

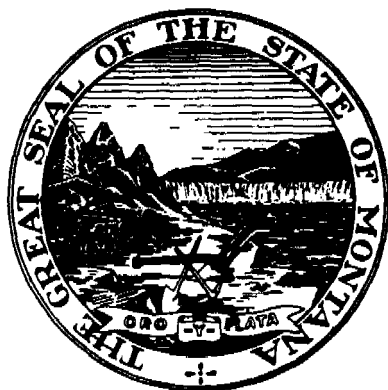
Reserve  
KFM  
9035  
1973  
•A245

**RESERVE**

STATE LAW LIBRARY  
JAN 1 1983  
OF MONTANA

# **MONTANA ADMINISTRATIVE REGISTER**

**1983 ISSUE NO. 1  
JANUARY 13, 1983  
PAGES 1-46  
INDEX COPY**



JAN 14 1983

OF MONTANA

## MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 1

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing, and where written comments may be submitted.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 SECTIONPage NumberINSTITUTIONS, Department of, Title 20

20-11-2 Notice of Proposed Repeal and Adoption -  
Reimbursement Policies. No Public Hearing  
Contemplated. 1-9

RULE SECTIONCOMMERCE, Department of, Title 8

NEW (Board of Nursing) Nurse-Midwifery  
Practice - Educational Requirements and  
Other Qualifications Applicable to Specialty  
Areas of Nursing 10-14

JUSTICE, Department of, Title 23

NEW Sale, Service and Installation of Fire  
AMD Protection Equipment 15-17  
REP

REVENUE, Department of, Title 42

AMD Bringing Inheritance Tax Rules Into  
NEW Compliance with Legislative Changes 18  
  
NEW Alternate Valuation (Special Use)  
Certain Farm and Business Real Property 19

	<u>Page Number</u>
<u>REVENUE, Department of, Title 42 (Continued)</u>	
NEW      Deferred Payment of Inheritance Tax	20
<u>SOCIAL AND REHABILITATION SERVICES, Department of, Title 46</u>	
AMD      Community Services Block Grants	21-24

#### INTERPRETATION SECTION

##### Opinions of the Attorney General

79      County Commissioners - Mines and Minerals Royalty	25-27
--	-------

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

Notice of Functions of Administrative Code Committee	28
How to Use ARM and MAR	29
Accumulative Table	30-34
Cross Reference Table	35-46

BEFORE THE DEPARTMENT OF INSTITUTIONS  
OF THE STATE OF MONTANA

In the matter of the repeal	) NOTICE OF PROPOSED REPEAL OF
of rules 20.11.101 through	) RULES 20.11.101 THROUGH
20.11.107 and the adoption	) 20.11.107 AND PROPOSED
of new rules concerning	) ADOPTION OF NEW RULES.
reimbursement policies	) (Reimbursement Policies)
	) NO PUBLIC HEARING
	) CONTEMPLATED

TO: All Interested Persons

1. On February 12, 1983, the Department of Institutions proposes to repeal rules 20.11.101 through 20.11.107 and adopt new rules concerning reimbursement policies.

2. The Department is considering the above changes after consideration of testimony received at a public hearing on April 13, 1982, and of other written views pertinent to the proposed new rules concerning reimbursement policies which were noticed on pages 450 through 457, 1982 Montana Administrative Register, issue number 5. The rules proposed to be repealed can be found on pages 20-151 through 20-156 of the Administrative Rules of Montana.

3. The proposed rules provide as follows:

RULE 1 DEFINITIONS (1) ~~Hardship-is-to-be-deprived~~  
~~of-basic-needs--(2)~~ "Basic needs" means food, clothing,  
shelter, medical care, transportation and items necessary  
for the production of income.  
(3)(2) "Personal needs" means toiletries, newspaper,  
tobacco, or other personal comfort items not normally  
supplied by the institution.  
(4)(3) "Income" means money, wages, salary, net income from  
self-employment, social security, veterans pensions,  
railroad pensions, dividends, interest (on savings or  
bonds), income from estates or trusts, inheritances, net  
rental income or royalties, pensions or annuities,  
unemployment compensation, alimony and child support.  
(5)---"Long-term"-care-means-being-in-continuous-care-for  
more-than-120-days-  
(6)---"Short-term"-care-means-being-in-continuous-care-for  
120-days-or-less-  
(7)(4) "Liquid assets" means stocks, bonds, certificate of  
deposit, etc., which can be easily converted to cash.  
(8)(5) "Fixed expenses" means those over which an  
individual or family have has little or no control, such as  
rent or mortgage payments, basic utilities, medical  
expenses, mandatory payroll deductions, and contracted  
debts. (9)---"Controllable-Expenses"-means-those-over-which  
an-individual-or-family-may-exercise-control-such-as-food,  
clothing,-entertainment,-education-and-child care

~~{10}(6) "Primary controllable expenses" means these expenditures for basic needs. {11}--"Secondary-controllable expenses"--means-all-expenses-which-are-not-considered primary-expenses.~~

~~{12}(7) "Discretionary income" is determined by subtracting fixed expenses from the income of the resident or responsible persons(s).~~

~~(8) "Responsible person" means a spouse of resident, the natural or adoptive, parents of a resident under 18 years of age, or a guardian or conservator to the extent of the guardian's or conservator's responsibility for the financial affairs of the person who is a resident under applicable Montana law establishing the duties and limitations of guardianship or conservatorships.~~

AUTH: 53-1-403 MCA IMP: 53-1-401 MCA

RULE II PROCEDURE TO OBTAIN FINANCIAL INFORMATION (1)

Upon admission or commitment to one of the institutions listed in Section 5-1-402 MCA, a representative of the department shall contact the resident or his next of kin or responsible person(s) to obtain financial information. This statement will be on a form approved by the department of institutions.

(2) The financial information form shall may not be required when the following conditions can be documented.

(a) The resident is a recipient of SSI benefits.

(b) The resident is currently eligible for medicaid.

(3) If the resident or financially responsible person(s) fails to give adequate financial information within 30 days the department shall assess the full cost of care, and shall use the following procedure to obtain this information:

(a) A personal representative of the department will contact the resident or responsible person(s) and will explain what information is needed and why it is necessary.

(b) If the financial information is still not received, the department will send a letter to the resident or responsible person(s) requesting the needed information. The letter will explain that this information must be submitted to the department within 10 working days.

(c) If after 10 working days, the above information still has not been received, and at the department's option either a demand letter will may be made on the resident or responsible person(s) by the department's legal counsel requesting the information and explaining that if the information is not forthcoming within 15 working days, a subpoena will be issued by the department or as provided for in Rule XI, the account will be referred to the department of revenue for collection.

(d) If after 15 working days, the legal counsel has not received the necessary information as provided for within

(c) above, he will request that the director issue a subpoena. If it appears to the satisfaction of the director that there is reasonable cause for the subpoena to be issued, he shall issue the subpoena under his signature and with the seal of the department through the sheriff of the county where the resident or responsible person(s) resides at the time the subpoena is issued. The subpoena shall direct the individual who is named on it to appear at a designated place and time with the necessary documents, papers, records, etc., as listed on the subpoena.

(i) The director of the department shall appoint a person to act as a hearings officer to appear at the time set forth on the subpoena for appearance. This hearings officer shall be empowered to administer an oath, take testimony which shall be transcribed; ask questions; examine documents; and request copies of any document.

(ii) If the patient or responsible person refuses to appear pursuant to the subpoena, or refuses at the hearing to cooperate with the hearings officer, the hearings officer shall submit a written report to the director of the department.

(iii) Within five working days after receipt of the report, the director of the department may petition the district court to order a hearing to show cause why the subpoena was not obeyed.

AUTH: 53-1-403 MCA IMP: 53-1-406 MCA

RULE III ASSESSMENT OF CHARGES (1) The charge assessed against each resident or responsible person shall be the lower of:

(a) the full cost of care, as determined by recorded charges, less any payments received from other sources;

(b) the ability to pay;

(c) the maximum parental liability, for parents of long-term residents.

AUTH: 53-1-403 MCA IMP: 53-1-405 MCA

RULE IV MAXIMUM PARENTAL LIABILITY (1) The maximum liability for parents of long-term residents, ~~which is effective on the 121st day of care,~~ shall be determined from a schedule published by the department. This schedule is shall be based on the annual cost of raising a child, as estimated by the U.S. department of agriculture, and shall be updated annually by the department. This liability shall commence on the 121st day of care.

AUTH: 53-1-403 MCA IMP: 53-1-409 MCA

RULE V ABILITY TO PAY (1) Upon receipt of the requested information, the department shall ~~classify~~ determine the expenses of the resident or responsible

~~person(s) as either fixed or and primary controllable, and as either primary or secondary; expenses of the resident or responsible person.~~

(2) ~~The department shall evaluate the fixed expenses and primary expenses to determine that they are reasonable, or shall substituted standard allowances from a schedule, according to the following criteria as follows:~~

(a) ~~fixed expenses for liabilities debts contracted prior to the resident's admission to the institution shall be allowed in full. Payment for debts contracted after admission will be considered controllable and will be disregarded, unless the debt incurred was necessary to obtain basic needs.~~

(b) ~~fixed expenses for debts contracted after admission will be disregarded, unless the debt was incurred to obtain basic needs as defined in Rule I(1).~~

~~(b)(3) The department shall evaluate primary controllable expenses as follows:~~

~~(i)(a) allowances for food and clothing needs shall be standard allowances determined from a schedule published by the department which is based on a moderate family budget; as estimated estimates provided by the U.S.D.A. departments of agriculture and labor for a moderate family budget. This schedule shall be updated annually by the department;--These amounts may be exceeded only upon documentation of extraordinary circumstances.~~

~~(i)(b) transportation expenses shall be the costs of operating one vehicle per family, unless a second vehicle is essential to the production of income. If no vehicle is owned, the actual cost of public transportation shall be allowed.~~

~~(3)--Discretionary income is then determined by subtracting fixed expenses from the income of the resident or responsible person(s).~~

~~(4) The department shall determine ability to pay by dividing Ability to pay shall be determined by using the method below which results in a lesser ability to pay.~~

~~(a) discretionary income as defined in Rule I(7) shall be divided by the number of persons dependent on that income, including the resident; , subject to evaluations enumerated below.--The ability to pay for a short term resident shall be the monthly amount multiplied by four;--and shall apply to the entire 120 days of short term residency.--For long term residents,--the ability to pay shall be calculated as a monthly amount.~~

~~(5) (b) Hardship evaluation. The primary controllable primary expenses shall be subtracted from discretionary income to determine the balance of income available after basic needs as defined in Rule I(1) are met. If this amount is less than the ability to pay determined above, The~~

ability to pay shall be ~~reduced to this amount.~~ be calculated as a monthly amount.

~~{6}(5) Personal-needs-allowance.~~ The ability to pay as determined by 4(a) or (b) shall be reduced by ~~forty-dollars per-month-to-provide-for-the-personal-needs-of-the-resident,~~ a monthly personal needs allowance determined by the department. ~~If, however,~~ the department learns that this allowance the personal needs allowance is not being made ~~used available-to-the-resident,-or-otherwise-used-by-the responsible-person(s) for the resident's benefit,-this reduction-may-be-disallowed.~~ the allowance may be discontinued.

~~{7}(6)~~ Excess assets evaluation.

(a) long-term residents' assets which exceed eligibility standards for medicaid shall be viewed as available to meet maintenance costs, and shall be added to the ability to pay unless protected as follows:

(i) as protected by law or an order of the court.

(ii) as may be protected in full or in part by a written agreement approved by the department upon presentation in writing by the resident or responsible person(s) of any specific and viable future plans or uses for which the excess assets are intended. Such documentation shall include the extent to which the funds need to be protected for purposes of preventing further dependency of the resident or responsible person(s) upon the public and/or of enhancing development of the resident into a normal and self-supporting member of society.

(b) short-term residents' liquid assets in excess of reasonable levels as determined by the department \$5,500 shall be added to the ability to pay, unless protected as provided for in Rule V (6) (a), above.

~~{8}(7)~~ The department shall review its determination of ability to pay for each long-term resident or responsible person(s) at least once each year.

AUTH: 53-1-403, 405 MCA

IMP: 53-1-405 MCA

RULE VI THIRD PARTY RESOURCES (1) Applicable medicare, medicaid, or private insurance will be considered as a resource of the resident. When the insurance company, as third party payer, makes direct payment to the insured resident or their responsible party, such payment will be payable to the state of Montana up to the the amount actually billed by the reimbursement section.

AUTH: 53-1-403 MCA

IMP: 53-1-405 MCA

RULE VII ACCEPTANCE OF REDUCED PAYMENT (1) The department may, by written agreement with the resident or responsible person(s), accept a minimum monthly payment which is less than the assessed charge, with the balance



accumulating as a liability of the resident or responsible person(s), in the following circumstances:

(a) when the ability to pay has been adjusted on the basis of excess assets, as provided in Rule V (6) and the department has determined that it is in the best interest of both the resident or responsible persons(s) and the state not to eliminate those assets in the near future.

(b) for residents whose care-treatment plans provide for discharge and economic independence within one year, and additional funds are needed for:

(i) savings to furnish and initiate an independent living arrangement for the resident upon release from the facility. Under this provision, funds will not be conserved beyond the point that the client would no longer meet the asset eligibility limits for SSI or medicaid, if the resident would otherwise be eligible.

(ii) purchase of clothing and other reasonable personal expenses the client will need to enter an independent living arrangement.

AUTH: 53-1-403 MCA

IMP:

53-1-405,408 MCA

RULE VIII APPEALS PROCEDURE (1) If the resident or responsible person(s) disagrees with the department's determination of ability to pay, that person may at any time request a redetermination of the ability to pay. The request shall be in writing, and shall state the reasons for disagreement as well as any additional facts relevant to the request. The department may, in its discretion, request a conference with the resident or responsible person(s). Within 30 days of receiving the request for redetermination, or within 30 days of the conference, if a conference is held, the department shall submit its written redetermination to the resident or responsible person(s). (2) If the resident or responsible persons(s) is dissatisfied with the department's redetermination, he may appeal to the director of the department of institutions, 1539 11th Avenue, Helena, Montana 59620. This appeal must be in writing, and be filed within 30 days after the aggrieved party has received the department's written redetermination. At the time the appeal is filed, the aggrieved party must state in writing his reasons for the appeal and the intended relief that he wishes to receive. At any time during these procedures, the aggrieved party may be represented by counsel at his own expense. Any appeal should be based solely upon the existing record. If a resident or responsible person desires to introduce new evidence, the appeal would return to the "redetermination" stage.

(3) Upon receipt of the notice of appeal, the director of

the department of institutions will ask the person responsible for the redetermination and the aggrieved party if they wish to have any discovery process. If either party request discovery, the director will designate a period of time in which discovery is to take place and be completed. By discovery it is meant the use of written interrogatories and/or depositions, production of documents, etc. All means of discovery will be pursuant to the Montana Rules of Civil Procedure concerning discovery. At the conclusion of discovery, the matter will be deemed at issue and the director will decide whether a hearings examiner will be appointed. When it is decided by the director ~~whether to hear-the-matter-himself-or~~ appoint a hearings examiner, the director will then set a date for the hearing and if need be name a hearings examiner from the attorney general's legal assistance staff. At the time set for the hearing, ~~the director-of-the-department-of-of-institutions-or-the~~ hearings examiner will conduct the hearing in accordance with the Montana Rules of Evidence. The hearing will be adequately transcribed. At the conclusion of the hearing, the director of the department of institutions or the hearings examiner may request proposed findings of fact and conclusions of law and supporting briefs from the parties. The time for submission from these proposed findings of fact and conclusions of law and supporting memorandums will be set by the ~~director-of-the-department-of-institutions-or-the~~ hearings examiner. When all matters have been submitted to the hearings examiner, he will write his proposed findings of fact and conclusions of law and submit them to the director of the department of institutions for adoption, or the director may proceed to hear and decide the matter on its own merits. If an appeal results in the reduction of the assessment, a retroactive adjustment shall be made no further than 30 days prior to the filing of the appeal.

AUTH: 53-1-403 MCA IMP: 53-1-407 MCA

RULE IX REFUNDS AND RETROACTIVE ASSESSMENTS (1) If in the process of reviewing a resident's or responsible person(s) ability to pay, the department determines that information has been misrepresented on a previous financial statement, which if honestly represented would have resulted in a higher ability to pay determination, a retroactive assessment based on the adjusted increased ability to pay will be made.

(2) If a new determination results in a retroactive reduction of a prior ability to pay determination, and a refund or reduction of the liability exists, a refund request or credit will be initiated, complete with a corrected statement sent to the party.

(3) If a billing error occurs resulting in receipts which

exceed the cost of care or if combined payments from more than one payer are received which exceed the cost of care, a refund request will be initiated with the appropriate party or intermediary listed as designated recipient.

AUTH: 53-1-403 MCA IMP: 53-1-408 MCA

RULE X RECORDING CHARGES (1) the department shall maintain records of services provided to residents, and shall prepare a monthly itemized statement for each resident receiving chargeable services. Charges shall be recorded for each service and for each day the resident is at the institution at midnight. No per diem charge shall be recorded for the day the resident leaves, unless the resident both enters and leaves the institution during the same day.

AUTH: 53-1-403 MCA IMP: 53-1-403 MCA

RULE XI PROCEDURE FOR FAILURE TO PAY (1) Accounts which are delinquent will be identified by the department at 30, 60, 90 and 120 day intervals. At 90 days, letters will be prepared which state the intent to use the department of revenue for debt collection unless payment is received in 30 days. If no payment is received at 120 days, another letter will be sent stating that action has been taken, and requesting that all correspondence and/or payment be directed to the department of revenue.

AUTH: 53-1-403 MCA IMP: 53-1-411 MCA

4. The rules are proposed because the Department desires to make the reimbursement policies clearer and more understandable to the public.

5. Interested parties may submit their data, views or arguments concerning the proposed rule in writing to Nick A. Rotering, Department of Institutions, 1539 11th Avenue, Helena, Montana 59620, no later than February 10, 1983.

6. If a person who is directly affected by the proposed new rules 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 Nick A. Rotering, Department of Institutions, 1539 11th Avenue, Helena, Montana 59620 no later than February 10, 1983

7. If the agency receives requests for a public hearing on the proposed new rules from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed new rules; from the Administrative Code Committee of the legislature; from a governmental sub-division 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 109 persons based on the present populations of the institutions affected by these rules.

8. The authority of the department to make the proposed rules is based on Sections 53-1-403, 405, and 408 MCA and the rules implement Sections 53-1-401 through 53-1-411, MCA.

CARROLL V. SOUTH, Director  
Department of Institutions

BY 

Certified to the Secretary of State January 3, 1982.

STATE OF MONTANA  
DEPARTMENT OF COMMERCE  
BEFORE THE BOARD OF NURSING

In the matter of the adoption ) NOTICE OF ADOPTION OF NEW  
of new rules under sub-chapter) RULES UNDER SUB-CHAPTER 3,  
3, Specialty Areas of Nursing ) 8.32.302 NURSE-MIDWIFERY  
PRACTICE and 8.32.305 EDUCA-  
TIONAL REQUIREMENTS AND OTHER  
QUALIFICATIONS APPLICABLE  
TO SPECIALTY AREAS OF NURSING

TO: All Interested Persons:

1. On October 14, 1982, the Board of Nursing published a notice of public hearing on the above-stated rules at page 1816, 1982 Montana Administrative Register, issue number 19.

On November 12, 1982 at 10:00 a.m., a public hearing was held in the Conference Room, Department of Commerce, 1424 9th Avenue, Helena, Montana to consider the adoption of the above-stated rules.

Of the 17 persons in attendance at the hearing, oral comments were received from 9 interested persons representing professional nursing associations, the Montana Hospital and Montana Medical Associations and interest groups. Written comments including those in support of the proposed rules were received from 11 interested persons. In summary the oral and written comments included:

COMMENT: Confusion exists as to what exactly specialty nursing is, as it has not been specifically defined in the definitions. Would recommend that a definition of specialty nursing be encompassed in the list of definitions. A like comment recommends board specifically name the specialty areas of nursing that are to be included in this and future proposed rule changes.

RESPONSE: Section 37-8-202 (5), MCA, provides "...specialty areas of nursing are those that require additional professional education beyond the basic nursing degree required of a registered nurse, which additional education is obtained in courses offered in a university setting or its equivalent and certified by the American Nurses' Association". This section also specifies that the specialty areas of nursing include nurse practitioners, nurse-midwives, and nurse anesthetists. The practice of these specialty areas is described in Chapter 32, Sub-Chapter 3, A.R.M.

COMMENT: A number of comments and suggestions were received from certified nurse anesthetists and others relating to the apparent concerns over the absence of a clear "grandfather clause"; the proposed new rules as they relate to the educational requirements of nurse anesthetists currently practicing in the state; and the conflict the proposed rule has with the American Association of Nurse Anesthetists as to future educational requirements. Recommend the board consult and work with the existing accredited nurse anesthesia schools to avoid conflict in entrance requirements already established on a

national level.

RESPONSE: Section 37-8-202 (5), MCA, makes no provision for the board to "grandfather" or create an exemption to educational requirements and other qualifications applicable to specialty areas of nursing based on circumstances previously existing.

Nurses currently practicing in Montana as certified nurse anesthetists have completed a post-basic professional nursing education program in the nurse anesthetist specialty with the minimum length of one academic year and hold individual certification as required for recognition in the nurse anesthetists specialty area of nursing before June 30, 1985. The minimum requirements of a baccalaureate degree with an upper division major in nursing is a requirement which will be effective for those who apply for initial recognition after June 30, 1985.

Effective in 1987, the national educational requirement for entry into schools of nurse anesthesia has been established to be either a baccalaureate degree in nursing or a bachelor's degree in science. The consensus of the board is that the necessary nursing knowledge base for a professional nursing specialty and for initial recognition after June 1985 is appropriately the baccalaureate degree with an upper division major in nursing.

COMMENT: We feel a statement is necessary saying that a nurse anesthetist administers anesthetics under the direction of a physician or dentist.

RESPONSE: As defined in Section 37-8-102 (1)(a), MCA, professional nursing includes the administration of medications and treatments prescribed by physicians, dentists, osteopaths or podiatrists authorized by state law to prescribe medications and treatments. As a nurse anesthetist, the professional nurse administers under the prescription or direction of a physician, dentist, osteopath or podiatrist a drug used to render an individual insensible to pain for surgical and other therapeutic procedures.

COMMENT: A nurse anesthetist should be allowed to practice in Montana if he is an active member of the American Association of Nurse Anesthetists or meets their requirements. We should provide that nurse anesthetists meeting these requirements but presently living out of state should be allowed under "grandfather clause" to administer anesthetics in Montana on an open ended transition period. This will provide quality anesthesia in rural areas where we use "relief anesthetists" from out of state.

RESPONSE: Provision is made in the statute that any person practicing or offering to practice professional nursing in this state for compensation or personal gain shall be required to submit evidence that he or she is qualified to practice and shall be licensed. In allowing the board of nursing to

define the educational requirements and other qualifications applicable to specialty areas the legislative intent specified the rules adopted pursuant to this delegation be sufficient to ensure the competency of those practicing nursing in Montana and prohibit the use of a title indicating nursing specialty by a person not approved by the board as a specialist.

Nurses from out of state may be recognized by the board as a specialist in nursing in this state provided that the registered nurse: 1) holds a current license to practice professional nursing in the state of Montana; 2) meets the requirements set forth under the educational requirements and qualifications applicable to specialty areas of nursing and; 3) application, fees and credentials have been supported and approved by the board of nursing.

COMMENT: Expressed a need for a liaison with the board of nursing with respect to any regulation which might be imposed on nurse anesthetists and a concern the regulations were being "sprung" on the nurse anesthetists.

RESPONSE: The board welcomes liaison with groups or persons pertinent to issues of common interest. All board meetings are open to the public and topics for mutual discussions may be placed on board meeting agendas. Attempts were made through the board's task force to study the nursing practice act to provide opportunity for input from interested groups and persons and to disseminate information concerning proposed changes. Associations represented on the task force included the Montana State Association of Nurse Anesthetists.

COMMENT: Certified Registered Nurse Anesthetists (CRNA's) should be excluded from the new rules. We are a specialty of nursing but we have been in existence for over 50 years with our own national association which has guided and directed us well over the years. Strongly feel that our national association should be setting our professional goals and policies as they are in close touch with our members.

RESPONSE: Section 37-8-202 (5), MCA, specifically identifies nurse anesthetists as a specialty area of nursing. This section concerning educational requirements and other qualifications applicable to specialty areas of nursing makes no provision for excluding nurse anesthetists.

COMMENT: Under "Educational Requirements and Other Qualifications Applicable to Specialty Areas of Nursing", (b) (i) should read: A minimum of a baccalaureate degree with an upper division major in nursing; successful completion of a post-basic professional nursing education program in the specialty area with the minimum length of one academic year consisting of at least 4 months of didactic instruction and the remainder under a preceptor; and individual certification from a board approved certifying body; or...

RESPONSE: The comment is well-founded and the rule has been corrected to reflect this omission. The intent of the

rule is to require either (1) (b) (i) or (b) (ii). The intent was not to require both.

COMMENT: The State Family Planning Council recommends the insertion of the word "or" in the statement "Successful completion of a post-basic professional nursing education program in the specialty area with the minimum length of one academic year consisting of at least four months of didactic instruction and the remainder under a preceptor; and (to read and/or) individual certification from a board approved certifying body; or..." We recommend that NACOOG be considered as an "approved" certifying body.

RESPONSE: Under Sub-section 5 of Section 37-8-202, MCA, the board has been directed to address the educational requirements and other qualifications including certification for specialty areas of nursing. The board will give consideration to the NACOOG as recommended when approving certifying bodies.

COMMENT: I feel this ruling is unfair in that it does not recognize nurses with experience.

RESPONSE: The statute makes no provisions for the board to establish experience requirements for specialty area recognition.

COMMENT: Am I correct to assume that a nurse practitioner or other nurse specialist would be allowed to practice under the temporary permit amendment until the first available certification examination is given in Montana following her date of graduation?

RESPONSE: Temporary work permits may be issued to applicants for licensure by endorsement and to graduates of approved nursing education programs pending the results of the first licensing examination following graduation. In addition, Section 37-8-409 (2), MCA, provides the board authority to give temporary approval to practice nurse midwifery to a person who has taken the American College of Nurse-Midwives national certification examination pending receipt of official notification of the results of the examination. Section 8.32.304 of Chapter 32, Sub-Chapter 3, A.R.M., describes the provisions for recognition as a nurse specialist and the right to use the title of nurse practitioner, nurse mid-wife and nurse anesthetist.

COMMENT: Would like to verify that the definition of supervision covered elsewhere in the rules complies with legislative intent as it pertains to the definition of direct supervision for the temporary permit.

RESPONSE: The definition of supervision as found in 8.32.415 (4) A.R.M. is intended to apply in all relevant sections in Title 37, Chapter 8, MCA.

OTHER COMMENT RECEIVED: The Administrative Code Committee advised the rule pertaining to Nurse Midwifery Practice as proposed does not meet the criteria for adoption by reference, in that it doesn't state where a copy of the referenced material can be obtained.



RESPONSE: The advice is appreciated and the rule has been modified to appropriately meet the criteria for adoption by reference.

2. Following the second public hearing on November 12, 1982 and receipt of other written views the rules are being adopted as an appropriate means of ensuring the competency of those practicing in the specialty areas of nursing and to establish the over-all nature of the required courses and other specialty area qualifications. The following changes have been made: {new matter underlined, deleted matter interlined)  
"8.32.302 NURSE-MIDWIFERY PRACTICE (1) Nurse-midwifery practice is the independent management of care of essentially normal newborns and women, antepartally, intrapartally, postpartally and/or gynecologically. This occurs within a health care system which provides for medical consultation, collaborative management, and referral and is in accord with the 'Functions, Standards and Qualifications for Nurse-Midwifery Practice' as defined by the American College of Nurse-Midwives, 1522 K Street NW, Suite 1120, Washington, D.C. 20005. Copies of which may be obtained from the American College of Nurse-Wives at the above address or at the Board office, 1424 9th Avenue, Helena, Montana 59620-0407."

"8.32.305 EDUCATIONAL REQUIREMENTS AND OTHER QUALIFICATIONS APPLICABLE TO SPECIALTY AREAS OF NURSING" (1)...

(b)...

(i) A minimum of a baccalaureate degree with an upper division major in nursing; successful completion of a post-basic professional nursing education program in the specialty area with the minimum length of one academic year consisting of at least four months of didactic instruction and the remainder under a preceptor; and individual certification from a board approved certifying body; or

(ii)..."

3. No other comments or testimony were received.

BOARD OF NURSING  
JANIE CROMWELL, R.N., PRESIDENT

BY: 

GARY BUCHANAN, DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, January 3, 1983.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the REPEAL,	)	NOTICE OF THE REPEAL,
AMENDMENT AND ADOPTION OF	)	AMENDMENT AND ADOPTION
RULES pertaining to the sale,	)	OF RULES regulating the
service and installation of	)	sale, service and installa-
fire protection equipment.	)	tion of portable fire ex-
	)	tinguishers, fire extin-
	)	guishing systems, fire
	)	alarms and fire alarm systems.

TO: All Interested Persons.

1. On September 16, 1982, the Department of Justice, State Fire Marshal Bureau, published notice of a proposed repeal, amendment and adoption of rules pertaining to the sale, service and installation of fire protection equipment, at page 1659 of the 1982 Montana Administrative Register, issue number 17.

2. The agency has repealed rule 23.7.153 as proposed.

The agency has amended the rules as proposed with the following changes:

23.7.131 WHO MUST OBTAIN A CERTIFICATE OF REGISTRATION.

(1)(2)(a)(b) same as proposed rule.

(c) An electrical contracting firm who which has a contract to physically install and wire a fire alarm system with according to drawings, and-the provided that all final connections of the system is supervised by a qualified registrant.

(3) same as proposed rule.

(4) A certificate of registration is valid only when the holder is a proprietor or an employee of a place of business that is licensed under ARM 23.7.151, or a member of a fire department ~~if~~ who is certified to recharge or service portable fire extinguishers.

23.7.133 EXAMINATION FOR CERTIFICATE.

(1)(2)(3)(4) same as proposed.

(5) A passing grade for the written examination is a score of 70 or better. An applicant who fails may reapply after 30 days to take another examination.

23.7.154 SERVICE TAGS.

(1) same as proposed rule.

(2) A service tag shall be of a size and of a durable material approved by the State Fire Marshal measure not more than 5-1/4 inches by 2-5/8 inches, or but not less than 4-1/2 inches by 2-1/2 inches. It must not be red.

(3)(a)(b)(c)(d)(e)(f) same as proposed rule.

A licensee or registrant shall indicate the type of service performed and date of servicing by punching the appropriate section of a tag. A tag must bear dates for 1 to 5 years.

1-1/13/83

Montana Administrative Register

(4) The licensee or registrant must attach the service tag in a position so that it can be conveniently inspected, but so that it does not hamper the operation of the system or removal of the extinguisher from its bracket.

(5) same as proposed rule.

The agency has adopted the rules as proposed and has assigned the following rule numbers:

(RULE I) 23.7.124 DENIAL OF A CERTIFICATE, PERMIT OR LICENSE.

(RULE II) 23.7.125 INVESTIGATION OF COMPLAINTS.

(RULE III) 23.7.156 PROOF OF MANUFACTURER AUTHORIZATION AND INSURANCE.

(RULE IV) 23.7.157 EQUIPMENT REQUIRED.

(RULE V) 23.7.158 LICENSE LIMITATIONS.

3. At the public hearing, comments and testimony were made by Jack Rogan, Montana Power Company, Butte; Lynn Perkins, Fire Supply & Service, Inc., Bozeman; and, Rita and Larry Sayre, Sayre Fire Equipment Company, Miles City. The comments and testimony regarded the following: material used for construction of service tags; a minimum apprenticeship prior to obtaining a certificate of registration (23.7.131(2)(b)); an examination for a certificate must include practical tests and demonstrations; members of a fire department also owning and operating a private firm, thus causing a conflict of interest; the schedule of when a certificate of registration must be renewed; certificates issued with no fee to non-profit fire department personnel should be a different color and clearly noted as being a restricted certificate; and, that a minimum of 30 to 60 days elapse prior to the retaking of a previously failed exam.

Written statements were received from Ben Larango, Missoula Fire Equipment, Missoula; and, Neil Flaherty, Leasing, Inc., Helena. The statements regarded the number of years contained on the service tag, and the size of the service tag.

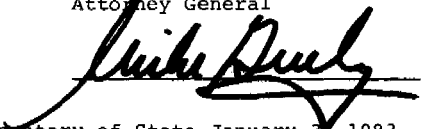
Verbal comments were received from Fritz O. Behr, Administrator, Law Enforcement Services Division, Department of Justice, Helena. Mr. Behr's comments consisted of minor editorial changes.

The majority of comments were incorporated into the aforementioned amendments. All other comments and suggested changes that were not incorporated, are explained as follows: (1) Minimum Apprenticeship - under the ruling of the Montana Supreme Court in Board of Barbers v. Big Sky College of Barber-Styling, 38 St Rptr. 621, 626 P.2d 1269 (1981) and Section 50-39-102 sub 3, MCA, the State Fire Marshal does not have the authority to require an applicant to serve a minimum apprenticeship in order to be certified. Any such requirement would have to be specifically authorized by the Montana Legislature to be valid. (2) Potential Conflict of Interest Situation - from a legal standpoint, the State Fire Marshal does not have the authority to promulgate a rule that would cover this situation. It would have to come from the Attorney General in the form of an opinion, or the city council could adopt this as a condition of employment. (3) Renewal of Certificate - the Fire Marshal.

Bureau will formulate an appropriate in-house procedure for the renewal of certificates. This procedure will probably consist of renewing all certificates at the beginning of each calendar year. (4) No Fee Certificate to Non-Profit Fire Department Personnel - it was determined that, because of the new criteria and annual renewal of certificates, all certificates will remain the same color for the present time. If, in the future, an apparent problem exists, appropriate action will then be taken.

MIKE GREELY  
Attorney General

BY:

A handwritten signature in black ink, appearing to read "Mike Greely", is written over a horizontal line. The signature is stylized with a large, sweeping initial "M".

Certified to the Secretary of State January 3, 1983

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE	)	NOTICE OF ADOPTION of the
Amendment of Rule 42.35.104	)	Amendment of Rules
42.36.312, 42.36.313,	)	42.35.104, 42.36.312,
42.36.401, 42.36.501, and the	)	42.36.313, 42.36.401 and
Adoption of Rule I,	)	42.36.501 and the Adoption
(42.36.218) concerning	)	of Rule I (42.36.218),
bringing inheritance tax	)	bringing inheritance tax
rules into compliance with	)	rules into compliance with
legislative changes.	)	legislative changes.

TO: All Interested Persons:

1. On October 28, 1982, the Department of Revenue published notice of the proposed amendment of rules 42.35.104, 42.36.312, 42.36.313, 42.36.401, 42.36.501, and the adoption of Rule I (42.36.218) concerning bringing inheritance tax rules into compliance with legislative changes at page 1912 of the 1982 Montana Administrative Register, issue number 20.

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

3. A public hearing was held on November 18, 1982. No persons appeared as either proponents or opponents of the rules. No written comments were received.

4. The authority for the rules is 15-1-201, 15-30-305 and 72-16-201, MCA. The rules implement 72-16-207, 72-16-304, 72-16-313, 72-16-321, 72-16-433 and 72-16-438, MCA.

*Ellen Feaver by Dan Backs*  
ELLEN FEAVER, Director  
Department of Revenue

Certified to Secretary of State 01/03/83

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE	)	NOTICE OF ADOPTION of Rules
Adoption of Rules I through	)	I through XX (42.35.501
XX (42.35.501, through	)	through 42.35.520) relating
42.35.520) relating to	)	to alternate valuation
alternate valuation (special	)	(special use) of certain
use) of certain farm and	)	farm and business real
business real property.	)	property.


TO: All Interested Persons:

1. On October 28, 1982, the Department of Revenue published notice of the proposed adoption of rules I through XX (42.35.501 through 42.35.520) relating to alternate valuation (special use) of certain farm and business real property at page 1916 of the 1982 Montana Administrative Register, issue number 20.

2. The Department has adopted the rules as proposed.

3. A public hearing was held on November 18, 1982. No persons appeared as either proponents or opponents of the rules. No written comments were received.

4. The authority for the rules is 15-1-201 and 72-16-337, MCA, and the rules implement 72-16-331 and 72-16-342, MCA.

  
ELLEN FEAVER, Director  
Department of Revenue

Certified to Secretary of State 01/03/83

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE	)	NOTICE OF ADOPTION of Rules
Adoption of Rules I, II and	)	I, II and III (42.36.601,
III (42.36.601, 42.36.602 and)	)	42.36.602 and 42.36.603)
42.36.603) concerning	)	concerning deferred payment
deferred payment of	)	of inheritance tax.
inheritance tax.	)	

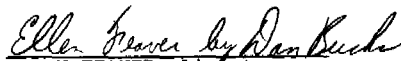
TO: All Interested Persons:

1. On October 28, 1982, the Department of Revenue published notice of the proposed adoption of rules I, II and III (42.36.601, 42.36.602, and 42.36.603) concerning deferred payment of inheritance tax at page 1929 of the 1982 Montana Administrative Register, issue number 20.

2. The Department has adopted the rules as proposed.

3. A public hearing was held on November 18, 1982. No persons appeared as either proponents or opponents of the rules. No written comments were received.

4. The authority for the rules is 15-1-201 and 72-16-201, MCA, and the rules implement 72-16-438, 72-16-452, 72-16-459, 72-16-462 and 72-16-463, MCA.

  
ELLEN FEAVER, Director  
Department of Revenue

Certified to Secretary of State 01/03/83

BEFORE THE DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment )	NOTICE OF THE AMENDMENT OF
of Rules 46.9.601, 46.9.602, )	RULES 46.9.601, 46.9.602,
46.9.603, 46.9.604, 46.9.605, )	46.9.603, 46.9.604,
46.9.606, 46.9.607, 46.9.608 )	46.9.605, 46.9.606,
pertaining to the community )	46.9.607, 46.9.608
services block grants )	PERTAINING TO THE
)	COMMUNITY SERVICES BLOCK
)	GRANTS

To: All Interested Persons

1. On November 24, 1982, the Department of Social and Rehabilitation Services published notice of the proposed amendment of Rules 46.9.601, 46.9.602, 46.9.603, 46.9.604, 46.9.605, 46.9.606, 46.9.607, 46.9.608 pertaining to the community services block grants at page 2083 of the 1982 Montana Administrative Register, issue number 22.

2. The agency has amended Rules 46.9.601, 46.9.602, 46.9.605, 46.9.607 and 46.9.608 as proposed.

3. The agency has amended Rules 46.9.603, 46.9.604 and 46.9.606 as proposed with the following changes:

46.9.603 COUNTY CONTRACTOR PLAN (1) To receive its allotment of CSBG funds, as determined under ARM 46.9.606, each county contractor must submit, by ~~July~~ OCTOBER 1 of each year, its contractor plan to the department for review and approval.

Subsections (a) and (b) remain as proposed.

46.9.604 COUNTY CONTRACTOR PLAN ASSURANCES AND CONTENT

Subsections (1) through (4) remain as proposed.

(5) The program period will begin ~~October~~ JANUARY 1 and end on ~~September-30~~ DECEMBER 31 of the ~~following~~ SAME year. All contractor plans/budget material must be proposed for completion during that period. Should unusual or extraordinary circumstances occur, the department will entertain requests for amendment(s) to the county contractor plan.

Subsection (6) remains as proposed.

46.9.606 COUNTY CONTRACTOR ALLOTMENTS

Subsection (1) remains as proposed.

(2) Whenever IF IN FEDERAL FISCAL YEAR 1983, federal law allows CSBG funds to be granted to a contractor county, the proportions are as follows:

Subsections (a) through (c) remain as proposed.



Subsections (3) through (7) remain as proposed.

4. The department has thoroughly considered all verbal and written commentary received.

COMMENT: The proposal that one of the uses of CSBG funds will be to meet the department identified priorities usurps local control (HRDC) as to how CSBG funds are to be spent.

RESPONSE: CSBG is not a revenue sharing program for the HRDCs, with no state involvement. CSBG is a grant to the State of Montana. Presently, CSBG funds are used to a very great degree to assist in administering other HRDC activities. This may be a legitimate use, but with the continuing uncertainty of federal support for direct services programs, it is possible that CSBG funds may be used to compensate for certain reductions. Other than where the department necessarily mandates certain services, responsibility for designing and implementing a district-wide CSBG strategy will remain with the HRDCs and their counties.

COMMENT: 46.9.606 of the proposed rules implies that should there be no federal or state law mandating what entities (counties or HRDCs) be the contractor for CSBG funds, that the counties would be the contractor. Since the state law requiring counties to run CSBG expires July 1, 1983, such a proposal should not apply to future fiscal years.

RESPONSE: The department agrees and the rules have been modified to indicate that the funding mechanism applies to federal FY1983 only.

COMMENT: Conflicting recommendations concerning the needs assessment (46.9.604(4)(a)) were received. One asked for more specificity and standardization statewide and one asked for less state-level involvement.

RESPONSE: The needs assessment referred to is to reflect local conditions and problems. The department is willing to assist local development of needs assessments, but would rather such activities be locally determined.

COMMENT: The proposed rules appear to state that counties not signing or approving and participating in a contractor plan would have their CSBG funds returned to the state or other HRDCs. Since the service will continue to be provided to those counties in some measure by the HRDC, all funds should be given to the HRDC for its use.

RESPONSE: The rules are intended to insure that HRDCs and counties work together in implementing an anti-poverty program

that is acceptable to both parties. By stipulating that, if agreement cannot be reached, CSBG funds reserved for the affected counties will be reprogrammed to other HRDCs/counties, we hope to instill a willingness to resolve conflicts. HRDCs serving counties which are unwilling to approve CSBG work plans will not be asked to provide CSBG-funded services.

COMMENT: The department improperly changed the program period from October 1 - September 30 to January 1 - December 31 at the hearing. That change at the hearing did not allow enough time for an HRDC to research its effect while adding a quarter to our budget year, effectively decreasing our budget.

RESPONSE: The department chose to make this change to 46.9.604(5) because the HRDCs had been budgeted under existing contracts through December 31, 1982. To start a budget year on October 1, 1982, would have allowed a double budget amount for that one quarter. That would not be a responsible use of tax dollars.

Other HRDCs supported this amendment and apparently found adequate time to research its impact. The commenter had the full written comment period to research this change, but did not show any detrimental effect other than a lost windfall. This is the second year in a row that the federal appropriation has not been known by October 1 and it is the most responsible policy to start the program year when the federal budget has been set, an effect this change allows.

Since the possible CSBG allocation range was so great (between \$300,000 - \$1,000,000), HRDCs should not have encumbered expenses against a then unknown federal level or state funding formula.

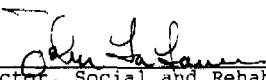
The department does not believe that this change is substantial in nature. The department has complied with the requirements of 2-4-305(1), MCA, in making this change.

COMMENT: The rules do not address how the department expects to expend its CSBG discretionary fund. The Low-Income Senior Citizen Association (LISCA) should be identified to receive funds.

RESPONSE: The proposed rules outline how CSBG funds are to be used by the department's local contractor. Neither the discretionary fund nor the department's use of its administrative funds are meant to be described.

Final use of FY1983 discretionary funds has not yet been determined. However, the department has negotiated with LISCA for the use of \$12,000 of those funds to support the publica-

tion of the Montana Elder, a periodical aimed at informing senior citizens of topics of interest to them.

  
\_\_\_\_\_  
Director, Social and Rehabilitation Services

Certified to the Secretary of State January 3, 1983.

VOLUME NO. 39

OPINION NO.79

COUNTY COMMISSIONERS - Appraisal of land before sale;  
MINES AND MINERALS - Nature of county's mineral  
interests;

ROYALTY - Nature of county's royalty interest in land;  
MONTANA CODE ANNOTATED - Sections 7-8-2513, 70-15-102.

HELD: The requirements of an independent appraisal  
of land in section 7-8-2513, MCA, apply to  
mineral interests but not to royalty  
interests.

27 December 1982

Mr. Donald Ranstrom  
Blaine County Attorney  
Blaine County Courthouse  
Chinook, Montana 59523

Dear Mr. Ranstrom:

You have requested my opinion on the following question:

Do the provisions of section 7-8-2513, MCA,  
which require the county commissioners to  
obtain an independent appraisal of county  
lands before such lands may be sold or leased,  
apply to mineral or royalty interests owned by  
the county?

Your letter indicates that in some cases the county does  
not own the surface interest of certain lands, but  
rather has acquired or reserved a subsurface interest,  
either in the form of a mineral interest or a royalty  
interest.

Part 25 of Title 7, chapter 8, MCA, authorizes a board  
of county commissioners to classify county lands for  
retention or disposal so that the lands may be used in  
the best interests of the county. An examination of the  
legislative history of Part 25 indicates that its  
purpose was to make clear that counties were not  
required to sell lands acquired through tax proceedings

morely because an offer to purchase was made. County commissioners could instead choose to retain lands (whether tax-deed lands or not) in whole or in part, for the benefit of the public.

Section 7-8-2513, MCA, requires that before the county commissioners may sell or lease the classified lands, they must seek an independent appraisal to determine the value of such lands. It is not clear from the language of section 7-8-2513, MCA, whether the words "such lands" indicate anything other than lands owned by the county in fee simple absolute, i.e., whether mineral or royalty interests are covered. The available legislative history does not explain the scope of this section in particular. A review of the statute in its entirety seems to support the argument that those lands required to be appraised under section 7-8-2513, MCA, include lands in which the county has mineral interests, since subsurface interests are encompassed in the concept of "land" found in other sections of part 25, namely sections 7-8-2503(2) and 7-8-2504(2), MCA.

Montana property law defines "land" as "the solid material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance." § 70-15-102, MCA. The case law interprets "land" to include minerals so long as they remain in the ground, but once the minerals are produced on the surface they become personal property. See Gas Products Co. v. Rankin, 63 Mont. 372, 393, 207 P. 993, 998 (1922); and Texas Pacific Coal and Oil Co. v. State, 125 Mont. 258, 260, 234 P.2d 452, 453 (1951). Thus, in order to determine the meaning of "land" as used in section 7-8-2513, MCA, it is necessary to understand the nature of mineral interests and royalty interests.

The holder of a mineral interest has a possessory interest in the land, and that interest may be segregated from the rest of the fee simple title. Rist v. Toole County, 117 Mont. 426, 432, 159 P.2d 340, 342 (1945); Stokes v. Tutvet, 134 Mont. 250, 256, 328 P.2d 1096, 1099 (1958). The nature of a mineral interest is such that its owner has the right to sell or lease all or a part of it, the right to explore and develop it, and the right to participate in bonus and delay rental payments. 1 Williams and Meyers, Oil and Gas Law § 301 (1981). Unlike a mineral interest, a royalty interest does not convey the right to go on the property, nor

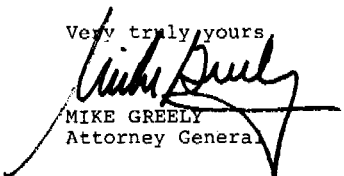
does a royalty owner have the right to explore or develop the land. The holder of a royalty interest simply shares in the profit from production paid to the owner of the property, if and when the minerals are obtained and produced. It is quite different from a share or interest in the property itself. Stokes v. Tutvet, 134 Mont. at 257. And see Smith v. Musselshell County, 155 Mont. 376, 472 P.2d 878 (1970).

The above-mentioned sources lead to the conclusion that a mineral interest is an interest in the land, while a royalty interest is more closely akin to personal property.

THEREFORE, IT IS MY OPINION:

The requirements of an independent appraisal of land in section 7-8-2513, MCA, apply to mineral interests but not to royalty interests.

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.

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<br>Subject<br>Matter          | 1. Consult General Index, Montana Code Annotated to determine department or board associated with subject matter or statute number.           |
| Department                          | 2. Refer to Chapter Table of Contents, Title 1 through 46, page i, Volume 1, ARM, to determine title number of department's or board's rules. |
|                                     | 3. Locate volume and title.   |
| Subject<br>Matter and<br>Title      | 4. Refer to topical index, end of title, to locate rule number and catchphrase.   |
| Title Number<br>and Department      | 5. Refer to table of contents, page 1 of title. Locate page number of chapter.  |
| Title<br>Number and<br>Chapter      | 6. Go to table of contents of Chapter, locate rule number by reading catchphrase (short phrase describing rule.)                              |
| Statute<br>Number and<br>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 September 30, 1982. This table includes those rules adopted during the period October 1, 1982 through December 31, 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 September 30, 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 1982 Montana Administrative Registers.

#### ADMINISTRATION, Department of, Title 2

- I-IX Leave of Absence Without Pay, p. 1622, 2014  
(Teachers' Retirement Board)
- I Creditable Service for Private School Employment,  
p. 1565, 2016
- 2.21.135 and other rules - Sick Leave, p. 1635, 2130
- 2.21.216 and other rules - Annual Vacation Leave, p. 1625
- 2.21.301 and other rules - Disaster and Emergency Leave, p.  
1619, 2013
- 2.21.401 and other rules - Military Leave, p. 1632, 2012
- 2.32.101 Uniform Building Code, p. 1862, 2170
- 2.32.102 Uniform Housing Code, p. 1866, 2170
- 2.32.103 Uniform Code for the Abatement of Dangerous  
Buildings, p. 1868, 2170
- 2.32.105 Uniform Mechanical Code, p. 1870, 2170
- 2.32.302 Uniform Plumbing Code, p. 1875, 2170
- 2.32.601 and other rule - Enforcement of the Elevator Code,  
p. 1881, 2170

#### AGRICULTURE, Department of, Title 4

- I-XII Food and Fuels Program, p. 1846
- 4.10.301 and other rules - Aquatic Herbicides, p. 1566A,  
1847

COMMERCE, Department of, Title 8

(Board of Cosmetologists)

- 8.14.601 and other rules - Applications, School Requirements, Registration, Licenses, Fees, Continuing Education, p. 1715, 2135

(Board of Dentistry)

- I Professional Conduct, p. 1579, 1986, 2174  
I-VIII Alternative Disciplinary Action, p. 1987, 2175  
8.16.405 and other rule - Fee Schedule for Dentists and Dental Hygienists, p. 2113

(State Electrical Board)

- 8.18.407 Fee Schedule, p. 1722, 2091

(Board of Hearing Aid Dispensers)

- 8.20.401 and other rules - Traineeship Requirements and Standards - Fees, p. 1990, 2175

(Board of Medical Examiners)

- 8.28.414 and other rule - Temporary Certificates, Fee Schedule, p. 1814, 2134  
8.28.416 Examination for Physicians, p. 2115  
8.28.901 and other rules - Standards for Emergency Medical Technicians, p. 2039  
8.28.1503 and other rules - Qualifications of Physician's Assistant, Application, Temporary Approval, p. 1812, 2134

(Board of Morticians)

- 8.30.406 and other rules - Examinations, Renewals, Arrangements, Disclosure Statement, Suspension and Revocation, Continuing Education, Rules of Professional Conduct, p. 1498, 1642, 2137

(Board of Nursing)

- 8.32.408 and other rules - Temporary Work Permit - Specialty Areas of Nursing, p. 1582, 1816, 1848

(Board of Physical Therapy Examiners)

- 8.42.402 and other rules - Examinations, Fees, Temporary License - Alternative Disciplinary Action, p. 1995, 2164

- 8.42.406 Reciprocity License, p. 1992

(Board of Plumbers)

- I General Responsibilities, p. 2116

(Professional Engineers and Land Surveyors)

- 8.48.903 and other rule - Late Renewal - Fee Schedule, p. 1885, 2134

(Board of Radiologic Technologists)

- 8.56.401 and other rule - Definitions, Permits, p. 2118

(Board of Realty Regulations)

- 8.58.412 Inactive License, p. 1724, 2091

(Hard-Rock Mining Impact Board)

- I-XIV Rules Governing Proceedings Before the Board, p. 1817, 2140

(Milk Control Bureau)

- 8.79.101 Purchase and Resale of Milk, p. 2120, 2165

EDUCATION, Title 10

(Superintendent of Public Instruction)

1-1/13/83

Montana Administrative Register

- 10.16.101 and other rules - Special Education, p. 1652, 1934
- 10.16.902 and other rules - Special Education, p. 1643, 1934  
(Board of Public Education)
- I Basic Instructional Program, Special Education, p. 1575, 2018
- I-VII External Diploma Program, p. 2063
- 10.55.108 Alternative Standards, p. 1567, 2017
- 10.55.202 and other rule - Accreditation Standards, p. 2000, 2176
- 10.55.204 Principal, p. 1569, 2017
- 10.55.402 and other rules - Basic Instructional Program, p. 1571, 2017
- 10.57.102 Definitions - Teacher Certificates, p. 2061
- 10.58.303 and other rules - Teacher Education Program Standards, p. 1577, 2018
- 10.60.101 Board of Public Education Policy Statement, p. 2004, 2176

FISH, WILDLIFE & PARKS, Department of, Title 12

- 12.6.501 and other rules - Outfitters and Professional Guides Regulations, p. 1252, 2019
- 12.6.901 Water Safety Regulations, p. 1654
- 12.7.501 Fish Disease Certification, p. 1935

GOVERNOR, Title 14

- 14.8.301 and other rules - Petroleum Industry Reporting Requirements, p. 1384, 2092

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I-V Nondegradation Procedures for High Quality Waters, p. 1453, 1602, 2141
- I-XV Establishing Groundwater Classifications, Standards, and a Permit Program, p. 1511, 1937
- 16.8.1201 and other rules - Tall Stacks, Air Quality, p. 2067
- 16.10.101 Food Standards, p. 2123
- 16.28.711 and other rules - School Immunization, p. 1655, 1936
- 16.32.101 and other rules - Review of Certificate of Need Application for New Institutional Health Services and Facilities, p. 1586

JUSTICE, Department of, Title 23

(Fire Marshall Bureau)

- 23.7.153 and other rules - Sale, Service and Installation of Fire Protection Equipment, p. 1659

STATE LANDS, Department of, Title 26

- 26.2.501 and other rules - Royalties and Delay Drilling Penalties for Oil and Gas Leases on State Land, p. 2071
- 26.3.108 and other rule - Renewals of Surface Leases and Preference Rights, p. 1379, 1849

LIVESTOCK, Department of, Title 32

- I-III Livestock Brands, p. 1726
- 32.3.2001 Brands and Earmarks, p. 1728
- 32.15.601 Fees for Filing Notices Regarding Security Agreements, p. 1730

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I-X Petroleum Industry Reporting Requirements, p. 1384 (Board of Oil and Gas Conservation)
- 36.22.502 Plugging and Abandonment Procedures for Seismic Shot Holes, p. 1460, 1964
- 36.22.601 Notice of Intention and Permit to Drill, p. 1887
- 36.22.1012 and other rules - Samples of Cores and Cuttings - Filing of Completion Reports, Well Logs, Analyses Reports and Surveys - Reports of Producer, p. 1889, 2149

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Cost of Service Information, p. 2166
- I-II Filing Pipe Line Company Reports, p. 1464, 2097
- 38.5.504 Hearings on Interim Utility Rate Increases. p. 1892, 2150
- 38.5.1405 Termination of Gas and Electric Service, p. 2006, 2177

REVENUE, Department of, Title 42

- I Clarify Reporting Requirements for Persons Subject to the Gross Proceeds Tax, p. 1683, 2028
- I Clarify Reporting Requirements for Persons Subject to the Metaliferous Mines Tax, p. 1685, 2027
- I Deduction of Windfall Profit Tax, p. 1908
- I-III Deferred Payment of Inheritance Tax, p. 1929
- I-XX Alternate Valuation (Special Use) of Certain Farm and Business Real Property, p. 1916
- 42.6.105 and other rules - Increase in Minimum Child Support Contributions, p. 1899, 2151
- 42.16.1112 Away-From Home Expenses, p. 1823, 2101
- 42.16.1116 and other rules - Allocation and Apportionment of Income By Nonresident Individuals of Montana, p. 1825, 2102
- 42.17.131 and other rule - Withholding Exemptions - Computation of Withholding Tax, p. 1894, 2152

- 42.19.101 and other rules - Utilization of Appraisal Manuals, p. 1667, 2103
- 42.20.111 and other rules - Appraisal of Timberlands, p. 2076
- 42.21.102 and other rules - Valuation of Specific Kinds of Personal Property, p. 1669, 2153
- 42.22.1117 Marketing, Administrative and Other Operational Costs Mines Tax, p. 2105
- 42.32.101 and other rules -Resource Indemnity Trust Tax, p. 1905, 2178
- 42.35.104 and other rules - Inheritance Tax, p. 1912

SECRETARY OF STATE, Title 44

- 1.2.419 Filing, Compiling, Printer Pickup and Publication Schedule for the Montana Administrative Register, p. 1932, 2154
- 44.4.101 and other rules - Ethics, p. 1687, 2029

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I-VII Food Stamp Program, p. 1732, 2155
- 46.9.601 and other rules - Community Services Block Grant, p. 2083
- 46.10.404 and other rules - Day Care Rates and Earned Income Disregards, p. 1263, 1754
- 46.11.1101 Adoption of Amendment to Federal Agency Rule Incorporated by Reference - Food Stamp Program, p. 1844
- 46.16.102 and other rule - End Stage Renal Program, p. 2168
- 46.12.502 Service Not Provided by the Medicaid Program, p. 2010
- 46.13.401 and other rules - Low Income Energy Assistance Program, p. 2126
- 46.14.401 Weatherization Assistance Program, p. 2008, 2181

CROSS REFERENCE TABLE

Montana Code Annotated  
to  
Administrative Rules of Montana  
July - December, 1982, Registers

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
1-1-219	Opinion No. 67	1553
1-2-109	Opinion No. 70	1705
1-2-109	Opinion No. 76	2030
2-2-132	Title 44, Ch. 18	1687
2-2-302	Opinion No. 67	1553
2-3-103, 203	Rule II (Com-Hard Rock Mining Impact Bd.)	1818
2-4-103	Rule I (Revenue)	1894
2-4-103	42.17.131	1894
2-4-201	Rules I, XIV (Com-Hard Rock Mining Impact Bd.)	1817, 1821
2-4-305	46.10.601 - 608	1767
2-4-312	1.2.419	1932
2-15-1822	Rule I (Com-Hard Rock Mining Impact Board)	1817
2-18-102	Rules I - VI (Admin)	1619
2-18-102	Rules I - IX (Admin)	1622
2-18-102	Rules I - XI (Admin)	1632
2-18-306	Opinion No. 78	2186
2-18-604	Rule I (Admin)	1625
2-18-604	Rules I - III (Admin)	1635
2-18-604	Rule VI (Admin)	1623
2-18-604	2.21.122, 132, 133, 137, 138	1635
2-18-604	2.21.141, 142, 143, 155	1635
2-18-604	2.21.216, 221 - 224, 226 - 228	1625
2-18-604	2.21.230, 232, 234, 241	1625
2-18-611	2.21.221, 223, 226, 228	1626
2-18-611, 612, 614	2.21.222	1627
2-18-611 - 617	Rule I (Admin)	1625
2-18-611 - 617	2.21.216, 241	1625
2-18-614	2.21.702	2014
2-18-615	2.21.230	1630
2-18-616	2.21.227	1629
2-18-617	2.21.224	1628
2-18-617	2.21.232, 234	1630
2-18-618	Rules I - III (Admin)	1635
2-18-618	2.21.122, 132, 133, 137, 138	1635
2-18-618	2.21.141, 142, 143, 155	1635
2-18-620	Rule VII (Admin)	1624
2-18-621	Rule I (Admin)	1625
2-18-621	2.21.216, 241	1625

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
5-4-402 - 404	Opinion No. 68	1608
Title 7, Ch. 6	Opinion No. 71	1794
7-4-2107	Opinion No. 65	1544
7-4-2503, 2504	Opinion No. 65	1544
7-4-2509, 2510	Opinion No. 78	2186
7-4-2619, 2620	Opinion No. 64	1402
7-4-2631	Opinion No. 64	1402
7-5-131, 132	Opinion No. 73	1851
7-5-134, 137	Opinion No. 73	1851
7-5-2123	Opinion No. 77	2182
7-6-2352	Opinion No. 71	1794
7-6-2511	Opinion No. 71	1794
7-12-4102	Opinion No. 71	1851
7-12-4110	Opinion No. 73	1851
10-1-604	Rule I - XI (Admin)	1632
10-2-211	Rule VIII (Admin)	1624
10-2-211	2.21.702	2014
10-2-221, 222	Rule VIII (Admin)	1624
10-2-221, 222	2.21.702	2014
10-2-225, 226	Rule VIII (Admin)	1624
10-2-225, 226	2.21.702	2014
Title 15, Ch. 17	Opinion No. 69	1700
Title 15, Ch. 24 pts. 11, 12	Opinion No. 69	1700
Title 15, Ch. 30	Rule I (Revenue)	1826
15-1-201	Rule I (Revenue)	1683
15-1-201	Rule I (Revenue)	1685
15-1-201	Rule I (Revenue)	1908
15-1-201	Rule I (Revenue)	1914
15-1-201	Rules I, II (Revenue)	1929
15-1-201	Rules I - XX (Revenue)	1916
15-1-201	Rules I - IV (Revenue)	2076
15-1-201	42.19.101, 103	1667
15-1-201	42.19.103	2103
15-1-201	42.21.102, 104, 106, 107	1669, 2153
15-1-201	42.21.123, 131	1669, 2153
15-1-201	42.22.1117	2105
15-1-201	42.25.101, 201	2027, 2028
15-1-201	42.32.101, 103	1905
15-1-201	42.32.101, 102, 103	2178
15-1-201	42.35.104	1912
15-1-201	42.36.312, 313, 401, 501	1912
15-1-601	Rules I - XXIX (Revenue)	1826
15-1-601	42.16.1115 - 1117	2102
15-1-601	42.16.1201 - 1229	2102
15-6-135	42.21.102, 104, 106, 107,	2153
15-6-135	42.21.123, 131	2153
15-6-138 - 140	42.21.102, 104, 106, 107	1669

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
15-6-138 - 140	42.21.123, 131	1669
15-6-138 - 140	42.21.102, 104, 106, 107	2153
15-6-138 - 140	42.21.123, 131	2153
15-7-103	42.19.103	2103
15-7-111, 114	42.19.103	2103
15-8-111	Rules I - IV (Revenue)	2076
15-8-111	42.19.101, 103	1667
15-16-102	Opinion No. 70	1705
15-16-102	Opinion No. 76	2030
15-16-403	Opinion No. 69	1700
15-23-503	42.22.1117	2105
15-23-601 -603	Rule I (Revenue)	1908
15-23-607	Rule I (Revenue)	1908
15-23-802	Rule I (Revenue)	1683
15-23-802	42.25.201	2028
15-30-131	Rules I - XXIX (Revenue)	1825
15-30-131	42.16.1112	1823, 2101
15-30-131	42.16.1115 - 1117	1825
15-30-131	42.16.1115 - 1117, 1201 - 1229	2102
15-30-202	Rule I (Revenue)	1894
15-30-202	42.17.131	1894
15-30-202	42.17.131	2152
15-30-305	Rule I (Revenue)	1894, 1912
15-30-305	42.16.1112	1823, 2101
15-30-305	Rules I - XXIX (Revenue)	1825
15-30-305	42.16.1115 - 1117	2102, 1825
15-30-305	42.16.1201 - 1229	2102
15-30-305	42.17.131	1894, 2154
15-33-102	42.23.108	1488
15-33-105, 106	42.23.108	1488
15-35-105	42.15.433, 436	1489
15-37-104	Rule I (Revenue)	1685
15-37-104	42.25.101	2027
15-38-103	42.32.101	1905
15-38-103	42.32.102	2178
15-38-104, 105	42.32.101	1905
15-38-105	42.32.102	2178
15-38-105	42.32.103	1905
Title 16,		
Ch. 5, pt. 3	16.32.101	1587
16-1-303	42.11.104	1693
16-4-201, 204	Opinion No. 66	1548
19-4-201, 204	Rule I (Admin)	1565
19-4-201, 204	2.44.407	2016
19-4-408	Rule I (Admin)	1565
19-4-408	2.44.470	2016
19-11-606	Opinion No. 72	1800
19-13-1006	Opinion No. 72	1800



<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
20-1-301, 303	10.55.202	2000
20-2-114	10.58.303, 508	1577
20-2-121	Rules I - VII (Public Education)	2063
20-2-121	10.58.303, 508	1577
20-2-121	10.60.101	2004
20-3-107	Rules I - XXX (Public Instruction)	1443
20-3-324	10.55.503	2002
20-4-101	10.55.302	2002
20-4-102, 106	10.57.102	2061
20-4-202	10.55.302	2002
20-5-406 - 408	16.28.705, 711, 712	1655
20-6-622, 624	10.55.503	2002
20-7-101	Rule I (Public Education)	1575
20-7-101	10.55.108	1567
20-7-101	10.55.202, 205, 207, 302, 503	2000
20-7-101	10.55.204	1569
20-7-101	10.55.402 - 404	1571
20-7-111	Rules I - VII (Public Education)	2063
20-7-111	10.55.402, 403	1572
20-7-202	10.55.404	1573
20-7-402	Rule I (Public Education)	1575
20-7-402	10.60.101	2004
20-7-403	10.16.101 - 103, 201 - 211	1652
20-7-403	10.16.301 - 311, 401 - 405	1652
20-7-403	10.16.501 - 503, 601 - 609	1652
20-7-403	10.16.801 - 804, 1109, 1901, 1903	1652
20-7-403	10.16.2002, 2006 - 2010, 2108	1652
20-7-403	10.16.2202, 2302	1652
20-7-403	10.16.902, 903, 1002, 1003	1643
20-7-403	10.16.1101, 1102, 1108, 1203	1643
20-7-403	10.16.1205, 1211, 1212, 1309	1643
20-7-403	10.16.1310, 1311, 1701, 1704	1643
20-7-403	10.16.1712, 2003, 2004, 2101	1643
20-7-403	10.16.2104, 2107, 2301	1643
23-1-106	12.6.901	1654
23-4-104, 105	8.22.1001 - 1018, 1020	1337
23-4-104, 105	8.22.1022 - 1025	1337
33-30-105	Opinion No. 68	1608
33-30-204	Opinion No. 68	1608
Title 37, Ch. 4	Rule I (Com-Dentistry)	1579
Title 37, Ch. 19	Rule XIII (Com-Morticians)	1435
Title 37, Ch. 19	8.30.406	1428
37-1-134	Rule I (Com-Cosmetologists)	1720
37-1-134	8.14.814	1719
37-1-134	8.16.405, 606	2113

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-1-134	8.18.407	1722
37-1-134	8.30.407	1429
37-1-134	8.42.403	1996
37-1-134	8.48.1105	1885
37-1-134, 136	New Sub-Chapter 5	1642
37-1-134, 136	New Sub-Chapter 7	1642
37-1-134, 136	8.30.406, 407, 410, 605	1642
37-1-134, 136	8.42.402, 403, 405	2164
37-1-136	Rules I - VIII (Com-Dentistry)	1987
37-1-136	New Rules (Com-Morticians)	1498
37-1-136	Rules XIII - XVIII (Com-Morticians)	1435
37-1-136	Rules I - VIII (Com-Physical Therapy Examiners)	1996
37-2-111	Rule I (Com-Dentistry)	1579
37-3-203	8.28.414	1814
37-3-203	8.28.416	2115
37-3-203	8.28.418	1426
37-3-305	8.28.414	1814
37-3-308	8.28.416	2115
37-3-313	8.28.418	1426
37-3-313	8.28.420	1814
37-4-302, 307	8.16.405	2113
37-4-321	Rule I (Com-Dentistry)	1579
37-4-321	Rule I (Com-Dentistry)	1986
37-4-321	Rules I - IV (Com-Dentistry)	1987
37-4-323	Rules I - VIII (Com-Dentistry)	1987
37-4-402	8.16.606	2114
37-4-406	8.16.606	2113
37-8-202	Rules I, II (Com-Nursing)	1582
37-8-202	8.32.408	1582, 1816
37-8-403	8.32.408	1603
37-8-430	8.32.408	1582, 1816
37-11-201	Rules I - VIII (Com-Physical Therapy Examiners)	1996
37-11-201	8.42.402, 403, 405	1995, 2164
37-11-201	8.42.406	1992
37-11-303	8.42.406	1992
37-11-303, 304	8.42.402	1995
37-11-303, 304	8.42.402, 403, 405	2164
37-11-307	8.42.406	1992
37-11-307, 308	8.42.403	1996
37-11-307--309	8.42.402, 403, 405	2164
37-11-309	8.42.403, 405	1996
37-11-321	Rules I - VIII (Com-Physical Therapy Examiners)	1996
37-11-321	8.42.402, 403, 405	2164
37-13-134	8.14.606	1717
37-14-202	8.56.401, 406	2118
37-14-305, 306	8.56.401, 406	2118

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-16-202	8.20.401, 402	1990
37-16-405	8.20.401, 402	1990
37-17-202	Rules I, II (Com-Psychologists)	1440
37-17-302, 303	Rules I, II (Com-Psychologists)	1440
37-19-101	8.30.602	1429
37-19-202	New Rules (Com-Morticians)	1498
37-19-202	Rules XIII - XVIII (Com-Morticians)	1435
37-19-202	New Sub-Chapter 5	1642
37-19-202	New Sub-Chapter 7	1642
37-19-202	8.30.406, 407, 605	1428, 1642
37-19-202	8.30.410	1642
37-19-202	8.30.602	1428
37-19-301, 303	8.30.407	1429
37-19-301 - 304	New Sub-Chapter 5	1642
37-19-301 - 304	New Sub-Chapter 7	1642
37-19-301 - 304	8.30.406, 407, 410, 605	1642
37-19-304, 306	8.30.407	1429, 1642
37-19-306	New Sub-Chapter 5	1642
37-19-306	New Sub-Chapter 7	1642
37-19-306	8.30.406, 410, 605	1642
37-19-311	New Rules (Com-Morticians)	1498
37-19-311	Rules XIII - XVIII (Com-Morticians)	1435
37-19-311	New Sub-Chapter 5	1642
37-19-311	New Sub-Chapter 7	1642
37-19-311	8.30.406, 407, 410, 605	1642
37-19-311	8.30.605	1430
37-19-315	8.30.602, 605	1429
37-19-315, 316	New Sub-Chapter 5	1642
37-19-315, 316	New Sub-Chapter 7	1642
37-19-315, 316	8.30.406, 407, 410, 605	1642
37-19-316	Rules I - XII (Com-Morticians)	1431
37-19-403	8.30.407, 602, 605	1429
37-19-403, 404	New Sub-Chapter 5	1642
37-19-403, 404	New Sub-Chapter 7	1642
37-19-403, 404	8.30.406, 407, 410, 605	1642
37-19-404	New Rules (Com-Morticians)	1498
37-20-101	8.28.1503, 1504	1812
37-20-201	8.28.1503, 1504, 1508	1812
37-20-301	8.28.1508	1813
37-31-203	8.14.601, 603, 606, 608	1716
37-31-203	8.14.806	1718
37-31-203	8.14.811 - 815	1720
37-31-301, 302	8.14.601, 603	1716
37-31-302	8.14.811	1720
37-31-303	8.14.805	1717
37-31-304	8.14.601, 603	1716
37-31-304	8.14.805	1717
37-31-305	8.14.608	1717
37-31-306	8.14.805, 806	1717
37-31-308	8.14.805	1717

<u>MCA</u>	<u>Rule or A.G.'s Opinions</u>	<u>Register Page No.</u>
37-31-311	8.14.601, 608	1716
37-31-313	8.14.812	1718
37-31-322	8.14.813	1718
37-31-322	8.14.815	1720
37-31-323	8.14.606	1717
37-31-323	8.14.814	1719
37-32-201	Rule I (Com-Cosmetologists)	1720
37-32-305	Rule I (Com-Cosmetologists)	1720
37-51-203	8.58.412	1724
37-51-302	8.58.412	1724
37-51-311	8.58.412	1724
37-67-202	8.48.903, 1105	1885
37-67-303	8.48.1105	1885
37-67-315	8.48.903	1885
37-68-201	8.18.407	1722
37-68-304, 306	8.18.407	1722
37-68-309 - 313	8.18.407	1722
37-69-202	Rule I (Com-Plumbers)	2116
37-69-202	8.44.404	1499
37-69-306, 307	8.44.404	1499
39-31-101 - 304	10.55.202	2000
39-51-2203	Rule IV (L&I)	1487
39-51-2303	Rule III (L&I)	1487
39-51-2508	Rules I - III (L&I)	1487
39-51-2508	24.11.411	1487
39-51-2509	Rule I (L&I)	1487
39-71-2303	24.29.3501 - 3505	1397
Title 40	Opinion No. 67	1553
40-5-202	42.6.105, 106, 108	1899, 2151
40-5-214	42.6.105, 106, 108	1899, 2151
40-5-221	4.26.105, 106, 108	2151
40-6-211, 214	46.10.324	1764
49-2-101	24.9.801	1691
49-2-204	24.9.206, 212, 225, 227, 229	1395
49-2-204	24.9.230, 231, 242	1395
49-2-204	24.9.801	1393, 1691
49-2-303	Opinion No. 67	1553
49-2-504, 505	24.9.206, 212, 225, 227, 229	1395
49-2-504, 505	24.9.230, 231, 242, 801	1393, 1395
49-2-507	24.9.206, 212, 225, 227, 229	1395
49-2-507	24.9.230, 231, 242, 801	1393, 1395
49-3-101	Opinion No. 67	1553
49-3-201	Opinion No. 67	1553
50-3-102	Rules I - V (Justice - Fire Marshall)	1664
50-3-102	23.7.122, 123, 131 - 135	1659
50-3-102	23.7.141, 143, 151, 152, 154, 155	1659

<u>MCA</u>	<u>Rule or A.G.'s Opinions</u>	<u>Register Page No.</u>
50-5-103	Rule I (Health)	1591
50-5-103	16.32.101, 103	1586
50-5-103	16.32.107, 108, 110 - 112	1593
50-5-103	16.32.114, 118	1593
50-5-301, 302	16.32.103	1588
50-5-301	Rule I (Health)	1591
50-5-302	16.32.107, 108, 111, 114	1593
50-5-304	16.32.110, 111	1595
50-5-305	16.32.118	1598
50-5-306	16.32.112	1596
50-6-203	Rules I - XVI (Com-Medical Examiners)	2043
50-6-203	8.28.901 - 903, 1001 - 1009	2039
50-6-203	8.28.1101 - 1108	2039
50-6-204	Rules VII - XI (Com-Medical Examiners)	2047
50-6-204, 205	Rules XII - VI (Com-Medical Examiners)	2044
50-6-205	Rules XII - XVI (Com-Medical Examiners)	2049
50-31-101 - 104	16.10.101	2123
50-31-104	16.10.101	2123
50-31-108 - 111	16.10.101	2123
50-31-201 - 203	16.10.101	2123
50-60-103	2.32.101, 102	1862, 1866
50-60-103	2.32.103, 105	1869, 1870
50-60-103	2.32.601, 604	1881
50-60-104	2.32.101, 102	1862, 1866
50-60-104	2.32.102, 103	1866, 1869
50-60-104	2.32.105	1870
50-60-104	2.32.302	1875
50-60-104	2.32.601, 604	1881
50-60-109, 110	2.32.101	1862
50-60-109, 110	2.32.102	1866
50-60-109, 110	2.32.103	1868
50-60-110	2.32.302	1875
50-60-201, 203	2.32.101	1862
50-60-201, 203	2.32.102	1866
50-60-201, 203	2.32.103	1869
50-60-201, 203	2.32.105	1870
50-60-201, 203	2.32.604	1881
50-60-203	2.32.302	1875
50-60-303	2.32.101, 102	1862, 1866
50-60-303	2.32.103, 105	1868, 1870
50-60-503, 504	2.32.302	1875
50-60-506, 515	2.32.302	1875
50-60-701, 702	2.32.601, 604	1881
53-2-201	Rule I (SRS)	1520
53-2-201	Rules I - VII (SRS)	1732

<u>MCA</u>	<u>Rule or A.G.'s Opinions</u>	<u>Register Page No.</u>
53-2-201	46.9.301 - 305	1515
53-2-201	46.9.601 - 608	2083
53-2-201	46.11.101	1844
53-2-201	46.13.201 - 204	1523
53-2-201	46.13.303, 305	1524
53-2-201	46.13.401 - 403	1526, 2126
53-2-201	46.14.401	2008
53-2-201	46.16.102, 106	2168
53-2-207	Rule I (SRS)	1520
53-2-207	46.9.301 - 305	1515
53-2-304	Rule I (SRS)	1520
53-2-306	Rules I - VII (SRS)	1732
53-2-306	46.11.101	1844
53-2-321, 323	46.9.301 - 305	1515
53-2-321, 323	Rule I (SRS)	1520
53-2-323	46.9.301 - 310	1760
53-6-101	Rules I - III (SRS)	1467
53-6-101	46.12.570	1467
53-6-113	Rules I - III (SRS)	1467
53-6-113	46.12.502	2010
53-6-113	46.12.570	1467
53-6-141	Rules I - III (SRS)	1467
53-6-141	46.12.502	2010
53-6-141	46.12.570	1467
53-6-201, 202	46.16.102, 106	2168
69-2-101	Rule I (PSR)	2167
69-3-102, 103	38.5.1405	2007
69-3-103	Rule I (PSR)	2166
69-3-103	38.5.504	1892
69-3-304	38.5.504	1892
69-13-301	Rules I, II (PSR)	1464
69-13-301	38.7.101, 102	2097
71-1-223 - 228	Opinion No. 69	1700
Title 72, Ch. 16	42.35.104	1912
72-2-111	New Rules (Health)	1512
72-2-111	16.8.901, 920	1512
72-2-202, 203	New Rules (Health)	1512
72-2-202, 203	16.8.901 - 920	1512
72-11-105	Opinion No. 67	1553
72-16-201	Rules I - III (Revenue)	1929
72-16-201	Rule I (Revenue)	1912
72-16-201	42.35.104	1912
72-16-201	42.36.313, 401, 501	1912
72-16-207	42.36.401	1912
72-16-304	42.35.104	1912
72-16-311	Rule II (Revenue)	1916
72-16-313	Rule I (Revenue)	1912
72-16-313	42.35.104	1912

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
72-16-321	Rule I (Revenue)	1912
72-16-321	42.35.104	1912
72-16-321	42.36.312, 313, 401, 501	1912
72-16-331	Rules III - IX, XIII (Revenue)	1916
72-16-331	42.32.101 - 103	2178
72-16-331 - 342	Rules I - XX (Revenue)	1916
72-16-331 - 342	42.32.101	1905
72-16-331 - 442	Rules V, VI (Revenue)	1916
72-16-333	Rules I, III, IV, VII - IX (Revenue)	1916
72-16-334	Rule I (Revenue)	1916
72-16-335	Rules II, XI, XVI - XX (Revenue)	1916
72-16-336	Rules II, XII, XIV, XV (Revenue)	1916
72-16-337	Rules I - XX (Revenue)	1916
72-16-337	42.32.101 - 103	2178
72-16-337	42.32.101	1905
72-16-338	Rules III, IV, VII (Revenue)	1916
72-16-342	42.32.101 - 103	2178
72-16-401	42.36.401	1912
72-16-433	42.35.104	1912
72-16-438	Rule III (Revenue)	1929
72-16-438	42.36.312, 313	1912
72-16-452	Rules I - III (Revenue)	1929
72-16-452	42.36.313	1912
72-16-453	Rule VIX (Revenue)	1916
72-16-459	Rules I - III (Revenue)	1929
72-16-462, 463	Rule II (Revenue)	1929
72-16-503	42.36.401	1912
72-16-777	Rule III (Revenue)	1916
Title 75, Ch. 5	16.20.1014	1937
Title 75, Ch. 20	16.20.1012	1937
75-2-111	16.8.1201 - 1203	2067
75-2-203	16.8.1201 - 1203	2067
75-5-103	16.20.1001, 1025	1937
75-5-105	16.20.1021	1937
75-5-201	Rules I, II, V (Health)	1453
75-5-201	16.20.701, 702, 705	2141
75-5-301	16.20.618 - 624, 631	1375
75-5-301	16.20.1002, 1003, 1025	1937
75-5-303	Rules I - V (Health)	1453
75-5-303	16.20.701 - 705	2141
75-5-303	16.20.1011	1937
75-5-401	Rules I - V (Health)	1453
75-5-401	16.20.701 - 705	2141
75-5-401	16.20.1001 - 1003, 1010 - 1018	1937
75-5-401	16.20.1020, 1021, 1025	1937
75-5-403, 404	16.20.1015	1937
75-5-601 et seq.	16.20.1011, 1025	1937
75-5-602	16.20.1015	1937

<u>MCA</u>	<u>Rule or A.G.'s Opinions</u>	<u>Register Page No.</u>
75-5-605	16.20.1001	1937
75-5-621, 622	16.20.1025	1937
75-10-214	16.20.1011	1937
75-20-216	16.20.1011, 1014	1937
Title 76, Ch. 1 & 2	Opinion No. 75	1970
76-3-103	Opinion No. 74	1967
76-3-201, 204	Opinion No. 74	1967
76-3-207	Opinion No. 74	1967
76-3-605	Opinion No. 75	1970
76-4-102	Opinion No. 74	1967
76-16-313	Rule I (Revenue)	1912
76-16-313	42.35.104	1912
76-16-313	42.36.312, 313, 401, 501	1912
76-16-502, 503	42.36.501	1912
77-3-402	26.2.501	2071
77-3-402	26.3.210, 211	2072
77-3-424	26.2.501	2071
77-3-424	26.3.210, 211	2072
77-3-432	26.2.501	2071
77-3-432	26.3.210, 211	2072
77-6-104	26.3.108, 121	1379
77-6-205, 208	26.3.108, 121	1379
77-6-401, 402	26.3.108, 121	1379
80-8-105	4.10.301 - 310	1566A, 1847
80-11-205	4.9.513 - 524	1846
80-11-222	4.9.513 - 524	1846
81-1-102	Rules I - III (Livestock)	1726
81-2-102	32.3.2001	1728
81-3-103	Rule I (Livestock)	1726
81-3-105	Rule II (Livestock)	1726
81-3-107	Rule III (Livestock)	1727
81-8-301, 304	32.15.601	1730
81-23-101	8.79.101	1503
81-23-103, 104	8.79.101	1503, 2120
81-23-104	8.79.201	1505
81-23-104, 105	8.79.302	1501
81-23-105	8.79.101	1478, 2120
81-23-202	8.79.302	1501
81-23-302	8.86.301	1508
81-23-303	8.79.201	1505
81-24-402	8.79.101	2120
82-1-104	36.22.501, 503	1399
82-1-104	36.22.502	1460, 1964
82-1-106, 107	36.22.503	1399
82-11-101	36.22.302	1398



<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
82-11-111	36.22.601, 1012	1887, 1889
82-11-111	36.22.1012, 1013, 1242	2149
82-11-111	36.22.1205	1399
82-11-123	36.22.601	1887
82-11-123	36.22.1012, 1013, 1242	1889, 2149
82-11-124	36.22.1205	1399
82-11-125	36.22.1012, 1013, 1242	1889, 2149
85-1-612	Rules I - XIX (DNR)	1747
87-1-301, 305	12.9.201	1481
87-1-303	12.6.901	1654
87-1-401, 402	12.9.201	1481
87-4-103, 106	12.6.501 - 509, 511 - 514	2019
87-4-163	12.6.501 - 509, 511 - 514	2019
90-2-101	36.18.101	1747
90-2-103	Rule II (DNR)	1748
90-2-103	36.18.102, 105, 202	1748
90-2-108	36.18.101, 102, 105, 201, 202	1748
90-2-108	36.18.204, 403	1748
90-2-111	Rules VI, VII (DNR)	1748
90-2-111	36.18.101, 102, 105, 201, 202	1748
90-2-113	Rules VI, VII (DNR)	1748
90-2-113	36.18.105, 201, 202	1748
90-4-201, 202	46.14.401	2008
90-4-305	Rules III - X (DNR)	1385
90-4-305	14.8.301, 303, 305, 306	2092
90-4-305	14.8.308, 311	2092
90-4-316	Rules I - X (DNR)	1384
90-4-316	14.8.301, 302, 303, 305 - 311	2092
90-6-305, 307	Rules I - XIV (Com-Hard Rock Mining Impact Bd)	1817
Section 2, Ch. 11		
Sp. Laws 1981	Rule I (SRS)	1520
Section 2, Ch. 11		
Sp. Laws 1981	46.9.301 - 305	1520
H.B. 2,		
Sp. Laws 1981	46.9.601 - 608	2083