

RESERVE  
KFM  
9035  
1973  
.A245a

**RESERVE**

**LIBRARY**

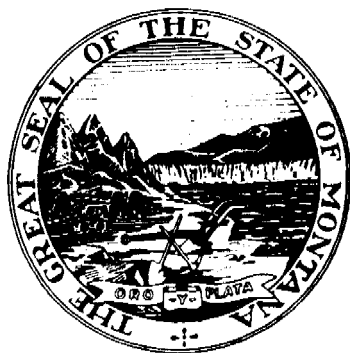
1991

**OF MONTANA**

# **MONTANA ADMINISTRATIVE REGISTER**

**DOES NOT  
CIRCULATE**

1991 ISSUE NO. 13  
JULY 11, 1991  
PAGES 1115-1183  
INDEX COPY



JUL 12 1991

OF MONTANA

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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

Page Number

## TABLE OF CONTENTS

NOTICE SECTIONFISH, WILDLIFE AND PARKS, Department of, Title 12

12-2-188 Notice of Proposed Adoption - Species Hunted on Shooting Preserves. No Public Hearing Contemplated.

1115-1116

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

16-2-383 Notice of Public Hearing on Proposed Adoption - Solid and Hazardous Waste - Monitoring Groundwater at Municipal Solid Waste Landfills.

1117-1134

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

46-2-667 Notice of Public Hearing on Proposed Amendment - Assignment of Child Support/Medical Support Rights.

1135-1137

46-2-668 Notice of Public Hearing on Proposed Amendment - Home Health Services Reimbursement.

1138-1139

RULE SECTIONCOMMERCE, Department of, Title 8

NEW (Business Development Division) Definitions - Composition of the Council - Soliciting Nominations for Microbusiness Finance Program.

1140-1142

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

AMD	(Board of Health and Environmental Sciences) Air Quality - Standard of Performance for New Stationary Sources - Emission Standards for Hazardous Air Pollutants.	1143
AMD REP	(Chemistry and Public Health Laboratories) Fees for Laboratory Analyses - Licensure of Laboratories to Perform Drinking Water Analysis.	1144

LIVESTOCK, Department of, Title 32

NEW REP AMD	Control and Elimination of the Disease of Pseudorabies.	1145
-------------------	---	------

REVENUE, Department of, Title 42

AMD	Withholding and Workers' Compensation Payroll Taxes.	1146-1147
NEW	Use of Real Property.	1148

INTERPRETATION SECTION

Opinions of the Attorney General.

12	Cities and Towns - Responsibility of City, Certified to Enforce Uniform Plumbing Code, to Require that Persons Applying for Plumbing Permit be Properly Licensed - Responsibility of City, Certified to Enforce Uniform Plumbing Code, to Require that Persons Doing Work in "Field of Plumbing" have State Plumber's License - Licenses, Professional and Occupational - License Required for Persons Working in "Field of Plumbing" - Persons Legally Entitled to Apply for Permit Pursuant to Uniform Plumbing Code - Local Government - Municipal Government - Plumbers, Board of.	1149-1155
----	--	-----------

SPECIAL NOTICE AND TABLE SECTION

Functions of the Administrative Code Committee.	1156
How to Use ARM and MAR.	1157
Accumulative Table.	1158-1167
Cross Reference Index - January - June 1991	1168-1183

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

IN THE MATTER OF THE PROPOSED	)	NOTICE OF PROPOSED ADOPTION
ADOPTION OF A NEW RULE	)	OF NEW RULE
PERTAINING TO SPECIES HUNTED ON	)	
SHOOTING PRESERVES	)	No Public Hearing
	)	Contemplated

TO: All interested persons

1. On August 15, 1991, the Montana Department of Fish, Wildlife & Parks proposes to adopt the following rule:

Rule I GAME HUNTED IN PRESERVE (1) The following species may be artificially propagated and hunted in shooting preserves having operating licenses or permits issued by the department under 87-4-501, et seq., MCA:

- (a) pheasant,
- (b) quail,
- (c) chukar partridge,
- (d) turkey,
- (e) hungarian partridge.

(2) Other species that may be added to the list in subsection (1) shall be limited to artificially propagated species of birds that are indigenous to Montana, or have established a permanent population in Montana and are found in the wild. Such species may be added only by an amendment of this rule adopted in accordance with the Montana Administrative Procedure Act.

AUTH: 87-4-501

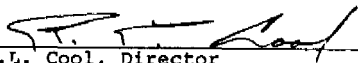
IMP: 87-4-522

2. Rationale and reason for proposed rule: This new rule will add hungarian partridge to the list of species which may be hunted on shooting preserves. This species has a very high rate of annual mortality. This species has been successfully bred in game farm situations, making them an attractive bird for artificial propagation to stock shooting preserves. These birds have a small home range, providing a natural tendency to stay in a confined habitat their entire lives. These factors make this species an appropriate one for stocking and hunting in shooting preserves. Other species may be added to the list only under prescribed conditions.

3. Interested parties may submit their data, views or arguments, either orally or in writing, to Erv Kent, Department of Fish, Wildlife and Parks, 1420 East Sixth, Helena, Montana 59620, no later than August 8, 1991.

4. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Erv Kent, Department of Fish, Wildlife and Parks, 1420 East Sixth, Helena, Montana 59620, no later than August 8, 1991.

5. If the agency receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed adoption; from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from any association having no less than 25 members who will be directly affected a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register and mailed to all interested persons.

  
\_\_\_\_\_  
K.L. Cool, Director  
Montana Department of Fish,  
Wildlife and Parks

Certified to the Secretary of State \_\_\_\_\_ July 1 \_\_\_\_\_, 1991

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

In the matter of the adoption of	)	NOTICE OF PUBLIC HEARING
rules dealing with monitoring	)	FOR PROPOSED ADOPTION
groundwater at municipal solid	)	OF NEW RULES I
waste landfills.	)	THROUGH XVII

(Solid & Hazardous Waste)

To: All Interested Persons

1. On August 12, 1991, at 9:00 a.m., the Department will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the adoption of the above-captioned rules, which provide uniform standards for monitoring groundwater at municipal solid waste landfills and other disposal sites that serve over 5000 persons. These rules implement 75-10-207, MCA.

2. The proposed rules do not replace or modify any section currently found in the Administrative Rules of Montana.

3. The rules, as proposed, appear as follows:

**RULE I PURPOSE** (1) The purpose of this subchapter is to provide uniform standards for monitoring groundwater at municipal solid waste landfills and other disposal sites that at any time accepted household waste, that were in operation as of October 1, 1989, and that serve a geographic area with a population of 5,000 or more persons.

(2) The authority for the department to adopt these rules is contained in section 75-10-204(5), MCA.

AUTH: 75-10-204(5), MCA; IMP: 75-10-204(5), 75-10-207, MCA

**RULE II DEFINITIONS** Unless the context requires otherwise, in this part the following definitions apply:

(1) "Abandoned well" means a well whose use has been permanently discontinued from service and properly plugged with low permeability material to prevent the borehole from acting as a conduit for contaminants to enter the subsurface and to prevent inter-aquifer flow. Well abandonment must be in accordance with ARM 36.21.670 through 36.21.673 and ARM 36.21.810.

(2) "Active life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.

(3) "Active portion" means any solid waste disposal unit, trench, cell or area that is receiving solid waste or has not been closed in accordance with department rules. Also known as "active unit" or "existing unit".

(4) "Aquifer" means any geologic formation, group of formations, or part of a formation that has the ability to

store and transmit water and contains sufficient saturated permeable material to sustain a yield of at least one gallon per minute of groundwater to wells or springs.

(5) "Aquitard" means a geologic formation, group of formations, or part of a formation that is stratigraphically adjacent to one or more aquifers and through which practically no water moves. The hydraulic conductivity within the aquitard is much lower than in adjacent aquifers and is not sufficient to allow the completion of water supply wells within it. Also known as a confining bed, confining layer, or confining unit.

(6) "Board" means the board of health and environmental sciences provided for in 2-15-2104, MCA.

(7) "Borehole" means an open or uncased subsurface hole created by drilling.

(8) "Casing pipe" means finished in sections with either threaded connections or beveled edges to be field welded, which is installed temporarily or permanently to counteract caving, to advance the borehole, or to provide structural protection to the well and restrict unauthorized access to the well.

(9) "Closed unit" means any solid waste disposal unit, trench, cell or area that no longer receives solid waste and has been closed in accordance with department rules.

(10) "Closure" means the process by which an owner or operator of a facility closes all or part of a facility in accordance with a department approved closure plan and all applicable closure requirements.

(11) "Confined aquifer" means an aquifer confined by an overlying stratigraphic unit that has a significantly lower hydraulic conductivity than the aquifer hosting the confined groundwater. Pore water pressure at the top of the confined aquifer is greater than atmospheric pressure.

(12) "Contamination" means the degradation of natural, background water quality by an undesirable substance not normally present or an unusually high concentration of a naturally occurring substance. There is no indication of specific limits, since the degree of permissible contamination depends upon the intended use, or uses, of the water.

(13) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21, MCA.

(14) "Detection limit" means the lowest concentration for an analytical test method and sample matrix at which the presence of a substance can be identified in an analytical sample, with a stated degree of confidence, regardless of whether the concentration of the substance in the sample can be quantified.

(15) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

(16) "Drilling fluid" means a liquid or gas which may be used in the drilling operation to remove cuttings from the

borehole, to clean and cool the bit, to reduce friction between the drill stem and the borehole wall, and to seal the borehole to prevent loss of drilling fluids.

(17) "Enforcement standard" means a numerical value expressing the concentration of a substance in groundwater which is adopted below and authorized by 75-10-207, MCA.

(18) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land (licensed or unlicensed) used for landfilling or otherwise disposing of municipal solid wastes or any licensed class II landfill.

(19) "Filter pack" means a clean silica sand or sand and gravel mixture that is installed in the annular space between the borehole wall and the well screen or developed in-situ, extending an appropriate distance above and below the screen or monitoring device/point, for the purpose of retaining and stabilizing the particles from the adjacent strata.

(20) "Groundwater" means all water below ground surface.

(21) "Grout" means an impervious or low permeability material placed in the annulus between the well casing or the riser pipe and the borehole wall to maintain the alignment of the casing and to prevent movement of groundwater or surface water within the annular space. Also means the material placed in a borehole to plug the borehole during abandonment.

(22) "Grouting" means the operation by which grout material is placed in the borehole.

(23) "Hazardous substance" means a substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose an imminent or substantial threat to public health, safety, or welfare or the environment or is a substance that is defined as a hazardous or deleterious substance in 75-10-701(6), MCA.

(24) "Hydraulic conductivity" means an indication of a formation's ability to transmit groundwater (the more capable the formation, the higher the hydraulic conductivity). It is a function of the porous medium as well as the fluid, and is equal to the ratio of flow velocity to hydraulic gradient of a given formation. Strictly defined it is the product of the intrinsic permeability of the earth material, the density of the fluid, the acceleration due to gravity, and the inverse of the dynamic viscosity of the water.

(25) "Hydraulic gradient" means the total change in hydraulic head with distance in a given direction.

(26) "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

(27) "Lateral expansion" means development of an adjacent contiguous solid waste disposal property or area outside the current area licensed to receive solid waste.

(28) "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

(29) "Monitoring well" means a well that is used for groundwater sample recovery, groundwater quality monitoring,



or groundwater level measurement, but whose primary purpose is not withdrawal or injection of water. Monitoring well does not include water supply wells, geotechnical borings, pumping test wells, or corrective action or remedial action wells.

(30) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit that receives household waste and/or other types of waste, including commercial waste, nonhazardous sludge, and industrial solid waste.

(31) "No migration petition" means a request from an owner or operator of a facility for a variance from these groundwater monitoring rules as provided for in 75-10-207(2), MCA.

(32) "Operator" means the person responsible for the overall operation of a facility.

(33) "Operator" means the person who owns a facility or part of a facility.

(34) "Person" means an individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(35) "Permeability" means a measure of relative ease with which a porous medium can transmit a liquid under a potential energy gradient. It is a property of the medium that is dependent upon the shape, size, and degree of interconnection of the pores.

(36) "Point of standards application" means the specific location, depth or distance from a facility, activity or practice at which the concentration of a substance in groundwater is measured for purposes of determining whether a preventive action limit or an enforcement standard has been attained or exceeded.

(37) "Practical quantitation limit" means the lowest concentration for an analytical test method and sample matrix at which the quantity of a particular substance can be measured with a stated degree of confidence.

(38) "Preventive action limit" means a numerical value expressing the concentration of a substance in groundwater.

(39) "Protective casing" means a section of pipe or tubing that is placed over the well casing at the surface to provide structural protection to the well and restrict unauthorized entrance into the well. A protective casing will usually extend a distance of several feet above and below land surface.

(40) "Soil boring" or "rock boring" or "boring" means a hole intended solely to determine the hydrogeological properties, composition, stability, density, movement, pressure, stratigraphy, or other physical properties of soil or rock.

(41) "Static water level" means the elevation above mean sea level or a local datum of the top of groundwater as measured in a well casing.

(42) "Transmissivity" means the rate at which water of prevailing kinematic viscosity is transmitted horizontally through a unit width of an aquifer under a unit hydraulic gradient. Strictly defined it is the product of the hydraulic conductivity and the thickness of the aquifer.

(43) "Unconfined aquifer" means an aquifer in which hydrostatic pressures at the water table are equal to atmospheric pressure. In unconfined aquifers, the water table is exposed to the atmosphere through pores in the overlying materials.

(44) "Water table" means the water surface elevation in an unconfined aquifer not influenced by capillary forces. The water table is strictly defined as the surface on which the water pressure in the pores of a porous medium is exactly atmospheric.

(45) "Well screen" means a pipe or cylindrical tubing with factory cut slots of a uniform width, orientation, and spacing designed and placed in the well so as to provide contact with all or a portion of the zone of saturation. For monitoring wells, well screen does not mean perforated or hand saw cut casing, or other well-site manufactured screen.

(46) "Zone of saturation" means a hydrologic zone in which all the interstices between particles of geologic material or all of the joints, fractures, or solution channels in a consolidated rock unit are filled with water under pressure greater than that of the atmosphere.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE III HYDROGEOLOGICAL AND SOILS STUDY (1) All facilities designated by 75-10-207(1), MCA, are required to prepare a site specific hydrogeological and soils report of the facility. Four copies of the report must be transmitted to the department. The report must contain sufficient data and plans to provide the department with a sound basis to determine the adequacy of the proposed groundwater monitoring system. At a minimum, the scope of each report will include the following components:

(a) The owner or operator shall conduct a program to evaluate hydrogeologic conditions at the facility. This program shall provide the following information:

(i) A description of the regional and facility specific geologic and hydrogeologic characteristics affecting ground water flow beneath the facility, including:

- (A) regional and facility specific stratigraphy;
- (B) structural geology;
- (C) depositional history;
- (D) identification and characterization of areas and amounts of potential recharge and discharge;
- (E) a discussion of regional deeper aquifers of significance;
- (F) regional and facility specific groundwater flow patterns;
- (G) characterization of seasonal variations in the groundwater flow regime; and
- (H) resource value of the uppermost aquifer.

(ii) An analysis of any topographic features that might influence the groundwater flow system (springs, sinkholes, lineaments, outcrops, rivers, and other surface water or topographical features).

(iii) Based on field data, tests, and cores, preparation of a representative and accurate classification and description of the hydrogeologic units which may be part of the leachate migration pathways at the facility (including saturated and unsaturated units), including:

(A) hydraulic conductivity and porosity (from slug testing, pumping tests or laboratory methods);

(B) lithology, grain size, sorting, degree of cementation;

(C) an interpretation of the relative degree of interconnections between saturated zones; and

(D) the leachate attenuation capacity and mechanisms of the natural earth materials.

(iv) Based on field studies and cores, structural geology and hydrogeological cross sections will be prepared showing the extent (depth, thickness, lateral extent) of hydrogeological units which may be part of the leachate migration pathways identifying:

(A) laterally extensive and hydrogeologically significant sand and gravel layers in unconsolidated deposits;

(B) cross sections should include significant aquifers beneath the uppermost aquifer, particularly if the uppermost aquifer is thin or laterally discontinuous;

(C) zones of fracturing or channeling in both horizontal and vertical directions in consolidated or unconsolidated deposits;

(D) zones of higher permeability or lower permeability that might direct and restrict the flow of contaminants;

(E) the uppermost aquifer; and

(F) water bearing zones above the first confining layer that may serve as a pathway for leachate migration including perched zones of saturation.

(v) Based on data obtained from groundwater monitoring wells installed upgradient and downgradient from the waste disposal areas, a representative description of water level or fluid pressure monitoring will be prepared including:

(A) water level contour and/or potentiometric maps;

(B) hydrogeologic cross sections showing hydraulic gradients;

(C) the flow system including the vertical and horizontal components of flow; and

(D) any temporal changes in hydraulic gradients.

(vi) A description of manmade influences that may affect the hydrogeology of the site (schedules and volumes of production for local water supply wells, pipelines, drains, ditches, septic tanks, etc.).

(vii) The hydrogeological report shall include a description, construction facts, location, elevation, well log, sampling history and operational history of all existing wells for monitoring groundwater quality and static water level elevation at the facility.

(viii) The quality of groundwater monitored by the groundwater monitoring well network will be analyzed and the results included with the hydrogeological report. At a minimum

the parameters listed in Table 1 are required for each existing monitoring well.

(ix) The report shall include and explain all calculations supporting groundwater flow directions and velocities, determinations of hydraulic conductivity, transmissivity, porosity, permeability, and estimated leachate transport times.

(x) The owner or operator shall conduct a program to characterize the soil and rock units above the water table in the vicinity of the landfill. Such characterization shall include, but not be limited to, the following information:

- (A) USCS soil classification;
- (B) surface soil distribution;
- (C) saturated zone hydraulic conductivity;
- (D) porosity;
- (E) soil organic content;
- (F) soil pH;
- (G) particle size distribution;
- (H) moisture content, specific capacity, infiltration rate;

- (I) soil stratification effect on unsaturated flow;
- (J) mineral content; and
- (K) soil boring information must be gathered in the following manner:

(I) all borings shall be within 300 feet of the limits of waste filling (if practical);

(II) borings shall extend a minimum of 20 feet below the base of waste disposal areas, or to bedrock, whichever is less;

(III) Sufficient soil borings must be done to define the soil and bedrock conditions within the areas required in section (a)(v)(C) of this rule. The initial drilling must include borings positioned throughout the site; within each geomorphic feature including ridges, knolls, depressions, and drainage swales; and within any geophysical anomalies already identified. The minimum required number of borings for this initial drilling is as follows:

0-10 acres	15 borings
11-20 acres	add one boring per additional acre
20-40 acres	add one boring per additional two acres
41 or more acres	add one boring per additional four acres

(IV) samples of all significant hydrostratigraphic units encountered during soil boring will be described in full in a report appendix;

(V) borings not converted to wells shall be abandoned in accordance with the well abandonment specifications herein; and

(VI) a boring log shall be submitted for each boring. Each boring log shall include soil and rock descriptions, methods of sampling, sample depths and elevations, date of boring, land surface elevation, bottom of boring elevation, moisture content, and consolidation test results such as blow counts, vane shear or pocket penetrometer. If the boring is

converted to a well, include the water level at time of drilling, dates of water level measurements and a well construction diagram.

(xi) An appendix shall be included which lists the references used and includes any additional data not previously presented, supplemental design calculations, material specifications, well construction specifications, and other appropriate information.

(b) The facility owner or operator or their consultant must perform the hydrogeological and soils study in a professional and workmanlike manner. If the operator fails to provide the necessary hydrogeological and soils information required by the department, then the owner must do so. Additional studies may be required if the department determines that the studies will lead to increased protection of public health and natural resources. A report will not be considered complete until it is approved in writing by the department.

(c) The hydrogeological and soils report must be completed for new and existing facilities as defined in 75-10-207, MCA, within the following time frames:

(i) applicants for new facilities must submit a complete report before the department will consider an application to be complete;

(ii) existing, operating facilities must submit a complete report within the following time frame:

(A) a work plan must be submitted 90 days after notification by the department;

(B) a revised work plan must be submitted 15 days after the department comments are received;

(C) the hydrogeologic and soils report must be submitted 180 days after the work plan is approved by the department; and

(iii) existing facilities that accepted solid waste after October 1, 1989, and are currently undergoing closure must submit to the department a complete report. The report must be submitted no later than one year after the department requests the report. Closure will not be final until the department approves of the report.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE IV LOCATION AND NUMBER OF MONITORING WELLS (1) The background groundwater quality monitoring well(s) must be located so as to monitor the quality of groundwater representative of the groundwater entering the facility waste disposal areas. At least one background water quality monitoring well is required at all facilities. At least two background wells must be installed at facilities where statistics will be utilized for groundwater quality data evaluation.

(2) Downgradient groundwater quality monitoring wells must be capable of detecting a release of leachate from active and closed waste disposal areas. The number and location of downgradient monitoring wells must be approved in writing by the department. At least three downgradient monitoring wells are required, although the department may require more.

(3) All wells shall be designed, installed, developed,

sampled and documented in accordance with procedures outlined herein.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE V. MONITORING WELL CONSTRUCTION (1) All ground-water monitoring wells shall be constructed by a licensed monitoring well constructor pursuant to 37-43-302, MCA, so as to obtain representative static water level data and ground-water samples.

(2) Drilling fluids and water may be used to drill monitoring wells only when there are no reasonable alternatives. If drilling fluids are used, the owner/operator shall document the type of fluids, any additives used and the chemical constituents of the mixture. If water is used, the source of water shall be identified.

(3) Drills rigs and all downhole equipment should be cleaned in accordance with technically accepted procedures prior to initiation of drilling on site. If site investigation is conducted at an existing landfill site then the rig and all downhole equipment should be decontaminated between each borehole.

(4) When drilling equipment comes into contact with probable contaminants in the borehole or above ground, the driller shall thoroughly decontaminate the equipment prior to any additional drilling.

(5) A hydrogeologist or other qualified person shall observe and direct the drilling of all borings, the installation and development of all wells and all in-field hydraulic conductivity tests. The hydrogeologist or other qualified person shall demonstrate their competency in hydrogeology by submitting to the department a statement of qualifications before commencing work. The hydrogeologist shall also visually describe and classify all of the geologic samples derived from boring and well cuttings or samples.

(6) All monitoring wells shall be constructed to minimize the potential for contaminants to enter the groundwater or to move from one major soil unit or bedrock formation to another.

(7) All groundwater monitoring wells shall have caps to prevent contaminants from entering the monitoring device. All monitoring wells shall have protective outer casings and locking lids. The lids shall be kept locked. The department may require additional protective devices such as rings of brightly colored posts around any monitoring device.

(8) All monitoring wells shall be clearly and permanently labeled and water level measuring points clearly marked. At a minimum, the label shall include the well name and number.

(9) All groundwater monitoring wells shall be properly developed to remove fine soil particles, drill cuttings and drilling fluids from the vicinity of the well screen. After development the groundwater must be tested for pH, specific conductance and total suspended solids. If liquid drilling fluids were used during well construction, a sample must also be tested for chemical oxygen demand. After development, all wells shall be repeatedly measured for static water level until

stabilized measurements are obtained.

(10) Groundwater monitoring well information must be reported on department approved forms. The department will provide forms for reporting groundwater monitoring well construction, boring log information, well development, and other groundwater monitoring information as required by the department, including:

(a) the type, diameter, length and elevation of the top of the protective casing;

(b) the grout used as a surface seal between the well casing and the protective casing, including the depth and width of surface seal below the land surface, the height and width of the plug above the land surface;

(c) the type of cap and lock mechanism;

(d) the well casing material, length, diameter, schedule, and type of joints;

(e) the screen material, length, diameter, schedule, slot type and size, percent open area, and type of screen bottom;

(f) the distance the filter pack extends above the screen;

(g) local datum or mean sea level elevations of the top of casing and land surface to plus or minus 0.05 feet, depth from the land surface to an elevation of the bottom of the borehole, the bottom of the well screen, and top and bottom of all seals; and horizontal well locations identified by the landfill coordinate system to the nearest ten feet;

(h) the filter pack material, including grain size analysis, quantity of packing material used and manufacturer and product name or number;

(i) the drilling fluid including additives or water added during drilling;

(j) the drilling method used, type of drill rig, borehole diameter, inside diameter of the hollow stem auger, if used, cleaning procedures, and the date the well was drilled; and

(k) the date the well was developed, development method, time spent developing the well, volume of water removed and added during development, source of development water, the clarity of water before and after development, presence of sediment at the bottom of the well before and after development, and volume of water purged.

(11) Recommendations for drilling:

(a) In order to create a stable, open, vertical well hole for installation of the well screen and riser, the following drilling methods are listed in decreasing order of preference:

(i) Drilling with hollow stem augers is the most preferred method.

(ii) Air rotary drilling with an oil filter/trap.

(iii) Cable tool methods and other percussion tool drilling may be attempted in hard, consolidated formations.

(iv) Reverse circulation drilling fluid is preferred to wet rotary drilling.

(v) Wet rotary drilling with clean water only and insertion of temporary flush-joint casing, with consideration being given to the procedures used to prevent mixing of upper

zones with lower zones.

(b) Continuous soil sampling or sampling collection at five foot intervals and lithologic changes should be performed.

(c) All materials used in construction should be free of chemicals, paint, coatings, etc, that could leach.

(d) When assembling a well screen, riser, and sampler, there should be a stable borehole. The order of steps then should be:

- (i) assembly of well screen and riser;
- (ii) setting the well screen;
- (iii) placement of the gravel pack;
- (iv) placement of the filter;
- (v) placement of the seal;
- (vi) grouting of the annular space;
- (vii) well protector;
- (viii) installation of the [dedicated] sampler.

(e) Well development should be continued until representative formation water, free of the effects of well construction, is obtained and the specific conductance and pH have stabilized.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE VI SAMPLING AND ANALYSIS PLAN (1) The owner or operator or their consultant shall prepare or have prepared a sampling and analysis plan (SAP) for use during all groundwater sampling activities in and around the facility. The SAP shall include:

- (a) a sampling plan including:
  - (i) objectives;
  - (ii) schedules and task assignments;
  - (iii) access (if off-site sampling is done);
  - (iv) sampling procedures, including:
    - (A) sample acquisition methods;
    - (B) locations and ID numbers (map);
    - (C) order of sample collections;
    - (D) sampling objectives;
    - (I) normal monitoring samples; and
    - (II) samples to determine the nature and extent of contamination;
  - (E) QA/QC samples;
  - (F) shipping and handling arrangements;
  - (G) notification procedures to allow the department the opportunity to obtain split sampling; and
  - (H) analytical parameters, including:
    - (I) Table 1 parameters;
    - (II) laboratory and analytical methods, including practical quantitation limits and detection limits;
    - (III) sample containers preservation and holding times;
- and
- (IV) laboratory-generated QA/QC samples.
- (v) list of supplies and equipment; and
- (b) A quality assurance/quality control (QA/QC) plan, including:
  - (i) field QA/QC methods:



- (A) standard operating procedure for field sampling methods;
- (B) field documentation methods;
- (C) frequency of QA/QC samples:
- (I) duplicates; and
- (II) blanks.
- (D) field instrument calibration;
- (E) chain of custody procedures;
- (ii) laboratory quality assurance/quality control (QA/QC)

program:

- (A) laboratory identification;
- (B) sample custody;
- (C) analytical turn-around time;
- (D) calibration procedures and frequency;
- (E) data reduction, validation, and reporting;
- (F) internal quality control checks;
- (G) performance system and audits; and
- (H) specific procedures for routine assessment of data precision, accuracy and completeness.

(c) if sampling contaminated groundwater, a Health and Safety plan, including:

- (i) level of protection;
- (ii) hazard evaluation;
- (iii) groundwater characteristics;
- (iv) special site considerations;
- (v) emergency information;
- (vi) decontamination procedures, including:
- (A) disposal of water from sampling effort; and
- (B) equipment and personnel decontamination.

(2) The SAP must be submitted to the department prior to any groundwater sampling and shall be implemented as modified and approved in writing by the department.

(3) Requests for revisions to the SAP will be submitted to the department by the owner or operator of a facility. The department may approve, deny or modify revisions to the SAP.

(4) The minimum groundwater sampling frequency shall be twice per year, at least three months apart, at high and low groundwater periods, unless otherwise specified in writing by the department. The high and low water groundwater level periods will be determined through first year monthly water level measurements.

(5) Static water level elevation shall be measured and recorded to the nearest 0.05 foot in each groundwater monitoring well prior to sampling. The elevations shall be reported in feet above mean sea level or local datum. The measuring point shall be the top of the well casing and shall be identified on the well itself if the top of the casing is not level.

(6) A copy of the approved sampling plan shall be kept at the facility or at the office of the facility owner and a field copy shall be provided to the sampling personnel for use during sampling. The sampling plan shall be followed unless a modification to the plan is approved in writing by the department.

(7) The following field parameters will be measured

following well purging during each groundwater monitoring event:

- (a) pH;
  - (b) specific conductivity;
  - (c) static water elevation prior to purging; and
  - (d) temperature;
- (8) Unless otherwise specified in writing by the department the parameters listed herein as Table 1 shall be monitored.

(9) Analysis of the parameters listed in Table 1 must be conducted by an analytical laboratory that will follow the analytical methods referenced in EPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, third edition, unless alternative methods are approved in advance by the department in writing. Practical quantitation limits (PQL) for all chemical analyses shall be in accordance with SW-846 and must be listed with the results of analyses of each sample.

(10) Field records of all monitoring activities shall be prepared in sufficient detail to document whether the groundwater sampling plan has been followed. The facility owner or operator shall retain all field sampling records for at least ten years. The field records shall be available for department inspection on request. The owner or operator shall submit sampling results and water elevation data within 90 days after sampling. A report describing any deviations from the approved sampling plan or analytical procedures shall be submitted at the same time.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE VII REPORTING AND PLANNING REQUIREMENTS (1) In addition to the other reports indicated above, each facility is required to prepare the following plans and reports:

(a) an annual report describing in full all groundwater sampling, water level measurements, modifications to the monitoring well network, inspections, maintenance activity and construction or operational events at the facility that may affect the monitoring well network;

(b) a groundwater monitoring plan indicating:

(i) the groundwater monitoring wells designated by the owner or operator and the department as wells included in the groundwater monitoring network for active and closed portions of the facility;

(ii) the approximate dates of sampling for each of the groundwater monitoring wells; and

(iii) periodic updates and revisions to the groundwater monitoring plan to ensure monitoring of new active and closed portions of the facility. An owner or operator must update the groundwater monitoring plan at least once each five years, except for closed facilities whose plans must be updated at least every ten years.

(2) If no major plan or report is being prepared at the time of new well construction, development, or rehabilitation, then all required documentation of this work shall be submitted

to the department within 90 days. Otherwise the well construction and development details will be attached as an appendix to the major plan or report.

(3) The department may require the facility owner or operator to prepare other reports or plans if those reports and plans are determined by the department to be necessary to protect public health or natural resources.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE VIII DEFINITION OF EXTENT OF CONTAMINATION (1) If an exceedance or a definitive trend towards exceedance (or a significant decrease in pH) of an enforcement standard or preventative action limit for any Table 1 constituent is detected in samples from any facility groundwater monitoring wells, then the department may require the owner or operator to take one or more of the following actions:

- (a) resample one or more of the monitoring wells;
- (b) increase the frequency of groundwater sampling;
- (c) conduct monitoring for additional parameters;
- (d) install additional monitoring wells to define the nature and extent of contamination; or
- (e) prepare a groundwater corrective action plan including an assessment of the impacts and a schedule of implementation for corrective action.

(2) The department may require the owner or operator to sample public or private water supply wells or springs and to determine water level elevations in such wells to determine the extent of groundwater contamination.

(3) The point of standards application (PSA) to determine if a preventive action limit or enforcement standard has been attained or exceeded is specified as no more than 450 feet beyond any waste disposal areas. The department may expand or reduce the PSA if the department determines it is equally or more protective of public health and natural resources. An owner or operator of a facility may submit a written request for approval of an expansion or reduction of the PSA. The requirements shall include an evaluation of at least the following factors:

- (a) the hydrogeologic characteristics of the facility and surrounding land;
- (b) the climatic factors of the area;
- (c) the volume and physical characteristics of the leachate;
- (d) proximity of groundwater users;
- (e) the age and design of the site; and
- (f) the quality of groundwater.

(4) An owner or operator of a facility is required to notify the department in writing within 15 days of the discovery of an exceedance of an enforcement standard or a preventive action limit. The notification shall specify the parameters for which standards have been exceeded and the wells at which the exceedance occurred. The department may require the facility to immediately resample some or all of the groundwater monitoring wells to confirm the exceedance.

(5) Upon receipt of a notification that an enforcement standard or preventive action limit has been attained or exceeded, the department shall evaluate the information. If further information is necessary to assess the nature and extent of contamination, the department may require the owner or operator to prepare and submit a groundwater monitoring parameter exceedence report within 60 days unless an alternative deadline is specified in writing by the department. The report shall assess the cause and significance of the exceedence and shall propose a response. Based on the evaluation of the report the department may specify responses to be implemented by the owner or operator of the facility.

(6) The owner or operator of a facility may request the department to grant an exemption or increase in a preventative action limit or enforcement standard for a solid waste disposal facility at a location where a preventive action limit or enforcement standard has been attained or exceeded. A request for a department exemption shall be submitted in writing to the department and shall include the following:

(a) A list of the specific wells and parameters for which an exemption is being requested; and

(b) Any other information the department deems necessary to ensure the department's decision is protective of public health and natural resources.

(7) An exemption request is not considered complete until all information required by the department is submitted. The department may set alternate concentration limits in its response to the exemption request only under the following circumstances:

(a) the preventive action limits for indicator parameters have not been set by the department;

(b) the parameter for which an exemption is requested is elevated due to background conditions; or

(c) the department determines the alternate concentration limit is equally protective of public health and natural resources as the preventative action limit or enforcement standard.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE IX PHASED LANDFILL CONSTRUCTION (1) The five year updates to the groundwater monitoring report specified under ARM 16.14.708, shall describe the relationship between the facility groundwater monitoring system and currently closed and active units.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE X LATERAL LANDFILL EXPANSION (1) Lateral expansions to a facility will be considered by the department as equivalent to licensing a new facility under 75-10-221, MCA. Lateral expansion of the facility will not be allowed by the department until the required studies and plans are approved by the department and a license to operate a solid waste management system is issued by the department.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XI. MONITORING DURING CLOSURE (1) The groundwater monitoring plan must include a discussion of the anticipated groundwater monitoring system and schedule of sampling for closed portions of the facility.

(2) If a facility undergoes closure prior to July 1, 1992, the department will require a minimum of six semi-annual sampling episodes for Table 1 parameters prior to approving final closure. If no exceedence of preventative action limits or enforcement standards occurs for any Table 1 constituent, then groundwater monitoring at the closed landfill may be discontinued contingent upon written approval obtained from the department. Depending on the site-specific hydrogeology study, the department reserves the right to increase or decrease the number of groundwater sampling events required during closure approval.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XII. POST-CLOSURE MONITORING (1) Any facility that detects Table 1 constituents of a hazardous substance in groundwater at concentrations above background at the facility will be required to conduct post-closure groundwater monitoring.

(2) Any facility designated by 75-10-207, MCA, that closes on or after July 1, 1992, is required to monitor groundwater for at least thirty years following closure. The post-closure monitoring schedule will be determined by the department.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XIII. MONITORING WELL ABANDONMENT (1) Abandoned borings, water supply wells and monitoring wells shall be completely sealed with grout or bentonite in order to prevent future contamination of groundwater. The sealing materials used shall be continuous, physically and chemically stable, and have a hydraulic conductivity of less than  $1 \times 10^{-5}$  cm/sec.

(2) All boreholes not completed as a monitoring well or water supply well shall be abandoned immediately after drilling and completion of soil testing.

(3) If any borehole is deeper than the well to be placed in it, the portions of the borehole below the well screen shall be sealed with bentonite pellets or a bentonite slurry.

(4) All abandonment activities must be carried out in compliance with ARM 36.21.670 through 36.21.678 and ARM 36.21.810.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XIV. NO MIGRATION DEMONSTRATION (1) Groundwater monitoring at a facility may be waived by the department if the facility owner or operator can demonstrate there is no potential for leachate to contaminate groundwater.

(2) No-migration petitions must be accompanied by facility specific data and studies and must be certified by a qualified hydrogeologist.

(3) No-migration petitions must demonstrate that groundwater will not become contaminated for at least thirty years after the entire facility is closed.

(4) The department may deny any no-migration petition or variance if the department determines that insufficient data and studies exist to demonstrate no potential for migration of contaminants or leachate at a facility.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XV MONITORING WELL NETWORK MAINTENANCE (1) The groundwater monitoring report must include a maintenance plan for all monitoring wells in the groundwater monitoring well network for active and closed portions of the facility.

(2) The facility owner or operator shall inspect all monitoring wells at least twice each year. Sampling personnel shall inspect all monitoring wells each time the well is sampled or a static water level is measured. If, for any reason, a monitoring well is destroyed or otherwise fails to function properly, the facility operator shall notify the department in writing within 10 days after discovery. The well shall be repaired if possible. If the well cannot be repaired, it shall be properly abandoned and replaced within 90 days unless otherwise approved in writing by the department.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XVI DEPARTMENT APPROVAL REQUIRED (1) All plans, reports, studies and other groundwater monitoring methods or activities are subject to review, modification, and approval by the department.

(2) Revisions, changes, and additional requirements of the department must be incorporated into the groundwater monitoring system at a facility.

(3) The department shall determine preventative action limits and enforcement standards for indicator parameters listed in Table 1.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

RULE XVII INSPECTIONS (1) The department may, pursuant to 75-10-205, MCA, conduct inspections of groundwater monitoring systems at reasonable hours upon presentation of appropriate credentials.

AUTH: 75-10-204(5), MCA; IMP: 75-10-207, MCA

TABLE 1 - GROUNDWATER MONITORING PARAMETERS

1. Ammonia (as N)	14. Total Dissolved Solids
2. Bicarbonate ( $\text{HCO}_3$ )	15. Total Suspended Solids
3. Calcium	16. Specific conductance
4. Carbonate	17. pH
5. Chloride	18. Arsenic
6. Iron	19. Barium
7. Magnesium	20. Cadmium
8. Manganese, dissolved	21. Chromium
9. Nitrate (as N)	22. Cyanide

- |                                    |              |
|------------------------------------|--------------|
| 10. Potassium                      | 23. Lead     |
| 11. Sodium                         | 24. Mercury  |
| 12. Sulfate (SO <sub>4</sub> )     | 25. Selenium |
| 13. Chemical Oxygen Demand<br>COD) | 26. Silver   |

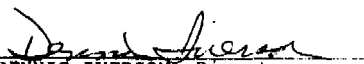
27. The following volatile organic compounds (VOCs by EPA method 8240):

- |                             |                             |
|-----------------------------|-----------------------------|
| • Benzene                   | • Dichlorodifluoromethane   |
| • Bromochloromethane        | • 1,1-Dichloroethane        |
| • Bromodichloromethane      | • 1,2-Dichloroethane        |
| • cis-1,3-Dichloropropene   | • Iodomethane               |
| • Trans-1,3-Dichloropropene | • Methylene chloride        |
| • 1,4-Difluorobenzene       | • 1,1-Dichloroethene        |
| • Ethylbenzene              | • trans-1,2-Dichloroethane  |
| • Ethyl methacrylate        | • Styrene                   |
| • 4-Bromofluorobenzene      | • 1,1,2,2-Tetrachloroethane |
| • Bromoform                 | • Toluene                   |
| • Bromomethane              | • 1,1,1-Trichloroethane     |
| • Carbon tetrachloride      | • 1,1,2-Trichloroethane     |
| • Chlorobenzene             | • Trichloroethene           |
| • Chlorodibromomethane      | • Trichlorofluoromethane    |
| • Chloroethane              | • 1,2,3-Trichloropropane    |
| • 2-Chloroethyl vinyl ether | • Vinyl acetate             |
| • Chloroform                | • Vinyl chloride            |
| • Chloromethane             | • Xylene                    |
| • Dibromomethane            |                             |

4. The Department is proposing these rules in order to provide uniform standards for monitoring groundwater at municipal solid waste landfills and other disposal sites that serve over 5000 persons.

5. Interested persons may submit their data, views, or arguments concerning the proposed rules, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Patti Powell, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than August 14, 1991.

6. Patti Powell has been designated to preside over and conduct this hearing.

  
DENNIS IVERSON, Director

Certified to the Secretary of State July 1, 1991

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Rules 46.10.314	)	THE PROPOSED AMENDMENT OF
and 46.12.3402 pertaining to	)	RULES 46.10.314 AND
assignment of child support/	)	46.12.3402 PERTAINING TO
medical support rights	)	ASSIGNMENT OF CHILD
	)	SUPPORT/MEDICAL SUPPORT
	)	RIGHTS

TO: All Interested Persons

1. On August 1, 1991, at 9:00 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of Rules 46.10.314 and 46.12.3402 pertaining to assignment of child support/medical support rights.

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

46.10.314 CHILD SUPPORT PROGRAM (1) Subject to the exception provided in section (7), For each AFDC and AFDC-related medical only case where deprivation of parental support is based on absence of a parent from the home as a condition of eligibility, the applicant or recipient must:

(a) assign child or medical support rights, or both, to the department; and

(b) cooperate in establishing paternity and obtaining child or medical support, or both. \*This requirement may be waived upon a showing of good cause for failure or refusal to cooperate.

Subsection (2) remains the same.

(a) Cooperation would not be in the best interest of the child because of the likelihood of the cooperation resulting in substantial danger, physical harm, undue harassment or severe mental anguish to the child or caretaker relative+;

(b) The child was conceived as a result of forcible rape or an incestuous relationship+;

(c) The applicant or recipient is planning to relinquish or has relinquished the child to a public or licensed social agency for the purpose of adoption+;

(d) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction+;

(e) The applicant or recipient's legal rights to the child have been terminated by a court of competent jurisdiction+; OR

Subsections 2(f) through (5) remain the same.



(6) The county welfare department will promptly notify the child support bureau, ~~department of revenue enforcement division~~ of all cases in which it has been determined that there is good cause for refusal to cooperate in establishing paternity and obtaining child ~~or medical~~ support.

(7) A pregnant woman is not required until the birth of her child to:

(a) assign child or medical support rights to the department for her unborn child; or

(b) cooperate in establishing paternity of her unborn child and obtaining child or medical support for her unborn child.

(78) Assistance for children whose parents are determined to be ineligible for failure to assign child ~~or medical~~ support rights or cooperate in establishing paternity or in obtaining child ~~or medical~~ support shall be provided in the form of protective or vendor payments.

AUTH: Sec. 53-4-211, 53-4-212 and 53-6-113 MCA

IMP: Sec. 53-4-231 MCA

46.12.3402 NON-FINANCIAL REQUIREMENTS, NON-INSTITUTIONALIZED AFDC-RELATED FAMILIES AND CHILDREN Subsection

(1) remains the same.

(2) For individuals and families under the heading families with dependent children who are not receiving AFDC, the AFDC non-financial requirements which are set forth in ARM 46.10.301 through 3134 and in ARM 46.10.320 and 321 will be used to determine whether:

Subsections 2(a) through (3) remain the same.

AUTH: Sec. 53-4-211, 53-4-212 and 53-6-113 MCA

IMP: Sec. 53-4-231 MCA

3. This rule amendment is necessary to enable the department to enforce child support/medical support obligations. Previously, Title IV-D agencies were required to provide services to Medicaid eligible families because they were AFDC applicants and recipients. Title IV-D services were also available to Medicaid-only families, but only by application and payment of an application fee. This second group often did not make application and therefore no IV-D services were provided.

With the inclusion of this second group (without the need of an application or payment of a fee) for Title IV-D services, it is more than likely that medical coverage for these eligible children will be obtained thus lessening the burden upon the states for Medicaid costs.

We are also correcting a citation in ARM 46.12.3402(2). Compliance with ARM 46.10.314 is a non-financial requirement for applicants or recipients of AFDC-related Medicaid.

4. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604-4210, no later than August 8, 1991.

5. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.

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

Certified to the Secretary of State July 1, 1991.

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

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Rule 46.12.552	)	THE PROPOSED AMENDMENT OF
pertaining to home health	)	RULE 46.12.552 PERTAINING
services reimbursement	)	TO HOME HEALTH SERVICES
	)	REIMBURSEMENT

TO: All Interested Persons

1. On August 1, 1991, at 10:00 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the proposed amendment of Rule 46.12.552 pertaining to home health services reimbursement.

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

46.12.552 HOME HEALTH SERVICES, REIMBURSEMENT

Subsections (1) through (5) remain the same.

~~(6) Total charges for home health services may not exceed \$400.00 per recipient per month except with prior authorization by the department.~~

(7) A visit made by a registered nurse for the purpose of evaluating the home health needs of a recipient or to review the provision of home health services by a nurse aide or a licensed practical nurse is an administrative function and is not billable as a home health service visit.

AUTH: Sec. 53-6-113 MCA

IMP: Sec. 53-6-101 and 53-6-131 MCA

3. The Medical Support Unit of the Medicaid Services Division presently uses approximately 25% of one FTE for this home health prior authorization activity. During SFY 90 the unit received 616 requests for prior authorization and denied 16 requests (2.6% denial rate). During SFY 91 the unit received 981 requests and denied 9 (>1% denial rate).

This is a very labor intensive management approach to identify such a low rate of inappropriate care. The same result can be obtained by a retrospective review of paid home health claims.

4. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604-4210, no later than August 8, 1991.

5. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.

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

Certified to the Secretary of State July 1, 1991.

BEFORE THE BUSINESS DEVELOPMENT DIVISION  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF ADOPTION OF NEW
of new rules pertaining to	)	RULES PERTAINING TO THE
definitions, composition of	)	MICROBUSINESS FINANCE
the council and soliciting	)	PROGRAM
nominations	)	

TO: All Interested Persons:

1. On May 16, 1991, the Business Development Division published a notice of public hearing at page 579, 1991 Montana Administrative Register, issue number 9. The hearing was held on June 6, 1991, at 10:00 a.m. in the upstairs conference room of the Department of Commerce building.

2. The Division has adopted the rules as proposed but with the following amendments: (The rules will be numbered as follows: I (8.99.401), II (8.99.402), III (8.99.403))

"8.99.403 SOLICITING NOMINATIONS (1) The director of the department shall solicit written nominations by written request from the following organizations for the following prescribed positions for the thirteen council positions as follows:

(a)--all certified community lead organizations shall be polled for nominations of the three certified community representatives;

(b)--if there are less than three microbusiness development corporations certified and funded under the program, then all certified community lead organizations shall also be polled for nominations of the three representatives of microbusiness and the two representatives of revolving loan funds serving microbusiness;

(c)--if there are three or more microbusiness development corporations certified and funded under the program, then all certified and funded microbusiness development corporations shall be polled for nominations of the three representatives of microbusiness and the two representatives of revolving loan funds serving microbusiness;

(d)--the Montana bankers association and the Montana independent bankers association shall be polled for nominations of the two representatives of the financial community;

(e)--associations organized under the laws of Montana, maintaining a listing in the Montana association directory and identifying themselves as representing minorities and low income persons shall be polled for nominations of one representative for each of these groups:

(a) one position filled from one nomination submitted by each certified community lead organization located in cities 15,000 or more in population;

(b) two positions filled from one nomination submitted by each certified community lead organization located in cities under 15,000 in population;

(c) three positions representing microbusiness owners filled from one nomination each submitted by the executive director of the national federation of independent business and by each loan fund program located in Montana that primarily serves microbusiness (a list of such microbusiness lending organizations is maintained by the Department of Commerce);

(d) two positions with expertise in administering such funds filled from one nomination submitted by each loan fund program located in Montana that primarily serve microbusiness (a list of such microbusiness lending organizations is maintained by the Department of Commerce);

(e) one position to be filled from two nominations submitted by the state of Montana indian affairs coordinator for indian tribes;

(f) one position to be filled from two nominations submitted by the Montana low income coalition;

(g) two positions to be filled from two nominations each submitted by the Montana banker's association and the Montana independent bankers association;

(h) one position to be filled from two nominations submitted by the Montana state chamber of commerce.

(2) All organizations from whom nominations are solicited shall be encouraged in the written request to nominate qualified women, minorities and low-income persons.

(3) The director of the department shall review the nominations received and may add no more than three nominees to the list for the purpose of assuring balanced geographic representation, gender balance, and an appropriate mix of skills on the council.

(4) If, after the department director's additions, the list contains insufficient names to offer the governor a choice for the appointment of each position on the council, the director may poll such additional organizations as the director deems suitable in each category for additional nominations.

(5) The director of the department shall forward the list of nominees to the governor's office for the governor's appointment."

Auth: C. 602, Laws of 1991; IMP, C. 602, Laws of 1991

3. The Division has thoroughly considered all comments and testimony received. Those comments and the Department's responses thereto are as follows:

**COMMENT:** The Capital Opportunities proposed the nominations for two microbusiness owners and two representatives of revolving loan funds be solicited from the seven Montana microbusiness revolving loan funds.

**RESPONSE:** The Division concurred and the rule has been amended as shown above.

**COMMENT:** State Coordinator of Indian Affairs agrees with proposed rules as amended to include Coordinator among nominators.

RESPONSE: New rule III (8.99.403) has been amended to include the Coordinator of Indian Affairs among nominators.

COMMENT: The Montana Chamber of Commerce stated it wishes to nominate one council member from the statewide business community.


RESPONSE: The Montana Chamber of Commerce is now included in 8.99.403 as a nominator.

COMMENT: The National Federation of Independent Business Montana state office proposes it solicit nominations from its membership for the microbusiness owner representatives on the council.

RESPONSE: ARM 8.99.403 has been amended to include the National Federation of Independent Business as a nominator.

4. No other comments or testimony were received.

BUSINESS DEVELOPMENT DIVISION

BY:   
ANDY POOLE, DEPUTY DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 1, 1991.

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

In the matter of the amendment of ) NOTICE OF  
rules 16.8.1423 and 16.8.1424 ) AMENDMENT OF RULES

(Air Quality Bureau)

To: All Interested Persons

1. On March 28, 1991, the Board published notice at page 348 of the Montana Administrative Register, Issue No. 6, to consider the adoption of the above-captioned rules 16.8.1423 and 16.8.1424 which would incorporate federal regulatory changes occurring since July 1, 1987 to the "Standard of Performance for New Stationary Sources" and the "Emission Standards for Hazardous Air Pollutants". On May 16, 1991, the Board published notice of date change for the public hearing on the proposed adoption at page 584 of the Montana Administrative Register, Issue No. 9.

2. The Board has amended the rules as proposed with no changes.

3. No comments were received.

DAVID W. SIMPSON, Chairman  
BOARD OF HEALTH AND  
ENVIRONMENTAL SCIENCES

by   
DENNIS IVERSON, Director

Certified to the Secretary of State July 1, 1991.



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

In the matter of the amendment of )	NOTICE OF
rules 16.38.115, 16.38.301 through )	AMENDMENT AND
16.38.304 and repeal of 16.38.305 )	REPEAL OF RULES
relating to fees for laboratory )	
analyses and licensure of )	
laboratories to perform drinking )	
water analysis )	

(Chemistry & Public  
Health Laboratories)

To: All Interested Persons

1. On May 30, the Department published notice at page 780 of the Montana Administrative Register, Issue No. 10, to amend rules 16.38.115, 16.38.301 through 16.38.304, and repeal 16.38.305. The amendments change laboratory fees to reflect current costs more accurately, update the types of tests performed, and add a charge for a portion of the cost of licensing a laboratory to perform drinking water analyses.

2. After consideration of the comments received on the proposed rules, the department has amended the rules as proposed with no changes.

3. The department has thoroughly considered the comments received on the proposed rules. The following is a summary of the comments received from the public and the department's response.

COMMENT: A clinic administrator criticized the fee increases on grounds that the clinic apparently could not be reimbursed for the cost.

RESPONSE: Since the department has no control over reimbursement and is mandated by the legislature to charge fees to cover maintenance of its laboratory services, no change to the rules was made in response to this comment.

COMMENT: A laboratory asked whether the fee for licensure inspection covered inspections for a license to perform both microbiological and chemical parameters or whether a separate fee would be charged for a license to perform each set of parameters.

RESPONSE: The department acknowledged that the fee would cover inspection and review for whatever parameters the lab wanted to be licensed to perform, whether microbiological, chemical, or both.

  
DENNIS IVERSON, Director

Certified to the Secretary of State July 1, 1991.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA


In the matter of	)	NOTICE OF ADOPTION OF RULES I - XV
Rules Regulating and Con-	)	(32.3.301 THROUGH 32.3.315) RELATIVE
trolling the Disease of	)	TO THE CONTROL AND ELIMINATION OF
Pseudorabies	)	THE DISEASE OF PSEUDORABIES AND THE
	)	REPEAL OF ARM 32.3.136 AND AMENDMENT
	)	OF ARM 32.3.219


TO: All Interested Persons:

1. On May 16, 1991, the Board of Livestock acting through the Department of Livestock published a Notice of Proposed Adoption of Rules Relative to the Control and Elimination of the Disease of Pseudorabies and the Repeal of ARM 32.3.136 and amending ARM 32.3.219 on pages 625 through 633 of the 1991 MAR Register, issue number 9.

2. No comments or testimony were received.

3. On June 17, 1991, the Board of Livestock, acting through the Department of Livestock formally adopted those rules exactly as proposed.

  
\_\_\_\_\_  
JACK SALMOND, Chairman  
Board of Livestock

BY:   
\_\_\_\_\_  
Lon Mitchell, Staff Attorney  
Department of Livestock

Certified to the Secretary of State July 1, 1991.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT )	NOTICE OF THE AMENDMENT of
of ARM 42.17.111; 42.17.112; )	ARM 42.17.111; 42.17.112;
42.17.113; 42.17.115; 42.17. )	42.17.113; 42.17.115;
117; 42.17.118; 42.17.121; )	42.17.117; 42.17.118;
42.17.134; 42.17.136; 42.17. )	42.17.121; 42.17.134;
137; and 42.17.138 relating to )	42.17.136; 42.17.137; and
Withholding and Workers' )	42.17.138 relating to
Compensation Payroll Taxes )	Withholding and Workers'
)	Compensation Payroll Taxes

TO: All Interested Persons:

1. On April 25, 1991, the Department of Revenue published notice of the proposed amendment of ARM 42.17.111; 42.17.112; 42.17.113; 42.17.115; 42.17.117; 42.17.118; 42.17.121; 42.17.134; 42.17.136; 42.17.137; and 42.17.138 relating to withholding and workers' compensation payroll taxes at page 498 of the 1991 Montana Administrative Register, issue no. 8.

2. A public hearing was held on May 17, 1991, but no one appeared to present testimony or comments. No written comments were received.

3. The Department has determined that ARM 42.17.121 should be further amended as follows:

42.17.121 INDIVIDUAL LIABILITY (1) If a corporate employer ~~willfully~~ fails to withhold or fails to remit withheld and/or payroll tax monies to the department as required under 15-30-203, MCA, the individual responsible for withholding will be held individually liable for the withholding taxes, penalties and interest.

(A) THE DEPARTMENT SHALL CONSIDER THE OFFICER OR EMPLOYEE OF A CORPORATION INDIVIDUALLY LIABLE WITH THE CORPORATION, FOR UNPAID OR UNFILED TAX, PENALTIES AND/OR INTEREST, IF IT CAN BE ESTABLISHED THAT THE INDIVIDUAL:

(I) POSSESSED THE AUTHORITY, DUTY AND RESPONSIBILITY TO FILE AND PAY TAX ON BEHALF OF THE CORPORATION; OR


(II) POSSESSED THE AUTHORITY ON BEHALF OF THE CORPORATION, TO DIRECT FILING AND PAYMENT OF TAX; OR

(III) POSSESSED THE FISCAL AUTHORITY ON BEHALF OF THE CORPORATION, TO DIRECT FILING OR PAYMENT OF OTHER CORPORATE OBLIGATIONS, AND EXERCISED SAID AUTHORITY RESULTING IN FAILURE TO FILE OR PAY TAXES WHEN DUE.

(B) THE DEPARTMENT IS NOT LIMITED TO CONSIDERING THE ELEMENTS SET FORTH IN (A), TO ESTABLISH INDIVIDUAL LIABILITY AND MAY CONSIDER ANY OTHER AVAILABLE EVIDENCE OR INFORMATION.

(2) remains the same.

4. ARM 42.17.111; 42.17.112; 42.17.113; 42.17.115; 42.17.117; 42.17.118; 42.17.134; 42.17.136; 42.17.137; and 42.17.138 have been amended as proposed.

  
DENIS ADAMS, Director  
Department of Revenue

Certified to Secretary of State July 1, 1991.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

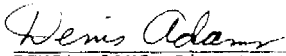
IN THE MATTER OF THE ADOPTION )	NOTICE OF THE ADOPTION of
of Rule I (42.20.106) relating)	Rule I (42.20.106) relating
to the Use of Real Property )	to the Use of Real Property

TO: All Interested Persons:

1. On April 11, 1991, the Department published notice of the proposed adoption of Rule I (42.20.106) relating to the use of real property at page 426 of the 1991 Montana Administrative Register, issue no. 7.

2. No comments were received regarding this rule proposal.

3. The Department has adopted rule I (42.20.106) as proposed.

  
DENIS ADAMS, Director  
Department of Revenue

Certified to Secretary of State July 1, 1991.

VOLUME NO. 44

OPINION NO. 12

CITIES AND TOWNS - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons applying for plumbing permit be properly licensed;  
CITIES AND TOWNS - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons doing work in "field of plumbing" have state plumber's license;  
LICENSES, PROFESSIONAL AND OCCUPATIONAL - License required for persons working in "field of plumbing";  
LICENSES, PROFESSIONAL AND OCCUPATIONAL - Persons legally entitled to apply for permit pursuant to Uniform Plumbing Code;  
LOCAL GOVERNMENT - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons applying for plumbing permit be properly licensed;  
LOCAL GOVERNMENT - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons doing work in "field of plumbing" have state plumber's license;  
MUNICIPAL GOVERNMENT - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons applying for plumbing permit be properly licensed;  
MUNICIPAL GOVERNMENT - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons doing work in "field of plumbing" have state plumber's license;  
PLUMBERS, BOARD OF - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons applying for plumbing permit be properly licensed;  
PLUMBERS, BOARD OF - Responsibility of city, certified to enforce Uniform Plumbing Code, to require that persons doing work in "field of plumbing" have state plumber's license;  
MONTANA CODE ANNOTATED - Sections 7-1-101, 7-1-111, 7-1-111(11), 37-69-101(3) and (7)(a), 37-69-102(1)(a) and (d), 37-69-301 to 37-69-304, 37-71-201 to 37-71-213, 50-60-301, 50-60-302(1), 50-60-504, 50-60-506(3);  
MONTANA CONSTITUTION - Article XI, section 6;  
OPINIONS OF THE ATTORNEY GENERAL - 43 Op. Att'y Gen. No. 55 (1990).

- HELD: 1. The City of Billings may not allow public utility contractors to install water and wastewater service lines which extend from the public water or sewer main to a point within the boundaries of the private property or within 20 feet from any foundation wall of the private residence, unless the public utility contractor also has a plumber's license issued by the state.
2. The City of Billings is required to determine whether a person applying for a plumbing permit pursuant to the Uniform Plumbing Code is duly licensed by the state as a plumber if the type of work described in the permit application so requires.

June 20, 1991

Annie M. Bartos  
Chief Legal Counsel  
Department of Commerce  
1424 Ninth Avenue  
Helena MT 59620-0501

Dear Ms. Bartos:

On behalf of the Board of Plumbers of the State of Montana, you have requested my opinion on the following two questions:

1. May the City of Billings allow public utility contractors to install water and wastewater service lines running from residences in the city to connect with the city's sewer mains, when these persons are not licensed as plumbers by the State Board of Plumbers?
2. Is the City of Billings required to have its plumbing inspectors and/or enforcement personnel check persons doing plumbing work to ascertain if those persons are duly licensed as plumbers?

Your opinion request is prompted in part by a concern that there may be a conflict between Montana statutes and the ordinances of the City of Billings regarding the licensing requirements of a person obtaining a permit from the City of Billings to install water or wastewater service lines running from the residence involved to the public water or sewer mains. The City of Billings is a self-government city having adopted its charter in 1976. Billings, Montana Charter, § 1.01.

The Montana Constitution permits local government units which have adopted a self-government charter to "exercise any power not prohibited by this constitution, law, or charter." Mont. Const. Art. XI, § 6; § 7-1-101, MCA. Under this constitutional provision, "the assumption is that a local government possesses the power, unless it has been specifically denied." D & F Sanitation Service v. City of Billings, 219 Mont. 437, 445, 713 P.2d 977, 982 (1986). Under Montana law, a city with self-government powers may supersede state law by ordinance, so long as it is not expressly prohibited from doing so by its charter or by state law or constitution. See 43 Op. Att'y Gen. No. 55 (1990).

Pursuant to section 7-1-111, MCA, a local government unit with self-government powers is prohibited from exercising any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession or occupation. § 7-1-111(11), MCA. The

13-7/11/91

Montana Administrative Register

state has the exclusive authority to set the standards of competence for those persons working in the "field of plumbing" and requires that such persons be licensed as journeyman or master plumbers. § 37-69-301, MCA. There are statutory exceptions to the licensure requirement including when an owner of a single family residence, used exclusively for the owner's personal use, makes the installation for all sanitary plumbing and potable water supply piping; when a mobile home dealer makes such installation to existing facilities as part of delivering and setting up a mobile home for a purchaser; and when a city, town, water district, or water user association extends its own water and sewer mains. § 37-69-102(1)(a), (d), MCA.

Pursuant to Montana law,

[a]ny person working at the field of plumbing in any incorporated city, town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who while working at the field of plumbing shall connect plumbing to or disconnect plumbing from a public water supply or public sewer system shall first secure a state license as hereinafter provided.

§ 37-69-301, MCA. "Field of plumbing," as used in this section, is defined as the business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof. § 37-69-101(4), MCA. A "plumbing system" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, and building drains, including their respective joints and connections, devices, receptacles and appurtenances within the property lines of any premises, up to 20 feet beyond the building foundation line, and includes potable water piping, water heaters, and vents for the premises. § 37-69-101(7)(a), MCA. A "drainage system" is defined as all the piping inside the walls of a building that conveys sewage or other liquid wastes outside the building to the building sewer but that does not extend more than two feet outside the building way. § 37-69-101(3), MCA.

For the purpose of the license requirements, the "field of plumbing" does not extend to work done beyond the property line of the premises or 20 feet from the building foundation line, whichever is the shorter distance from the building foundation. Therefore, the state does not require a plumber's license for the installation of or repair work on a water or sewer service line from the point where it connects with the public main to the property line or to that point 20 feet from the building foundation. However, a person who works on the service line at any point within the premises as determined by the property line, or that area within 20 feet of the building foundation, and also connects or disconnects the service line from the



public water supply or sewer system must have a plumber's license issued by the state.

Your question assumes that work is to be done on the water or sewer service line from the public main to the residence. This includes work within the "field of plumbing," as defined in the state licensure statutes, and therefore a plumber's license is required by the state for this work.

The City of Billings does provide and operate a municipal water and wastewater system. See Billings, Montana, City Code, ch. 26. Pursuant to the ordinances governing these systems and the regulations promulgated by the public utilities department, permits are required to install or make any alterations or repairs to a service line or to connect a service line to a public water or sewer line. See chapters 34 and 36, "Rules and Regulations Governing Water and Wastewater Service, Public Utilities Department, City of Billings, Montana." The entity requesting a permit must have either a plumbing contractor's license or a public contractor's license on file at the city finance director's office.

Pursuant to section 6-511 of the Billings, Montana, City Code, a plumbing contractor, in order to be licensed by the city, must maintain a current master plumber's license issued by the state. However, the qualifications for a public contractor's license, set by state law, do not require that a public contractor have a plumber's license. §§ 37-71-201 to 213, MCA. Therefore, the determination as to whether a plumbing contractor's license is required for work on a water or wastewater service line is dependent on the location of the work to be done on the particular service line. If the work to be done is located within the property line of the premises or within 20 feet of the building foundation, it falls within the definition of "field of plumbing" and a plumber's license is required.

Therefore, the City of Billings may not allow public utility contractors to install water and wastewater service lines which extend from the public water or sewer main to a point within the boundaries of the private property or within 20 feet from any foundation wall of the private residence, an area which includes work within the field of plumbing as defined in the state plumbing licensure statutes, unless the public utility contractor also has a plumber's license issued by the state.

Your second question is whether the City of Billings is required to have its plumbing inspectors and/or enforcement personnel check persons doing plumbing work to ascertain if those persons are duly licensed as plumbers. As discussed above, the state has the exclusive authority to set the standards for professional occupational competence and has done so for the "field of plumbing" in Title 37, MCA. The point at which the city has responsibility to make sure that state licensing requirements are met is when the city issues permits for

plumbing installations as required under its building code. A discussion of the city's responsibilities in this area is helpful.

The Montana Department of Commerce (hereinafter Department) has the authority and duty to prescribe and to enforce the minimum standards for all plumbing installations and maintenance within the state. § 50-60-504, MCA. State law, however, does allow a municipality or a county to adopt a building code by ordinance which would apply to the municipal or county jurisdictional area. This municipal building code may include only those codes adopted by the state. § 50-60-301, MCA. The local government may not enforce a particular code unless the code which it has adopted and an enforcement program for that code have been filed and approved by the Department. § 50-60-302(1), MCA. The City of Billings adopted the "Uniform Plumbing Code" and the "Uniform Plumbing Code, Appendix, 1988 Edition" (hereinafter "UPC"), Billings, Montana, City Code, § 6-501, and the building code has been certified by the Department.

Section 20.4 of the UPC requires that a permit be obtained from the administrative authority, in this instance the City of Billings, for any person "to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises." As defined in the UPC, a "drainage system (drainage piping) includes all the piping within public or private premises, which conveys sewage or other liquid wastes to a legal point of disposal, but does not include the mains of a public sewer system or a public sewage-treatment or disposal plant." § 105(f), UPC. The "building sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal." § 103(n), UPC. The "building drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet (.6m) outside the building wall." § 103(m), UPC. Therefore, pursuant to the UPC adopted by the City of Billings, a permit from the city is required for any plumbing work done inside the building and extending to the connection of the building sewer with the public water or sewer main.

Section 20.6, UPC, states as follows:

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises

in connection therewith. The Administrative Authority may require plans, specifications or drawings and such other information as he may deem necessary. [Emphasis added.]

The UPC does not specifically define "legally entitled" within the context of the code. However, the only legal requirements placed upon a person doing plumbing work, within the state, are those professional qualifications set forth in the licensure statutes. §§ 37-69-301 to 304, MCA. In the context of the state licensure requirements and the plumbing codes adopted by the state and, through state approval, adopted and enforced by the municipality, a person is legally entitled to apply for a permit to do plumbing work only if he or she has complied with the necessary state licensing requirements.

When a city has adopted the UPC as part of its building code and the code program has been certified by the Department, a permit from the city is required for a plumbing installation; however, a state permit is no longer required. § 50-60-506(3), MCA. Therefore, the city has the sole responsibility to issue permits, and in order to comply with the UPC and be consistent with state law in the area of plumbing standards and regulations, the city must determine as a threshold matter if the applicant is legally entitled to do the work covered in the permit application. This responsibility includes making a determination as to whether the work described in the application falls within the "field of plumbing" as defined in the licensure statutes, thereby requiring that the person making the application be duly licensed by the state, and whether any exceptions to the plumbing licensure requirements apply.

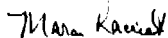
Once the city determines that an applicant is legally entitled to apply for a permit and the permit should be issued, it has no further responsibility to have its inspectors or enforcement personnel check persons doing plumbing work to see if those persons are duly licensed by the state.

THEREFORE, IT IS MY OPINION:

1. The City of Billings may not allow public utility contractors to install water and wastewater service lines which extend from the public water or sewer main to a point within the boundaries of the private property or within 20 feet from any foundation wall of the private residence, unless the public utility contractor also has a plumber's license issued by the state.
2. The City of Billings is required to determine whether a person applying for a plumbing permit pursuant to the Uniform Plumbing Code is duly licensed by the

state as a plumber if the type of work described in  
the permit application so requires.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Racicot". The signature is fluid and cursive, with the first name "Marc" being more prominent than the last name "Racicot".

MARC RACICOT  
Attorney General

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules, amendment or repeal of existing rules filed with the Secretary of State, except rules proposed by the Department of Revenue. Proposals of the Department of Revenue are reviewed by the Revenue Oversight Committee.

The Administrative Code 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 bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend 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 the 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

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

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

Use of the Administrative Rules of Montana (ARM):

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

#### ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 1991. This table includes those rules adopted during the period April 1, 1991 through June 30, 1991 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, 1991, 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 1990 and 1991 Montana Administrative Register.

#### ADMINISTRATION. Department of, Title 2

- 2.21.306 and other rules - Work Cite Closure During A Localized Disaster or Emergency, p. 2209, 994
- 2.21.1801 and other rules - Leave Administration for Salaried Employees, p. 876
- 2.21.1812 Exempt Compensatory Time, p. 2062, 430
- 2.21.3802 and other rules - Probation - Recruitment and Selection - Reduction in Work Force, p. 1982, 433
- 2.21.8011 and other rules - Grievances, p. 2212, 352  
(Public Employees' Retirement Board)
- 2.43.432 Allowing PERS Members to Purchase Full Months of Additional Service When Eligible to Purchase a Full Year, p. 2215, 510  
(State Compensation Mutual Insurance Fund)
- I-XI Organization and Board Meetings of the State Fund - Establishment of Premium Rates, p. 1975, 353
- 2.55.301 Method for Assignment of Classifications of Employments, p. 568, 996
- 2.55.310 Variable Pricing Within a Classification, p. 486, 997

#### AGRICULTURE. Department of, Title 4

- I Honeybee Hourly Inspection Fee, p. 880
- I Grading Standards for Hulless Barley, p. 383, 812
- I-IV Specifying the Exact Scientific Procedures for Testing Kjeldahl Proteins on Barley, Chit and

- Germinations on Barley and Falling Number Determinations on Wheat, p. 935
- I-LV Montana Agricultural Chemical Ground Water Protection Act, p. 1199, 2244
- 4.5.201 and other rules - Designation of Noxious Weeds, p. 210, 511
- 4.10.311 and other rules - Regulatory Status and Use of Aquatic Herbicides, p. 100, 354
- 4.10.1202 and other rules - Livestock Protection Collars, p. 2217, 194
- 4.10.1402 and other rules - M-44 Sodium Cyanide Capsules and Devices, p. 2220, 195
- 4.12.1012 Grain Fee Schedule, p. 570, 998
- 4.12.1229 Fees Established for Service Samples, p. 2065, 440
- 4.12.1504 Fee on All Mint Oil Producers, p. 385, 813
- 4.12.3402 Seed Laboratory - Reports - Enforcement, p. 341, 738

STATE AUDITOR, Title 6

- I-VI Pricing of Noncompetitive or Volatile Lines, p. 2067, 253
- I-VII Loss Cost System in Property-Casualty Lines Other Than Workers' Compensation, p. 1806, 2171
- I-XVI Long-term Care Insurance, p. 1990, 119

COMMERCE, Department of, Title 8

- (Board of Athletics)
- 8.8.3402 Referees, p. 387, 814
- (Board of Barbers)
- 8.10.403 and other rules - Fees - General Requirements - Sanitation Requirements - Teaching Staff - College Requirements - Applications - Procedure Upon Completion - Identification and Sanitation Requirements - Preparation and Publication of Posters, Notices, Orders, New Schools - Violation, p. 344, 911
- (Board of Dentistry)
- 8.16.401 and other rules - Practice of Dentistry, p. 943
- 8.17.403 and other rules - Practice of Dentistry, p. 937
- (Board of Hearing Aid Dispensers)
- 8.20.402 and other rule - Fees - Record Retention, p. 575
- (Board of Horse Racing)
- 8.22.501 and other rules - Definitions - Fees - General Provisions - Definition of Conduct Detrimental to the Best Interests of Racing, p. 172, 355
- (Board of Medical Examiners)
- 8.28.908 and other rule - Equivalency - EMT - Advanced Certification, p. 764
- (Board of Optometrists)
- 8.36.401 and other rules - Meetings - Examinations - Reciprocity - Practice Requirements - Fees -



- Continuing Education Requirements - Approved Courses and Examinations - Permissible Drugs for Diagnostic Pharmaceutical Agents - Approved Drugs for Therapeutic Pharmaceutical Agents - Definitions - Unprofessional Conduct - Continuing Education, p. 1748, 2176
- 8.36.403 and other rule - Application for Examination - Examination, p. 882  
(Board of Outfitters)
- 8.39.502 and other rules - Licensure - Qualifications - Licensure - Examinations - Conduct, p. 213, 999  
(Board of Physical Therapy Examiners)
- 8.42.402 and other rules - Examinations - Fees, Temporary Licenses - Licensure by Endorsement - Exemptions - Foreign-Trained Applicants - Lists, p. 1810, 2107  
(Board of Plumbers)
- 8.44.412 Fee Schedule, p. 2225  
(Board of Social Workers and Professional Counselors)
- 8.61.401 Definitions, p. 884  
(Board of Passenger Tramway Safety)
- 8.63.501 and other rule - ANSI Standard - Fee and Assessment Schedule, p. 577  
(Weights and Measures Bureau)
- 8.77.101 and other rules - Scale Pit Clearance - Fees - Voluntary Registration of Servicemen and Service Agencies - Weighing Device License Transfer - Random Inspection of Packages - Liquified Petroleum Gas - Accessibility to Stock Scales, p. 886  
(Consumer Affairs Unit)
- 8.78.301 Disclosure Fees, p. 176, 739  
(Milk Control Bureau)
- 8.79.301 Licensee Assessments, p. 178, 441  
(Financial Division)
- I-II Repurchase Agreements - Fixed Annuity Sales, p. 389, 490
- 8.80.307 Dollar Amounts to Which Consumer Loan Rates Are to be Applied, p. 766
- 8.80.401 and other rule - Credit Unions - Supervisory and Examination Fees - Credit Unions - Limited Income Persons - Definitions, p. 1872, 292, 442  
(Board of Milk Control)
- 8.86.301 and other rules - Class I Wholesale Price - Statewide Pool and Quota Plan, p. 768
- 8.86.301 Pricing Rules - Jobber Prices, p. 215, 513
- 8.86.301 Pricing Rules - Class I Wholesale Prices, p. 1, 296
- 8.86.301 Class I Price Formula and Wholesale Prices - Class III Producer Price, p. 1646, 2177
- 8.86.501 Statewide Pooling and Quota Plan, p. 1656, 2110
- 8.86.505 Quota Plans - Readjustment and Miscellaneous Quota Rules, p. 2072, 49  
(Board of County Printing)
- 8.91.303 and other rule - Official Publications and Legal Advertising - Schedule of Prices, p. 892

(Local Government Assistance Division)

- I Incorporation by Reference - Administration of the  
1991 Federal Community Development Block Grant (CDBG)  
Program, p. 105, 358

(Board of Investments)

- 8.97.1301 and other rules - Definitions Related to General  
Requirements for All Investments in Mortgages and  
Loans - Requirements for All Residential, Commercial,  
Multi-Family, Federally Guaranteed Loans - Economic  
Development Linked Deposit Programs, p. 772

(Business Development Division)

- I-III Microbusiness Finance Program - Definitions -  
Composition of the Council - Soliciting Nominations,  
p. 579

(Coal Board)

- I-II Incorporation by Reference - Montana Environmental  
Policy Act - Categorical Exclusions from  
Environmental Review Process, p. 107

(Board of Science and Technology Development)

- I Incorporation by Reference of Rules Implementing the  
Montana Environmental Policy Act, p. 2008

EDUCATION, Title 10

(Superintendent of Public Instruction)

- 10.10.309 Accounting Practices and Tuition, p. 2015, 2275  
10.21.104 Guaranteed Tax Base, p. 2010, 2276  
10.23.101 and other rule - Permissive Amount - Voted Amount and  
School Levies, p. 2013, 2277

(Board of Public Education)

- 10.55.707 Certification, p. 493  
10.55.903 Basic Education Program: Junior High and Grades 7 and  
8 Budgeted at High School Rates, p. 217  
10.57.208 and other rules - Reinstatement - Class 1  
Professional Teaching Certificate - Class 3  
Administrative Certificate, p. 2232, 297  
10.57.211 Test for Certification, p. 2231, 298  
10.57.301 and other rule - Endorsement Information - Foreign  
Languages, p. 2229, 299  
10.57.301 and other rules - Endorsement Information - Computer  
Endorsement Review Committee - Endorsement of  
Computer Science Teachers, p. 2235, 300  
10.57.403 Class 3 Administrative Certificate, p. 491  
10.57.601 and other rule - Request to Suspend or Revoke a  
Teacher or Specialist Certificate: Preliminary Action  
- Notice and Opportunity for Hearing Upon  
Determination that Substantial Reason Exists to  
Suspend or Revoke Teacher or Specialist Certificate,  
p. 219  
10.61.207 Student Transportation, p. 2227, 301

FAMILY SERVICES, Department of, Title 11

- 11.5.1001 Day Care Payments, p. 2143, 125
- 11.7.604 Foster Care Support Services, p. 893
- 11.14.105 Licensing and Registering Day Care Facilities, p.495, 1000
- 11.16.170 and other rules - Prohibition of Day Care in Adult Foster Homes - Licensing of Adult Foster Homes - Department Services Provided to and Procedures for Adult Foster Homes, p. 2017, 2278

FISH, WILDLIFE AND PARKS, Department of, Title 12

- I-VI and other rules - Fish Health and Importation Rules, p. 895
- I-XXII Hunting License and Damage Hunt Rules, p. 4, 288, 815
- 12.6.901 Water Safety Regulations - Use of Electric Motors on Gartside Reservoir, p. 582, 1003
- 12.6.901 Water Safety Regulations - Establishing a No-Wake Restriction on Hyalite Reservoir, p. 221, 912
- 12.6.901 Extension of 10 Horsepower Restriction on Yellowstone River to the Springdale Bridge, p. 180, 740
- 12.6.901 Establishing A No-Wake Restriction on Tongue River Reservoir, p. 1918, 2279

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I-XXVI Licensing and Certification - Licensing for Specialty Residential Mental Health Service, p. 956
- 16.8.1302 and other rule - Air Quality - Open Burning of Scrap Creosote-Treated Railroad Ties Under Appropriate Circumstances, Through the Use of a Permit Program, p. 1815, 126
- 16.8.1423 Air Quality - Standard of Performance for New Stationary Sources - Emission Standards for Hazardous Air Pollutants, p. 348, 584
- 16.18.201 and other rules - Water and Wastewater Operators, p. 776
- 16.20.202 and other rules - Water Quality - Public Water Supplies, p. 596
- 16.35.111 Conditions for Payment of Claims Under the End Stage Renal Disease (ESRD) Program, p. 585, 1004
- 16.38.105 and other rules - Water Quality - Licensure and Requirements for Analysis of Public Water Supplies, p. 587
- 16.38.115 and other rules - Fees for Laboratory Analyses and Licensure of Laboratories to Perform Drinking Water Analysis, p. 780
- 16.44.102 and other rules - Solid and Hazardous Waste - Incorporations by Reference - Exclusions - Special Requirements for Counting Hazardous Wastes - Polychlorinated Biphenyl (PBC) Wastes Regulated Under

- Federal Law - Toxicity Characteristic - Lists of Hazardous Wastes - General - Representative Sampling Methods - Toxicity Characteristic Leaching Procedure - Chemical Analysis Test Methods - Testing Methods, p. 182, 514
- 16.44.102 and other rules - Solid and Hazardous Waste - Adoption of Changes in Order to Achieve Parity with Federal Regulations for Montana to Independently Operate a Hazardous Waste Program, p. 23, 302
- 16.44.202 and other rules - Solid and Hazardous Waste - Mining Waste Exclusion, p. 1536, 2280
- 16.44.401 and other rules - Solid and Hazardous Waste - Defining the Terms Large Generator, Small Generator and Conditionally Exempt Small Generator of Hazardous Waste, p. 19, 307
- 16.45.1219 Underground Storage Tanks - Inspection Requirements for Small Farm and Residential Tanks, p. 900
- 16.45.1220 and other rules - Underground Storage Tanks - Inspection Fees - Requirements for Inspection Generally - Inspection Reimbursement, p. 290

JUSTICE, Department of, Title 23

- I-XVI and other rules - Fire Marshal Bureau - Describing Enforcement of the Rules - Incorporating by Reference the 1988 Uniform Fire Code, a Montana Supplement to the Code - Other Provisions Generally Dealing with Fire Safety, p. 2074, 291
- 23.3.504 and other rule - Licensing Operators of Commercial Motor Vehicles, p. 1819, 2114
- 23.4.201 and other rules - Alcohol Analysis, p. 785
- 23.5.102 Motor Carrier Safety Regulations, p. 1817, 2115
- 23.16.1201 and other rule - Changing the Name of the Department's Authority Reference Regarding Poker and Other Card Games, p. 2090, 196
- 23.16.1701 and other rules - Gambling, p. 972

LABOR AND INDUSTRY, Department of, Title 24

(Human Rights Commission)

- I and other rules - Document Format, Filing, Service and Time Relating to Certain Documents Filed During Investigation and Conciliation - Format, Filing and Service of Documents Filed with the Commission during Contested Case Proceedings - Calculating the Time Limits for Acts, such as Filing Documents, Required Under the Contested Case Rules, p. 2145, 308
- 24.9.805 and other rules - Records on Age, Sex, and Race - Employment Applications, p. 904
- 24.11.441 and other rules - Administration of Unemployment Insurance, p. 1920, 2181
- 24.16.9007 Prevailing Wage Rates, p. 497, 1005

13/7/11/91

Montana Administrative Register

(Workers' Compensation)

- 24.29.802 and other rules - Reduced Reporting Requirements,  
p. 1928, 2183

STATE LANDS, Department of, Title 26

- I Prohibiting Export of Logs Harvested From State Lands  
and Requiring Purchasers of State Timber to Enter  
Into Non-export Agreements Implementing the Forest  
Resources Conservation and Shortage Relief Act of  
1990, p. 1875, 2116
- I-III and other rules - Sale of Cabinsites and Homesites on  
State Trust Lands, p. 1660, 2284
- I-X Bonding Small Miner Placer and Dredge Operations -  
Permit Requirements for Small Miner Cyanide Ore  
Processing Operations, p. 2092, 445
- 26.3.149 Mortgaging of State Leases and Licenses, p. 109, 444
- 26.4.1301A Modification of Existing Coal and Uranium Permits,  
p. 111, 465

LIVESTOCK, Department of, Title 32

- I Emergency Rule - Control of Migratory Bison from  
Herds Affected with a Dangerous Disease, p. 1007
- 32.2.401 Fee Change for Recording of Brands, p. 1823, 2298
- 32.3.136 and other rules - Treatment, Control and Elimination  
of the Disease of Pseudorabies, p. 625

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I-X Financial Assistance Available Under the Wastewater  
Treatment Revolving Fund Act, p. 637
- I-X Financial Assistance Available Under the Wastewater  
Treatment Revolving Fund Act, p. 2148
- 36.12.103 Water Right Application Fees, p. 634, 1009
- 36.16.117 Water Reservation Applications in the Upper Missouri  
Basin, p. 2239
- (Board of Water Well Contractors)
- 36.21.403 and other rules - Requirements for Water Well  
Contractors - Definitions - Plastic Casing - Casing  
Perforations - Movement of Casing after Grouting -  
Sealing - Temporary Capping - Disinfection of the  
Well - Abandonment - Placement of Concrete or Cement  
- Verification of Experience for Monitoring Well  
Constructor Applicants - Application Approval -  
Definitions - Installation of Seals - Abandonment -  
Casing Depth - Verification of Equivalent Education  
and Experience for Monitoring Well Constructors -  
Types of Wells Requiring Abandonment, p. 223, 913
- 36.21.415 Fees, p. 636, 1010

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Proper Accounting Treatment for Acceptable Conservation Expenditures, p. 1931, 466
- I-II and other rules - Telecommunications Service Standards, p. 989
- I-XV and other rules - New Class E Motor Carrier Status (Transportation of Logs), p. 982
- 38.3.706 Motor Carrier Insurance - Endorsements, p. 45, 360
- 38.3.706 Emergency Amendment - Motor Carrier Insurance - Endorsements, p. 50
- 38.5.2202 and other rule - Federal Pipeline Safety Regulations Including Drug-Testing Requirements, p. 275, 698, 1897
- 38.5.3302 and other rules - Telecommunications Service Standards, p. 392

REVENUE, Department of, Title 42

- I Use of Real Property, p. 426
- I Special Fuel Dealers Bond for Motor Fuels Tax, p. 192, 469
- I-IV Telephone License Tax, p. 1878, 131
- 42.12.115 Liquor License Renewal, p. 115, 467
- 42.17.105 Computation of Withholding Surtax, p. 2026, 129
- 42.17.111 and other rules - Withholding and Workers' Compensation Payroll Taxes, p. 498
- 42.19.401 Low Income Property Tax Reduction, p. 237
- 42.20.423 and other rules - Property Tax - Sales Assessment Ratio Study, p. 239, 742
- 42.21.106 and other rules - Trending and Depreciation Schedules for Personal Property Tax, p. 396, 915
- 42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 2020, 130
- 42.27.118 Prepayment of Motor Fuels Tax, p. 114, 468

SECRETARY OF STATE, Title 44

- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 1881, 2117

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I and other rule - Food Stamp Program - Transfer of Resources, p. 654, 1020
- I and other rules - Transition-to-Work Allowance - JOBS Program, p. 707, 1015
- I Reimbursement for General Relief Medical Assistance Services, p. 2242, 313
- I-II Conditional Medical Assistance, p. 683, 1045
- I-II and other rules - General Relief Medical Assistance, p. 2033, 2310

13-7/11/91

Montana Administrative Register

- I-III Medicaid for Qualified Disabled Working Individuals, p. 686, 1052
- I-III and other rules - Licensed Professional Counselor Services, p. 679, 1032
- I-III and other rules - Group Health Plan Premium Payment, p. 505, 1021
- I-IV Federally Qualified Health Centers, p. 733, 1042
- I-XXI Targeted Case Management, p. 797
- I-LXV and other rules - Child Support Enforcement Procedures and Administration, p. 74, 375, 1337, 1852, 2312
- 46.10.403 AFDC Table of Assistance Standards, p. 694, 1011
- 46.10.403 Suspension of AFDC for One Month, p. 1947, 52
- 46.10.506 Nonrecurring Gifts and Excluded Unearned Income, p. 503, 923
- 46.10.510 AFDC Excluded Earned Income, p. 350, 823
- 46.10.512 AFDC Earned Income Disregards Policy, p. 1945, 53
- 46.12.503 and other rule - Inpatient Hospital Reimbursement, p. 671, 1025
- 46.12.503 and other rule - Inpatient Hospital Services and Medical Assistance Facilities, p. 117, 310
- 46.12.503 and other rules - Disproportionate Share for Inpatient Psychiatric Hospitals, p. 2028, 198
- 46.12.508 and other rule - Outpatient Hospital Reimbursement, p. 669, 1027
- 46.12.514 and other rules - Early Periodic Screening and Diagnosis (EPSDT), p. 1938, 2299
- 46.12.521 and other rules - Billing and Reimbursement for Physician Services - Durable Medical Equipment - Podiatry Services, p. 716, 1030
- 46.12.545 and other rule - Occupational Therapy, p. 658
- 46.12.575 and other rule - Family Planning Services, p. 689, 1037
- 46.12.575 and other rule - Family Planning Services, p. 1934, 2302
- 46.12.590 and other rules - Inpatient Psychiatric Services, p. 673, 1038
- 46.12.702 Drug Rebates, p. 677, 1039
- 46.12.1025 Ambulance Services, Reimbursement, p. 699, 1040
- 46.12.1401 and other rules - Medicaid Home and Community Based Program for Elderly and Physically Disabled Persons, p. 1090, 2184, 470
- 46.12.2003 Physician Services, Reimbursement/General Requirements and Modifiers, p. 428, 824
- 46.12.2003 and other rule - Pharmacy Pricing Codes for Drugs Administered by Physicians and Nurse Specialists, p. 2031, 2305
- 46.12.2011 and other rule - Nurse Specialist Non-Covered Services, p. 665, 1044
- 46.12.3207 Transfer of Resources for Medical Services, p. 2104, 262

- 46.12.3401 and other rule - Non-Institutionalized Medical Assistance for Children, p. 661, 1046
- 46.12.3401 Presumptive and Continuous Eligibility for Medicaid Services, p. 2037, 516
- 46.12.3601 and other rule - Medicaid for Disabled Widows/Widowers, p. 692, 1049
- 46.12.3801 and other rules - Medically Needy Program, p. 2163, 265
- 46.12.3803 Medically Needy Income Standards, p. 667, 1050
- 46.13.106 and other rules - Low Income Energy Assistance Program (LIEAP), p. 1672, 1959, 2307
- 46.14.401 Eligibility of Group Homes for Weatherization Assistance, p. 47, 311
- 46.25.101 and other rules - General Relief Assistance - General Relief Medical Assistance, p. 701, 1053
- 46.25.727 and other rule - General Relief Assistance - General Relief Medical Income Standards, p. 663, 1057
- 46.30.801 and other rules - Child Support Medical Support Enforcement, p. 2102, 135



CROSS REFERENCE INDEX  
Montana Code Annotated  
to  
Administrative Rules of Montana  
January - July 1991 Registers

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
2-3-103	2.55.101, 201, 301 - 305, 309, 310, 315, 316	353
2-3-103	8.16.603	949
2-4-201	2.55.101, 201, 301 - 305, 309, 310, 315, 316	353
2-4-406	Opinion No. 4	142
2-6-109	Rule XIX (FWP)	13
2-6-109	12.3.406	819
2-7-501 - 521	Opinion No. 5	268
2-15-121	Opinion No. 1	60
2-15-2204	Opinion No. 1	60
2-18-102	Rules I - III (Administration)	878
2-18-102	2.21.1801 - 1803, 1811, 1812	876
2-18-102	2.21.1812	430
2-18-102	2.21.3811, 5006, 5007	433
2-18-103	Opinion No. 1	60
2-18-104	Opinion No. 1	60
2-18-201	Opinion No. 1	60
2-18-702	Opinion No. 79	56
7-1-101	Opinion No. 5	268
7-1-113	Opinion No. 5	268
7-1-114	Opinion No. 5	268
7-5-2402	8.91.303, 304	892
7-6-103	16.38.105, 111, 112, 115, 126	587
7-6-4134	Opinion No. 5	268
7-6-4231	Opinion No. 5	268
7-7-2103	Opinion No. 10	1058
7-11-1101 - 1112	Opinion No. 11	1061
7-13-4307	Opinion No. 5	268
7-13-4325	Opinion No. 5	268
7-22-2101	Rule I (Agriculture)	210
7-22-2101	4.5.201 - 203	210
7-22-2101	4.5.203	511
7-32-235	Opinion No. 10	1058
7-32-2121	Opinion No. 10	1058
7-33-4106	Opinion No. 8	361
7-33-4107	Opinion No. 8	361
7-35-2109	Opinion No. 9	368
7-35-2110	Opinion No. 9	368

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
13-16-201	Opinion No. 6	315
13-16-418, 419	Opinion No. 6	315
15-1-151	42.19.401	237
15-1-201	Rule I (Revenue)	426
15-1-201	Rules I, II (Revenue)	248
15-1-201	42.19.401	237
15-1-201	42.20.423, 429, 438, 453, 468	239
15-1-201	42.20.429, 438, 454, 455, 468	742
15-1-201	42.21.106, 107, 113, 114, 120, 122, 123, 131, 132, 137 - 140, 151, 153 - 158, 161, 301 - 307, 311, 312	396
15-6-134	42.19.401	237
15-6-135	42.21.131, 132	406
15-6-136	42.21.113, 120	396
15-6-137	42.21.122	396
15-6-138	42.21.107, 123, 132, 138 - 140	396
15-6-139	42.21.106, 107, 154 - 157	396
15-6-140	42.21.106, 114, 131, 132, 151, 153	396
15-6-201	Rule I (Revenue)	426
15-6-203	Rule I (Revenue)	426
15-6-207	42.21.120	424
15-6-209	Rule I (Revenue)	426
15-7-111	Rules I, II (Revenue)	248
15-7-111	42.20.423, 429, 438, 453, 468	239
15-7-111	42.20.429, 438, 454, 455, 468	742
15-8-111	Rules I, II (Revenue)	248
15-8-111	42.20.454, 455	746
15-8-202	42.21.301 - 307, 311, 312	420
15-8-303	42.21.158	396
15-8-402	42.21.161	420
15-8-404	42.21.161	420
15-8-408, 409	42.21.161	420
15-30-202	42.17.111, 134	498
15-30-203	42.17.121	499
15-30-204	42.17.113, 115	499
15-30-208	42.17.136 - 138	501
15-30-209	42.17.112, 117, 118, 134	498
15-30-305	42.17.111 - 113, 115, 117, 118, 121, 134, 136 - 138	498
15-70-104	Rule I (Revenue)	192
15-70-104	42.27.118	114
15-70-210	42.27.118	114
15-73-304	Rule I (Revenue)	192

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
16-1-303	42.12.115	115
16-3-304, 305	Opinion No. 2	63
16-4-501	42.12.115	115
17-5-1054	8.97.1410 - 1412	774
17-5-1503	8.97.1301, 1411	772
17-5-1521	8.97.1410 - 1412	774
17-6-201	8.97.1301, 1403, 1405, 1407, 1408	772
17-6-211	8.97.1403, 1405, 1407, 1408, 1410, 1411	773
17-6-302	8.97.1301	772
17-6-315	8.97.1410	774
17-6-324	8.97.1301, 1403, 1405, 1407, 1408, 1410 - 1412	772
19-3-304	2.43.432	510
19-3-513	2.43.432	510
19-13-104	Opinion No. 8	361
19-13-202	Opinion No. 8	361
19-13-301	Opinion No. 8	361
20-2-114	10.55.903	217
20-2-121	Opinion No. 4	142
20-2-121	10.55.903	217
20-4-102	10.57.403	491
20-4-102	10.57.601, 602	219
20-4-106	10.57.403	491
20-4-110	10.57.601, 602	219
20-4-114	10.57.403	491
20-4-121	10.57.403	491
20-5-405	Opinion No. 7	321
20-7-101	Opinion No. 4	142
20-7-901 - 904	Opinion No. 4	142
22-1-316	Opinion No. 11	1061
23-1-106	12.6.901	180
23-1-106	12.6.901	221
23-1-106	12.6.901	740
23-2-405	8.8.3402	387
23-2-714, 715	8.63.519	577
23-2-721	8.63.501, 519	577
23-3-701	8.63.501	577
23-4-101	8.22.501	172

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
23-4-104	8.22.501, 503, 701, 1501, 1502	172
23-4-104	8.22.503, 701	355
23-4-106	8.22.1501, 1502	174
23-4-201	8.22.503	172
23-4-201	8.22.503	355
23-4-202	8.22.501, 701	172
23-4-202	8.22.701	355
23-5-112	23.16.101	976
23-5-115	Rules I - VIII, X, XI (Justice)	973
23-5-115	23.16.101, 1701 - 1704	972
23-5-115	23.16.1201, 1202	196
23-5-177	Rule XI (Justice)	980
23-5-311	23.16.1201, 1202	196
23-5-501	Rule X (Justice)	977
23-5-502	Rules I, II, V - VII (Justice)	973
23-5-503	Rules III, IV, VIII (Justice)	974
23-5-503	23.16.1701 - 1704	972
30-12-202	Rules I - III (Commerce- Weights & Measures)	889
30-12-202	8.77.101, 102, 104	886
30-12-203	Rules I, II (Commerce-Weights & Measures)	889
30-12-203	8.77.102	886
30-12-207	Rule III (Commerce-Weights & Measures)	890
31-3-125	8.78.301	176
31-3-125	8.78.301	739
31-3-152	8.78.301	739
31-3-153	8.78.301	176
32-1-218	Rules I, II (Commerce- Financial Division)	389
32-1-412	Rules I, II (Commerce- Financial Division)	389
32-3-201	8.80.401	292
32-3-201	8.80.401	442
32-5-104	8.80.307	766
33-1-313	6.6.3101 - 3116	119
33-1-313	6.6.3201 - 3206	253
33-16-231 - 236	6.6.3201 - 3206	253
33-16-234	6.6.3201 - 3206	253
33-22-1101 - 1121	6.6.3101 - 3116	119

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-1-131	Rules I, II (Commerce- Dentistry)	941
37-1-131	8.16.401, 402, 602, 605, 607	943
37-1-131	8.17.808	941
37-1-131	8.39.502, 503, 701	213
37-1-131	8.39.701	999
37-1-134	8.10.405	344
37-1-134	8.16.403	949
37-1-134	8.20.402	575
37-1-134	8.22.503	172
37-1-134	8.22.503	355
37-1-134	8.77.102	886
37-1-136	8.17.801	939
37-1-136	8.16.802, 803	950
37-1-136	8.16.806	949
37-1-137	8.17.803	940
37-1-137	8.16.806	949
37-1-411	8.17.702	938
37-4-202	8.16.403, 603	949
37-4-205	Rules I - VII (Commerce- Dentistry)	950
37-4-205	8.16.401, 402, 408, 602, 605, 607, 701, 706 - 709, 720, 722, 806	943
37-4-205	8.16.407, 501 - 509, 704, 710 - 718, 721, 802, 803	949
37-4-301	8.16.402	943
37-4-302	8.16.401	943
37-4-307	8.16.408	943
37-4-321	8.16.701, 706 - 709, 720, 722	947
37-4-321	8.16.704, 710 - 718, 721	949
37-4-322	Rules I - VII (Commerce- Dentistry)	950
37-4-322	8.16.501 - 509	949
37-4-401	8.16.602	944
37-4-402 - 404	8.16.605	946
37-4-405	8.16.602, 722	944
37-4-406	8.16.607	946
37-4-408	8.16.602	944
37-4-503	8.16.407	949
37-10-302	8.36.403, 404	882
37-11-104	Opinion No. 3	136
37-16-202	8.20.402, 407	575
37-16-402	8.20.402	575
37-16-411	8.20.407	575

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-22-102	8.61.401	884
37-22-201	8.61.401	884
37-24-103	Opinion No. 3	136
37-29-201	Rules I, II (Commerce- Dentistry)	941
37-29-201	8.17.403, 404, 702, 801, 803, 808	937
37-29-301	8.17.404	937
37-29-303	8.17.403	937
37-29-305	8.17.403, 404	937
37-29-306	8.17.403, 702	937
37-29-311	8.17.801, 803	939
37-29-402	Rule I (Commerce-Dentistry)	941
37-29-402	8.17.801	939
37-29-403	Rule II (Commerce-Dentistry)	942
37-29-403	8.17.801, 808	939
37-30-203	8.10.403, 405, 801, 802, 1003, 1006, 1009	344
37-30-305	8.10.403	344
37-30-307	8.10.405	344
37-30-308	8.10.801	344
37-30-309	8.10.405	344
37-30-401	8.10.801	344
37-30-403	8.10.802	344
37-30-404	8.10.1003	345
37-30-406	8.10.1003, 1006	345
37-30-411	8.10.801	344
37-30-412	8.10.1003	345
37-30-422	8.10.802, 1009	344
37-42-201	16.18.204, 205	777
37-42-202	16.18.201, 203 - 205, 207, 208	776
37-42-202	Rule I (Health)	778
37-42-303	16.18.203	776
37-42-304	16.18.207	777
37-42-321	Rule I (Health)	778
37-43-202	Rules I - III (DNRC-Bd. of Water Well Contractors)	235
37-43-202	36.21.403, 634, 645, 650, 651, 654 - 656, 662, 670, 677, 701, 702, 801, 806, 810	223
37-43-202	36.21.415	636
37-43-302	36.21.403	223
37-43-303	36.21.415	636
37-43-303	36.21.702	232
37-43-305	36.21.403, 701, 702	223
37-43-305	36.21.415	636
37-43-307	36.21.415	636

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
37-47-201	8.39.502, 503, 701	213
37-47-201	8.39.701	999
37-47-301	8.39.701	213
37-47-301	8.39.701	999
37-47-304	8.39.502	213
37-47-305	8.39.503	213
39-71-2311	2.55.101, 201, 301 - 305, 309, 310, 315, 316	353
39-71-2311	2.55.301	568
39-71-2311	2.55.310	486
39-71-2311	2.55.301	996
39-71-2311	2.55.310	997
39-71-2316	2.55.101, 201, 301 - 305, 309, 310, 315, 316	353
39-71-2316	2.55.301	568
39-71-2316	2.55.301	996
39-71-2316	2.55.310	486
39-71-2316	2.55.310	997
39-71-2503	42.17.112, 113, 115, 117, 118, 121, 134, 136, 137	498
39-71-2503	42.17.136 - 138	501
39-71-3426	2.55.301	996
41-3-1103	11.7.604	893
49-1-102	Opinion No. 8	361
49-2-102	24.9.805	904
49-2-204	24.9.265, 314, 315	308
49-2-204	24.9.805, 1406	904
49-2-303	Opinion No. 8	361
49-2-303	24.9.805, 1406	904
49-2-307	Opinion No. 7	321
49-2-401	24.9.805	904
49-2-504, 505	24.9.265, 314, 315	308
49-2-509	24.9.265, 314, 315	308
49-2-601	24.9.805	904
49-3-103	Opinion No. 8	361
49-3-106	24.9.265, 314, 315	308
49-3-106	24.9.805, 1406	904
49-3-201	24.9.1406	904
49-3-307	24.9.265, 314, 315	308
49-3-312	24.9.265, 314, 315	308
50-1-202	16.38.115, 301, 303, 304	780
50-5-103	Rules I - XXVI (Health)	956
50-6-202 - 205	8.28.908, 1112	764

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
52-2-704	11.5.1001	125
52-2-704	11.14.105	495
52-2-713	11.5.1001	125
52-2-731	11.14.105	495
53-2-201	Rule I (SRS)	654
53-2-201	Rules I - III (SRS)	505
53-2-201	46.10.411, 803, 805, 811, 827, 843	1015
53-2-201	46.10.803, 805, 809, 811, 819, 821, 823, 825, 827, 839, 843	707
53-2-201	46.11.101	656
53-2-201	46.11.101, 133	1020
53-2-201	46.12.501	508
53-2-201	46.12.501	1023
53-2-201	46.12.1401 - 1412, 1415, 1417, 1425, 1431, 1432, 1435 - 1440, 1450 - 1455, 1469, 1480	470
53-2-201	46.12.2011, 2013	665
53-2-201	46.12.3207	262
53-2-201	46.12.3214 - 3216	1021
53-2-201	46.14.208, 401	311
53-2-201	46.14.401	47
53-2-201	46.25.101, 724	1053
53-2-201	46.25.101, 724, 742, 752	701
53-2-201	46.25.727, 744	663
53-2-201	46.25.727, 744	1057
53-2-202	Rule I (SRS)	707
53-2-205	46.25.101, 724	701
53-2-205 - 206	46.25.725, 744	663
53-2-211	46.10.803, 805, 809, 811, 819, 821, 823, 825, 827, 839, 843	707
53-2-306	Rule I (SRS)	654
53-2-306	46.11.101	656
53-2-601	46.12.3207	262
53-2-606	46.10.843	714
53-2-803	46.25.101, 724	1053
53-2-803	46.25.101, 724, 731, 742, 751, 752	701
53-2-803	46.25.727, 744	663
53-2-803	46.25.727, 744	1057
53-2-822	46.25.731	703



<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
53-3-109	46.25.101, 724	701
53-3-109	46.25.101, 724	1053
53-3-114	46.25.101, 724	1053
53-3-114	46.25.101, 724, 731, 742, 751, 752	701
53-3-114	46.25.727, 744	663
53-3-114	46.25.727, 744	1057
53-3-205	46.25.101, 724	1053
53-3-205	46.25.727, 744	1057
53-3-206	46.25.101	703
53-3-206	46.25.101, 724	1053
53-3-206	46.25.727, 744	1057
53-3-206	46.25.742	705
53-3-209	46.25.742	705
53-3-303, 304	46.25.731	703
53-3-310	46.25.752	705
53-3-313	46.25.751	705
53-4-211	Rule I (SRS)	707
53-4-211	46.10.403	694
53-4-211	46.10.403	1011
53-4-211	46.10.411, 803, 805, 811, 827, 843	1015
53-4-211, 212	46.10.510	350
53-4-212	Rule I (SRS)	707
53-4-212	46.10.403	694
53-4-212	46.10.403	1011
53-4-212	46.10.411, 803, 805, 811, 827, 843	1015
53-4-212	46.10.506	503
53-4-212	46.10.803, 805, 809, 811, 819, 821, 823, 825, 827, 839, 843	707
53-4-212	46.12.3401	516
53-4-215	46.10.803, 805, 809, 811, 819, 821, 823, 825, 827, 839, 843	707
53-4-215	46.10.803, 805, 811, 827, 843	1015
53-4-231	46.10.506	503
53-4-231	46.10.510	350
53-4-231	46.12.3401	516
53-4-241	Rule I (SRS)	707
53-4-241	46.10.403	694
53-4-241	46.10.403	1011
53-4-241	46.10.411	1015
53-4-241	46.10.506	503
53-4-241	46.10.510	350

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
53-4-242	46.10.506	503
53-4-242	46.10.510	350
53-4-702	46.10.803	707
53-4-702 - 718	46.10.803	1015
53-4-703	46.10.803, 805, 809, 811, 819, 821, 823, 825, 827, 843	708
53-4-703	46.10.805, 811, 827, 843	1016
53-4-704	46.10.803	707
53-4-705	46.10.803, 809, 819, 821, 823	708
53-4-706	46.10.803, 805, 811, 839	708
53-4-706	46.10.805, 811, 827, 843	1016
53-4-707	46.10.803, 805, 811, 839	708
53-4-707	46.10.805, 811, 827, 843	1016
53-4-708	46.10.803, 805, 809, 819, 823	708
53-4-708	46.10.805	1016
53-4-709 - 714	46.10.803	707
53-4-715	46.10.803, 805, 809, 819, 821, 825	708
53-4-715	46.10.805, 811	1016
53-4-716	46.10.803, 825, 827	713
53-4-717	46.10.803, 805, 839	708
53-4-717	46.10.805	1016
53-4-718	46.10.803	707
53-4-719	46.10.803, 805, 809, 811, 819, 821, 823, 825, 827, 839, 843	707
53-4-719	46.10.803, 805, 811, 827, 843	1015
53-4-720	46.10.805, 809, 811, 819, 821, 823, 825, 827, 843	708
53-4-720	46.10.805, 811, 827, 843	1016
53-6-101	Opinion No. 3	136
53-6-101	Rules I, II (SRS)	683
53-6-101	Rules I - III (SRS)	505
53-6-101	Rules I - III (SRS)	679
53-6-101	Rules I - III (SRS)	686
53-6-101	Rules I - IV (SRS)	733
53-6-101	Rules I - XXI (SRS)	797
53-6-101	46.12.501	508
53-6-101	46.12.501	1023
53-6-101	46.12.503, 505	117
53-6-101	46.12.503, 505	671
53-6-101	46.12.508, 509	669
53-6-101	46.12.509	1027
53-6-101	46.12.521 - 524, 802, 805, 806, 2001 - 2003	716
53-6-101	46.12.545, 547	658
53-6-101	46.12.571, 580 - 582, 588, 622, 624	1032
53-6-101	46.12.571, 581, 588	681

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
53-6-101	46.12.575, 577	689
53-6-101	46.12.590, 591, 599	673
53-6-101	46.12.702	677
53-6-101	46.12.1025	699
53-6-101	46.12.1401 - 1412, 1415, 1417, 1425, 1431, 1432, 1435 - 1440, 1450 - 1455, 1469, 1480	470
53-6-101	46.12.1701	1042
53-6-101	46.12.2003	428
53-6-101	46.12.2003	824
53-6-101	46.12.2011, 2013	665
53-6-101	46.12.3214 - 3216	1021
53-6-101	46.12.3401	516
53-6-101	46.12.3803	667
53-6-101	46.12.3803	1050
53-6-103	Rules I - III (SRS)	505
53-6-103	46.12.501	508
53-6-111	Rules I - III (SRS)	505
53-6-111	46.12.1401 - 1403, 1409 - 1412, 1415, 1417, 1425, 1431, 1432, 1435 - 1440, 1450 - 1455, 1469, 1480	470
53-6-113	Opinion No. 3	136
53-6-113	Rules I, II (SRS)	683
53-6-113	Rules I - III (SRS)	505
53-6-113	Rules I - III (SRS)	679
53-6-113	Rules I - III (SRS)	686
53-6-113	Rules I - IV (SRS)	733
53-6-113	Rules I - XXI (SRS)	797
53-6-113	46.12.501	508
53-6-113	46.12.501	1023
53-6-113	46.12.503, 505	117
53-6-113	46.12.503, 505	671
53-6-113	46.12.508, 509	669
53-6-113	46.12.509	1027
53-6-113	46.12.521 - 524, 802, 805, 806, 2001 - 2003	716
53-6-113	46.12.545, 547	658
53-6-113	46.12.571, 580 - 582, 588, 622, 624	1032
53-6-113	46.12.571, 581, 588	681
53-6-113	46.12.575, 577	689
53-6-113	46.12.590, 591, 599	673
53-6-113	46.12.702	677
53-6-113	46.12.1025	699
53-6-113	46.12.1701	1042

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
53-6-113	46.12.2003	428
53-6-113	46.12.2003	824
53-6-113	46.12.2011	665
53-6-113	46.12.3207	262
53-6-113	46.12.3214 - 3216	1021
53-6-113	46.12.3401, 3801	661
53-6-113	46.12.3401, 3801	1046
53-6-113	46.12.3601, 3603	692
53-6-113	46.12.3803	667
53-6-113	46.12.3803	1050
53-6-113	46.12.3804	265
53-6-113	46.12.4011	54
53-6-131	Rules I, II (SRS)	683
53-6-131	Rules I - III (SRS)	505
53-6-131	Rules I - III (SRS)	686
53-6-131	46.12.501	508
53-6-131	46.12.501	1023
53-6-131	46.12.3214 - 3216	1021
53-6-131	46.12.3401	516
53-6-131	46.12.3401, 3801	661
53-6-131	46.12.3401, 3801	1046
53-6-131	46.12.3601, 3603	692
53-6-131	46.12.3803	667
53-6-131	46.12.3803	1050
53-6-131	46.12.3804	265
53-6-202	16.35.111	585
53-6-402	46.12.1401 - 1403, 1409 - 1412, 1415, 1417, 1425, 1431, 1432, 1435 - 1440, 1450 - 1455, 1469, 1480	470
53-20-206	Opinion No. 1	60
56-6-131	46.12.4011	54
61-3-506	42.21.301 - 307, 311, 312	420
61-8-405	Rules I - X (Justice-Forensic Science)	787
61-8-405	23.4.201, 209	785
69-3-102	Rule I (PSR)	989
69-3-102	38.5.3302, 3332, 3339	392
69-3-102	38.5.3302, 3332, 3339	990
69-3-102	38.6.301	466
69-3-103	Rules I, II (PSR)	989
69-3-103	38.5.3302, 3332, 3339	392
69-3-103	38.5.3302, 3332, 3339	990
69-3-103	38.6.301	466
69-3-201	38.5.3302, 3332, 3339	392
69-3-201	38.5.3302, 3332, 3339	990

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
69-3-221	38.5.3332	392
69-3-221	38.5.3332	990
69-3-808	Rule II (PSR)	989
69-3-822	Rules I, II (PSR)	989
69-12-101	Declaratory Ruling (Commerce and SRS)	150
69-12-102	Declaratory Ruling (Commerce and SRS)	150
69-12-105	Declaratory Ruling (Commerce and SRS)	150
69-12-201	Rules I - XV (PSR)	982
69-12-201	38.3.401, 402, 702, 2001	987
69-12-201	38.3.706	45
69-12-201	Emergency Amendment 38.3.706	50
69-12-311 - 314	38.2.401, 402	987
69-12-324	38.3.402	987
69-12-402	38.3.702	987
69-12-402	38.3.706	45
69-12-402	Emergency Amendment 38.3.706	50
69-12-405	Declaratory Ruling (Commerce and SRS)	150
69-12-423	Rule I (PSR)	982
69-12-423	38.3.402	987
69-12-611	38.3.2001	988
75-1-201	Rules I, II (Commerce-Coal Board)	107
75-1-202	Rule I (Commerce-Coal Board)	107
75-2-111	16.8.1423, 1424	348
75-2-203	16.8.1423, 1424	348
75-5-1102	Rule II (DNRC)	638
75-5-1103	Rule I (DNRC)	637
75-5-113	Rules III - X (DNRC)	641
75-6-103	Rules I - V (Health)	619
75-6-103	Rule V (Health)	624
75-6-103	16.20.202 - 205, 207, 210 - 214, 216, 217, 220, 224, 225, 242, 250 - 252	596
75-6-103	16.38.302	781
75-6-106	16.38.105, 111, 112, 115, 126	587
75-6-107	Rule IV (Health)	623
75-6-107	16.20.250 - 252	619
75-7-1105	Rules I - X (DNRC)	637
75-10-203, 204	16.44.324	188
75-10-204	16.44.402	21
75-10-204	16.44.402, 418, 703	34
75-10-225	16.44.402	21
75-10-225	16.44.402, 418	34

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
75-10-403	Rule I (Health)	187
75-10-403	16.44.303, 304	32
75-10-403	16.44.304	186
75-10-404	Rule I (Health)	187
75-10-404	16.44.101, 107, 302 - 304, 404, 415, 818, 819	23
75-10-404	16.44.304, 305	186
75-10-404	16.44.415	21
75-10-405	Rule I (Health)	187
75-10-405	16.44.101, 102, 107, 116, 120, 124, 202, 302 - 304, 333, 351, 404, 415, 528, 609, 610, 613, 702, 703, 802, 804, 805, 817 - 819, 823	23
75-10-405	16.44.102, 304, 305, 330, 351	186
75-10-405	16.44.401, 415	19
75-10-406	16.44.101, 107, 116, 120, 124, 202, 609, 610, 613, 702	23
75-10-602	Rule I (Health)	187
75-11-204	16.45.1219, 1220, 1230, 1232	900
75-11-204	16.45.1220, 1221, 1232	289
75-11-213	16.45.1220, 1230, 1232	901
75-11-213	16.45.1232	290
77-1-209	26.3.149	109
77-6-401 - 404	26.3.149	109
80-4-403	4.12.1012	570
80-4-704, 705	Rule I (Agriculture)	383
80-4-709, 710	Rules I - IV (Agriculture)	935
80-4-721	4.12.1012	570
80-5-108	4.12.3402	341
80-5-110	4.12.3402	341
80-5-112	4.12.3402	341
80-7-802	Rule I (Agriculture)	210
80-8-105	4.10.311 - 316	100
80-8-105	4.10.311 - 316	354
80-11-403	4.12.1504	385
80-11-412	4.12.1504	385
81-2-101	Rule X (Livestock)	630
81-2-102	Emergency New Rule I (Livestock)	1007
81-2-102	Rules I - XV (Livestock)	625
81-2-102	32.3.136, 219	625
81-2-103	Emergency New Rule I (Livestock)	1007

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
81-2-103	Rules I - IX, XIII - XV (Livestock)	625
81-2-103	32.3.219	625
81-2-107	Rule X (Livestock)	630
81-23-104	8.79.301	178
81-23-104	8.79.301	441
81-23-202	8.79.301	178
81-23-302	8.86.301	1
81-23-302	8.86.301	215
81-23-302	8.86.301	296
81-23-302	8.86.301	513
81-23-302	8.86.301, 503, 504, 513	768
81-23-302	8.86.505	49
82-4-205	26.4.1301A	111
82-4-221	26.4.1301A	111
82-4-305	26.4.180 - 183, 191, 192	445
82-4-321	26.4.180 - 183, 191, 192	445
82-4-335	26.4.180, 191	445
82-15-102	Rule IV (Commerce-Weights & Measures)	890
82-15-109	Rule IV (Commerce-Weights & Measures)	890
82-23-202	8.79.301	441
85-2-113	36.12.103	634
85-2-306	36.12.103	634
87-1-102	Rule XVIII (FWP)	13
87-1-102	12.3.405	819
87-1-225	Rules XXI, XXII (FWP)	14
87-1-225	12.9.801, 802	819
87-1-301	Rules I, II, XV, XVII (FWP)	4
87-1-301	12.3.109, 110, 112, 119, 120, 121, 123, 402, 404 - 406	815
87-1-301	12.9.801, 802	819
87-1-303	12.6.901	180
87-1-303	12.6.901	221
87-1-303	12.6.901	582
87-1-303	12.6.901	740
87-1-304	Rules III, VII, VIII, XIV, XVI (FWP)	5
87-1-304	12.3.111, 115, 116, 122	815
87-2-104	12.3.119, 403	818
87-2-105	Rule XII (FWP)	11
87-2-105	12.3.120	818
87-2-113	Rule XIII (FWP)	11
87-2-113	12.3.121	818

<u>MCA</u>	<u>Rule or A.G.'s Opinion</u>	<u>Register Page No.</u>
87-2-506	Rules IX, XI (FWP)	10
87-2-506	12.3.117, 118	817
87-2-511	Rule XX (FWP)	14
87-2-511	12.3.123	819
87-2-705	Rule VI (FWP)	8
87-2-705	12.3.114	816
87-2-706	Rules IV, V (FWP)	6
87-2-706	12.3.112, 113	816
87-3-209	Rules I - VI (FWP)	895
87-3-223	Rules I - VI (FWP)	895
90-1-103	Rule I (Commerce-Local Government Assistance Division)	105
90-4-201	46.14.208, 401	311
90-4-201	46.14.401	47
90-4-202	46.14.208, 401	311
90-4-202	46.14.401	47
90-6-205	Rules I, II (Commerce-Coal Board)	107
Ch. 481, Sec. 6, L. 1991	Rules IX - XV (PSR)	985
Ch. 481, Sec. 6, L. 1991	38.3.401, 402	987
Ch. 481, Secs. 7 and 8, L. 1991	Rules IV - VIII (PSR)	983
Ch. 481, Sec. 9, L. 1991	Rules I - III (PSR)	982
Ch. 647, Sec. 44, L. 1991	Rule IX (Justice)	976
H.B. 66 S.L. 1991	Rule I (Agriculture)	880
H.B. 477 S.L. 1991	Rules I - III (Commerce- Business Development)	579
H.B. 977 S.L. 1991	46.12.590, 591, 599	673