1085 of the 1982 Montana Administrative Register, issue number 10.

2. The division of workers' compensation has adopted the rules as proposed.

3. No comments or testimony were received.

4. The authority for the rules is Section 39-71-2303, MCA, and the rules implement Section 39-71-2303, MCA.

  
\_\_\_\_\_  
DAVID L. HUNTER, Commissioner  
Department of Labor and Industry

Certified to the Secretary of State July 1, 1982.



BEFORE THE BOARD OF OIL  
AND GAS CONSERVATION  
OF THE STATE OF MONTANA

In the matter of Amendment	)	NOTICE OF AMENDMENT
and Repeal of Rules Pertaining	)	OF ARM
to the Oil and Gas Division	)	36.22.302, 36.22.304,
Regulatory Program	)	36.22.306, 36.22.307,
		36.22.501, 36.22.503,
		36.22.601 through
		36.22.604, 36.22.702,
		36.22.1001 through
		36.22.1004, 36.22.1012,
		36.22.1013, 36.22.1101,
		36.22.1205, 36.22.1213,
		36.22.1218, 36.22.1220,
		36.22.1242, 36.22.1244,
		36.22.1307, 36.22.1308,
		36.22.1601, 36.22.1602,
		36.22.1609 and
		36.22.1610; and
		THE REPEAL OF ARM
		36.22.308,
		36.22.401 through
		36.22.403 and 33.22.701

TO: All Interested Persons

1. On April 29, 1982, the Board of Oil and Gas Conservation (Board) published Notice of proposed amendments to and proposed repealing of the above captioned rules, all pertaining to the oil and gas regulatory program. The notice was published at page 817 of the 1982 Montana Administrative Register, issue number 8.

2. The Board has adopted the rules as proposed with the following exceptions:

36.22.302 DEFINITIONS Unless the context otherwise requires, the words defined shall have the following meaning when found in these rules:

(23) "Gas" means all natural gases and all other fluid hydrocarbons as produced at the wellhead and not defined in subsection ~~46~~ (7) of 82-11-101, MCA. (Section 82-11-101 (6), MCA.)

(31) "Oil" means crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form by ordinary production methods and which are not the result of condensation of gas before or after it leaves the reservoir. (Section 82-11-101 ~~46~~ (7), MCA.)

(35) "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produces therefrom either for himself or others or for himself and others and the term includes all persons holding such authority by or through him. (Section 82-11-101 ~~47~~ 8), MCA.)

(37) "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind and includes any agency or instrumentality of the State or any governmental subdivision thereof. (Section 82-11-101 ~~48~~ 9), MCA.)

(49) "Waste" means:

(Section 82-11-101 ~~411~~ 12), MCA.

36.22.501 SHOT LOCATION LIMITATIONS Without written permission of the surface owner no seismic shot hole shall be drilled closer than 1320 feet (1/4 mile) to any building, structure, water well, or spring; nor closer than 660 feet (1/8 mile) to any reservoir dam.

AUTH: Implied by Sec. 82-1-104 IMP: Implied by Sec. 82-1-104

36.22.503 NOTIFICATION

(Section 82-1-106 and Section 82-1-107, MCA).

AUTH: Sec. 82-11-111 IMP: Sec. 82-1-103 and  
Implied by Sec. 82-1-104 Sec. 82-1-105 through  
82-1-107 Sec. 82-1-106  
and 82-1-107

36.22.1205 VACUUM PUMPS PROHIBITED The use of vacuum pumps for the purpose of putting a vacuum on any gas or oil-bearing stratum is prohibited ~~after~~; however, the Board may upon application and for good cause shown permit the use of vacuum pumps.

AUTH: Sec. 82-11-111 IMP: Sec. 82-11-124

3. No comments, testimony, or requests for a public hearing were received.

4. The authority of the Board to make the proposed amendments and the sections of law which each rule implements are set forth following each proposed rule amendment.

Richard A. Campbell  
Richard A. Campbell, Chairman  
Board of Oil and Gas Conservation

BY: Dee Rickman  
Dee Rickman  
Assistant Administrator  
Oil and Gas Conservation Division

Certified to the Secretary of State July 2, 1982


BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amend- )	NOTICE OF AMENDMENT OF RULE
ment of rule pertaining to )	1-2-423 AGENCY FILING FEES
agency filing fees. )	

TO: All Interested Persons:

1. On May 27, 1982, the office of the Secretary of State published notice of a proposed amendment of rule 1.2.423 relating to agency filing fees, at page 1098A of the 1982 Montana Administrative Register, issue number 10.
2. The office has amended the rule as proposed.
3. No comments or testimony were received.

Dated this 2nd day of July 1982.

  
JIM WALTERMIRE  
Secretary of State

VOLUME NO. 39

OPINION NO. 64

CLERK AND RECORDER - Fees county clerk must charge for multiple indexing under section 7-4-2631(k), MCA;  
COUNTY OFFICIALS - Statutory fees county clerk and recorder must charge for multiple indexing;  
FEES - Definition and application of term "multiple indexing" as affecting fees charged by county clerk under section 7-4-2631(k), MCA;  
MONTANA CODE ANNOTATED - Sections 7-4-2619, 7-4-2620, 7-4-2631.

HELD: The charge to be computed for multiple entries in several indexes under section 7-4-2631(k), MCA, is 50 cents per index in excess of the first index contained in the document regardless of the number of entries made in the index.

22 June 1982

Robert L. Deschamps, III, Esq.  
Missoula County Attorney  
Missoula County Courthouse  
Missoula, Montana 59801

Dear Mr. Deschamps:

You have requested my opinion on the following question:

Under section 7-4-2631(k), MCA, how are charges to be computed for documents which require multiple entries in several indexes?

Section 7-4-2631, MCA, lists the fees county clerks must charge for recording documents. Your question relates to the term "multiple indexing" as it is used in this subsection. Section 7-4-2631, MCA, provides that the county clerk must charge:

(k) for documents requiring multiple indexing (including but not limited to mortgages; releases; deeds; certificates of location; affidavits of annual labor on mining claims; assignments of leases; assignments of mortgages; oil, gas, and mineral leases; release of oil, gas, and mineral leases; assignments of overriding royalties;

executions; lis pendens; attachments; and all liens), 50 cents per index in excess of the first index contained in a single document....

The indexes a county clerk is required to keep are listed in section 7-4-2619, MCA. Each index is to be kept separately but two or more indexes may be placed in the same volume. § 7-4-2620, MCA. You indicate that the Missoula County practice is to charge for each entry made in the index while other counties charge only 50 cents per extra index regardless of the number of entries made in each index. A number of other counties do not charge per index but rather per volume.

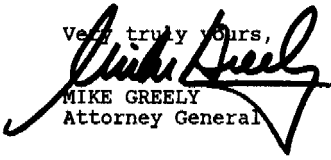
It is well settled that in construing a statute the intent of the Legislature controls and must first be determined from the plain meaning of the words contained in the statute. *State ex rel. Zander v. District Court*, 181 Mont. 454, 591 P.2d 565 (1979). Applying this rule to section 7-4-2631(k), MCA, it is clear that the term "multiple indexing" refers to entries which must be made in more than one index. The subsection renders a charge of "50 cents per index in excess of the first index contained in a single document." The fact that several entries must be made in each index does not change the plain and ordinary meaning of the phrase "per index."

You indicated that some of the examples contained in subsection (k) require recordation in only one index and that this fact supports Missoula County's charge of 50 cents per entry per index. The legislative history on this subsection is sparse and there is no discussion on this point. However, without contrary legislative intent as indicated by the history, the plain meaning rule controls and thus the "per index" language governs. *Shannon v. Keller*, 37 St. Rptr. 1079, 612 P.2d 1293 (1980).

THEREFORE, IT IS MY OPINION:

The charge to be computed for multiple entries in several indexes under section 7-4-2631(k), MCA, is 50 cents per index in excess of the first index contained in the document regardless of the number of entries made in the index.

Very truly yours,

  
MIKE GREELY  
Attorney General

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, Montana State Capitol, Helena, Montana, 59620.

13-7/15/82

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

Definition: 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 1, 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.                              |



ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 1982. This table includes those rules adopted during the period April 1, 1982 through June 30, 1982, and any proposed rule action that is pending during the past 6 month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 1982, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1981 and 1982 Montana Administrative Registers.

ADMINISTRATION, Department of, Title 2

I-VI	Adoption of Personnel Policy, p.429, 843
I-VII	Education and Training, p. 435, 843
I-VII	Alternate Work Schedules, p.56, 681
2.11.103	Capitol Building Tour Guide Service, p. 623, 1090
2.21.4701	and other rules - New Employee Orientation, p. 439, 844
2.21.5101	and other rules - Exit Interviews, p. 433, 844
2.21.6501	and other rules - Discipline Handling, p. 60
2.21.6704	Creation of the State Incentive Awards Advisory Council, p. 624, 1198
2.23.304	and other rules - Operation of Montana Merit System, p. 1137A
	(Workers' Compensation Court)
2.52.208	Time and Place of Trial Generally, p. 1135

AGRICULTURE, Department of, Title 4

I-III	Emergency Rules - Certain Uses of Pesticides Ambush 2E and Pounce 3-2 E.C., p. 1091
I-II	Storage Contracts and Warehouse Receipts of Bean Warehousemen, p. 1248
I-III	Emergency Rules - Certain Uses of the Pesticide Lorsban 4E, p. 845
I-XII	Establishing Operating Procedures for Alfalfa Seed Committee, p. 516, 1094

- I-XII Food and Fuels Program, p. 627
- I-XIII Virus Indexing of Nursery Stock, p. 520, 1095
- 4.2.303 Determination of Necessity for Environmental Impact Statement, p. 320, 683
- 4.4.303 Insured Crops, p. 780, 1266
- 4.9.501 and other rules - Food and Fuels Program, p. 322, 848
- 4.9.513 and other rules - Food and Fuels Program, p. 626
- 4.10.301 and other rules - Aquatic Herbicides, p. 515

COMMERCE, Department of, Title 8

- (Board of Architects)
- 8.6.405 and other rules - Reciprocity, Renewals, Licenses, Fee Schedule, p. 1138
- (Board of Barbers)
- 8.10.802 Sanitation Requirements, p. 324, 684
- (Board of Chiropractors)
- 8.12.601 and other rules - Applications, Education Requirements - Examinations, Temporary Permit, p. 1250
- (Board of Dentistry)
- 8.16.402 and other rules - Examination, Fee Schedule, p. 1141
- (State Electrical Board)
- 8.18.403 and other rules - General Responsibilities and Setting a Fee Schedule, p. 122, 684
- 8.18.403 General Responsibilities, p. 633, 1267
- (Board of Horse Racing)
- I-III Trifecta Wagering, p. 782
- I-XI Medication, p. 441
- 8.22.701 Trainers, p. 326, 684
- (Board of Landscape Architects)
- 8.24.405 and other rule - Examinations and Reciprocity, p. 446, 849
- (Board of Medical Examiners)
- 8.28.418 and other rules - Registration, Fees - Physicians, p. 1065
- 8.28.1605 and other rules - Osteopathic Physicians, p. 1067
- 8.28.1701 and other rules - Podiatrist, p. 1069
- (Board of Nursing)
- 8.32.401 and other rules - Regulating the Nursing Education, Licensure and Practice, p. 785
- (Board of Optometrists)
- 8.36.405 and other rules - Reciprocity, Requirements, Fee Schedule, p. 1071
- (Board of Public Accountants)
- 8.54.410 Fee Schedule, p. 1144
- (Board of Realty Regulation)
- 8.58.409 and other rule - Branch Office Requirements; Trust Account Requirements, p. 798, 1199
- (Board of Veterinarians)

- 8.64.402 and other rules - Fee Schedule, Applications,  
Disciplinary Action, Unprofessional Conduct, p.  
525, 1047

(Milk Control)

- 8.79.101 Purchase and Resale of Milk, p. 1146  
8.79.301 Licensee Assessments, p. 530  
8.86.301 Calculation of Minimum Retail Price of Milk, p.  
328, 1096  
8.86.301 Pricing Rules, p. 1149

EDUCATION, Title 10

(Board of Public Education)

- I School Psychologists, p. 1155  
10.55.403 Basic Instructional Program: Elementary, p. 1076  
10.57.501 School Psychologists, Social Workers, Nurses and  
Speech and Hearing Therapists, p. 1152  
10.58.303 Professional Education, p. 1074

FISH, WILDLIFE & PARKS, Department of, Title 12

- 12.3.101 Regulations for Issuance of Fish and Game Licenses,  
p. 448, 850  
12.6.501 and other rules - Outfitters and Professional  
Guides Qualification, p. 80  
12.6.501 and other rules - Outfitters and Professional  
Guides Regulations, p. 1252  
12.6.901 Water Safety Regulations, p. 636, 1268  
12.7.501 Fish Disease Certification, p. 1157  
12.9.201 Augusta Game Preserve, p. 635

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I Laboratory Fees - Drinking Water, p. 889, 1269  
I-XII Hotels, Motels, Tourist Homes, Roominghouses,  
Retirement Homes, p. 534, 1049  
XV Establishing Groundwater Classifications,  
Standards, and a Permit Program, p. 1167  
16.8.701 Definitions - Air Quality Rules, p. 697  
16.8.705 and other rule - Malfunctions, p. 646, 1201  
16.8.901 and other rules - Air Quality, p. 147  
16.8.1102 Air Quality Permit Required, When, p. 697  
16.8.1109 Conditions for Issuance of Air Quality Permit, p.  
643, 1201  
16.8.1114 Transfer of Permit, p. 645  
16.8.1405 Open Burning Rules, p. 143, 686, 688  
16.8.1423 and other rule - Air Quality, p. 1078, 1166  
16.10.601 and other rules - Regulating Hotels, Motels,  
Tourist Homes, Roominghouses, p. 533, 1048  
16.10.701 and other rules - Tourist Campgrounds and Trailer  
Courts, p. 1098, 1114  
16.10.703 Requirements for Licensure as a Tourist Campground  
or Trailer Court, p. 1159

- 16.10.712 Standards for Storage of Fuel in Tourist Campground or Trailer Court, p. 1161
- 16.10.713 Fire Safety Standards for Tourist Campgrounds and Trailer Courts, p. 1162
- 16.10.714 Requirements for Operators of Tourist Campground or Trailer Courts, p. 1163
- 16.10.901 Standards for Tourist Campgrounds, p. 1165
- 16.20.241 Laboratory Fees for Public Water Supply Systems, p. 889
- 16.20.605 and other rules - Surface Water Classifications, p. 1180
- 16.20.902 and other rule - Definitions and General Permits, Water Quality, p. 638, 1203
- 16.24.401 and other rules - Day Care Centers, p. 81, 84, 1116

HIGHWAYS, Department of, Title 18

- 18.2.101 Model Procedural Rules, p. 331, 699
- 18.6.244 Cultural Signs, p. 332, 698
- 18.8.422 Temporary Trip Permits, p. 340, 699
- 18.8.505 and other rule - Oversize Permits, p. 337, 699
- 18.8.514 Issuance of Overlength Special Permits, p. 335
- 18.8.514 Length - Special Permits, p. 649

INSTITUTIONS, Department of, Title 20

- I-IV Resident Reimbursement at Community Correctional Centers, p. 343, 701
- I-XI Reimbursement Policies, p. 450
- 20.11.101 and other rules - Reimbursement Policies, p. 450

LABOR AND INDUSTRY, Department of, Title 24

- No # Notice of Petition for Declaratory Ruling and Public Hearing - Nonconstruction Contracts Let By Public Contracting Agencies, p. 543
- I-V Coverage Under State Compensation Insurance Fund, p. 1085
- 24.9.206 and other rules - Processing of No Cause Complaints by the Commission, p. 801
- 24.9.801 Definitions - Mental Health - Physical Handicap, p. 811
- 24.11.411 and other rules - Unemployment Insurance, School as Reason for Voluntary Quit, p. 1081

STATE LANDS, Department of, Title 26

- 26.2.101 Model Procedural Rules, p. 816

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I-XX Renewable Resources Development Program, p. 651

- 36.8.101 and other rules - Renewable Energy Grant and Loan Program, p. 458, 851
- 36.12.102 and other rule - Revised Forms and Increased Application Fees for Beneficial Water Use Permits, p. 702  
(Board of Oil and Gas Conservation)
- 36.22.302 and other rules - Oil and Gas Division Regulatory Program, p. 817
- 36.22.1001 and other rule - Rotary Drilling Procedure, Cable Drilling Procedures, p. 546, 1205
- 36.22.1308 Plugging and Restoration Bond, p. 346, 855

PUBLIC SERVICE, Department of, Title 38

- I-III Nonregulated Status of Car Pools, p. 893, 1089
- I-XIV Governing Water Service Provided by Privately Owned Water Utilities and County Water Districts, p. 861
- 38.5.506 Interim Utility Rate Increases Rules, p. 176, 857

REVENUE, Department of, Title 42

- I Retail Selling Prices Liquor and Wine, p. 1188
- I-III Appraisal of Mobile Homes, p. 185, 1206
- I-IV Montana Corporate License, p. 1182
- I-IV Montana Income Tax - Small Business Companies, p. 1185
- I-IX Valuation and Assessment of Industrial Property, p. 178, 1270
- I-IV Assessment of Furniture and Fixtures Used in Commercial Establishments, p. 1052
- 42.15.111 Montana Military Personnel, p. 662, 1124
- 42.21.132 Mining Equipment, p. 180, 1270
- 42.22.105 and other rules - Reporting Requirements for Centrally Assessed Companies, p. 87, 705
- 42.22.117 Marketing, Administrative and Other Operational Costs Mines Tax, p. 1190

SECRETARY OF STATE, Title 44

- I-VIII Implementing Initiative 85, the Montana Lobbyist Disclosure Act of 1980, p. 91
- I-XV Implementing Initiative 85, Montana Lobbyist Act of 1980, p. 551, 1208
- 1.2.210 Adoption of an Agency Rule by Incorporation by Reference, p. 549, 1057
- 1.2.423 Agency Filing Fees, p. 1089A

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I Reduction of the Number of Children in Foster Care for More Than 24 Months, p. 98, 874
- I Pregnant Minor or Minor with Child, p. 665
- I-III Refugee Assistance, p. 411

- I-III Refugee Assistance, p. 970, 1279
- I-VIII AFDC Work Experience and Training Program, p. 667, 1217
- I-VIII Community Services Block Grants to Counties, p. 671, 1222
- I-VIII End Stage Renal Program, p. 993, 1317
- I-IX Family Day Care Homes, p. 207, 717
- I-XII Day Care Facilities Caring for Infants, p. 199, 722
- I-XIV Group Day Care Homes, p. 214, 712
- I-XIX Low Income Weatherization Assistance Program, p. 982, 1309
- I-XXIII Low Income Energy Assistance, p. 348, 732
- 46.5.905 and other rules - Day Care Rates and Earned Income Disregards, p. 1263
- 46.5.912 and other rule - Day Care Centers, p. 189, 709
- 46.5.1102 and other rule - Domestic Violence Advisory Committee and Grant Applications, p. 840, 1279
- 46.6.201 and other rules - Nature and Scope of Vocational Rehabilitation Services and Eligibility for Those Services, p. 1002, 1287
- 46.9.201 and other rules - Supplemental Payments to Recipients of Supplemental Income, p. 966, 1281
- 46.9.401 and other rules - General Relief Assistance, p. 677
- 46.9.501 and other rules - County Medical Program, p. 1193
- 46.10.403 AFDC Table of Assistance Standards, p. 976
- 46.10.404 and other rules - Day Care Rates and Earned Income Disregards, p. 1263
- 46.11.101 Food Stamp Program, p. 1196
- 46.11.101 Food Stamp Program, p. 1259
- 46.11.101 Food Stamp Program, p. 1261
- 46.12.101 and other rules - Medicaid Eligibility, p. 245, 729
- 46.12.522 and other rules - Medical Services, Reimbursement, p. 896, 1289
- 46.12.1201 and other rules - Reimbursement for Skilled Nursing and Intermediate Care Services, Reimbursement Method and Procedures, p. 225, 372
- 46.12.1201 Nursing Home Reimbursement, p. 1022, 1292
- 46.12.1201 Economic Impact - Nursing Home Reimbursement, p. 1045
- 46.12.3803 Medically Needy Income Standards, p. 973

-1412-  
CROSS REFERENCE TABLE  
Montana Code Annotated  
to  
Administrative Rules of Montana  
January - June, 1982, Registers

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
1-2-101	42.22.105, 106, 111	705
Title 2, Ch. 4	42.21.132	1271
Title 2, Ch. 4	42.22.1301 - 1310	1271
2-3-103	4.2.303	320
2-3-104	16.2.201	385
2-4-101	18.2.101	331
2-4-103	II, III (Ag)	516
2-4-201	I (Ag)	516
2-4-201	2.52.208	1136
2-4-201	18.2.101	331
2-4-201	23.2.101	150
2-4-201	26.2.101	816
2-4-201	36.2.101	487
2-4-201	36.22.307, 701	823
2-4-202	Sample Form (Justice)	153, 597
2-4-202	18.2.101	331
2-4-303	32.3.211, 222	605
2-4-305	8.59.409, 414	1199
2-4-306, 307	1.2.210	549
2-4-307	Sample Form (Justice)	152, 597
2-4-307	18.2.101	331
2-4-307	46.2.101, 102	298
2-4-313	1.2.423	1089A
2-4-315	46.11.101	97
2-4-405	46.12.1201 - 1206	1045
2-4-501	Declaratory Ruling (L&I)	543
2-4-501	Declaratory Ruling (DNR)	16
2-4-631	VII (Com.-Nursing)	792
2-4-702	Declaratory Ruling (DNR)	16
2-9-101 - 318	Opinion No. 56	764
2-15-112	12.3.101	448
2-15-122	IV (Admin)	50
2-15-122	XII (DNR)	394
2-15-1001	II (Admin)	48
2-16-117	VI (Admin)	57
2-17-111	2.11.103	623, 1090
2-18-102	I - IV (Admin)	69
2-18-102	I - VI (Admin)	429
2-18-102	I - VII (Admin)	435
2-18-102	I - VII (Admin)	56
2-18-102	I - XI (Admin)	60
2-18-102	2.21.1513, 1515, 1517	73
2-18-102	2.21.1517	469
2-18-102	2.21.3002, 3005	66
2-18-102	2.21.4701 - 4705	439
2-18-102	2.21.5101 - 5104	433
2-18-105	2.23.304, 920, 1306	1137A
2-18-105	2.23.1015, 1026, 1027	1

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
2-18-412	2.21.3002, 3005	66
2-18-503	2.4.113	100
2-18-604	I - VI (Admin)	429
2-18-702	Opinion No. 56	764
2-18-1101 - 1106	I - XVI (Admin)	48
2-18-1103	2.21.6701 - 6716	469
2-18-1103, 1104	2.21.6704	624
2-18-1105	2.21.6707	469
5-7-101	I - IX (Political Practices)	1208
5-7-102	I (Political Practices)	1208
5-7-102	I, II, IV, VIII (Political Practices)	91
5-7-102	I, VII, XI (Political Practices)	551
5-7-102	I, XI (Political Practices)	1208
5-7-103	V (Political Practices)	1209
5-7-111	I, II, IV, VII, VIII, IX, X (Political Practices)	91
5-7-111	I, III, IV, VI, VII, X, XII	1208
5-7-111	I - XV (Political Practices)	551
5-7-208	IV, VII (Political Practices)	93
5-7-208	IV, VI, X - XIV (Pol. Practices)	551
5-7-208	IV, XIII (Political Practices)	1209
5-7-208	X, XII (Political Practices)	1212
5-7-211	IV (Political Practices)	93, 551
5-7-211	IV (Political Practices)	1209
5-7-212	III (Political Practices)	551
5-7-213	VII (Political Practice)	1210
5-7-213	VII, VIII (Political Practices)	93, 551
5-7-305	IX (Political Practices)	95
5-7-305	VIII (Political Practices)	1215
5-7-305	VIII, XIX (Political Practices)	551
Title 7, Ch. 21, p. 34	Opinion No. 58	876
7-1-101, 103	Opinion No. 60	1230
7-1-106	Opinion No. 60	1230
7-6-4229 - 4232	Opinion No. 55	760
7-6-4235	Opinion No. 55	760
7-6-4251 - 4255	Opinion No. 55	760
7-6-4431 - 4437	Opinion No. 55	760
7-6-4451, 4452	Opinion No. 55	760
7-6-4502	Opinion No. 55	760
7-12-2151	Opinion No. 48	414
7-12-2168	Opinion No. 48	414
7-12-4161 - 4165	Opinion No. 48	414
7-14-201 et seq	38.3.301	294
7-21-3401, 3403	Opinion No. 58	876
7-21-3406 - 3410	Opinion No. 58	876
7-33-2205 - 2209	16.8.1405	143
9-11-602	Opinion No. 51	493

13-7/15/82



<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
13-3-122	Opinion No. 62	1238
13-27-103	Opinion No. 50	489
13-27-204	Opinion No. 50	489
13-27-205 - 207	Opinion No. 50	489
13-27-303	Opinion No. 50	489
13-35-211	Opinion No. 62	1238
13-35-218	Opinion No. 62	1238
Title 15, Ch. 23,		
p.1	42.22.111	88
15-1-101	III (Revenue)	185, 1206
15-1-201	I, II, III (Revenue)	185
15-1-201	I-X (Revenue)	178
15-1-201	III (Revenue)	1206
15-1-201	42.21.132	178, 1270
15-1-201	42.21.154 - 157	1052
15-1-201	42.22.105, 106, 111	705
15-1-201	42.22.1117	1190
15-1-206	42.16.104	14
15-1-402	Opinion No. 55	760
15-6-134	I, II (Revenue)	185
15-6-134	III (Revenue)	178
15-6-135	42.21.132	178, 1270
15-6-138	V (Revenue)	178
15-6-138	42.21.132	178, 1270
15-6-139	42.21.154 - 157	1052
15-6-140	42.21.132	178, 1270
15-7-122	Opinion No. 55	760
15-8-111	I (Revenue)	185
15-8-111	I, II, IV-X (Revenue)	178
15-8-111	42.21.132	1270
15-8-111	42.22.1304, 1306	1270
15-8-111	42.22.105, 106, 111	705
15-16-401	Opinion No. 53	500
15-16-402	Opinion No. 53	500
15-17-207	Opinion No. 53	500
15-17-303	Opinion No. 53	500
15-18-101 - 108	Opinion No. 53	500
15-18-309	Opinion No. 53	500
15-23-103	42.22.105	78
15-23-108	I (Revenue)	89
15-23-108	42.22.105, 106, 111	87, 705
15-23-201	I (Revenue)	89
15-23-201	42.22.106	705
15-23-201	42.22.105	87
15-23-202	42.22.105, 106, 111	705
15-23-301	42.22.105	87
15-23-402	42.22.105	87
15-23-502	42.22.105	87
15-23-503	42.22.1117	1190
15-23-602	42.22.105	87
15-23-701	42.22.105	87
15-30-101	42.15.104, 111	10, 662

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
15-30-102	42.15.121	11
15-30-112	42.15.411	12
15-30-116	42.15.111	10, 662
15-30-133	42.15.304	11
15-30-142	42.16.104	14
15-30-176	I (Revenue)	187
15-30-301	42.15.311	11
15-30-305	I (Revenue)	187
15-30-305	42.15.111	662
15-30-305	42.15.104, 111, 121, 304, 311, 411	10
15-30-305	42.16.104	14
15-30-321	42.16.104	14
15-33-102	II, IV (Revenue)	1182
15-33-102	II, IV (Revenue)	1185
15-33-103	I (Revenue)	1182
15-33-103	I (Revenue)	1185
15-33-104	III (Revenue)	1182
15-33-104	III (Revenue)	1185
15-33-105	I - IV (Revenue)	1182
15-33-105	I - IV (Revenue)	1185
15-33-106	II (Revenue)	1182
15-33-106	II (Revenue)	1185
16-1-103	I (Revenue)	1188
16-1-202	I (Revenue)	1188
16-1-302, 303	I (Revenue)	1188
16-1-401, 404	I (Revenue)	1188
16-1-411	I (Revenue)	1188
16-2-301	I (Revenue)	1188
18-2-401 - 406	Declaratory Ruling (L&I)	1228
18-2-422	Declaratory Ruling (L&I)	1225
18-4-401	Declaratory Ruling (L&I)	1225
18-4-401 et seq	Declaratory Ruling (L&I)	543
18-4-403	Declaratory Ruling (L&I)	543
18-4-403 - 424	Declaratory Ruling (L&I)	1225
18-4-422	Declaratory Ruling (L&I)	543
19-11-606	Opinion No. 51	493
19-13-105	Opinion No. 51	493
19-13-107	Opinion No. 51	493
19-13-704	Opinion No. 51	493
19-13-1006	Opinion No. 51	493
19-13-1007	Opinion No. 51	493
20-2-121	I (Public Education)	1155
20-2-121	10.58.303	1074
20-3-201, 203	Opinion No. 49	419
20-4-101	Opinion No. 54	503
20-4-102	10.57.501	1152
20-4-103	Opinion No. 54	503
20-4-104	Opinion No. 54	503

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
20-4-203	Opinion No. 54	503
20-7-101	10.55.403	1076
20-7-111	10.55.403	1076
20-10-104	Opinion No. 57	767
20-10-131, 132	Opinion No. 57	767
20-10-145, 146	Opinion No. 57	767
23-1-106	12.6.901	636
23-4-104	I, II, III (Com-Horse Racing)	782
23-4-104	I - XI (Com-Horse Racing)	441
23-4-104	8.22.701	326
23-4-104	8.22.801, 803	76
23-4-202	I - XI (Com-Horse Racing)	441
23-5-413	Opinion No. 52	497
37-1-131	8.58.414	799
37-1-131	8.59.409, 414	1199
37-1-134	I (Com-Barbers)	120
37-1-134	I (Com-Electrical Bd.)	123
37-1-134	I (Com-Psychologists)	78
37-1-134	I (Com-Psychologists)	3
37-1-134	8.6.405, 410, 411, 413	1138
37-1-134	8.12.601	1250
37-1-134	8.16.402, 405, 605, 606	1141
37-1-134	8.28.420	1065
37-1-134	8.36.409	1071
37-1-134	8.44.405	139
37-1-134	8.54.410	1144
37-1-134	8.58.411	141
37-1-136	II, III, IV, V, VI, VII (Com-Nursing)	791
37-1-308, 309	8.28.420	1065
37-3-203	8.28.418, 420	1065
37-3-304	8.28.420	1065
37-3-308	Opinion No. 60	1230
37-3-313	8.28.418	1065
37-4-202	8.16.405	1141
37-4-301	8.16.402, 405	1141
37-4-303	8.16.405	1141
37-4-306, 307	8.16.405	1141
37-4-402	8.16.605	1141
37-4-403	8.16.606	1141
37-4-406	8.16.606	1141
37-4-503	Declaratory Ruling (Com-Dentistry)	759
37-5-302, 303	8.28.1605	1067
37-5-307	8.28.1605	1067
37-6-302, 303	8.28.1701	1069
37-8-102	I (Com-Nursing)	789
37-8-202	I (Com-Nursing)	789
37-8-202	I, II (Com-Nursing)	794
37-8-202	I - VI (Com-Nursing)	789
37-8-202	I - VIII (Com-Nursing)	791

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-8-202	8.32.401, 402, 404, 408, 412, 1002	785
37-8-202	8.32.802	793
37-8-301	8.32.802	793
37-8-301, 302	I, II, (Com-Nursing)	794
37-8-406	8.32.401, 402, 404, 408	785
37-8-431	8.32.412	788
37-8-441	I (Com-Nursing)	791
37-8-442	VI (Com-Nursing)	792
37-10-202	8.36.405, 406, 409	1071
37-10-202	8.36.601	1071
37-10-302, 303	8.36.409	1071
37-10-303	8.36.405	1071
37-10-307	8.36.409	1071
37-10-308	8.36.601	1071
37-10-311	8.36.406	1071
37-11-101	8.42.409	127
37-11-105	8.42.409	127
37-11-201	I - XXV (Com-Physical Therapy)	128
37-11-201, 202	I - V (Com-Physical Therapy)	135
37-11-201	8.42.402, 403, 405 - 409	125
37-11-202	8.42.408	128
37-11-303	8.42.406	127
37-11-303, 304	8.42.402, 403	125
37-11-307 - 309	8.42.403	126
37-11-307	8.42.406	127
37-11-309	8.42.405	126
37-11-321	I - XXV (Com-Physical Therapy)	128
37-11-321	8.42.407	128
37-12-201	8.12.601, 603, 604	1250
37-12-302	8.12.601	1250
37-12-303	8.12.604	1251
37-12-304	8.12.603	1250
37-13-201	8.28.504	1065
37-13-306	8.28.504	1065
37-17-202	I (Com-Psychologists)	3
37-17-202	I (Com-Psychologists)	78
37-17-302, 303, 306, 307	I (Com-Psychologists)	3, 78
37-18-202	8.64.402, 501	525
37-18-302, 303	8.64.402	525
37-18-307	8.64.402	525
37-18-311	I (Com-Veterinarians)	525
37-18-311	8.64.404	525
37-30-203	I (Com-Barbers)	120
37-30-203	8.10.403, 602, 1002, 1008	118
37-30-203	8.10.802	324
37-30-303	8.10.403, 602	118
37-30-303, 307	I (Com-Barbers)	120
37-30-402	8.10.1002	119
37-30-402, 404	I (Com-Barbers)	120
37-30-404	8.10.1008	120
37-30-422	8.10.802	324

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-30-423	I (Com-Barbers)	120
37-31-323	Opinion No. 60	1230
37-50-204	8.54.410	1144
37-50-314	8.54.410	1144
37-51-203	8.58.409, 414	798
37-51-203	8.58.411	141
37-51-308	8.58.409	798
37-51-311	8.58.411	141
37-51-312	Opinion No. 60	1230
37-51-321	8.58.409, 414	1199
37-65-201	8.6.413	1138
37-65-203	Opinion No. 60	1230
37-65-303	8.6.411	1139
37-65-304	8.6.411	1139
37-65-305	8.6.405, 413	1138
37-65-306	8.6.410, 413	1138
37-65-307	8.6.413	1138
37-66-202	8.24.405	446
37-66-305	8.24.405	446
37-66-306	8.24.407	446
37-68-103	8.18.403	122, 633
37-68-201	I (Com-Electrical Bd.)	123
37-68-201	8.18.403	122, 633
37-68-304	I (Com-Electrical Bd.)	123
37-68-306, 307	I (Com-Electrical Bd.)	123
37-68-309 - 313	I (Com-Electrical Bd.)	123
37-69-307	8.44.405	139
39-51-302	I - IV (L&I)	1081
39-51-302	24.11.411	1081
39-51-2302	24.11.411	1081
39-51-2304	I (L&I)	1081
39-71-401	I (L&I)	1085
39-71-2303	I - V (L&I)	1085
40-2-401, 402	46.5.1102, 1105	840
44-1-103	23.3.131, 155-158	155, 600
44-1-103	23.3.202	162, 601
45-6-301	46.14.106	1309
45-7-401	Opinion No. 61	1234
49-2-101	24.9.801	811
49-2-201	Opinion No. 54	503
49-2-204	24.9.206, 212, 225, 227, 229 - 231	801
49-2-204	24.9.801	811
49-2-303	Opinion No. 54	503
49-2-308	Opinion No. 54	503
49-2-401	Declaratory Ruling (L&I)	812
49-2-504, 505, 507	24.9.206, 212, 225, 227, 229 - 231	811
49-3-204	Opinion No. 54	503

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
50-1-203	16.2.621	386
50-5-101 - 307	46.12.1202	225
50-5-301	16.2.621	386
50-5-501	46.5.1203	1281
50-50-201	16.2.621	386
50-51-103	I - XII (Health)	534
50-51-103	I - XII (Health)	1049
50-51-103	16.10.601 - 618, 620, 623 - 625	533
50-51-103	16.10.601 - 625	1048
50-51-103	46.5.1203	1281
50-51-201	16.2.621	386
50-52-102	16.10.701 - 704, 706, 707, 710 - 716	1098
50-52-102	16.10.703, 712 - 714	1159 - 1161
50-52-102	16.10.901	1165
50-51-103	I -XII (Health)	534
50-52-103	16.10.703	1098
50-52-201	16.2.621	386
50-52-201 - 203	16.10.703	1098, 1159
50-52-301	16.10.703	1098
53-1-401	I (Institutions)	450
53-1-402	II (Institutions)	450
53-1-403	I - III, IV - XI (Institutions)	450
53-1-405	III, V - VII (Institutions)	450
53-1-406	II (Institutions)	450
53-1-407	VIII (Institutions)	450
53-1-408	VII, IX (Institutions)	450
53-1-409	IV (Institutions)	450
53-1-411	XI (Institutions)	450
53-1-501	I - IV (Institutions)	343
53-1-501	20.7.201 - 204	701
53-2-201	I - III (SRS)	970
53-2-201	I - III (SRS)	411
53-2-201	I - III (SRS)	677
53-2-201	I - VIII (SRS)	993
53-2-201	I - XXIII (SRS)	348
53-2-201	I - XIX (SRS)	982
53-2-201	46.9.601 - 608	671
53-2-201	46.11.101	97, 1259
53-2-201	46.12.1201 - 1206	1022
53-2-201	46.12.3001	251
53-2-201	46.13.101, 102, 104 - 107	732
53-2-201	46.13.201 - 207, 301 - 305	732
53-2-201	46.13.401 - 404, 501	732
53-2-201, 204	I - IV (SRS)	966
53-2-201, 204	46.9.201 - 205	966
53-2-306	46.11.101	97, 1259
53-2-321, 323	I - III (SRS)	677
53-2-606	I (SRS)	1217
53-2-612, 613	46.12.3206	258
53-2-707	46.10.601 - 608	667
53-3-102	46.9.401 - 406	677

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
53-3-103	46.9.501 - 509	1193
53-3-107	I (SRS)	1217
53-3-201	46.9.502, 503	1193
53-3-301, 302	I - III (SRS)	677
53-3-302	I (SRS)	1217
53-3-305	I (SRS)	1217
53-4-111	I (SRS)	98
53-4-211	46.10.403	976
53-4-211, 212	46.10.404	1263
53-4-212	46.10.324	665
53-4-212	46.10.403	976
53-4-212	46.10.512	1264
53-4-231	46.10.324	665
53-4-231	46.10.512	1264
53-4-241	46.10.403	976
53-4-241	46.10.404	1263
53-4-241, 242	46.10.324	665
53-4-241, 242	46.10.512	1264
53-4-501	I - XIV (SRS)	214
53-4-503	I - IX (SRS)	207
53-4-503	I - X (SRS)	189
53-4-503	I - XII (SRS)	199
53-4-503	I - XIV (SRS)	214
53-4-503	46.5.905	1263
53-4-503	46.5.912, 913	189
53-4-504	I - IX (SRS)	207
53-4-504	I - XII (SRS)	199
53-4-504	I - XIV (SRS)	214
53-4-504	II - X (SRS)	189
53-4-505	46.5.912	189
53-4-506	I (Health)	84
53-4-506	I, II (Health)	81
53-4-506	IX, X (SRS)	189
53-4-506	46.5.912	189
53-4-507	46.5.912	189
53-4-508	I - X (SRS)	189
53-4-508	46.5.913,	189
53-4-511	46.5.913	189
53-4-514	46.59.905	1263
53-6-101	46.12.101, 102, 201	245
53-6-101	46.12.522 - 524, 527	896
53-6-101	46.12.532, 537, 542, 547	896
53-6-101	46.12.552, 557, 567, 582	896
53-6-101	46.12.605, 805, 806, 905, 915	896
53-6-101	46.12.1005, 1015, 1025, 2003	896
53-6-101	46.12.3803	271
53-6-111, 113	I - IV (SRS)	1022
53-6-111, 113	46.12.1201 - 1206	1022
53-6-113	46.12.101, 102, 201, 202	245
53-6-113	46.12.522 - 524, 527, 532, 537	896
53-6-113	46.12.542, 547, 552, 557	896
53-6-113	46.12.567, 582, 605, 805, 806	896
53-7-113	46.12.905, 915	896

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
53-6-113	46.12.1005, 1015, 1025, 2003	896
53-6-113	46.12.1201 - 1204	225, 372
53-6-113	46.12.3001 - 3004	251
53-6-113, 131	46.12.3201 - 3206	255
53-6-113, 131	46.12.3401 - 3404	259
53-6-113, 131	46.12.3601 - 3604	262
53-6-113, 131	46.12.3801 - 3805, 3808	267
53-6-113, 131	46.12.3803	973
53-6-113, 131	46.12.4001 - 4009	275
53-6-131	46.12.102, 201	246
53-6-132	46.12.202	250
53-6-132, 133	46.12.3001, 3002, 3004	251
53-6-141	I - IV (SRS)	1022
53-6-141	46.12.101, 102, 201	245
53-6-141	46.12.522 - 524, 527, 532	896
53-6-141	46.12.542, 547, 552, 557	896
53-6-141	46.12.567, 582, 605	896
53-6-141	46.12.805, 806, 905, 915	896
53-6-141	46.12.1005, 1015, 1025, 2003	896
53-6-141	46.12.1201 - 1204	225, 372
53-6-141	46.12.1201, 1206	1022
53-6-141	46.12.3803	271, 973
53-6-142	46.12.3003	254
53-6-201, 202	I - VIII (SRS)	993
53-7-101	I (SRS)	1002
53-7-102	I - XVI (SRS)	1002
53-7-102	46.6.101, 201, 301	1002
53-7-102	46.6.401 - 404, 501 - 515	1002
53-7-105	I - XV (SRS)	1002
53-20-204	46.5.1201 - 1204	1281
54-4-304	I (SRS)	98
Title 61, Ch. 1	Opinion No. 63	1321
Title 61, Ch. 8, 9	Opinion No. 63	1321
61-1-116	Opinion No. 63	1321
61-2-103	23.3.202	601
61-2-301	23.3.302	162
61-2-302	23.3.302	162
61-3-321	Opinion No. 46	302
61-3-502	Opinion No. 46	302
61-3-533	Opinion No. 46	302
61-5-101	23.3.155 - 158	155
61-5-111	23.3.131	600
61.5.111	23.3.151	155
61.5.111	23.3.155 - 158	600
61-5-201	23.3.302	162
61-10-101 - 148	18.8.514	335, 649
61-10-101 - 148	18.8.1001	337
61-10-121, 122	18.8.514	335, 649
61-10-124	18.8.505, 1001	337
61-10-124	18.8.514	335, 649
61-10-211	18.8.422	340

13-7/15/82



<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
61-10-212	18.8.422	340
61-11-203	23.3.202	601
69-1-223, 224	Opinion No. 59	1125
69-3-102, 103	38.5.506	176
69-3-304	38.5.506	176
69-12-101	I - III (PSR)	1089
69-12-101	I - III (PSR)	893
69-12-301	I - III (PSR)	893, 1089
69-12-311 - 313	I - III (PSR)	893, 1089
69-12-324	Opinion 47	306
Title 75, Ch 1	I (Ag)	560
75-1-201	4.2.303	320
75-2-111	New Rules (Health)	147
75-2-111	16.8.705	646
75-2-111	16.8.901 - 920	147
75-2-111	16.8.1109	643
75-2-111	16.8.1301 - 1308	688
75-2-111	16.8.1405	143
75-2-111	16.8.1423, 1424	1078
75-2-202, 203	New Rules (Health)	147
75-2-202, 203	16.8.901 - 920	147
75-2-203	16.8.705	646
75-2-203	16.8.1301 - 1308	688
75-2-203	16.8.1405	143
75-2-203	16.8.1423, 1424	1078
75-2-204	16.8.1109	643
75-2-204	16.8.1114	645
75-2-211	16.2.621	386
75-2-211	16.8.1114	645
75-2-301	16.8.1405	143
75-5-105	XIV (Health)	1174
75-5-301	II, III (Health)	1168
75-5-301	16.20.605, 607	1180
75-5-301	16.20.914	638
75-5-303	V (Health)	1171
75-5-401	I - XV (Health)	1167
75-5-401	16.20.902, 914	638
75-5-402	16.2.621	386
75-5-403	IX (Health)	1174
75-5-403, 404	16.20.914	638
75-5-404	IX (Health)	1174
75-5-621, 622	XV (Health)	1178
75-6-102	16.10.701	1113
75-6-103	16.20.241	889
75-6-112	16.2.621	386
75-6-112	38.5.2502	862
75-15-111	18.6.244	332
75-15-121	18.6.244	332
75-20-101 et seq	16.20.914	638
75-20-216	VIII (Health)	1174
75-20-301	Declaratory Ruling (DNR)	16

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
75-20-404	Declaratory Ruling (DNR)	16
Title 76, Ch 3	Opinion No. 48	414
Title 76, Ch 4	16.2.621	386
76-4-125	16.2.621	386
76-13-102	16.8.1405	143
76-13-203	16.8.1405	143
Title 80, Ch 8	I, II (Ag)	560
Title 80, Ch 8	4.20.207, 208, 504, 505	560
80-2-201	4.4.303	323, 781
80-2-205	4.4.303	323, 780
80-3-509, 511	I, II (Ag)	1248
80-7-111	X (Ag)	520
80-7-112	I - XIII (Ag)	520
80-7-119	VIII, XII, XIII (Ag)	520
80-7-132	IX (Ag)	520
80-8-103, 105	I, II, III (Agriculture)	845
80-8-105	I - III (Agriculture)	1091
80-8-105	4.10.301 - 310	515
80-8-304	New Rules (Ag)	560
80-8-304	4.10.207, 504, 505, 508	560
80-11-205	I - XII (Ag)	627
80-11-205	4.9.501 - 512	322
80-11-205	4.9.513 - 524	626
80-11-222	I - XII (Ag)	627
80-11-222	4.9.513 - 524	627
80-11-301 et seq	I - XII (Ag)	516
80-11-303	II - III (Ag)	516
80-11-304	I, IV - IX (Ag)	516
80-11-308, 309	X, XI, XII (Ag)	516
80-22-222	4.9.513 - 524	626
81-2-102	I - X (Livestock)	603
81-2-102	32.3.212, 222	604
81-2-102, 103	32.3.214	602
81-2-103	32.3.211, 222	605
81-2-701	32.3.212	604
81-2-703	32.3.214	602
81-2-703	32.3.223	607
81-20-101	I - X (Livestock)	603
81-23-104	8.79.101	1146
81-23-202	8.79.301	530
81-23-302, 304	8.86.301	328, 1149
82-1-103	36.22.503	824
82-1-104	36.22.501	824
82-1-105 - 107	36.22.503	824
82-4-201, 301	VI (Health)	1171
82-11-111	36.22.302, 304, 306, 307, 503, 601 - 604, 701, 1001 - 1004, 1012, 1013, 1101, 1205, 1213, 1218, 1220, 1242, 1244, 1307, 1308	818

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
82-11-111	36.22.602	4, 488
82-11-111	36.22.1001, 1002	546, 1205
82-11-111	36.22.1308	346, 855
82-11-115	36.22.1601, 1602, 1609 - 1611,	834
82-11-122	36.22.601, 602, 604	825
82-11-122	36.22.602	4, 488
82-11-122	36.22.1001, 1002	1205
82-11-122, 123	36.22.306	822
82-11-123	36.22.1013, 1218, 1242, 1244, 1307, 1308	830
82-11-123	36.22.1308	346, 855
82-11-123, 124	36.22.1001, 1002, 1003, 1004, 1101, 1213, 1220	546, 828
82-11-124	36.22.701, 1205	826
82-11-125	36.22.1012	830
82-11-134	36.22.603	825
85-1-605, 606	III (DNR)	394
85-1-608	V (DNR)	394
85-1-609	VI, VII, IX (DNR)	394
85-1-610	VI, VII (DNR)	394
85-1-611	XII (DNR)	394
85-1-612	III, V, VII, IX, XII, XIV XIX, XX (DNR)	394
85-1-616	XIV, XIX (DNR)	394
85-2-113	36.12.102, 103	702
85-2-506, 507	36.12.103	702
87-1-301, 305	12.9.201	635
87-1-303	12.6.901	636
87-2-106	12.3.101	448
87-2-304	12.3.101	448
87-3-221, 223	12.7.501	1157
87-4-106	12.6.501 - 509, 511 - 514	1252
87-5-401, 402	12.9.201	635
Title 90, Ch 2, p.1	I (DNR)	651
90-2-101	I (DNR)	651
90-2-103	IV - X, XIII, XIX (DNR)	651
90-2-104	III, XI (DNR)	651
90-2-107	III, XI, XII, XIII, XVIII (DNR)	651
90-2-108	I - XX (DNR)	651
90-2-109	XVIII (DNR)	651
90-2-110	XIV, XV, XIX (DNR)	651
90-2-111	I - VIII, X - XIV, XVIII - XX (DNR)	651
90-2-113	IV - VII, XIII (DNR)	651
90-4-101	I - VII (DNR)	458
90-4-101	III (DNR)	460
90-4-101	36.8.103	460
90-4-101	36.8.103	458
90-4-103	36.8.123	460

13-7/15/82

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
90-4-104	36.8.101 - 104	458
90-4-104, 105	I - VII (DNR)	852
90-4-104, 105	36.8.101 - 130	851
90-4-105	36.8.104, 113	460
90-4-106, 107	36.8.121, 123, 124	460
90-4-201, 202	I - XXIII (SRS)	348
90-4-201, 202	I - XIX (SRS)	982
Section 5, Ch 40 Laws of 1981	18.8.505, 1001	337
Section 6, Ch 40 Laws of 1981	18.8.422	340
75-1528, 5804 RCM	Opinion No. 49	419
SJR 26	42.21.154 - 157	1052

13-7/15/82