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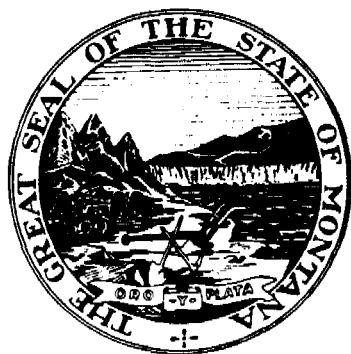
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**FEB 15 1991**

**OF MONTANA**

# **MONTANA ADMINISTRATIVE REGISTER**

1991 ISSUE NO. 3  
FEBRUARY 14, 1991  
PAGES 172-209



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FEB 15 1991

## MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 3

## OF MONTANA

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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

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

In the matter of the proposed amendment of rules pertaining to definitions, fees, general provisions and definition of conduct detrimental to the best interests of racing ) NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT OF RULES PERTAINING TO DEFINITIONS, FEES, GENERAL PROVISIONS AND DEFINITION OF CONDUCT DETRIMENTAL TO THE BEST INTERESTS OF RACING

TO: All Interested Persons:

1. On March 8, 1991, at 9:00, a.m., a public hearing will be held in the conference room at the Department of Natural Resources and Conservation, 1520 East Sixth, Helena, Montana.

2. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

"8.22.501 DEFINITIONS (1) through (20) will remain the same.

(21) "Lessor" means the actual owner of a horse.

(21) through (52) will remain the same but will be renumbered (22) through (53)."

Auth: Sec. 23-4-104, 23-4-202, MCA; IMP, Sec. 23-4-101, 23-4-104, 23-4-202, MCA

**REASON:** People who own horses are leasing them to others to escape having to pay workers compensation and board license fees. By defining lessor, we are closing that loophole.

"8.22.503 ANNUAL LICENSE FEES The following fees shall be charged annually:

(1) Trainer	<del>9-20-00</del>	\$ 30.00
(a) Assistant trainer	<del>20-00</del>	30.00
(2) Owner	<del>20-00</del>	30.00
(3) Temporary owner	<del>20-00</del>	30.00
(4) Owner-trainer	<del>25-00</del>	35.00
(5) Track license	<del>100-00</del>	110.00
(6) Jockey	<del>20-00</del>	30.00
(7) Jockey apprentice	<del>20-00</del>	30.00
(8) Jockey agent	<del>20-00</del>	30.00
(9) Authorized agent	<del>10-00</del>	20.00
(10) Stable name	<del>20-00</del>	30.00
(11) Parimutuel #1		
(a) Parimutuel manager	<del>10-00</del>	20.00
(b) Auditor	<del>10-00</del>	20.00
(c) Calculator operator	<del>10-00</del>	20.00
(d) Totalizer company	<del>50-00</del>	60.00
(e) Tote employee	<del>10-00</del>	20.00
(12) Parimutuel #2		
(a) Parimutuel employees	<del>5-00</del>	15.00
(13) Official #1		
(a) Racing secretary	<del>20-00</del>	30.00

(b)	Track veterinarian	20-00	<u>30.00</u>
(14)	Official #2		
(a)	Chief of security	10-00	<u>20.00</u>
(b)	Director of racing	10-00	<u>20.00</u>
(c)	Identifier	10-00	<u>20.00</u>
(d)	Paddock judge	10-00	<u>20.00</u>
(e)	Patrol judge	10-00	<u>20.00</u>
(f)	Racing secretary assist.	10-00	<u>20.00</u>
(g)	Steward-track	10-00	<u>20.00</u>
(h)	Starter	10-00	<u>20.00</u>
(i)	Track superintendent	10-00	<u>20.00</u>
(j)	Custodian jocks room	10-00	<u>20.00</u>
(k)	Clerk of scales	10-00	<u>20.00</u>
(l)	Handicapper	10-00	<u>20.00</u>
(m)	Placing judge	10-00	<u>20.00</u>
(n)	Timer	10-00	<u>20.00</u>
(15)	Occupational #1		
(a)	Veterinarian practicing	20-00	<u>30.00</u>
(b)	Plater	20-00	<u>30.00</u>
(16)	Occupational #2		
(a)	Announcer	10-00	<u>20.00</u>
(b)	Exercise person	10-00	<u>20.00</u>
(c)	Groom	10-00	<u>20.00</u>
(d)	Horsemen's bookkeeper	10-00	<u>20.00</u>
(e)	Valet	10-00	<u>20.00</u>
(f)	Photo manager	10-00	<u>20.00</u>
(g)	Outrider	10-00	<u>20.00</u>
(h)	Pony person	10-00	<u>20.00</u>
(i)	Tip sheet seller	10-00	<u>20.00</u>
(j)	Photo company	50-00	<u>60.00</u>
(k)	Gate attendant	10-00	<u>20.00</u>
(l)	Hot walker	10-00	<u>20.00</u>
(m)	Office personnel	10-00	<u>20.00</u>
(n)	Photo employee	10-00	<u>20.00</u>
(o)	Security staff	10-00	<u>20.00</u>
(p)	Starter assistant	10-00	<u>20.00</u>
(q)	Stable foreman	10-00	<u>20.00</u>
(r)	Stable super	10-00	<u>20.00</u>
(s)	Veterinarian assistant	10-00	<u>20.00</u>
(t)	Watchman	10-00	<u>20.00</u>
(u)	Others not listed (track maintenance)	10-00	<u>20.00</u>
(v)	Director of simulcast network	25-00	<u>35.00</u>
(w)	Parimutuel manager at simulcast network	20-00	<u>30.00</u>
(x)	Director at simulcast facility	25-00	<u>35.00</u>
(y)	Parimutuel manager or money room manager at simulcast facilities	20-00	<u>30.00</u>
(z)	Parimutuel employees at simulcast facility	5-00	<u>15.00</u>
(aa)	Chief of security at simulcast facilities	25-00	<u>35.00</u>
(ab)	Program company	50-00	<u>60.00</u>
(ac)	Program manager	20-00	<u>30.00</u>

(ad)	Program employee	<del>10-00</del>	20.00
(ae)	Simulcast site or network license	<del>125-00</del>	135.00
(af)	Lessor		30.00
(17)	Not requiring licenses but requiring identification. [Wives, children over 6 years of age and under 16 years of age, duplicate (lost i.d. cards)]	5-00	15.00

AUTH: 37-1-134, 23-4-104, 23-4-201, MCA; IMP, 23-4-104, 23-4-201, MCA  
REASON: The Board is raising fees to make them commensurate with program area costs to comply with section 37-1-134, MCA.

"8.22.701 GENERAL PROVISIONS (1) through (11) will remain the same.

(12) In the event of the loss of a license card, the board may in its discretion issue a duplicate, the fee for which shall be ~~\$5-00~~ \$15.00 and all minor and spouses identification cards shall be issued for \$15.00.

(13) and (14) will remain the same."

Auth: Sec. 23-4-202, MCA; IMP, Sec. 23-4-104, MCA

REASON: The language "shall be issued for \$15.00" was inadvertently deleted several years ago and the board would like it to remain in the rule. The fee is being amended to make it commensurate with program area costs.

"8.22.1501 GENERAL PROVISIONS (1) through (18) will remain the same.

(19) No racing official shall directly or indirectly wager money or anything of value on the result of any race at any licensed race meeting at which he/she presides.

(20) through (32) will remain the same."

Auth: Sec. 23-4-104, MCA; IMP, Sec. 23-4-104, 23-4-106, MCA

REASON: This amendment is being proposed to implement section 23-4-106(4), MCA.

"8.22.1502 DEFINITION OF CONDUCT DETRIMENTAL TO THE BEST INTERESTS OF RACING For the purpose of implementing section 23-4-202(2), MCA, as amended, and also of defining conduct which the board considers detrimental to the best interest of racing as contemplated by ARM 8.22.701(8), the board rules that the following conduct is detrimental to the best interest of racing but these rules are not intended to limit the application of the phrase or otherwise to be exclusive:

(1) through (14) will remain the same.

(15) wagering money or anything of value either directly or indirectly, on the result of any race at any licensed race meet in this state, ~~by any licensed official~~ by any presiding licensed official.

(16) through (18) will remain the same."

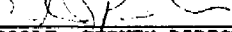
Auth: Sec. 23-4-104, MCA; IMP, Sec. 23-4-106, MCA

**REASON:** This amendment is being proposed to implement section 23-4-106(4), MCA.

3. Interested persons may present their views and comments either orally or in writing at the hearing. Written comments may also be submitted to the Board of Horse Racing, Room 50, Lee Metcalf Building, 1520 East Sixth, Helena, Montana 59620, no later than March 16, 1991.

4. Bob Verdon has been designated to preside over and conduct the hearing.

BOARD OF HORSE RACING  
STEVE CHRISTIAN, CHAIRMAN

BY:   
\_\_\_\_\_  
ANDY POOLE, DEPUTY DIRECTOR  
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, February 4, 1991.

BEFORE THE DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the Petition ) NOTICE OF PUBLIC HEARING ON  
by Associated Credit Bureaus ) THE PROPOSED AMENDMENT OF  
to amend ARM 8.78.301 ) 8.78.301 DISCLOSURE FEES

TO: All Interested Persons:

1. On December 10, 1990, the Montana Department of Commerce received a petition from the Associated Credit Bureaus of Montana.
2. On March 7, 1991, at 10:30, a.m., a public hearing will be held in the downstairs conference room of the Department of Commerce building, 1424 - 9th Avenue, Helena, Montana, to consider the adoption of the above-stated rule.
3. Petitioner has proposed that ARM 8.78.301 be amended to read:

"8.78.301 DISCLOSURE FEES (1) A consumer reporting agency shall make all disclosures pursuant to section 31-3-133, MCA, without charge to the consumer, if within thirty (30) days after receipt by such consumer or a notification pursuant to section 31-3-131, MCA, or notification from a debt collection agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 31-3-122, MCA. Otherwise, the consumer reporting agency shall charge the consumer no more than ~~three dollars-(\$3.00)~~ seven dollars and fifty cents (\$7.50) for making disclosure to such consumer pursuant to section 31-3-122, the charge for which shall be indicated to the consumer prior to making disclosure. No charge may be made for notifying users of deletion of information found to be verified as required by section 31-3-124, MCA."

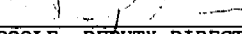
Auth: Sec. 31-3-125, 31-3-153, MCA; IMP, Sec. 31-3-125, 31-3-153, MCA

4. Petitioner represents all Credit Reporting Agencies located in the State of Montana.
5. Petitioner alleges that Credit Reporting Agency's costs for making consumer disclosures of credit surpasses the three dollar (\$3.00) limit currently allowed by 8.78.301, Administrative Rules of Montana.
6. Petitioner asserts that seven dollars and fifty cents (\$7.50) is a reasonable fee, which will also cover the costs of making consumer credit disclosures.
7. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Thomas Christie, Department of Commerce, 1424 - 9th Avenue, Helena, Montana 59620, no later than March 14, 1991.



8. Thomas W. Christie, Helena, Montana, has been designated to preside over and conduct the hearing.

DEPARTMENT OF COMMERCE

BY:   
ANDY POOLE, DEPUTY DIRECTOR

Certified to the Secretary of State February 4, 1991.

BEFORE THE MILK CONTROL BUREAU  
OF THE STATE OF MONTANA

In the matter of the amend- ) NOTICE OF PROPOSED AMENDMENT  
ment of rule 8.79.301 ) OF RULE 8.79.301 LICENSEE  
regarding assessments ) ASSESSMENTS - NO PUBLIC  
 ) HEARING CONTEMPLATED  
 )  
 ) DOCKET #5-91

TO: ALL LICENSEES UNDER THE MONTANA MILK CONTROL ACT  
(SECTION 81-23-101, MCA, AND FOLLOWING), AND ALL INTERESTED  
PERSONS:

1. On April 1, 1991, the department of commerce proposes to amend rule 8.79.301 relating to an assessment to be levied upon licensees subject to 81-23-202, MCA. The proposed amendment will become effective July 1, 1991.

2. The purpose of the amendment is to change the amount of the assessment. The rule as proposed to be amended would read as follows. (new matter underlined, deleted matter interlined)

"8.79.301 LICENSEE ASSESSMENTS (1) Pursuant to section 81-23-202, MCA, the following assessments for the purpose of deriving funds to administer and enforce the Milk Control Act during the current fiscal year beginning July 1 and ending June 30, are hereby levied upon the Milk Control Act licensees of this department.

(a) A fee of ~~nine-cents-(\$0.09)~~ ten cents (\$0.10) per hundredweight on the total volume of all milk subject to the Milk Control Act produced and sold by a producer-distributor.

(b) A fee of ~~nine-cents-(\$0.09)~~ ten cents (\$0.10) per hundredweight on the total volume of all milk subject to the Milk Control Act produced and sold by a distributor home based in another state. Said fee is to be paid either by the foreign distributor or his jobber who imports such milk for sale within this state.

(c) A fee of ~~four-and-one-half-cents-(\$0.045)~~ five cents (\$0.05) per hundredweight on the total volume of all milk subject to the Milk Control Act sold by a producer.

(d) A fee of ~~four-and-one-half-cents-(\$0.045)~~ five cents (\$0.05) per hundredweight on the total volume of all milk subject to the Milk Control Act sold by a distributor, excepting that which is sold to another distributor."

AUTH: 81-23-104, 81-23-202, MCA

IMP: 81-23-202, MCA

3. The proposed amendment changes the current assessment rate from \$.09 per c.w.t. to \$.10 per c.w.t. The purpose for raising the rate is to permit the collection of adequate revenue to cover budgeted expenses for administering the Act during the next fiscal year. The amendment is mandated by statute.

4. Interested persons may participate and present data, views, or arguments concerning the proposed amendments in writing to the Milk Control Bureau, 1520 East Sixth Avenue - Rm. 50, Helena, MT 59620-0512, no later than March 15, 1991.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written comments he has to the above address no later than March 15, 1991.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10 percent (10%) or twenty-five (25), whichever is less, of the persons who are directly affected by the proposed amendment, from the administrative code committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent (10%) of those persons directly affected by this assessment has been determined to be 25 persons based on an estimate of 246 resident and nonresident producers, distributors, out-of-state distributors, and producer-distributors.

MONTANA DEPARTMENT OF COMMERCE

By: 

Andy S. Poole, Deputy Director  
Montana Department of Commerce

Certified to the Secretary of State February 4, 1991.

BEFORE THE FISH AND GAME COMMISSION  
OF THE STATE OF MONTANA

In the matter of the proposed )	NOTICE OF PUBLIC HEARING
amendment of ARM 12.6.901 )	FOR RECONSIDERATION
	OF A PROPOSED AMENDMENT
	OF ARM 12.6.901: EXTENSION
	OF 10 HORSEPOWER RESTRICTION
	ON YELLOWSTONE RIVER TO THE
	SPRINGDALE BRIDGE

TO: All interested persons

1. On the following dates at the locations given, the Department of Fish, Wildlife and Parks (Department) will hold public hearings to reconsider a proposed amendment of Rule 12.6.901 pertaining to a 10 horsepower restriction on the Yellowstone River between Livingston and Springdale.

(1) March 6, 1991, Community Room of the City Center Building, 414 E. Callender, Livingston, Montana at 7:00 o'clock p.m.;

(2) March 7, 1991, Department of Fish, Wildlife and Parks Headquarters, 2300 Lake Elmo Drive, Billings, Montana at 7:00 p.m.

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

12.6.901 WATER SAFETY REGULATIONS (1) remains the same.

(1)(a) remains the same.

(b) The following waters are closed to the use of all boats propelled by machinery of over 10 horsepower, except in cases of use for search and rescue, official patrol, or for scientific purposes:

(i) all rivers and streams in the following counties east of the continental divide:

Silver Bow:

Beaverhead:

Jefferson:

Madison:

Gallatin:

exception-Missouri downriver from

Headwaters State Park;

Park:

exception-Yellowstone downriver from

Springdale-Bridge I-90 bridge at Livingston;

Broadwater:

exception-Missouri downriver from the

Broadwater-Gallatin county line;

(ii) through (2) remains the same.

AUTH: 87-1-303, 23-1-106(1), MCA

IMP: 87-1-303, 23-1-106(1), MCA

3. This is a reconsideration of an amendment to ARM 12.6.901 adopted in 1988. This rule was amended effective October 14, 1988, to extend the 10 horsepower restriction on the Yellowstone River from the I-90 bridge at Livingston further downriver to the Springdale Bridge. The validity of the adoption of the rule was contested in a lawsuit which was settled and the case dismissed. In the settlement, the Department and the Fish and Game Commission (Commission) agreed to reconsider this 1988 amendment to administrative Rule 12.6.901 adopted in the Administrative Register at Issue No. 19, page 2219, that placed a 10 horsepower limitation on motor boats on the section of the Yellowstone River from Livingston downstream to Springdale.

The Commission will either repeal the rule, reaffirm the present rule, or modify the present rule based upon the testimony, evidence and comments received during the rulemaking process and based on the criteria of Section 87-1-303, MCA. The Commission has authority to regulate boating on public waters "in the interest of public health, public safety, and protection of property." Section 87-1-303, MCA. These are the criteria on which the Commission is required by statute to base their decision of whether to repeal, reaffirm, or modify the present 10 horsepower restriction between the I-90 bridge and the Springdale Bridge. The interested public is requested to specifically address these criteria in their written or oral testimony, comments, data, views or arguments.

The amendment must be reviewed and approved by the Department of Health and Environmental Sciences before becoming effective as required by Section 87-1-303, MCA.

4. Interested persons may present their data, views or arguments either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Bob Martinka, Regional Supervisor, Department of Fish, Wildlife and Parks, 1400 South 19th, Bozeman, Montana, 59715, no later than March 14, 1991.

5. Bob Lane has been designated to preside over and conduct the hearing.



Allen A. Elser  
Deputy Director  
Montana Fish and Game  
Commission

Certified to the Secretary of State February 4, 1991.

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

In the matter of the amendment of )	NOTICE OF PUBLIC HEARING
rules 16.44.102, 16.44.304, )	FOR PROPOSED AMENDMENT
16.44.305, 16.44.324, 16.44.330, )	OF RULES 16.44.102,
16.44.351, and the promulgation of )	16.44.304, 16.44.305,
a new rule I )	16.44.324, 16.44.330,
)	16.44.351, AND THE PROPOSED
)	ADOPTION OF NEW RULE I

(Solid & Hazardous Waste)

To: All Interested Persons

1. On March 18, 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 amendment of the above-captioned rules.

2. The proposed amendments and the adoption of the new rule are intended to adopt federal EPA regulations to achieve parity with the federal regulations. Passage of the amendment and rule is necessary for authorization from the Environmental Protection Agency (EPA) to the State of Montana to independently operate a hazardous waste program.

3. The rules, as proposed to be amended, appear as follows (new material is underlined; material to be deleted is interlined):

16.44.102 INCORPORATIONS BY REFERENCE (1) In accordance with the Act this chapter of Title 16, ARM establishes a hazardous waste management (HWM) program which is essentially the equivalent of the federal HWM program established by the Congress under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987), as amended (RCRA) and administered by the U.S. Environmental Protection Agency (EPA).

(2) In view of the Act's requirement of equivalence with the federal RCRA program and in order to simplify the rulemaking process and make the rules less cumbersome, the department has relied heavily upon incorporation and adoption by reference of federal requirements as set forth in Title 40 of the Code of Federal Regulations (CFR).

(3) Where the department has adopted a federal regulation by reference, the following shall apply:

(a) References in the federal regulations to "Administrator", "Regional Administrator", or U.S. Environmental Protection Agency, or the like, should be read to mean "department".

(b) Where the department incorporates by reference a subpart of a federal regulation, both the subpart and its constituent sections and subsections are also incorporated by reference.

(4) For persons applying for a HWM permit, the department will furnish a full text of all rules in this chapter including all tables and appendices.

(5) As of February 17, 1987<sup>90</sup>, all of the incorporations by reference of federal agency rules listed below within the specific state agency rules listed below shall refer to federal agency rules as they have been codified in the July 1, 1986<sup>90</sup> edition of Title 40 of the Code of Federal Regulations (CFR). References in the state rules to federal rules contained in Titles 49 and 33 are updated to the extent that they have been updated by the federal rules which also incorporate these rules by reference. For the proper edition of these rules in Titles 49 and 33, see the reference in Title 40 of the CFR (1986<sup>90</sup> edition), provided in parenthesis. A short description of the amendments to incorporated federal rules which have occurred since the last incorporation by reference is contained in the column to the right. This rule supersedes any specific references to editions of the CFR contained in other rules in this chapter.

<u>State Rule</u>	<u>Federal Rule Incorporated</u>	<u>Notation of Most Recent Changes to Federal Rules</u>
<u>16.44. . . .</u>	<u>40 CFR . . .</u>	
103	264.17(b), 264.96, 264.117, 264.171, 264.172	NC
109	264.72, 264.73(b)(9), 264.76	Codification of HSWA language; used oil & hazardous waste fuel regulations.
110	Parts 264 and 266	Codification of HSWA language; used oil & hazardous waste fuel regulations.
116	264.98, 264.99, 264.100, 264.112, 264.113, 264.117(a), 264.118, 264.147	NC
118	264.112, 264.113, 264.271, 264.272	NC
120	270.14 - 270.21	Regulations identifying dioxin wastes; codification of HSWA language.

123	264.343, 264.345	Regulations identifying dioxin wastes.
124	Part 264, Subpart M	Regulations identifying dioxin wastes.
126	Parts 264 and 266	Codification of HSWA amendments; used oil & hazardous waste fuel regulations
202	Parts 264 and 266, Appendix to Part 262	Codification of HSWA language; used oil & hazardous waste fuel regulations.
305	Part 266, Subparts C, D, and F	Codification of HSWA language; used oil & hazardous waste fuel regulations.
306	Part 264, Subpart O; Part 265, Subpart O; Part 266, Subparts C-G; 265.71, 265.72	Codification of HSWA language; used oil & hazardous waste fuel regulations.
<u>49 CFR . . .</u>		
321	173.300 (40 CFR 261.21)	NC
323	173.51, 173.53, 173.88 (40 CFR 261.23)	NC
<u>40 CFR . . .</u>		
331	261.31	Listing of spent solvents; four new spent solvents listed.
332	261.32	New waste listings
333	261.33(e) and (f)	New waste listings
334	Part 265, Appendix V	NC



351	Part 261, Appendices I, II, III, and X	Toxicity characteristic leaching procedure.
352	Part 261, Appendices VII and VIII	Chlorinated hydrocarbons; dioxin wastes; solvents.
405	Part 262, the Appendix	Codification of HSWA language.
	<u>49 CFR . . .</u>	
410	Parts 173, 178, and 179 (40 CFR 262.30)	NC
411	Part 172, Subpart E (40 CFR 262.31)	NC
412	Part 172, Subpart D (40 CFR 262.32)	NC
413	Part 172, Subpart F (40 CFR 262.33)	NC
	<u>40 CFR . . .</u>	
415	Part 265, Subparts C, D, I, and J, except 265.193; 265.16, 265.171, 265.172, 265.173(a)	Codification of HSWA language.
	<u>49 CFR . . . / 33 CFR . . .</u>	
511	171.15, 171.16 / 153.203 (40 CFR 263.30)	NC
	<u>40 CFR . . .</u>	
603	264.250(c), 265.352, 265.383	Regulations identifying dioxin wastes.
609	Part 265, Subparts B - Q, excluding Subpart H and 265.75	Toxicity characteristic references.
702	Part 264, Subparts B - O, excluding Subpart H and 264.75	Toxicity characteristic references.
802	264.228, 264.258, 265.228, and 265.258	Codification of HSWA language.

803	264.112, 264.117 - 264.120, 265.112, 265.117 - 265.120	NC
804	264.111 - 264.115, 264.178, 264.197, 264.228, 264.258, 264.280, 264.310, 264.351, 264.143(f)(3); 265.111 - 265.115, 265.178, 265.197, 265.228, 265.258, 265.280, 265.310, 265.351, 265.381, and 265.404	Codification of HSWA language.
805	264.117 - 264.120; 264.228, 264.258, 264.280, 264.310, 264.145(f)(5); 265.117 - 265.120, 265.228, 265.258, 265.280, 265.310	Codification of HSWA language.
811	264.143(f) and 264.145(f)	NC
817	264.143(f), 264.145(f), 264.147(f)	NC
822	264.115	NC
823	264.151(a)-(e), (i), and (j)	NC

NC - Refers to no change in the material which is being incorporated by reference from the time of the last formally noticed incorporation by reference.

HSWA - Refers to the Hazardous and Solid Waste Act of 1984 which amends the Resource Conservation and Recovery Act of 1976, as amended in 1980.

(6) All material which is incorporated by reference may be obtained from the Solid and Hazardous Waste Bureau, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620. Interested persons seeking a copy of the CFR may address their requests directly to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

AUTH: 75-10-405, MCA

IMP: 75-10-405, MCA

16.44.304 EXCLUSIONS (1) Remains the same.

(2) The following are not subject to regulation under this chapter but may be subject to regulation under the provisions of ARM Title 16, chapter 14:

(a) - (e) Remain the same.

(f) waste which consists of discarded wood or wood products which fails the test for the ~~characteristic of~~ EP toxicity

characteristic solely for arsenic and which is not a hazardous waste for any other reason, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use;

(g)(i) wastes which fail the test for the characteristic of EP toxicity characteristic because chromium is present or are listed in ARM 16.44.330 through 16.44.333 due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic if it is shown by a waste generator or by waste generators that:

(A) and (B) Remain the same.

(C) the waste is typically and frequently managed in non-oxidizing environments.

(ii) specific wastes which meet the standard in (i)(A), (B) and (C) (so long as they do not fail the test for the characteristic of EP toxicity characteristic, and do not fail the test for any other characteristic) are:

(A) - (H) Remain the same.

(h) petroleum-contaminated media and debris that fail the test for the toxicity characteristic of ARM 16.44.324 (hazardous waste codes D018 through D043 only) and are subject to the corrective action regulations under chapter 45 of this title.

(3) - (5) Remain the same.

AUTH: Sec. 75-10-404, 75-10-405, MCA

IMP: 75-10-403, 75-10-405, MCA

16.44.305 SPECIAL REQUIREMENTS FOR COUNTING HAZARDOUS WASTES (1) In accounting for the quantity of hazardous waste generated for the purpose of determining his proper category, a generator:

(a) need not include hazardous waste that is excluded from regulation under this chapter (e.g., wastes excluded under ARM 16.44.103, 16.44.304, 16.44.612, or 16.44.701, recyclable materials which are excluded under ARM 16.44.306(1)(c)(i), (ii), and (iv) through (ix), or which are directly reclaimed on site without prior storage; and used oil which has not been mixed with any listed hazardous waste and which is excluded under ARM 16.44.306(1)(b)(iii) or (1)(c)(iii));

(b) - (e) Remain the same.

AUTH: 75-10-404, 75-10-405, MCA

IMP: 75-10-405, MCA

RULE 1 POLYCHLORINATED BIPHENYL (PCB) WASTES REGULATED UNDER FEDERAL LAW (1) PCB-containing dielectric fluids and electric equipment containing such fluids, authorized for use and regulated under 40 CFR Part 761, and that are hazardous only because they fail the test for the toxicity characteristic (hazardous waste numbers D018 through D043 only) are exempt from regulation under this chapter.

AUTH: 75-10-404, 75-10-405, MCA

IMP: 75-10-403, 75-10-602, MCA

16.44.324 TOXICITY CHARACTERISTIC OF EP TOXICITY (1) A waste exhibits the characteristic of EP toxicity if, using the test methods described in ARM 16.44.351, the extract from a representative sample of the waste contains any of the contaminants listed in Table I at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology specified in ARM 16.44.351(1)(b), is considered to be the extract for the purposes of this rule.

(2) A waste that exhibits the characteristic of EP toxicity, but is not listed as a hazardous waste in ARM 16.44.330 through 16.44.333, has the EPA hazardous waste number specified in Table I which corresponds to the toxic contaminant causing it to be hazardous.

AUTH: Sec. 75-10-204, MCA

IMP: 75-10-203, 75-10-204, MCA

TABLE I

CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC OF EP TOXICITY

EPA HAZARDOUS WASTE NO.	CONTAMINANT	CONCENTRATION (Milligrams per Liter)
D004	Arsenic	5.0
D005	Barium	100.0
D006	Cadmium	1.0
D007	Chromium	5.0
D008	Lead	5.0
D009	Mercury	0.2
D010	Selenium	1.0
D011	Silver	5.0
D012	Endrin (1,2,3,4,10,10-hexachloro- 1,7-epoxy-1,4,4a,5,6,7,8,8a- octahydro-1,4-endo,endo-5,8- dimethano-naphthalene)	0.02
D013	Lindane (1,2,3,4,5,6-hexachloro- cyclohexane, gamma isomer)	0.4
D014	Methoxychlor (1,1,1-trichloro- 2,2-bis(p-methoxyphenyl)ethane)	10.0
D015	Toxaphene (C <sub>10</sub> H <sub>10</sub> Cl <sub>8</sub> , technical chlorinated camphene, 67-69 percent chlorine)	0.5
D016	2,4-D (2,4-dichlorophenoxyacetic acid)	10.0
D017	2,4,5-TP Silvex (2,4,5-trichloro- phenoxypropionic acid)	1.0

EPA HW NO. <sup>1</sup>	CONTAMINANT	CAS No. <sup>2</sup>	REGULATORY LEVEL (mg/l)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0 <sup>3</sup>
D024	m-Cresol	108-39-4	200.0 <sup>3</sup>
D025	p-Cresol	106-44-5	200.0 <sup>3</sup>
D026	Cresol	---	200.0 <sup>3</sup>
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	0.13 <sup>3</sup>
D012	Endrine	72-20-8	0.02
D031	Heptachlor (& its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13 <sup>3</sup>
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0 <sup>3</sup>
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

<sup>1</sup> Hazardous waste number.

<sup>2</sup> Chemical abstracts service number.

<sup>3</sup> Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

<sup>4</sup> If o-, m-, and p-cresol concentrations cannot be

differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l.

16.44.330 LISTS OF HAZARDOUS WASTES -- GENERAL (1) A waste is a hazardous waste if it is listed in ARM 16.44.331 through 16.44.333.

(2) The basis for listing the classes or types of wastes listed in ARM 16.44.331 through 16.44.333 will be indicated by employing one or more of the following hazard codes:

- (a) Ignitable Waste ..... (I)
- Corrosive Waste ..... (C)
- Reactive Waste ..... (R)
- ~~EP Toxic Waste~~ Toxicity characteristic ... (E)
- Acute Hazardous Waste ..... (H)
- Toxic Waste ..... (T)

(b) ARM 16.44.352 identifies the constituent which caused the waste to be listed as an ~~EP toxic~~ a toxicity characteristic waste (E) or toxic waste (T) in ARM 16.44.331 and 16.44.332.

(3) and (4) Remain the same.

AUTH: 75-10-405, MCA

IMP: 75-10-405, MCA

16.44.351 REPRESENTATIVE SAMPLING METHODS; ~~EP TOXICITY TEST PROCEDURES~~ TOXICITY CHARACTERISTIC LEACHING PROCEDURE; CHEMICAL ANALYSIS TEST METHODS; AND TESTING METHODS (1) For the purposes of this chapter, the department hereby adopts and incorporates herein by reference the following (the correct CFR edition is listed in ARM 16.44.102):

(a) Remains the same;

(b) Appendix II of 40 CFR Part 261 pertaining to the ~~test procedure for EP toxicity~~ characteristic leaching procedure (TCLP);

(c) - (e) Remains the same.

(2) Remains the same.

AUTH: 75-10-405, MCA


IMP: 75-10-405, MCA

4. The department is proposing the amendments to the rules and the promulgation of new Rule I in order to achieve parity with federal regulations and maintain authorization from EPA to independently operate a hazardous waste program. The significant changes in these amendments and the rule proposed relate to that part of the on-going process of authorization of the program by EPA. The majority of these amendments and the new rule address a revision of the means of identifying the hazardous waste to be regulated. The revision uses a toxicity characteristic leaching procedure (TCLP) and adds 25 new substances to the toxicity characteristic list and establishes regulatory levels.

5. Interested persons may submit their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Roger Thorvilson, Department of Health

and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than March 18, 1991.

6. Patti Powell, at the above address, has been designated to preside over and conduct the hearing.

  
DENNIS IVERSON, Director

Certified to the Secretary of State February 4, 1991 .

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE ADOPTION )	NOTICE OF PROPOSED ADOPTION
of NEW RULE I relating to )	of NEW RULE I relating to
special fuel dealers bond for )	special fuel dealers bond for
Motor Fuels Tax )	Motor Fuels Tax

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On April 11, 1991, the Department proposes to adopt New Rule I relating to a special fuel dealer's bond.

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

RULE I SPECIAL FUEL DEALER'S BOND (1) Special fuel dealers must furnish the Department of Revenue a corporate surety bond executed by the dealer as principal with a corporate surety authorized to transact business in this state or other collateral security or indemnity. The total amount of bond or collateral security or indemnity shall be equivalent to twice the dealer's estimated monthly special fuel tax, but never less than \$1,000 and in no case greater than \$100,000.

(2) The Department may require a dealer who has in the previous 12 month period been delinquent for more than 10 days for more than one reporting period or has given the state a non-sufficient fund check, to post an additional bond not to exceed the dealer's estimated monthly special fuel tax.

(3) Upon written application by a special fuel dealer and the showing of good cause, the department may, at its discretion, accept a bond or collateral security or indemnity in an amount less than twice the special fuel dealer's estimated monthly gasoline tax if the special fuel dealer reports and pays its tax more frequently than monthly. For example, if the special fuel dealer pays his tax weekly, his bond would be twice the estimated weekly tax payment. In no instance will the amount of the bond be less than twice the special fuel dealer's estimated tax payment.

3. The Department's authority to adopt this rule is found at 15-70-104, MCA. The implementing section is 15-73-304, MCA.

4. The adoption of this rule will provide a rule for the special fuel dealers similar to the bonding rule for the gasoline distributors, which provides for a maximum of \$100,000 bond.


5. Interested parties may submit their data, views, or arguments concerning the proposed adoption in writing to:



Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620  
no later than March 18, 1991.

6. 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 Cleo Anderson at the above address no later than March 18, 1991.

7. 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 subdivision, or agency; or from an 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. Ten percent of those persons directly affected has been determined to be 25.

  
DENIS ADAMS, Director  
Department of Revenue

Certified to Secretary of State February 4, 1991.

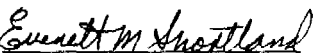
BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT
of rules pertaining to )	OF ARM 4.10.1202; 4.10.1203;
livestock protection collars. )	4.10.1206; and 4.10.1207; and
)	REPEAL of ARM 4.10.1208
)	relating to Livestock
)	Protection Collars.

TO: All Interested Persons

1. On December 27, 1990, the Department of Agriculture published a notice of public hearing on the proposed amendment and repeal of above rules relating to Livestock Protection Collars. The notice was published at page 2217 of the 1990 Montana Administrative Register, issue number 24.

2. No public hearing was held nor was one requested. The department has amended and repealed the rules as proposed.

By:   
EVERETT M. SNORTLAND  
DEPARTMENT OF AGRICULTURE

Certified to the Secretary of State January 31, 1991.


BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT OF ARM
and repeal of rules relating )	4.10.1402; 4.10.1403;
to M-44 sodium cyanide )	4.10.1404; 4.10.1405;
capsules and devices. )	4.10.1406; and 4.10.1407;
)	and REPEAL of ARM 4.10.1408
)	relating to M-44 Sodium
)	Cyanide Capsules and Devices.

TO: All Interested Persons:

1. On December 27, 1990, the Department of Agriculture proposed to amend and repeal the above rules relating to M-44 Sodium Cyanide Capsules and Devices. The notice was published at page 2220 of the 1990 Montana Administrative Register, issue number 24.

2. The department has amended and repealed the rules as proposed. No public hearing was held nor was one requested.

BY:   
EVERETT SNORTLAND  
DEPARTMENT OF AGRICULTURE

Certified to the Secretary of State January 31, 1991.

BEFORE THE GAMBLING CONTROL DIVISION,  
DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rules	)	OF RULES 23.16.1201, AND
23.16.1201 and 1202,	)	23.16.1202
changing the name	)	
of the department's	)	
authority reference	)	

TO: All Interested Persons.

1. On November 29, 1990, the Department of Justice published notice of a proposed amendment to rules 23.16.1201 and 1202 concerning the renaming of the department's authority reference at page 2090 of the 1990 Montana Administrative Register, issue number 22.

2. The agency adopts the amended rules with the following changes:

23.16.1201 DEFINITIONS As used throughout this subchapter, the following definitions apply:

(1) Remains the same.

(2) "Authority reference" means the Montana Official Montana Poker Rulebook (1990 Edition) and Scarne's Encyclopedia of Card Games, copyright 1983, by John Scarne, pages 18 through 276. These books will be used by the department as the authority on how to play authorized card games. The authority references are adopted and incorporated by reference; copies of Scarne's Encyclopedia of Card Games may be obtained from local bookstores and copies of the Official Montana Poker Rulebook may be obtained for \$5.00 per copy from the Department of Justice, Gambling Control Division, 2687 Airport Road, Helena, Montana 59620. The sections of the books cited as authority will not apply where there is a conflict with state law or department rule.

(3)-(20) Remains the same.

AUTH: SEC. 23-5-115, MCA;

IMP: SEC. 23-5-311, MCA.

23.16.1202 TYPES OF CARD GAMES AUTHORIZED (1) The following card games are authorized by law and must be played only in the manner set out for that game in the applicable authority reference:

(a) the poker games of Texas Hold'em, Draw Poker, Omaha, Seven Card Stud, and their variations as well as general poker rules and practices, according to the Montana Official Montana Poker Rulebook (1990 edition); and

(1b)-(7) Remains the same.

AUTH: SEC. 23-5-115, MCA;

IMP: SEC. 23-5-311, MCA.

3. The only comments received were from the Administrative Code Committee. These comments concerned bringing the proposed rules into compliance with the Montana Administrative Procedure Act (Section 2-4-307, MCA):  
1) list the edition date of the Montana Official Poker Rule book; 2) adopt and incorporate by reference the authority references; and, 3) inform the public where copies of the authority references may be obtained. These suggested changes have been adopted.

By: \_\_\_\_\_

*Marc Racicot*

MARC RACICOT  
Attorney General

Certified to the Secretary of State January 31<sup>st</sup>, 1991.

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

In the matter of the	)	NOTICE OF THE AMENDMENT OF
amendment of Rules	)	RULES 46.12.503, 46.12.590
46.12.503, 46.12.590 and	)	AND 46.12.592 PERTAINING TO
46.12.592 pertaining to	)	DISPROPORTIONATE SHARE FOR
disproportionate share for	)	INPATIENT PSYCHIATRIC
inpatient psychiatric	)	HOSPITALS
hospitals	)	

TO: All Interested Persons

1. On November 15, 1990, the Department of Social and Rehabilitation Services published notice of the proposed amendment of Rules 46.12.503, 46.12.590 and 46.12.592 pertaining to disproportionate share for inpatient psychiatric hospitals at page 2028 of the 1990 Montana Administrative Register, issue number 21.

2. The Department has amended Rules 46.12.503, 46.12.590 and 46.12.592 as proposed.

3. The Department has thoroughly considered all commentary received:

COMMENT: SRS should adopt a more flexible rule. Recent changes in federal statutes render the mandatory nature of this rule moot.

RESPONSE: This rule is being implemented to meet HCFA requirements. The Department has reviewed the recent changes to the Social Security Act by the Omnibus Budget Reconciliation Act of 1990 (OBRA 90). While changes have been made to allow states additional options for payment of the adjustment, no changes were made to the qualifying criteria.

COMMENT: The proposal will adversely impact some acute care facilities. This is contrary to the goal of Disproportionate Share Adjustments (DSA) generally and counterproductive to the Medicaid goals of adequate payments and access to care in rural areas.

RESPONSE: This proposal may impact some acute care facilities. However, this proposal meets the federal requirement that the DSA cover hospitals with low income utilization rates in excess of 25%. The Department does not feel that this is contrary to the goal of DSA. On the contrary, this method revises policy to include inpatient psychiatric providers whose historical medicaid utilization rates are double and

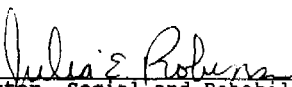
triple that of acute care providers. In addition, a financially responsible policy that meets the federal mandates for adjustments will avail funding for all areas of Medicaid.

COMMENT: The Department should adopt independent DSA's for inpatient psychiatric hospitals and acute care hospitals. This approach is not too expensive for the Department to implement.

RESPONSE: The Department is not required to create two separate programs for the two categories of hospitals, and the Department declines to do so. While fiscal impact needs to be considered, it is not the sole basis for the proposed rule. The Department believes use of a single DSA for all hospitals is more consistent with the intent of the DSA program.

COMMENT: It is requested that the Department receive written clarification from HCFA regarding the Department's interpretation that the minimum mandatory criteria set forth in the proposed federal regulations have been met and are not affected by the statutory language in the Omnibus Budget Reconciliation Act (OBRA) of 1990 prior to implementing this rule.

RESPONSE: On January 14, 1991, the Department received a letter from HCFA confirming the Department's interpretation of Section 4703 of OBRA 90. The Department is correct in interpreting that Section 4703 adds a third option to calculating payment adjustments to be made to disproportionate share hospitals. Section 4703 does not change Section 1923(b) of the SSA which deals with deeming a hospital as being a disproportionate share hospital.

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

Certified to the Secretary of State January 30, 1991.

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

# ACCUMULATIVE TABLE

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

- 2.5.118 and other rules - Procuring Supplies and Services, p. 1419, 1770
- 2.21.306 and other rules - Work Cite Closure During A Localized Disaster or Emergency, p. 2209
- 2.21.1812 Exempt Compensatory Time, p. 2062
- 2.21.3712 and other rule - Recruitment and Selection - Reduction in Force, p. 1417, 1949
- 2.21.3802 and other rules - Probation - Recruitment and Selection - Reduction in Work Force, p. 1982
- 2.21.8011 and other rules - Grievances, p. 2212  
(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  
(State Compensation Mutual Insurance Fund)
- I-XI Organization and Board Meetings of the State Fund - Establishment of Premium Rates, p. 1975

## AGRICULTURE, Department of, Title 4

- I-LV Montana Agricultural Chemical Ground Water Protection Act, p. 1199, 2244
- 4.10.311 and other rules - Regulatory Status and Use of Aquatic Herbicides, p. 100
- 4.10.1202 and other rules - Livestock Protection Collars, p. 2217

- 4.10.1402 and other rules - M-44 Sodium Cyanide Capsules and Devices, p. 2220  
4.12.1229 Fees Established for Service Samples, p. 2065

STATE AUDITOR, Title 6

- I-VI Pricing of Noncompetitive or Volatile Lines, p. 2067  
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  
6.6.505 and other rules - Medicare Supplement Insurance Minimum Standards, p. 1285, 1688

COMMERCE, Department of, Title 8

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